

## **Objection To Failure Notify Under the Local Government act to alledgely Appropriate Land**

### **Objection Matter Land Tennyson Rd / Fair Rd LEG PL KES D 32947 -**

I object to on the following grounds that the council cannot reasonably demonstrate , that the land in question ( to which they have a material commercial gain in changing its use) is no longer required , in so far as there is an annual and traditional fairs held of diverse nature.

That in doing so no impartial material consultation presenting all of the material facts was provided before the making of the proposed order

That there are extant rights for avoidance of doubt {entitled} as a Fair and enjoyed by the Public as a Public Open Space or designated Play Area , and in the impartial examination , report or any other committee designated should without prejudice obliged under constitution to be clear on what Charter , Covenants or other inherent rights exist. For avoidance of doubt I refer to email of the same requesting information regarding rights , covenants charter and designated use of the land . That such a report should pre date the making of any order so informed objection or decision may be made without prejudice and comply with any current direction given by government

In the advertisement and notification the authority has not been express in stating under what section of Local Government Act 1972 that the authority seek to determine the matter .I assert the council failed to duly advertise. I refer to the councils response in regard to the advertised matter. Section 122 Local Government Act . in the event that your intention is unclear and nothing therein constitutes the making of an order under the councils delegated powers , there is nothing therein to restrict objection.

“ I am not sure if this is what you are referring to in your email as the Order.” Council Officer advertising the same

In the event the council seek to utilize That the council 122 (1a)(1b) in placing the order has not expressly defined the material extant of land it intends to appropriate either in area or precise locality. It also follows the same regarding open Space 2(a) and has not consulted in regard to any statutory direction

In the making of the order the right to object is prejudiced because the authority has failed to inform the public of all the relevant material facts ( its designated and current use) and the method and reason for appropriating the land

That you cannot lease the land before it is in fact appropriated or dealt with according to government direction on open space , that no reference or information or material basis to any lease has been provided , in order to which to comment and to which no unequivocal resolution has been made

Neither is it clear which of the diverse acts would take precedent over any other , or whether in fact section 10 of the Open Spaces Act 1906 would extinguish any common right in regard to the method of seeking the order by virtue of it being leased . In the advertisement and notification it is not express in stating under what section of Local Government Act 1972 that the authority seek to determine the matter

(a) Whether it be Common

(b) 164 of the Public Health Act 1875 (pleasure grounds); or

(c) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),

In its implied form the order refers to Public Open Spaces which are subject to any conditions under which the estate, interest, or control was so acquired and with a general term used "with a view to, the enjoyment" whether that view in law is superceded as an entitlement by virtue of the land being ascribed as an ancient Fair is a vexed question and any right to carry out practice or provide a trade , service or product as a historical consequence by diverse people.

That it would not be in the Public Interest to have notice served section 68 of the Lands Clauses Consolidation Act 1845 and section 10 of the Compulsory Purchase Act 1965 in the event of any aggrieved party †To be settled by arbitration or jury, at the option of the party claiming compensation.  
Eg Travellers Extant Right to apply Trade . Human Rights act Applicable

I refer to the email dated 1<sup>st</sup> September 2015 and to which notice was duly raised prior to the closure date seeking outstanding material information relevant to the making of objection and the provision of material facts of which the authority are obliged to provide in the Public Interest

I am not satisfied that you have provided , in the public interest , details or appraisal of all rights , covenants , charter , easements or other considerations in balance to the same in order to make informed appraisal of appropriation of the land at any time considered time close to making the order

I am not satisfied that you have undertaken any detailed or impartial appraisal relating to the principle issue of appropriating the land. You have not alluded to the legal definition of Fairground as given by charter or any other extant market right

That in conclusion that the process is flawed and the council also the agent should withdraw any planning application without prejudice until such times as appropriation is duly made , that to procede on any planning decision that can not be practically implemented , is in fact detrimental to the public purse and public interest

In the matter of any document you the Council . may rely upon Report of the Strategic Director of Regeneration and Culture to the meeting of Bradford South Area Committee to be held on 25th September 2014,

- (1) A petition (containing 972 signatures), requesting that the fairground site in Wibsey be used to create an additional parking area, was submitted to the Council in autumn 2013 and alleged to be 1500 signatures . It has been drawn to the attention of the Council that this petition was flawed as the Ward was incorrectly titled. That a request to view or source the same has not been met
- (2) That no such petition can be readily sourced and in marked contrast to the petition opposing the same was not provided in outline within the said report

- (3) That a number of Council members had a material interest that remained undeclared in so far as they have roles or been involved with the Wibsey urban Village Group convenor of the proposals for , and in conflict with members Code of Conduct
- (4) That such a report contains a secondary petition which states clearly a well considered case against
- (5) That there is therefore no unequivocal resolution on this matter
- (6) That reference That the Bradford South Area Committee requests the further development of proposals to introduce a parking area on Wibsey Fairground (to an agreed size as detailed in 3.2-3.4 to Document "A1"). Would be contrary elements of appropriation defined within the section of LGO relating to area of land to be appropriated

In matters influencing the appropriating land , the Bradford South Area Committee , acted ultra vires , and with prejudice in allocating funding to a material decision not duly made , that in the allocation of substantive public monies , they were remiss , to assign over two budgetary years funding that could have been better spent in matters of Public safety . That the spending of public money on any land to subsequent to be the subject of lease for commercial gain by any third party by contract concerning . That any budget allocations should be properly the subject of scrutiny of the District Auditor

In the alternative , it is properly the role of Full Cabinet to make a decision on Public Land through the appropriation procedure and not solely for South Bradford Area Committee to misappropriate public funding on a decision not duly made or deprive the public at large of use of public space on the notion of a private businessmans aspiration to park at his commercial premises some substantive distance away from any business activity in Wibsey