



RHONDDA CYNON TAF

## RECORD OF DELEGATED OFFICER DECISION

**SUBJECT:** Inclosure Act, 1847  
Commons Act, 1876  
Commons Act, 2006

Land Known as The Green, Chapel Street, Blaencwm as a Town or Village Green

**PURPOSE OF REPORT:** Consideration given as to whether Rhondda Cynon Taf County Borough Council ("the Council") should take formal action to seek the removal of the items deposited on the area of the Village Green known as "The Green", Chapel Street, Blaencwm that is in unknown ownership.

**DELEGATED DECISION (Date):** August, 2011

To prevent the enclosure of and seek the removal of the items deposited on the area of the Village Green that is in unknown ownership and which is shown for the purposes of identification only coloured blue on the attached plan ("the Plan") und Inclosure Act, 1847, Commons Act, 1876 and Commons Act 2006, as appropriate.

Chief Officer Signature:

Print Name:

PAUL LUCAS

Date:

3/8/11

The decision is taken in accordance with Section 15 of the Local Government Act, 2000 (Executive Functions) and in the terms set out in Section 5 of Part 3 of the Council's Constitution

M. Weber

3/8/11

CONSULTEE CABINET MEMBER SIGNATURE

DATE

OFFICER CONSULTEE SIGNATURE

DATE

OFFICER CONSULTEE SIGNATURE

DATE

OFFICER CONSULTEE SIGNATURE

DATE

<b>Directorate:</b>	<b>Legal &amp; Democratic Services</b>
<b>Contact Name:</b>	<b>Mr. Paul Lucas</b>
<b>Designation:</b>	<b>Director of Legal &amp; Democratic Services</b>
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**RHONDDA CYNON TAFF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2011 – 2012**

**REPORT TO ACCOMPANY RECORD OF OFFICER DELEGATED  
DECISION**

**INCLOSURE ACT 1847  
COMMONS ACT 1876  
COMMONS ACT 2006**

**LAND KNOWN AS THE GREEN,  
CHAPEL STREET, BLAENCWM AS  
A TOWN OR VILLAGE GREEN**

**1. PURPOSE OF THE REPORT**

To consider whether Rhondda Cynon Taff County Borough Council ('the Council') should take formal action to seek the removal of the items deposited on the area of the village green known as 'The Green', Chapel Street, Blaencwm that is in unknown ownership.

**2. RECOMMENDATION**

To prevent the enclosure of and seek the removal of the items deposited on the area of the village green that is in unknown ownership and which is shown for the purposes of identification only coloured blue on the attached plan ('the Plan') under Inclosure Act 1847, Commons Act 1876 and Commons Act 2006 as appropriate

**3. BACKGROUND**

- 3.1 On 25<sup>th</sup> October 2010 and following the receipt of the report of the Inspector Mr. Anthony Porten QC prepared following a non-statutory inquiry the Council resolved to register the land shown edged red on the Plan and known as 'The Green' Chapel Street Blaencwm as a new town or village green ('the Green').
- 3.2 The area of the Green shown coloured green on the Plan is in known ownership however that part of the Green shown coloured blue on the Plan is in unknown ownership ('the Blue Land').
- 3.3 The Blue Land was formerly the site of 1 Chapel Street which was demolished many years ago. The occupier of 2 Chapel Street has enclosed the Blue Land by erecting fencing around the land and depositing materials on the Blue Land. The Blue Land is unregistered.
- 3.4 The Council have received complaints from a resident in the locality about the enclosure and the deposits on the Blue Land.

- 3.4 Section 12 Inclosure Act 1857 provides *“and whereas it is expedient to provide summary means of preventing nuisances in town greens and village greens... as a place for exercise and recreation; If any person... wilfully lay any manure, soil, ashes, or rubbish, or other matter or thing thereon, or do any other act whatsoever to the injury of such town or village green or land, or to the interruption of the use or enjoyment thereof as a place for exercise and recreation, such person shall for every such offence, upon a summary conviction thereof before two justices, upon the information of any churchwarden or overseer of the parish in which such town or village green or land is situate, or of the person in whom the soil of such town or village green or land may be vested, forfeit and pay, in any of the cases aforesaid, and for each and every such offence, over and above the damages occasioned thereby, any sum not exceeding level 1 on the standard scale...”*. Section 189 of The Local Government Act 1972 provides that references to a churchwarden or overseer of the parish in which the green is situate are to be construed as references to the council of the district or Welsh principal area in which the green is situated
- 3.5 Section 29 Commons Act 1876 provides *“An encroachment on or inclosure of a town or village green, also any erection thereon or disturbance or interference with or occupation of the soil thereof which is made otherwise than with a view to the better enjoyment of such town or village green or recreation ground, shall be deemed to be a public nuisance, and if any person does any act in respect of which he is liable to pay damages or a penalty under section twelve of the Inclosure Act 1857 he may be summarily convicted thereof upon the information of any inhabitant of the parish in which such town or village green or recreation ground is situate, as well as upon the information of such persons as in the said section mentioned. This section shall apply only in cases where a town or village green or recreation ground has a known and defined boundary.”*
- 3.6 Section 45 Commons Act 2006 provides *“(1) This section applies where (a) land is registered as common land or a town or village green; (b) no person is registered in the register of title as the owner of the land; and (c) it appears to a local authority in whose area the land or any part of it is situated that the owner cannot be identified. (2) The local authority may (a) take any steps to protect the land against unlawful interference that could be taken by an owner in possession of the land; and (b) institute proceedings against any person for any offence committed in respect of the land (but without prejudice to any power exercisable apart from this section).”*
- 3.7 It is clear from the legislation referred to above that the Council has a power to take action preventing the enclosure of and seeking the removal of the items deposited on the Blue Land to ensure that the land is available for lawful sports and pastimes

4. **SUMMARY**

That the Council take action to prevent the enclosure of and seek the removal of the items deposited on the Blue Land under Inclosure Act 1847, Commons Act 1876 and Commons Act 2006 as appropriate to ensure that the Green is available to the locality for lawful sports and pastimes



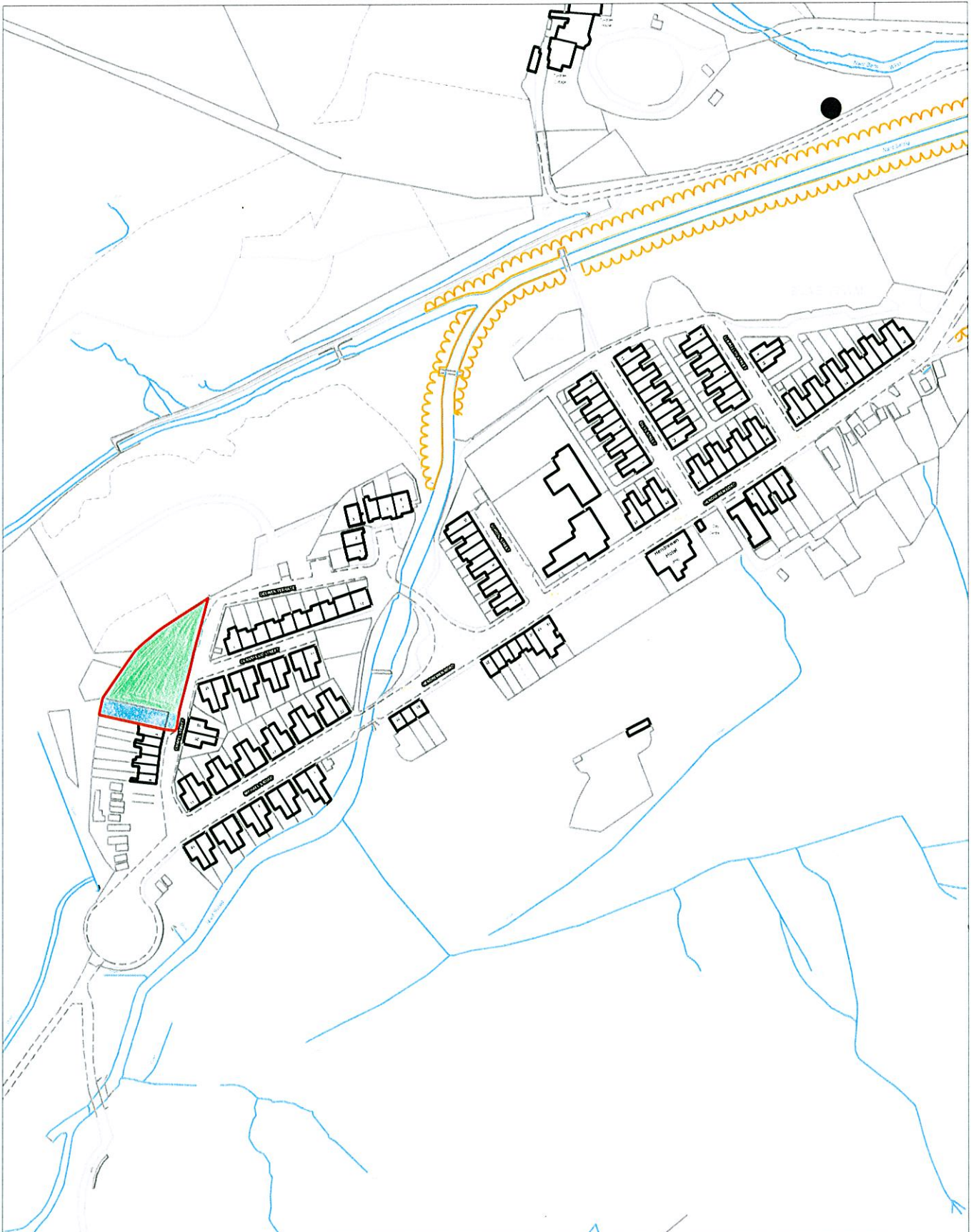


# CORPORATE ESTATES

Valleys Innovation Centre. Navigation Park, Abercynon. Rhondda Cynon Taff. CF45 4SN



RHONDDA CYNON TAF



**Title: Land at Chapel Street, Blaencwm**

**Scale: 1 : 2200**

**Location: 292008E  
198779N**

**Date: 23/06/2010**

Information contained on this map is correct only at the time of printing  
Exact extent of Council ownership details should be checked with the  
Asset Management and Property Information Team based at  
Valleys Innovation Centre by contacting Corporate Estates on 01443 965710  
This plan shows the general position, not the exact line of the boundaries  
It may be subject to distortions in scale. Measurements scaled from this plan  
may not match measurements between the same points on the ground.

