STAVERTON PARISH COUNCIL
Policy 016

Use of the Village Green

It shall be the policy of the above Council that:

The Staverton Village Green (the Green) is part of our Village heritage and is 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 Parish.
The Green was registered as Common Land on 1968 and is held in the trust by the Staverton Parish Council for the benefit of the Parishioners The following policy is intended to improve awareness of the rules and practices that we all need to follow.
The Green is administered by Staverton Parish Council who is responsible for its maintenance, protection and upkeep. All matters relating to the Green 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 by them if deemed necessary. As custodians, the Parish Council must ensure that the Green is protected against misuse and/or damage, and use's other than those consistent with normal enjoyment of the Green. Parking on the grass is not allowed. All instances of maintenance and repairs will be carried out by the Parish Council, or by contractors that the Parish Council appoints to carry out such works.
1. The Green may be used as public open space on foot by Parishioners and others for all lawful personal purposes on a day to day basis other than as itemised below. Such use may not be to the disturbance and/or nuisance of neighbours or others users.
2 There must be no Parking of Vehicles (motor. electric or horse drawn) on the Village Green without the written consent of the Parish Council.
3 There must be no closing off of the Village Green without the written consent of the Parish Council.
4 There must be no Private or public Functions or Gatherings on the Village Green without the written consent of the Parish Council.
5 There must be no Fires on the Village Green without the written consent of the Parish Council.
6 The Parish Council consent will not be unreasonably withheld, but will require the preparation of a Risk Assessment, Third party Insurance and as necessary an events Licence issued by the appropriate Authority..
7 Any damage caused by any of the above uses whether with consent or otherwise will be at the expense of the user.
8 The Parish Council will inspect all the Green annually to determine its condition and any maintenance, repair or improvements that may be required. Other inspections may be carried out ad hoc. The result of such inspections will be formally recorded in the Parish Council Minutes.

The Parish Council reserve the right to amended or cancel this policy at any time in accordance with the Standing Orders.

Adopted: 1st March 2022

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.