

IN THE MATTER OF:

**AN APPLICATION TO REGISTER LAND KNOWN AS ERW GOCH FIELD
AS A TOWN OR VILLAGE GREEN**

**Response to the Applicant's Submissions
dated 16 February 2022
on Statutory Incompatibility**

1. These submissions should be read in conjunction with the Council (as landowner's) original objection of September 2021. They are deliberately kept brief and respond only where necessary to clarify factual or other matters. It has not been possible to cross reference to the points in the Applicant's submissions since there are no paragraph or page numbers. However, all of the points fall within the Applicant's Section 1, on the issue of whether the land was acquired and held by the local authority for educational purposes which is incompatible with registration as a TVG. The landowner stresses that this point is capable of being determinative of the rejection of the application and ought to be considered on the papers as a preliminary point without the need to hold a public inquiry.

2. The landowner's response is as follows:
 - (i) So long as the land was acquired for educational purposes, it does not matter that it was never in fact used for such (see Newhaven at [96]).

 - (ii) The lease to Ceredigion District Council was entered into specifically on the basis that the land would be available for school development in the future and the playing field use was merely an interim use. There was no formal appropriation away from educational use.

- (iii) The LDP allocations indicate development opportunities and are made for planning policy reasons. They have nothing to do with the statutory basis upon which land is held.

- (iv) That there was no formal appropriation to a care home use in the early 2000s is irrelevant. The Council may simply not have followed the correct process. The building of residential houses is not underway yet (planning permission is yet to be granted) and therefore the situation will need to be reviewed in the future. The allotment scheme did not progress and there was therefore no need for any appropriation.

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