



CRADLEY & STORRIDGE PARISH COUNCIL

Village Green Policy

APPROVED

14.02.23

Map of Crumpton Hill Village Green held by Herefordshire County Council.

(Outline shown in green)



History:

Crumpton Hill Village Green was registered under the 1965 Commons Registration Act on 11th July 1975 in the land section of register unit No VG12 in the Register of Town or Village Greens maintained by Herefordshire County Council. Cradley Parish Council was registered as the owner of the land under section 8(3) of the Act of 1965. (*Cradley Parish Council subsequently became Cradley & Storrige Parish Council.*)

Legislation and guidance:

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

The Enclosure Acts of 1845 and 1857

The Commons Acts of 1876, 1899 & 2006

The Open Spaces Act, 1906

The Acquisition of Land Act, 1981

The Law of Property Act, 1925 Commons Registration Act, 1965

The Countryside and Rights of Way Act, 2000

The protection and rights of Village Greens:

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 Council in accordance with legislation and published guidance from Government. It is the responsibility of the owners of property adjacent to the Village Green to check their Deeds as to the boundary of their property to ensure that no items such as flowerbeds, shrubs, hedges, nameplates, or lighting columns extend beyond it. Some property owners, or their predecessors, may have laid out private access tracks to service their property on The Green.

These routes have existed for many decades, and possibly over a hundred years in some cases, and the evolved right to use them for private access is known as a 'prescriptive right', which is protected in law. There is no public right of vehicle access. These rights were also established before The Green became a registered green.

Over the years, loose surfacing has been laid down by some property owners over the surface of their track. As these tracks are for the private benefit of the householders only (and in some cases, local farmers for access to their land and barns) it is not for the Parish Council, using public funds, to maintain the tracks. It is the responsibility of these lawful users of the tracks to ensure that anyone from the neighbourhood can enjoy The Green, which must mean maintaining the tracks in at least a condition that is fit for pedestrians to walk on.

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 its normal enjoyment. However, there is no obligation for the council to allow new access routes to properties across the Green. To do so would be facilitating a criminal offence.

Lawful use:

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

Lawful uses and those defined as being 'of better enjoyment of the Village Green' includes:

- Walking across it with or without a dog.
- Playing sports and games Football & Cricket Village fêtes (with the prior permission of the Parish Council).
- Public gatherings for entertainment (with the prior permission of the Parish Council).
- 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 or horses; or the storage/siting of building materials or skips.
- Planting of trees (if present) except by the Parish Council.
- The pruning or cutting down of trees except by the Parish Council.
- The building or introduction of any structure (this includes even small things such as steps, bollards, posts, marker stones or similar).
- The driving of a vehicle across grassed areas.
- Parking of a vehicle on the grass or tracks unless with express permission from the Parish Council and its purpose is for the better enjoyment of the Village Green.
- 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. The Parish Council will be pleased to advise anyone on The Green's use. You should make contact with the Parish Council through its Clerk or by contacting any of the Councillors.

Enforcement:

Where The Green has been unlawfully used or damaged the Parish Council can take actions available to it in law to both seek remedy of the damage or a cessation of the unlawful use. Those responsible will be expected to pay all subsequent costs in relation to The Green's repair or reinstatement, and works will be subject to timescales required by the Parish Council. Should the Council have to commission its own works in relation to repairs or reinstatement all costs incurred will be charged to those responsible for the damage.

Maintenance:

1. General : The Parish Council maintains all parts of The Green, whether grassed, earth or surfaced with the exception of private access tracks as explained in Section 'Responsibilities' above. The Parish Council will establish and maintain a programme of Planned Maintenance for The Green and fixed assets set out upon it. Whilst grassed areas are cut and seeded as required, other areas may be subject to repair or replacement from time to time dependent on the degree of erosion occurring. All decisions relating to The Green's maintenance and repair will be taken by the Parish Council in the first instance, before any works are carried out.

Replacing Hard Surfaces :

1. Residents wishing to have a hard surfaced area either repaired or replaced must make a request in writing to the Parish Council.
2. If the Parish Council grants 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 and methods to be used.
3. If the area in question includes use of the hard surfaces by local residents to access private properties then those residents will be required to cover the cost, in equal measures, of the works required but such a request will not give any rights, implied or otherwise of title to the area concerned.
4. Under no circumstances will any grassed areas of the Village Green be lost due to any works.

Inspections:

The Council will inspect The Green at least annually, but otherwise as required, to determine its condition and that of its assets. The Planned Maintenance programme will be reviewed against these inspections. Any necessary works that may be required will be prioritised with resources made available. The results of such inspections will be formally recorded

Protecting the fabric of The Green remains paramount, as is avoiding public nuisance to others. 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 in and be a part of a community that has the good fortune to have one.

Use of the Village Green for events:

The Parish Council is responsible for managing the use of the Village Green for events, using the following policy as a guide:

- All requests for use of the Village Green must be made in writing to the Clerk to the Council at least 2 months prior to any event taking place.
- The Village Green may only be booked by local residents or those with a close association with Cradley & Storridge Parish.
- The Village Green may only be used for events open to the general public, and not for primary commercial (i.e. private sector or personal) gain.
- All requests must detail the exact nature of the event to take place, likely levels of attendance, with car parking and welfare arrangements planned.

The Village Green and the safety or welfare of those attending is the responsibility of the user throughout the event and this includes:

- Ensuring the event is properly supervised.
- Ensuring that local residents are not troubled in any way (e.g. through rowdy behaviour, loudspeakers, bright lights)
- Ensuring that no damage takes place as a result of the event. If in the opinion of the Council any damage has been caused, then this will be rectified at the expense of the user.
- Ensuring Public Liability Insurance (if required) is in place.
- Ensuring any Liquor or Public Entertainment Licence (if required) is in place.

No vehicles are allowed on the Village Green without the prior permission of the Council, which may impose specific conditions.

No overnight stays are permitted on the Village Green (no camping, no caravans). Everyone must leave The Green by midnight at the latest.

No charge may be made by the user for any event on the Village Green without prior consent of the Parish Council.

All rubbish to be removed from the area immediately after the event.

These Greens are "open spaces" for the enjoyment of all. There is no public right of vehicle access or parking on these areas.

These areas are covered by: -

S12 OF THE INCLOSURE ACT 1857 AND/OR S29 OF THE COMMONS ACT 1876