

# **Dalton Piercy Village Green: Code of Conduct**

Drafted by Village Improvement Consultation group

For further details of how to join the Village Improvement Consultation Group  
contact: [daltonpiercyclerk@gmail.com](mailto:daltonpiercyclerk@gmail.com)

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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; 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. 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 note 3) that cover all aspects of the Green's use and management. Our Green was formally registered as village green in the 1960's and a map outlining the village green is attached.

The Green is now owned and administered by the Dalton Piercy Parish Council (DPPC), however it is not now possible for DPPC to alter the Green, or make changes of use without the involvement of the Secretary of State (see note 12 – Alteration or Change of Use).

## 3. 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.

## 4. RESPONSIBILITIES

The village green is for the benefit of all and should be kept open with free access across all areas.

The Green is owned and administered by DPPC, and they are 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 made by them 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 the placing of stones, potted plants or erection of posts or bollards on the perimeter to prevent vehicular access. This can only be done in consultation with The Parish Council and cannot be done without permission.

All instances of grass cutting, 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 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 the historic use
- \* Historical tracks across the village green will continue to be honoured for the historic use only.
- \* Parking on the green is actively discouraged, it will be permitted on occasions but: Not overnight, Not repeatedly/regularly i.e. every day and without a valid reason connected to village life such as loading/unloading. Where a vehicle has been parked on the village green any damage to the village green must to be made good by those who damage it or they must pay the costs of making good.

Prohibited uses include:-

- \*any physical alterations to the green
- \*fencing of the Green or otherwise making it inaccessible to the public Any marking or placing of stones, logs etc. on the village green must only be done in conjunction with DPPC and cannot be undertaken without prior permission.
- \*willful damage (i.e. when a person was aware of the risk of damage).
- \*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 DPPC
- \*the driving of a vehicle across grassed areas. Historic and existing tracks and access ways are permitted routes
- \*the pruning or cutting down of trees except by DPPC or with prior approval
- \*camping is permitted for children who wish to camp out for the night, but camping long-term or by non-residents will not be permitted.

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 boundary (provided there is reasonable access for pedestrians). Land which is registered as Village Green cannot be used for routine 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".

A degree of common sense must prevail in the possibilities of the Green's use. However the overriding factor must be Green's protection against damage 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/re-instatement plus any legal costs, and works will be subject to timescales laid down by the Parish Council.

In some circumstances damage or encroachment may result in criminal 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 decisions relating to the Green maintenance and repair will be taken by the Parish Council in the first instance, before any works are planned or carried out.

#### 8. REPLACING HARD SURFACES POLICY

1. Any residents wishing to have a hard surfaced area replaced must put a request in writing to the Parish Council.
2. 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.
3. If the area in question is for the sole use of their property the residents will be expected to contribute towards the costs of the works required but such a request will not give any rights, implied or otherwise, or any rights of title to the area concerned.
4. Under no circumstances will any grassed areas of the Village Green be lost due to any works.

#### 9. INSPECTIONS AND WORKING PARTIES

DPPC will inspect the whole of the green on an annual basis to determine its condition and any works that may need to be carried out. Other inspection may take place on an ad-hoc basis to look at individual issues as and when they arise. The results of such inspections will be formally recorded.

From time to time DPPC will conduct working parties to carry out minor works in relation to the Green's maintenance and upkeep, i.e. seeding, planting of flowers, etc. Residents will usually be informed by means of a flyer, and any help would be greatly appreciated.

#### 10. RIGHTS OF ACCESS

There is a distinction here between old and new rights. 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 gave consent to owners selling their properties. This was not a legal right as such rights - condoning the criminal offence of taking vehicles on to Greens - could not be created. It was just consent to the use so that the Parish Council would not take action in future against the owner. The onus is 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 even the expectation that a right of way could exist for such use (i.e. vehicles) and it cannot be created by DPPC.

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. 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 green. There could be no exclusion of the public from this path and the Parish Council would, in effect, only be giving license to use the path subject to it being properly maintained by those benefitting from it.

#### 11. 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 Hartlepool Borough Council. DPPC 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.

#### 12. ALTERATION OR CHANGE OF USE

Any requests to alter or change use of the Green should first be referred to DPPC. 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. DPPC 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 general terms it would not be possible to obtain permission to alter or change the use of 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 Village Green or part of a Green would be granted.

### 13. AVAILABILITY

This document will be published on the Dalton Piercy website ([www.daltonpiercy.co.uk](http://www.daltonpiercy.co.uk)) and copies may be obtained on application to the Parish Council or by contacting the clerk.

### 14. SUMMARY

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 do our bit to make sure that the village green is protected and kept in good condition.

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