

CYNGOR CYMUNED LLANSTEFFAN A LLANYBRI
LLANSTEFFAN AND LLANYBRI COMMUNITY COUNCIL
MINUTES OF THE EXTRAORDINARY MEETING HELD ON TUESDAY 25TH MARCH 2025 AT 7PM

PRESENT:

Cllr Sainty
Cllr Roberts
Cllr Lodwick

Cllr C Jones
Cllr H Jones
Cllr Curtis (CHAIR)
Cllr Worrell
Cllr Laws

In Attendance:

1 Member of the public
Mr M Green - LLCC Legal Representative
Mrs A Evans – Village Green Committee member
Tina Roberts – Clerk

	Eitem / Item
1.	Ymddiheuriadau / <i>Apologies</i> Cllrs Stacey (Training) & Davies (prior event)
2.	Datganiadau Buddiant a Gollyngiadau - eitemau Agenda yn unig / <i>Declarations of Interest and Dispensations - Agenda items only</i> Cty Cllr C. Jones - Personal – Cty Cllr C. Jones is a County Council Member
3.	Cyfranogiad y Cyhoedd (10 munud) - eitemau Agenda yn unig / <i>Public Participation (10 mins) - Agenda items only</i> NA
4.	I wahodd aelodau Pwyllgor y Village Green a chynrychiolydd cyfreithiol y Cyngor i gynghori aelodau yn y cyfarfod / <i>To invite attendance of all members of the Village Green Committee and LLCC legal representative to advise members in this meeting.</i> It was resolved to request that a member of the Village Green Committee and LLCC Legal representative join members for this meeting Proposed: Cllr H Jones Seconded: Cllr Lodwick For: All
5.	I ystyried cynnig i eithrio'r cyfryngau ac aelodau'r cyhoedd o eitemau busnes nesaf y Cyngor gan eu bod yn ymdrin â materion cyfrinachol ble byddai'n niweidiol i les y cyhoedd i barhau heb yr eithriad hwn [Deddf Cyrff Cyhoeddus (Mynediad i Gyfarfodydd) 1960] / To consider a motion to exclude the press and the public from the next items of business as they relate to confidential matters where it would be prejudicial to the public interest to hold the meeting without this exclusion [The Public Bodies (Admission to Meetings) Act 1960.] NA
6.	I drafod a chwblhau ymateb ffurfiol i Gais Rhyddid Gwybodaeth, yn dilyn cais gan aelod o'r cyhoedd, mewn ymgynghoriad gydag aelodau Pwyllgor y Village Green a fu'n trafod rhai o'r materion hyn yn hanesyddol / <i>To discuss and finalise a formal answer to a FOI, requested by a member of the public, in consultation with members of the Village Green committee that historically dealt with some of the issues raised.</i> Dear....., Thank you for your letter dated 4 February 2025. Llansteffan and Llanybri Community Council convened an Extraordinary meeting on 25 March 2025 with their legal advisor Mr Michael Green of Phillips, Green and Murphy, 120 Walter Road, Swansea. I would like to take this opportunity to respond to each of your questions in turn: 1. <i>What evidence do you have to support the claim that the use of the land for parking pre-dates its registration as a village green? (Specifically, the Red and Green area of the map)</i> LLCC have enclosed the evidence that was supplied to Carmarthenshire County Council. This has been redacted to remove names, addresses and telephone numbers. 2. <i>Did the Community Council initially support the project?</i> <i>Can I please clarify the project that you wish to ask about?</i> 3. <i>What are the legal reasons for the Community Council not supporting the project?</i>

The legal advice received during confidential sessions of the Community Council led it to conclude that the proposed works could not be lawfully carried out on a Village Green.

4. *Who is responsible for fact-checking your notices?*

LLCC as a corporate body checked the public notices made regarding this subject matter. If any public posts are found to have been materially incorrect LLCC would like to assure you that there was no intention to mislead and apologise for any unintentional misconception or inaccuracy.

5. *Who has provided the legal advice contained in the Facebook statement?*

The content of the Facebook statements is based on legal advice received from Phillips Green and Murphy Solicitors, 120 Walter Road, Swansea SA1 5RF.

6. *Have the Community Council given permission to the County Council to have vehicular access to your section of the Village Green?*

No. However, it is the understanding of the members of LLCC that the Deed of Grant made 17 December 1980 would prevent the Community Council from withholding access to CCC owned land in this area.

Permission was neither given nor denied.

7. *Provide the evidence to support how an unspecified case in the Supreme Court confirms that vehicles may continue to park legally and free of charge on the particular section of Llansteffan Village Green.*

The Supreme Court in the case of T W Logistics Limited v Essex County Council [2021] UKSC handed down a judgment on the use of village greens.

This case considered an area of land designated by Essex County Council to be a village green. The land in question is not a traditional village green, in that it is described as 200 square metres of concrete. It is at the edge of the sea and has been used by locals to walk their dogs and access the sea for a significant period of time. It has also been used by TW Logistics as an area to manoeuvre and park lorries taking goods to and from a small private port which is operated by that company.

T W Logistics were concerned that given the newly acquired village green status, their longstanding activities on the land in question would be rendered criminal. They therefore challenged the decision of Essex County Council to confer village green status on the land.

In essence the Supreme Court held that lawful activities carried out on land designated to be a village green prior to such a designation were not rendered unlawful because of the designation of village green status.

Or, put another way, the village green status was subject to activities lawfully carried out on the land prior to the land becoming a village green.

Applying that principle to Llansteffan, if parking on the land (or part of it) now comprising the Village Green occurred and was lawful prior to designation as a village green, it remains lawful.

8. *Precisely which actions does the Inclosure Act 1857 make a criminal offence?*

This is answered alongside Q9.

9. *Precisely which actions does the Commons Act 1876 make a public nuisance?*

While it is not for the Community Council to give legal advice, LLCC are aware Defra have prepared a guide of which the Community Council has a copy and believes provides the information requested.

Defra set out in their "Management and protection of registered town and village greens" document 2010 the offences which arise from these sections.

Section 12 of the Inclosure Act 1857 makes it a criminal offence to:

- wilfully cause injury or damage to any fence on a green;
- wilfully take any cattle or other animals onto a green without lawful authority³;
- wilfully lay any manure, soil, ashes, rubbish or other material on a green;
- undertake any act which causes injury to the green (e.g. digging turf); or
- undertake any act which interrupts the use or enjoyment of a green as a place of exercise and recreation (e.g. fencing a green so as to prevent access).⁴

Section 29 of the Commons Act 1876 makes it a public nuisance to:

- encroach on a green (e.g. extending the boundary of an abutting property so as to exclude people from that area);
- inclose a green (i.e. by fencing it in, whether or not the effect is to exclude public access);

10. *What rights do residents have to park on the Village Green?*

Please see the answers above and the enclosed documentation.

11. *What rights do visitors, residents and tourists have to park any type of vehicle on the Village Green?*

Please see the enclosed evidence made available to CCC regarding prior use of the Village Green for parking. LLCC note that there is a sign prohibiting overnight camping on the area of Village Green owned by CCC. We are not privy to their legal decision-making regarding parking decisions and note that enforcement of this ban does not occur.

12. *How could residents lose the right to use the Village Green for recreation and leisure?*

They cannot.

T Roberts

Clerk

It was resolved to send a reply to MoP after LLCC had fact-checked and approved this letter with LLCC Legal Representative. The letter will be accompanied by the evidence supplied to CCC regarding historic use of the Village Green for parking (redacted to ensure confidentiality of names, addresses and contact details)

Proposed: Cllr Laws

Seconded: Cllr Worrell

For: 8

[Tina Roberts](#)

Clerc/ SAC

Clerc/RFO