



Village Green Policy

1. Definition of a Village Green.
2. Map of Village Greens.
3. Registration.
4. Legislation.
5. Responsibilities.
6. Lawful Uses.
7. Enforcement.
8. Maintenance.
9. Annual Inspections.
10. Rights of Access.
11. Trees.
12. Alteration or Change of Use.

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

1A. 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.

2. Map of Village Greens

- Village Greens at Henshaw and Towhouse (Page 2).
- Village Green at Bardon Mill (Page 3).

3. Registration

The Village Greens are registered with the Commons Registration Authority and this provides protection as afforded by various acts of legislation that cover all aspects of the Village Green's use and management. The Village Greens are managed and administered by Henshaw Parish Council. It is not now possible to alter a Village Green, or make changes of use without the involvement of the Secretary of State (see note 12 – Alteration or Change of Use).

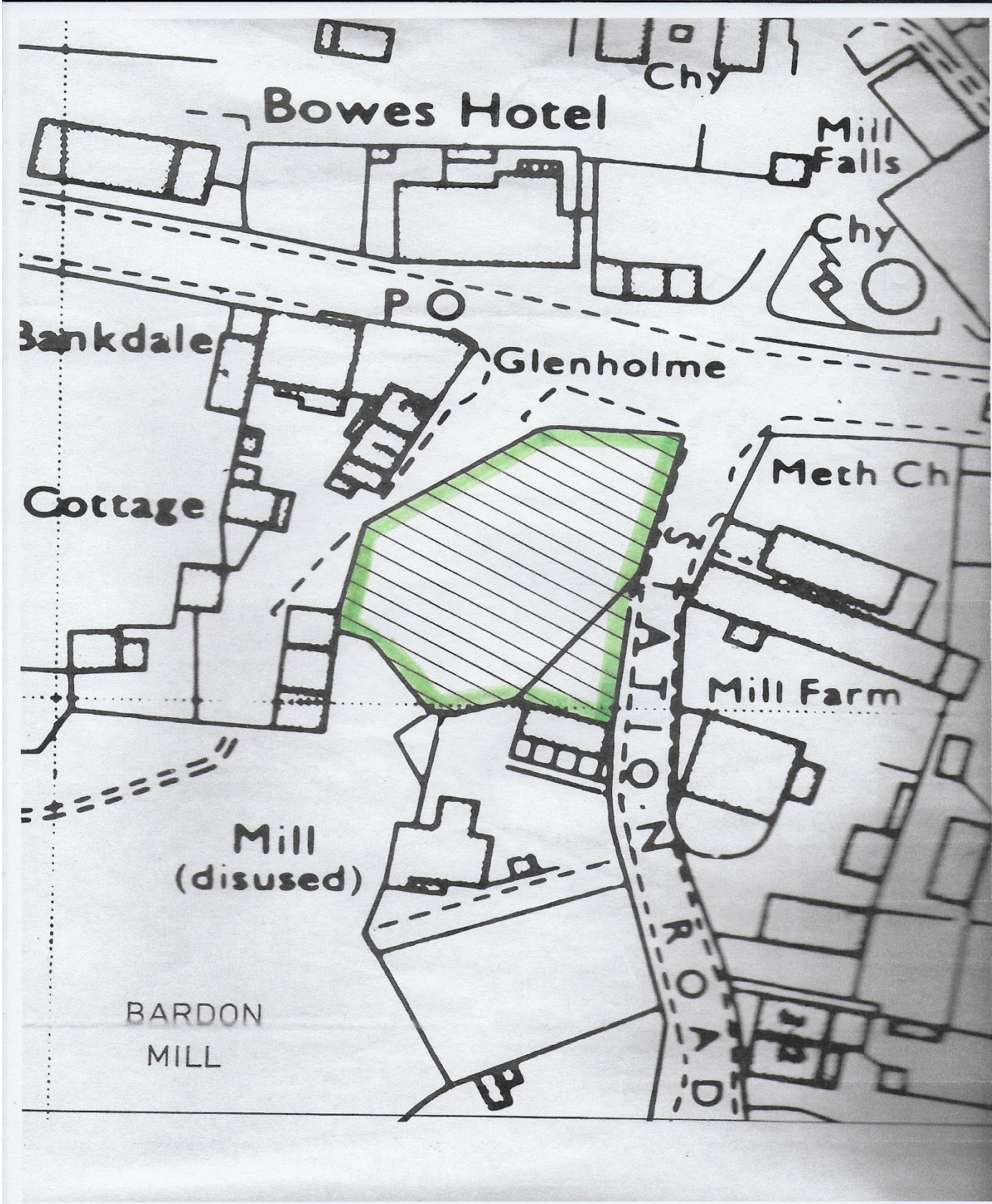


Village Greens at Henshaw and Towhouse





Village Green at Bardon Mill





4. Legislation

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

- 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 and Rights of Way Act 2000
- Local Government Acts.

5. Responsibilities

The Village Greens are managed and administered by the Parish Council, and they are responsible for 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 them in accordance with present legislation, or referred to other authorities if deemed necessary.

As custodians The Parish Council must ensure that the Village Greens are protected against encroachment, damage, and uses other than those consistent with normal enjoyment of the Village Greens. 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.

6. Lawful Uses

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

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 Village Green with a vehicle.

Prohibited uses include;

- any physical alterations to the Village Green.
- fencing of the Village Green or otherwise making them 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.
- 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. Existing tracks and access ways are often permitted routes but if in doubt contact the Parish Council.
- the pruning or cutting down of trees except by the Parish Council



The following extract is from 'The Parish Councillors Guide' published by Shaw and Sons Ltd, August 1970.

'A Parish Council must not allow a Village Green which it owns to be encroached upon or to be misused. If the problem is keeping the vehicles off, this can usually be best achieved by digging a ditch or putting large white stones on the boundary, or fencing the Green (provided there is reasonable access for pedestrians). Land which is registered as Village Green cannot be used for car parking or caravan parking, even if the Council wishes, because it is unlawful for the land not to be kept freely available for the inhabitants of the Parish for lawful sports and pastimes'.

It goes on to say that a Parish Council must not, except under certain circumstances grant a private vehicular access over any Village Green which it owns since such use is incompatible with the Council duty to preserve the status of the land for recreational purposes.

A degree of common sense must prevail in the possibilities of the uses of the Village Greens. However the overriding factor must be the Village Greens protection against damage and change of use.

The Parish Council will be pleased to advise any residents on the use of the Village Greens. You should make contact with an individual Councillor, the Clerk, or attend the monthly Parish Council meeting with your question or query in the first instance, for the Council's consideration and ruling.

7. Enforcement

Where a party or parties are proved to have misused any of the Village Greens, creating damage or alteration to its original fabric, the Parish Council will deem those persons responsible for unlawful damage and take action for any repair or reinstatement. Those responsible will be expected to pay all subsequent costs in relation to the 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, Clerk, or attend one of the monthly 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 - Lawful Uses).

8. Maintenance

The Parish Council is responsible for the maintenance of all parts of the Village Greens, be they grassed or covered i.e. shale, concrete or tarmac, and contain any shrubs, bushes, or seating. In this regard the Parish Council arranges for the grass cutting and upkeep of the greens which is paid for from the Council's budget/precept.

9. Annual Inspection

The Parish Council will formally inspect all of the Village Greens in April each year to record the condition of each and to assess any works (other than the regular grass cutting, general maintenance or ad hoc repairs) that may need to be carried out. Other inspections may take place to look at individual issues as and when they arise.

If you wish to report any areas needing repairs or have been damaged please contact your local Councillor or the Clerk.



10. Rights of Access

There is a distinction here between old and new rights. In the past, where owners already had access (this could be a footpath access or a access by vehicle) there was an opportunity to make application to the Parish Council to be granted a formal easement/right. This opportunity no longer exists as the legislation giving powers to grant such easements has now closed. It should be noted that vehicle access rights were permitted to allow access across the Village Greens and into private property – this does NOT extend to the creation of parking areas on the Village Greens or parking vehicles on the access tracks/routes.

The current legislation does not allow the creation of new access roads or pathways. However, access on foot is already part of the public right to use the Village Green and so does not need to be created. Creating a surface for foot use only - e.g. to stop mud being carried into a house, 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 Village Green. There could be no exclusion of the public from this path and the Parish Council would, in effect, only be giving licence to use the path subject to it being properly maintained by those benefitting from it.

11. Trees

All trees that are planted on the Village Greens are managed and maintained by the Parish Council 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, also means Northumberland County 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 Greens.

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

12. Alteration or Change of Use

Any requests to alter or new use 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 very 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 a Village Green in certain circumstances given that an equivalent piece of land in proportion is exchanged for the intended area i.e. access to a new development.

Nevertheless, in general terms it would not be possible to obtain permission to alter or change the use of Village Green given that they are heavily protected by legislation. It is therefore highly improbable and unlikely that any permission to change the use of Village Green or part thereof would be granted.

If you require any additional information please contact;

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Email: henshawparishcouncil@outlook.com Web: <https://northumberlandparishes.uk/henshaw>

This policy was confirmed at the Annual Meeting of Henshaw Parish Council on 28 May 2019