

NETTLEHAM 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 purpose of this policy is to set out and raise awareness of:

- The Parish Council's responsibilities in relation to the management and protection of the Village Green;
- Legislation relating to Village Greens;
- How residents can use the Village Green and associated restrictions.

1. 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 pastimes; or which falls within subsection (1A) of this section.

1.A Land falls within this subsection if it is land on which for not less than twenty years a significant number of 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, or determined in accordance with prescribed provisions.

The term ‘pastimes’ in the view of the Parish Council includes the quiet enjoyment of grass areas as amenities.

2. Registration

The Village Green is registered with the COMMONS REGISTRATION AUTHORITY (Lincolnshire County Council) as shown in the map (Appendix 1) and was registered in 2005. The area concerned being The Green north and west sides, Church Street south side and Vicarage Lane east side.

3. Legislation

The following is a list of the most common legislation that exists for the protection and rights that cover the Village Green:-

- ❖ The Enclosure 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 & Rights of Way Act 2000
- ❖ Local Government Acts

4. Responsibilities

The Green is owned and administered by the Parish Council, and they are responsible for its maintenance, protection and upkeep of the grassed areas. All matters relating to the Village Green should be referred (in the first instance) to the Parish Council for consideration. Any rulings or actions will be made by them in accordance with present legislation, or referred to other authorities if deemed necessary. It is the responsibility of the owners of property adjoining the Village Green to check their Deeds as to the boundary of their property to ensure that no flowerbeds, shrubs or hedges extend beyond it.

As custodians the Parish Council must ensure that the Village Green is protected against encroachment, damage, and uses other than those consistent with normal enjoyment of the Village Green. Parking on the grass is not allowed. Protection of grassed areas may involve the placing of stones, or erection of posts or bollards to prevent vehicular access.

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.

5. Lawful Uses

Whilst not exhaustive, the following is a list of lawful and prohibited uses of the Village Green. Lawful uses would include:-

- ❖ Walking across it with or without a dog.
- ❖ Use of existing paths for access/egress on foot.

Prohibited uses include:-

- ❖ Any physical alterations to the Green.
- ❖ Fencing of the Green or otherwise making it inaccessible to the public.
- ❖ Wilful damage (i.e. when a person was aware of the risk of damage). E.g. by vehicles, bicycles and horses.
- ❖ 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, advertising displays) except by the Parish Council.
- ❖ The driving of a vehicle across grassed areas (except where permitted by the Parish Council).
- ❖ The pruning or cutting down of trees except by the Parish Council.
- ❖ Parking of any motorised vehicle, on the grass unless with permission from the Parish Council. This includes but is not limited to: cars, vans, motorcycles, motorised scooters.

The following extract is from “The Parish Councillor's Guide” published by Shaw & Sons Ltd August 1970.

“A Parish Council must not allow a village green which it owns to be encroached upon or to be misused. A degree of common sense must prevail in the possibilities of the Greens use. However the overriding factor must be Greens protection against damage and change of use. The Parish Council will be pleased to advise any residents on the Green’s 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 a 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 the Parish Office, or attend one of the monthly Parish Council meeting 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 5 – Lawful Uses).

7. Maintenance

The Parish Council is legally responsible for the maintenance of all the grassed areas of the Village Green. See attached copy of the Title Registration which shows the Parish Council's areas outline in red.

Grassed areas are regularly cut and seeded; the Parish Council also maintains the War Memorial and the small flower border surrounding the War Memorial.

All decisions relating to the Village Green's maintenance and repair will be taken by the Parish Council's Property Committee in the first instance, before any works are planned or carried out.

8. Inspections

The Parish Council will inspect the Village Green annually to determine its condition and any works that may be required. Other inspections may be carried out ad hoc. The result of such inspections will be formally recorded.

9. 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 in Nettleham), also means West Lindsey District 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. The Parish Council has the right to take decisions on the moving and replanting of trees and other plants on the Village Green. You should contact the Parish Office or attend one of the monthly 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.

10. Alterations or change of use

Any requests to alter or new use of the Green should first be referred to the Parish Council. The request will then receive consideration for the type of action that will be deemed necessary taking into account all of the legislation that currently exists. The Parish Council has limited rights and may only sanction minor alterations. Major changes of use and significant alterations have to be submitted to the Secretary of State and this may only be done by the Parish Council or Local Authority.

It is possible to change the use of the Village Green in certain circumstances given that the equivalent piece of land in proportion is exchanged for the intended area of Village Green concerned, i.e. access to a new development. The procedure is lengthy, complicated and costly. In general terms it would not be possible to obtain permission to alter or change the use of the Village Green given that Greens are heavily protected by legislation. It is therefore highly improbable and unlikely that any permission to change the use of a Village Green or part of a Green would be granted.

11. Availability

This document will be published on the Parish Website and copies may be obtained on application to the Parish Office.

12. Summary

The Village Green is 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 Greens and feel honoured to live and be a part of a community that has the good fortune to have them – “cherished by residents and admired by visitors”.

13. The Schedule

The Schedule below specifies those activities on the Green that:

- (a) Are strictly prohibited
- (b) Deemed to be permitted by the Parish Council (subject to prior notification of the same to the Council) and
- (c) Require an Application to be made to the Parish Council for specific Permission before the activity may be undertaken. **NB.** Such permissions may be refused or granted subject to such Conditions as the Council may consider appropriate.

SCHEDULE OF ACTIVITIES

a) Prohibitive Activities	b) Deemed Permissive *	c) Application where permission is required
Selling of Alcohol	Breakfast on the Green	All other activities
Commercial Activities	Nettleham Carnival	
Also see column (c)	Festive Market	
Parking on the grass	Carols on the Green	
Placing any advertising material e.g. boards, flyers, A-boards, posters, banners	Remembrance Sunday Service	

* All subject to prior notification to the Parish Office.

Reviewed and Adopted by NPC – 18/2/2020.

To be reviewed every 2 years, subject to changes to legislation or other events.