

19th September 2014

Rights of Way & Countryside Team
Waste and Environment
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Linda Durno
14 The Close
Kington St Michael
Chippenham
Wiltshire
SN14 6LE

Your ref:
Our ref: JG/PC/134 2012/8

Dear Mrs Durno

Commons Act 2006 – Section 15 (1) and (2)
Registration of Land as a Town or Village Green – The Pond(s), Stubbs Lane,
Kington St Michael

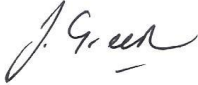
Further to an application to register land known at The Pond(s), Stubbs Lane, Kington St Michael, as a Town and Village Green, I am writing to advise you that the area of land has been successfully added to the register. Please find enclosed a copy of the Wiltshire Council decision report, which outlines the reasons for the decision to register the land. The area of land included in the register of Town and Village Greens is shown outlined in green on the enclosed map.

Please note that the area of land registered excludes an area of existing highway verge, which was included within the application plan. Officers have concluded that it is likely that the public were using the verge for the lawful sports and pastimes claimed, "by right" and therefore a public right cannot be acquired over the highway verge "as of right", (please see paragraphs 10.28 – 10.35 of the decision report).

Town and Village Greens are protected under section 12 of the 1857 Inclosure Act, against injury, damage and interruption of use and enjoyment of the land. Causing injury to a village green is a criminal offence and under this legislation action can be brought by a Churchwarden, the owner of the land or the Parish/District Council. Section 29 of the Commons Act 1876 also makes encroachment or inclosure of a green and interference with, or occupation of the soil, a criminal offence unless it is with the aim of improving the enjoyment of the green. Unlike the 1857 Act, action against a criminal act under this legislation can be brought by any parishioner.

I hope this information is helpful and if you should have any further queries, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'J. Green', written in a cursive style.



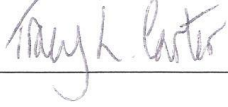
Janice Green
Rights of Way Officer

Direct line: 01225 713345
Email: janice.green@wiltshire.gov.uk

Enc.

COVERING PAGE FOR DECISION REPORT ON APPLICATION TO REGISTER LAND AS A TOWN OR VILLAGE GREEN – THE POND(S), STUBBS LANE, KINGTON ST MICHAEL

PLEASE SIGN OFF THE REPORT NEXT TO YOUR NAME

		Signature	Date Signed Off
To:	Barbara Burke (Definitive Map and Highway Records Team Leader)		4 June 2014
	Richard Broadhead (Rights of Way and Countryside Manager)		10.6.2014
	Ian Brown (Head of Environment Services)		10.6.2014
	Tracy Carter (Associate Director – Waste and Environment)		11.6.2014
From:	Janice Green		
Date of report:	10 th April 2014		
Return to:	Janice Green, Rights of Way (Ext. 13345)		

Nature of Report:

This is a report from Janice Green (Case Officer) to Richard Broadhead (Officer with the relevant delegated powers).

Executive Summary:

Wiltshire Council are in receipt of an application, dated 10th November 2012, made under Section 15(1) of the Commons Act 2006, to register land off Stubbs Lane, Kington St Michael, known as "The Pond(s)", as a town or village green. It is possible to apply for land to be registered as a town or village green where a significant number of inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years.

The application is also made under Section 15(2) of the Act, where use of the land for recreational purposes is continuing at the time of application.

The application form requires the applicant to provide a summary of the case for registration. The applicant has included the following justification:

"The Pond area has been used freely by parishioners for many years, for varying activities.

The Pond area has no known owner nor is it registered with Land Registry.

The Parish Council has supervised the Pond area for over 30 years and it has been maintained by a parishioner.

The Pond area is used regularly by many parishioners. No one has ever been refused right of entry.

It is one of only 3 green areas within the village and it is important it is retained as such."

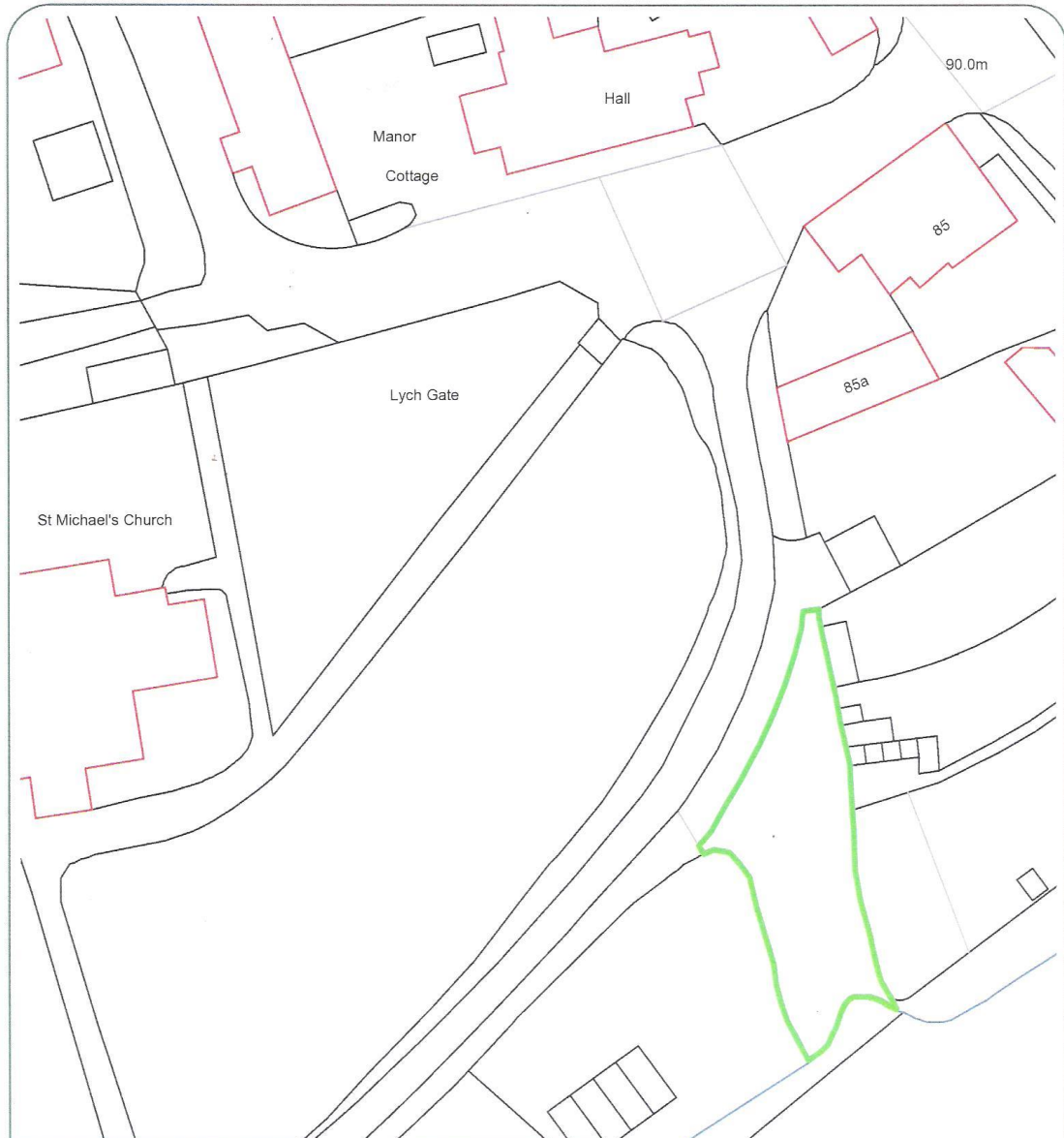
The application was accompanied by 1 completed witness evidence questionnaire and 15 written statements from witnesses claiming to have used the land. Following notice of the application, no objections or representations were received.

Also, an area of highway verge (Stubbs Lane), has been included within the application land.

Upon examination of the evidence submitted with the application, Officers are satisfied that the application meets the legal tests for the registration of the land as a Town or Village Green, i.e. that a significant number of the inhabitants of the locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years and they continue to do so at the time of application, for the reasons set out within the report.

Officer's Recommendation:

That the land known as "The Pond(s)" off Stubbs Lane, Kington St Michael, be registered as a Town or Village Green, under Section 15 (1) and (2) of the Commons Act 2006, excluding the area of highway verge (Stubbs Lane), from the registration.



Commons Act 2006 – Section 15(1) & (2)
Registration of Land as a Town or Village Green
The Pond(s), Stubbs Lane, Kington St Michael – 2012/8

Key
Area of land to be registered as a Town or Village Green: 

© Crown Copyright and Database Rights 2011 Ordnance Survey 100049050
Tracy Carter, Associate Director – Waste and Environment

Prepared by: JEG Date: 19th September 2014 Scale: 1:500 Grid Ref: ST 904-771

Wiltshire Council
Where everybody matters



© Crown copyright and database rights 2011 Ordnance Survey 100049050