

Frant Parish Council

Village Green - Policy & Procedure

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Preamble

Village Greens are part of our English heritage and are an integral part of a village community and, as such, should be protected and enjoyed by everyone as much as possible, and especially by the residents of the Village they are connected with. We are fortunate in the Parish of Frant to benefit from Greens at the heart of Bells Yew Green and Frant, the latter being recognised as an area of exceptional biodiversity. We aspire to our Greens being “cherished by residents and admired by visitors”.

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.

1. Definition of the Village Green

A village green 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.

The definition extends to 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 (awaiting confirmation of exact reference from East Sussex Council) as shown in the map (reference) and was registered in (date).

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 3

4. Responsibilities

The Greens are owned and administered by Frant Parish Council, and it is responsible for their maintenance, protection and upkeep. All matters relating to the Village Greens should be referred, in the first instance, to the Parish Council for consideration. Any rulings or actions will be made by it in accordance with present legislation, or referred to other authorities if deemed necessary. It is the responsibility of the owners of property fronting directly onto a 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 Green is protected against encroachment, damage, and uses other than those consistent with normal enjoyment of the Green.

Parking on the grass is not allowed. Protection of grassed areas may involve the erection of permanent or temporary barriers (e.g. 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

The following extract is from The Parish Councillors Guide published by Shaw & Sons Ltd.

“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 Green use. However the overriding factor must be Green protection against damage and change of use. The Parish Council will be pleased to advise any residents on the Green’s use.”

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

- Walking across it with or without a dog.
- Village fêtes.
- Playing sports and games.
- Sitting on public benches.
- Public gatherings for entertainment.
- Use of existing paths for access/egress on foot.
- Access by authorised vehicles for the purpose of mowing or maintenance.

Prohibited uses include:-

- Any physical alterations to the Green, other than replanting/rewilding scheme by permission of FPC.
- 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, horses etc.
- 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.
- Parking of a vehicle on the grass unless with permission from the Parish Council.

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 or reinstatement, or employ a contractor to do so, all costs (including legal) 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 Greens before you engage in any form of activity that does not fall within the detail listed in this policy.

7. Maintenance and Protection

The Parish Council is legally responsible for the maintenance and protection of all parts of the Village Greens, whether partially grassed or surfaced. All decisions relating to the Greens' maintenance and repair will be taken by the Parish Council in the first instance, before any works are planned or carried out, having due regard to advice it may from time to time seek regarding species protection.

8. Replacing Hard Surfaces Policy

Any residents wishing to have a hard surfaced area replaced or repaired must put a request in writing to the Parish Council.

If the Parish Council gives permission for the works a competitive quotation will be obtained which will provide exact particulars of the proposed works and include specific details in the materials to be used.

If the area in question is for the sole use of their property the residents will be expected to cover the cost of the works required. Where the area in question is for shared use by residents, the residents concerned will be expected to share the cost of the works required. Such requests will not give any rights, implied or otherwise, or any rights of title to the area concerned.

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

9. Inspections

The Parish Council will inspect all the Village Greens annually to determine their 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.

10. Rights of Access

There shall be no right of vehicular access across Village Greens. Any owner of a property fronting directly onto the Village Greens who requires a temporary right for the purpose of property maintenance or similar must seek explicit, written permission from the Parish Council.

11. Protection of Trees

All trees planted within the Village Greens are protected and must not be pruned or cut down without obtaining permission from the Parish Council. In the case of trees covered by a Tree Preservation Order, or in Conservation Areas permission must also be sought, via the Parish Council, from Wealden District Council. 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 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.

12. Alterations or change of use

Any requests to alter or change the 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.

In certain limited circumstances it is legally possible to change the use of the Village Greens providing 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. However, 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.

13. Availability

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

14. Charges

- Local Sports clubs and similar organisations

The Village Green may be made available for use by local sports clubs/organisations free of charge on application to the Parish Council. The use of the Green will be subject to review of the club or organisation's Risk Assessment for the activity and the provision of satisfactory public liability insurance cover.

- Sports Clubs and similar organisations from outside the area.

Subject to approval by the Parish Council outside clubs/organisations may be allowed to use the Green where it is considered that the activity will not impact local residents or other users. Such approved use will be subject to Risk Assessment, Public Liability Insurance and a charge of £20 per use which will go towards the maintenance of the Green.

- Other Commercial Use

The Green will not be made available for use by Commercial Organisations where the main reason for use is simply for financial gain. However, where such organisations apply to hold an event which includes substantial donations to local charities, clubs or other organisations and the event is considered to be of relevant interest to local residents, then this shall be considered by the Parish Council. Similar rules will be applied in respect to event planning, risk assessment and level of Public Liability insurance cover as would be applied to other events of this type.

- Frant Biennial Fête

This is a recognized biennial event supported by the Parish Council for which, should the organising committee wish to use the Village Green, there is no charge as it falls into the category of a local organisation. The Fête's organising committee is responsible for ensuring that an Event Plan, Risk Assessment and 3rd party liability insurance is in place to cover the whole event and is submitted to the Parish Council for approval in a timely manner.