

Nun Monkton Parish Council

Village Green Policy and Procedures



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The Village Green is an integral part of a village community, and as such, should provide its residents with a focal point on which to live a peaceful and friendly existence. It is the essence of rural England.

The following policy is designed to improve awareness of the tight rules and practices that we all need to follow, by making reference to the legislation that covers this often misunderstood area

2. Definition of Village Greens

Village Greens are defined in the Commons Registration Act 1965 (s22) as amended by the Countryside and Rights of Way Act, 2000 (s98) as:

” landon which for not less than 20 years a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged in lawful sports and pastimes as of right, and either
(a) continue to do so, or (b) have ceased to do so for not more than such a period as may be prescribed

Village Greens are protected by the Inclosure Act, 1857 (s12) and the Commons Act, 1876 (s29).

Section 12 makes it a criminal offence to do any act which injures a Green or interrupts its use as a place for exercise and recreation.

Section 29 makes encroachment or inclosure of a Green, and interference with or occupation of the soil unlawful unless it is with the aim of improving the enjoyment of the Green .

It is not possible to give consent to do any works that contravene this legislation, as to give approval would be condoning a criminal offence.

3. Registration

The Village Green is registered with the COMMONS REGISTRATION AUTHORITY

This provides protection as afforded by various acts of legislation that cover all aspects of the Green's use and management. Nun Monkton Village Green was registered in 1974.

The Green is now owned and administered by the Parish Council. It is not possible to alter the Green, or make changes of use without the involvement of the Secretary of State.

4. Legislation

The following is a list of the most common legislation that exists for the protection and rights that cover Village Greens;

*The Inclosure Acts of 1845 and 1857

*The Commons Act 1876, 1899 & 2006

*The Open Spaces Act 1906

*The Acquisition of Land Act 1981

*The Law of Property Act 1925

*The Countryside and Rights of Way Act 2000

*Local Government Acts.

5. Responsibilities

The Green is owned and administered by the Parish Council, which is responsible for its maintenance, protection and upkeep. Any rulings or actions will be made by the Parish Council in accordance with legislation and published guidance from authoritative bodies such as DEFRA.

In January 2013 the Parish Council entered into a ten year Environmental Stewardship Agreement with Natural England. The aim is to restore the balance of grass and wildflowers expected in such “semi-natural grassland”.

As custodians on behalf of the community the Parish council must ensure that the Green is protected against encroachment, damage and uses other than those consistent with normal enjoyment of the Green.

Protection of grassed areas may involve the placing of stones, or erection of posts or bollards to prevent vehicular access.

Under no circumstances will any grassed areas of the Village green be lost due to any works.

All instances of maintenance and repairs will be carried out by the Parish Council or by contractors that the Council appoints to carry out such works.

It is the responsibility of the owners of property fronting directly onto the Village Green to check their Deeds as to the boundary of their property to ensure that no items such as flowerbeds, shrubs and hedges extend beyond it.

6 Lawful and prohibited uses of a Village Green

Whilst not exhaustive, the following is a list of lawful and prohibited uses of the Green.

Lawful uses would include:-

- *walking across it with or without a dog.
- *village fêtes.
- *playing sports and games.
- *use of existing paths for access/egress on foot.
- *use of existing rights of access that cross the Green with a vehicle.

Prohibited uses include:-

- *any physical alterations to the green.
 - *fencing of the Green or otherwise making it inaccessible to the public.
 - *Willful damage (i.e. when a person was aware of the risk of damage). e.g. By vehicles, bicycles and horses.
 - *parking of a vehicle on the grass
 - *planting of trees except by the Parish Council
 - *the building or introduction of any structure (this includes even small things such as steps, bollards, posts) except by the Parish Council.
 - *the driving of a vehicle across grassed areas
 - *the pruning or cutting down of trees except by the Parish Council
- Camping or caravanning

A degree of common sense must prevail in interpreting the possibilities for the Green's use. However the overriding factor must be the Green's protection against damage, maintaining access and enjoyment for all in the neighbourhood and guarding against changes of use.

7. Enforcement

Where a party or parties are proved to have mis-used the Green, creating damage or alteration to its original fabric the Parish Council will deem those persons responsible for unlawful damage and take action for the Green's repair or reinstatement.

Those responsible will be expected to pay all subsequent costs in relation to the Green's repair/reinstatement, and works will be subject to timescales laid down by the Parish Council.

In some circumstances damage or encroachment may result in criminal proceedings being taken by the Parish Council.

Should the Council have to carry out its own works in relation to repairs/ reinstatement or employ a contractor/individual; all costs incurred will be automatically charged to those individuals responsible for the damage or alteration.

Please contact a Parish Councillor, or attend one of the Parish Council meetings if you require advice or facts on any issues relating to the Village Green, before you engage in any form of activity that does not fall within the detail listed in this policy (see note 6).

8. Maintenance

The Parish Council is legally responsible for the maintenance of all parts of the Village Green,

Some areas may be subject to repair from time to time dependent on the degree of erosion they have received.

All decisions relating to the Green maintenance and repair will be taken by the Parish Council.

9. Inspections and working parties.

The Parish Council will inspect the whole of the green on an annual basis (April) to determine its condition and any works that may need to be carried out. Other inspection may take place on an ad-hoc basis to look at individual issues as and when they arise. The results of such inspections will be formally recorded.

From time to time the Parish Council will conduct working parties to carry out minor works in relation to the Green's maintenance and upkeep, i.e. seeding, removal of invasive weeds, etc. Residents will usually be informed by means of a flyer, and any help would be greatly appreciated.

10. Protection of trees

All trees that are planted within the Village Green are protected and must not be pruned or cut down without obtaining permission from the relevant bodies. This means the Parish Council and in the case of trees covered by a Tree Preservation Order, or in Conservation Areas (as is Nun Monkton), also means Harrogate Borough Council. The Parish Council has over the years been responsible for the planting of such trees and they form part of what is the Village Green.

You should contact a Councillor or attend one of the Parish Council meetings if you have any questions or queries in relation to the planting of trees and other plants on the Village Green.

The Council will endeavour to provide you with the relevant information or help you with your query.

11. Availability

This document will be published on the Parish Council's website and copies may be obtained on application to the Parish Council or by contacting any of its Councillors.

12. Summary

Village Greens are part of our English heritage and should be protected and enjoyed by everyone as much as possible, and especially by the residents of the village they are connected with. We should all be proud of our Village Green and feel honoured to live and be a part of a community that has the good fortune to have one.

September 2016