

DALTON PIERCY PARISH COUNCIL

VILLAGE GREEN POLICY

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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. 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.

I. DEFINITION OF THE VILLAGE GREEN.

This is defined in the COMMONS REGISTRATION ACT 1965 as amended by THE COUNTRYSIDE AND RIGHTS OF WAY ACT 2000, as land which has been allotted by or under any Act for the exercise or recreation of the inhabitants of any locality; or on which the inhabitants of any locality have a customary right to indulge in lawful sport and pastimes.

2. REGISTRATION

The Village Green is registered with the COMMONS REGISTRATION AUTHORITY (Hartlepool Borough Council). This provides protection as afforded by various acts of legislation (*see Sec. 3*) that cover all aspects of the Green's use and management. Our Green is owned, administered and managed by DPPC and was registered as village green in the 1960's. DPPC also owns and manages land which is not part of the Registered Village Green, and this is shown, along with the Registered Village Green and tracks as recorded by HM Land Registry, on the map attached.

3. LEGISLATION

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

- *The Inclosure Act 1845/57
- *The Commons Act 1876/99 & 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.

4. RESPONSIBILITIES

The Village Green is for the benefit of all, with free access across all areas in line with the above legislation. The Green is owned and administered by DPPC, and they are legally responsible for its maintenance, protection and upkeep. All matters relating to the Village Green should be referred (in the first instance) to DPPC for consideration. Any rulings or actions will be in accordance with present legislation, or referred to other authorities if deemed necessary. As custodians DPPC 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 DPPC placing e.g. stones, planters, posts, bollards or other means to prevent vehicular damage to grassed areas.

It is the responsibility of owners of properties which abut onto the Village Green to check their Deeds as to the boundary of their property and to ensure no items such as steps, flowerbeds, shrubs, hedges, nameplates ornaments, lighting columns advertising signs etc. extend beyond it.

Permission must be sought from DPPC for any changes to the Village Green and its enjoyment. This includes the placement of temporary items such as stones, logs, planters, ornaments, advertising boards or notices etc. or the creation of planted areas, or new accesses that constitute an encroachment on the Village Green. If granted, the Parish Council will review this permission when deemed necessary .

Resident's deliveries onto the village greens/tracks must be removed within 48hrs. Personal belongings e.g. hosepipes, chemicals, compost bags, garden equipment etc, must not be left unattended on the greens/tracks, as this would constitute a public safety hazard.

Grass cutting, maintenance and repairs on all areas of the Village Green will be carried out by the Parish Council, or by contractors that the Council appoints to carry out such works. The public must not interfere with the contractor's ability to carry out work under instruction of the Parish Council.

5. LAWFUL USES

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
- *public gatherings for entertainment
- *use of existing paths for access/egress on foot
- *use of existing rights of access that cross the Green with a vehicle, for historic use.
- * historical tracks across the village green will continue to be honoured for historic use only.

Prohibited uses include:

- *any physical alterations to the Green.
- *inclosure of the Green, or otherwise making it inaccessible to the public.
- *any marking or placing of stones, logs, planters, ornaments, advertising boards, notices, etc. on the Village Green cannot be undertaken without prior permission from DPPC.
- *willful damage (i.e. when a person was aware of the risk of damage).
- *planting of trees and bulbs except by the Parish Council.
- *the building or introduction of any structure (this includes even small things such as steps, ornaments, bollards, posts etc), except by DPPC.
- *the driving of a vehicle across grassed areas. Historic and currently existing tracks and access ways are permitted routes.
- *parking is not permitted where it interferes with the legitimate enjoyment of the Village Green.
- *the pruning, or cutting down of trees except by DPPC, unless with prior approval.
- *the application of any chemicals e.g fertilizers, weedkillers or similar to the Village Green except by DPPC.
- * camping long-term or by non-residents will not be permitted, however camping is permitted for children who wish to camp out for the night.
- * dog fouling is unlawful and unacceptable. Owners will be reported.

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

6. ENFORCEMENT

Where a party or parties are proved to have misused 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 plus any legal costs. Works will be subject to timescales laid down by the Parish Council.

In some circumstances damage or encroachment will result in legal proceedings.

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.

7. MAINTENANCE

The Parish Council is legally responsible for the maintenance of the Village Green. All maintenance and repair decisions relating to the Green, land owned by DPPC, or fixed assets owned by DPPC upon it, will be taken by the Parish Council in the first instance, before any works are planned or carried out. As the tracks are designated Village Green, the above also applies to any general maintenance work deemed to be necessary from time to time in these areas (**see 3. Section 8**). Any person(s) causing unlawful damage by inappropriate misuse of these areas shall be held responsible for costs incurred for repair as prescribed by the above Enforcement policy (**see Section 6**)

8. REPLACING HARD SURFACES POLICY

- (i). Any residents wishing to have a hard surfaced area replaced must put a request in writing to the Parish Council.
- (ii). If the Parish Council gives permission for the works, a competitive quotation will be obtained by the Parish Council which will provide exact particulars of the proposed works and include specific details of the materials to be used.
- (iii). If the track/area in question is for the use of a householder's property (or in some cases, local farmers for access to their land or barns), any attributable damage, other than fair wear and tear caused by the general public, the resident concerned will be expected to cover the cost of work required, up to the necessary safety conditions for pedestrians. This will not give any rights, implied or otherwise, or any rights to title to the area concerned.
- (iv). Under no circumstances will any areas of Village green/track be lost due to any works.

9. INSPECTIONS AND WORKING PARTIES

DPPC will inspect the whole of the Green regularly to determine its condition and any works that may need to be carried out. Other inspections may take place on an ad-hoc basis to look at individual issues as and when they arise. DPPC will regularly conduct working parties to carry out minor works in relation to the Green's maintenance and upkeep, i.e. seeding, planting of flowers/bulbs, etc. residents will usually be informed and any help would be greatly appreciated.

10. RIGHTS OF ACCESS

There is a distinction here between old and new rights e.g. in the past, where owners already had the right, i.e. there had been an access way used by vehicles, including horse and carts for many years. DPPC has however normally given consent to owners selling their properties. This is not a legal right as such as it is only consent to the use, so that the Parish Council would not take action in future against the new owner. Residents must discuss with the Parish Council any proposed change to either old or new rights. The onus is always on the owner of a property to take the procedure forward with the Parish Council, who will then advise or seek advice as to how they should proceed. It goes without saying that any access way should have been in use and already constructed in such a case. Where there is no historic long term user there is not an expectation that a right of way could exist for such use (i.e. vehicles).

Use on foot only is a different matter. This use is already part of the public right to use the Green and so does not need to be created. Creating a surface for foot use only - e.g. for health and safety and disabled access, could be contemplated, if the Parish Council was satisfied that there was no encroachment, i.e. no interference with the right of the public to use the surface as part of the Green. There could be no exclusion of the public from this path.

11. PROTECTION OF TREES

All trees on the Village Green are the property of DPPC and must not be pruned or cut down without obtaining permission. DPPC has over the years been responsible for the planting and maintaining of such trees and they form part of what is the Village Green. The Parish Council has the absolute and sole right to take decisions on the removing, pruning, re-siting and planting of trees and other plants on the Village Green. Unauthorized planting, pruning or removal of trees on land owned and maintained by DPPC is expressly forbidden.

12. ALTERATION OR CHANGE OF USE

Any requests to alter, or change of use of the Green must first be referred to DPPC. The request will receive consideration for the type of action that will be deemed necessary. Greens are heavily protected by legislation; the Parish Council has limited rights and must take note of existing current legislation. The Village Green can change however as deregulation of an area of the Village Green is possible. This can only be implemented by a land swap authorized by the Secretary of State at the request of the Parish Council. No total area of Village Green can be lost in the process.

13. AVAILABILITY

This document is published on the website (www.daltonpiercy-pc.gov.uk), or obtained by contacting the Parish Clerk clerk@daltonpiercy-pc.gov.uk for a nominal fee.

A copy of the legal map of the Registered Village Green may be purchased from Hartlepool Borough Council (ref VG75).

14. SUMMARY

Village Greens are part of our English heritage and should be protected and enjoyed by everyone as much as possible, especially by the residents of the village they are connected with. We are fortunate that we have such an asset in Dalton. We should all do our bit to make sure that our green areas and open spaces are cared for and kept in good condition.

Approved December 2013 (in conjunction with the Village Improvement Consultation Group)

Reviewed March 2019

Reviewed March 2024 (after legal consultation).