

Lockerley Parish Council

Village Greens – Policy, Procedure and Guidance.

Acknowledgements: Lockerley Parish Council would like to thank all those people who have contributed in the past to the formulation of this policy, especially The Lockerley Greens Preservation Society. Your contributions are truly appreciated.

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1. Introduction

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- 1.1. Our Village Greens are a special integral part of our village, providing invaluable green open spaces.
- 1.2. High quality, well-managed Village Greens are vital to promote happy, healthy and sustainable communities benefiting both people and wildlife.
- 1.3. In a study of Top Green (2017 – [HBIC report for Top Green](#)) Hampshire Biodiversity Information Centre reported that traditionally managed Village Greens, such as Top Green, are one of the rarest and most threatened habitats in the UK. They counted 133 different species on Top Green alone.
- 1.4. The potential risks to these essential green spaces, along with our custodial duties are some of the reasons why Lockerley Parish Council are passionate and committed to ensuring our Village Greens are of the highest quality and are preserved and protected for the enjoyment of all.
- 1.5. To do this we need every resident to play their part, to look after our Village Greens, to be kind and considerate, so as not to damage or disturb these beautiful open spaces.
- 1.6. This policy is designed to improve everyone's awareness of the practices that should be followed together, both members of our Parish Council and residents.
- 1.7. This document is also designed to assist the Parish Council in relation to matters concerning the Village Greens under its ownership.
- 1.8. This is not a legal document.

2. Purpose:

The preservation of our Village Greens for the quiet enjoyment and pastimes of residents and visitors, the promotion and protection of rare biodiverse green spaces, the prevention against encroachment as well as the preservation of our Village Greens for future generations.

3. Village Greens Within the Parish of Lockerley

- 3.1. The Greens owned by Lockerley Parish Council are:
 - 3.1.1. Butts Green
 - 3.1.2. Lockerley Green
 - 3.1.3. Tote Hill Common
 - 3.1.4. Oval Road
- 3.2. Two further Greens, Top Green and Critchells Green fall within the parish. Whilst both are privately owned, they are none the less both areas of Common Land. Our Parish Council therefore retain an interest and will work with the landowner's agent for these Greens for the mutual benefit of residents and wildlife.

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- 3.3. There are different facilities on each of our Greens, details of which can be found in appendix 1.

4. Legislation for Village Greens

- 4.1. The law governing Village Greens and Common Land is complex and many of the laws date back many years. Accordingly, it would not be appropriate to try and detail or seek to outline the law within this policy. A list of the most common legislation that exists for the protection and rights that cover Village Greens can be found appendix 2
- 4.2. If necessary, our Parish Council reserves the right to seek professional advice on the law or matters of enforcement where it considers it justified and proportionate to do so.
- 4.3. It is hoped the occasions where the Parish Council needs to seek legal advice or pursue legal enforcement would be limited and only considered when absolutely necessary and all other reasonable approaches to reach a solution have failed.

5. Responsibilities – everyone has an important part to play

- 5.1. **The Parish Council:** As custodians of our Village Greens in its ownership, our Parish Council is responsible for the protection against encroachment, damage and uses other than those consistent with the normal enjoyment of our Greens. This includes being responsible for the maintenance and upkeep of the Village Greens under its ownership. We also want to manage our greens to preserve these rare biodiverse spaces.
- 5.2. Protection of grassed areas may involve the placing of stones, or erection of posts or bollards to prevent vehicular access. Appropriate access for authorised vehicles will be made, this would include such equipment as necessary to cut the grass or carry out necessary works e.g., repairs to underground services.
- 5.3. **Property Owners:** 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 and any permitted access route(s) onto their property, to ensure that no flowerbeds, shrubs or hedges or access routes extend beyond that specified within their deeds. No access to property around our Village Greens is to be made by driving across the grassed areas of our Greens. (Except in emergencies.)
- 5.4. Where Residential or Commercial Properties border our Village Greens or are located close to a Village Green such that building or maintenance work may impact upon the adjacent Village Green the relevant property owner must contact the Parish Council for written permission from Lockerley Parish Council before any building or maintenance works is undertake that may effect or have an impact upon our Village Green. This would include the placing of scaffolding, Portaloos or skip bins on our Village Green or where

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buildings materials may be stored or off loaded from a delivery vehicle and placed on our Village Green. Where Lockerley Parish Council have given their consent the relevant property owner must still make good any damage that may have been caused during the said works to our Village Green. Such consent would be in addition to any building permission approvals that may have been required and granted by Test Valley Borough Council.

- 5.5. **Residents and Visitors:** Are responsible for treating the Village Green and any amenities on our Green with respect, not to cause any damage or leave litter behind. Where parking spaces are available, either on our Greens or near by, these should be used in preference to being parked on the grass, and no-one should drive a vehicle across grassed areas without good cause.
- 5.6. **Dog Walkers:** Dogs and their owners are very welcome to enjoy our Greens. Owners are responsible for keeping their dog(s) under control at all times and for picking up dog fouling and disposing of bags in litter bins. If bins are not available, this litter should be taken home and disposed of it there.
- 5.7. **Commercial/Businesses:** Our Village Greens must not be used for personal gain, for commercial use or trading activity, unless previous approval has been given by the Parish Council, for example allowing ice cream vans to trade during the village fete.
- 5.8. **Contractors and statutory undertakers:** 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 or by statutory undertakers who have the responsibility to maintain their services to the community. (BT Openreach, Southern Water, National Grid for example). Contractors and statutory undertakers are responsible for minimising and making good any damage that occurs whilst carry out works.

6. Guide to the Lawful Uses of a Village Green

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

Lawful	Prohibited
Walking across a Green	Any physical alterations to our Green including fencing off sections or otherwise making it inaccessible to the public
Walking your dog across a Green	Dog fouling, bag it and bin it – in any public waste bin or take it home
Village fetes	Wilful damage e.g., by vehicles or lighting fires
Playing sports and games.	Planting of trees except by the Parish Council
Public gatherings for entertainment	The building or introduction of any structure (such as steps, bollards, posts) except by the Parish Council
Lawful cont:	Prohibited cont:

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• Use of existing paths for access/egress on foot.	• The driving of a vehicle across grassed areas without good cause when damage is likely to result. (Particularly during periods of wet weather or during the winter months.)
• Promoting biodiversity	• The pruning or cutting down of trees except by the Parish Council.
• Cleaning up your own litter	• The inappropriate or inconsiderate parking of a vehicle other than on the reinforced areas of the Green designated for parking. Where damage to the Green is likely to be cause

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. (It continues) a degree of common sense must prevail in the possibilities of the Greens use. However, the overriding factor must be the Greens protection against damage and change of use.”

7. How the Parish Council discharges its responsibility in relation to our Village Greens

- 7.1. All matters relating to our Village Greens should be referred (in the first instance) to the Clerk, Chair or to any member of the Parish Council (who will notify our Clerk and Chair) for consideration. Any rulings or actions will be made by the Parish Council in accordance with current legislation or referred to other authorities if deemed necessary.
- 7.2. Lockerley Parish Council meet regularly throughout the year and issues relating to our Village Greens are discussed at these meetings. Residents are welcome to attend these meeting and raise any issue touching upon our Village Greens
- 7.3. Our Parish Council holds public liability insurance for our Village Greens.
- 7.4. This policy is for guidance only due to the complexities of the law relating to Village Greens, but the overriding values determining any decision are set out in the purpose of this policy.

8. Inspections

- 8.1. The Parish Council will inspect the Village Greens annually to determine the condition and any works that may be required. Other inspections may be carried out on an ad hoc basis throughout the year. The result of such inspections will be formally recorded.

9. Maintenance

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- 9.1. The Parish Council is legally responsible for the maintenance of all parts of our Village Greens it owns, whether partially grassed or surfaced. This also includes any benches, picnic tables, bus shelters, bins etc. that are on our Village Greens.
- 9.2. Whilst grassed areas will be managed and cut to allow the enjoyment by people as well as promote biodiversity, other areas may be subject to repair or replacement from time to time dependent on the degree of erosion they have received.
- 9.3. All decisions relating to our Village Green's maintenance and repair will be taken by the Parish Council in the first instance, before any works are planned or carried out. In case of emergencies where urgent work is necessary (e.g. a burst water main), Lockerley Parish Council must be notified on the situation without delay.
- 9.4. The Parish Council may also undertake maintenance work in consultation with the landowner on other areas of Common Land within Lockerley Parish (Top Green, Critchells Green)

10. Protection of Trees

- 10.1. All trees that are planted within or on the Village Greens are owned by the Parish Council and must not be pruned or cut down without prior permission from the Parish Council.
- 10.2. No other trees, for any reason, will be permitted to be planted on our Greens

11. Biodiversity:

- 11.1. The Parish Council is supporting the implementation of "nectar bars" allowing sections of our Village Greens to remain uncultivated with the aim to improve biodiversity.
- 11.2. Other initiatives, such as reducing the frequency of cutting the grass or sections of the grass, will be encouraged to preserve these rare habitats.

12. Enforcement

- 12.1. We will seek to promote the awareness of this policy in Lockerley to establish a better understanding by our community of the importance of looking after our Village Greens together.
- 12.2. The Parish Council will in the first instance, always seek to resolve any disputes, issues or concerns relating to our Village Greens by negotiation
- 12.3. Should the need arise then the Parish Council will consider enforcement action in relation to the misuse or damage to any of the Village

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Greens it owns if it considers it appropriate and justified to do so and when considered necessary will seek recovery of the costs to repair or put right such damage or misuse.

13. Changes to this policy

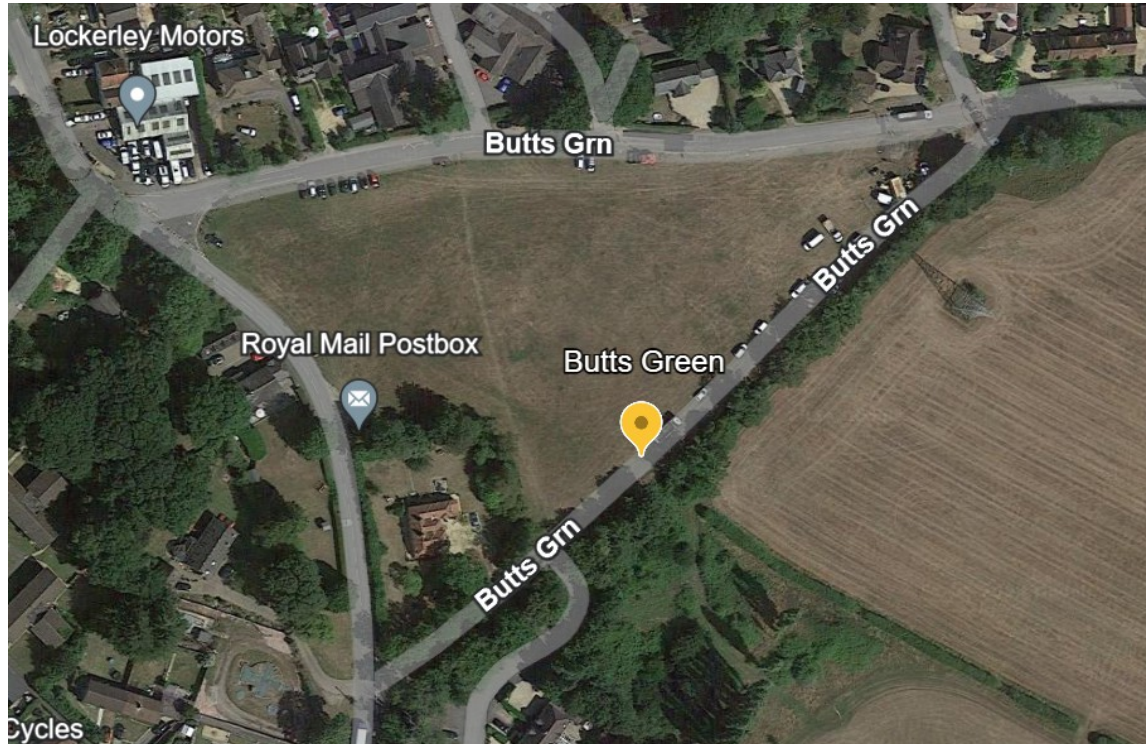
We will keep this Village Green policy under regular review, and we will place any updates on the Lockerley Parish Council website: www.lockerley-pc.gov.uk

This policy was formally adopted at the Parish Council meeting held on 08 July 2024 and will be reviewed every four years after this date.

Appendix 1: Village Greens location and description

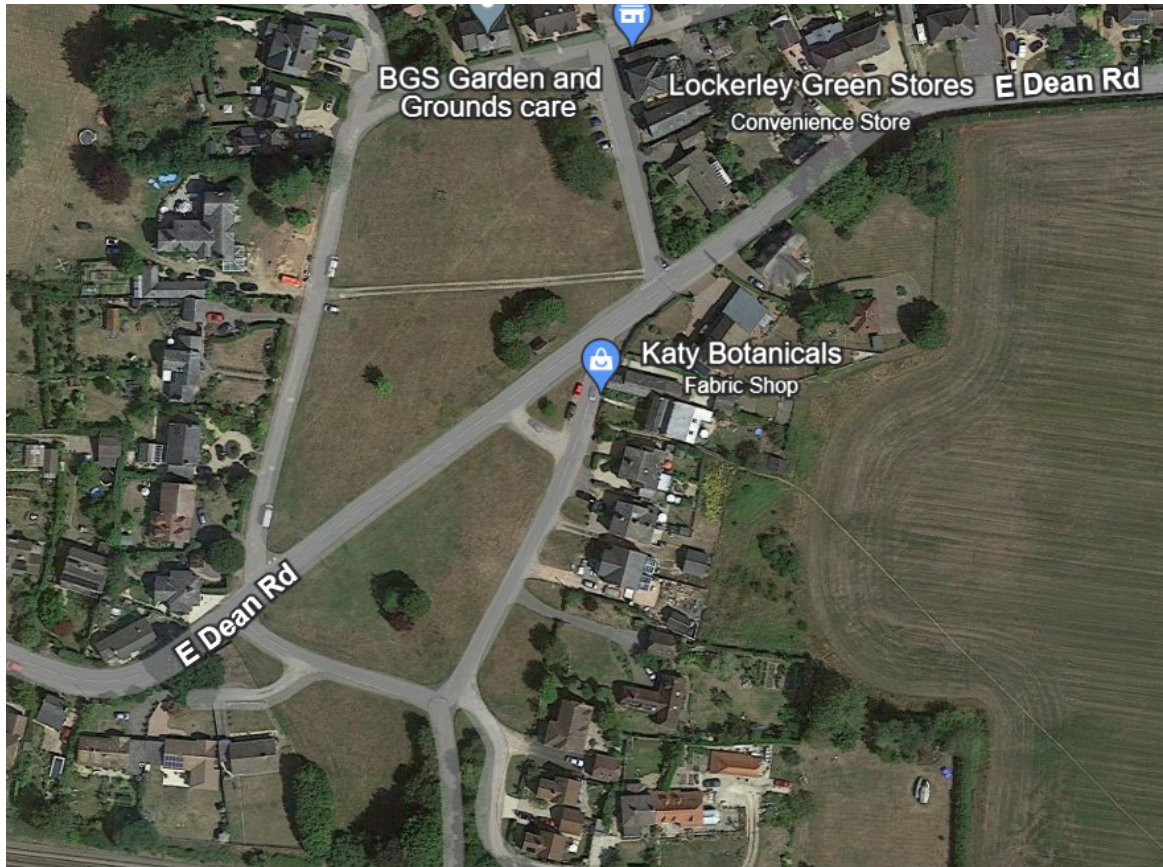
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1a. Butts Green



Description: Owned by Lockerley Parish Council this Green is made up of diverse grass land habitat with several varieties of trees. The green is surrounded by dragons teeth and has a designated reinforced parking area. Adjacent to Butts Green are two garages, a school, the Village Hall and a BT telephone exchange building. There is a house on our Green and several properties close by or adjacent to the Green.

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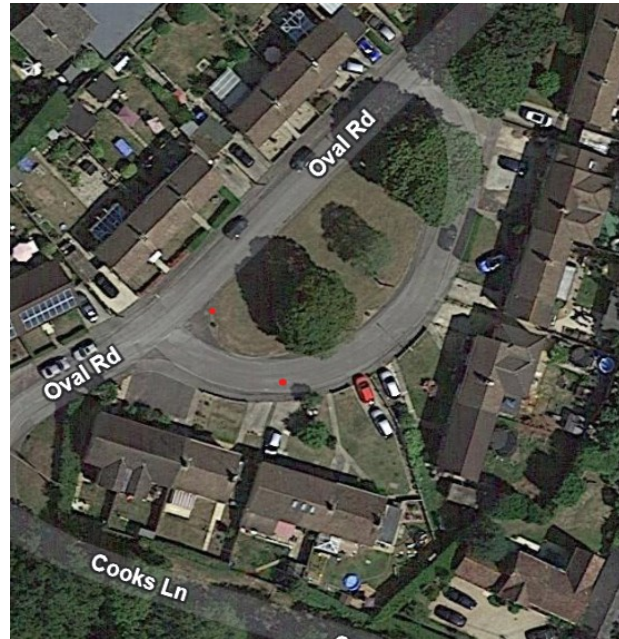
1b. Lockerley Green: Owned by Lockerley Parish Council this Green is made up of diverse grass land with several varieties of tree. The land on either side of the access roads are part of our Green. There are four benches (one awarded for the “best kept village”), a bus shelter and there are sections of the roadway around our Green that are unadopted. The Village shop is located here and there is a hard standing parking area, and post box.



1c. Tote Hill Common: Owned by Lockerley Parish Council this Green is made up of grassland, woodland, a pond and footpaths. There is a picnic table and a bench commemorating the Queens Silver Jubilee

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1d. Oval Road: Owned by Lockerley Parish Council this Green is made up of grass land and has several varieties of tree



1e. Top Green and Critchells Green: Privately owned greens which are also common land. Lockerley Parish Council have recently replaced a bench on Top Green and works in partnership with the landowner's agent to the mutual benefit of residents and wildlife.

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Appendix 2: Common legislation that exists for the protection and rights that cover Village Greens:

- The Enclosure Act 1845/57
- The Commons Act 1876/99 and 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 3