

WYCK RISSINGTON PARISH COUNCIL POLICY STATEMENT

THE VILLAGE GREEN

WORKING DRAFT

1. BACKGROUND

1.1 In 1970 the Village Green (“the Green”) was registered as a common under the Commons Registration Act and in 1978 the Council was registered in the Commons Register as owner of the Green. However it was not until 2016 that the Land Registry accepted and registered the Council's title. At that time the Council set out its reasons for the registration in an Additional Minute dated 5 September 2016 in which it confirmed the following.

1.2 “The Council have agreed that if they succeed in securing a registered title at the Land Registry they will be willing to grant a confirmatory deed of easement for any legal rights of way over access roads ways tracks or drives over the Green already acquired by any owner of a property in the Parish. The same will apply in respect of existing legal rights for services under or over the Green in respect of such property. No consideration will be payable for any such deed save that the property owner will have to pay the Council’s reasonable legal fees.”

1.3 “In the case of any deed of easement already granted by the Council the Council will consent to such deed being recorded on their new registered title.”

1.4 “Except for any access roads ways tracks or drives on the Green maintained by any highway authority the Council will continue to require any deed of easement for any access road way track or drive to give responsibility for maintenance and repair to the property owner with the benefit of the deed. Where there is more than one user with a right of way the responsibility will be shared in a fair proportion.”

2. PRINCIPLES

2.1 The Council owns the whole of the Green ,that is the grassland, trees , ponds , tracks and paths over it , and services under it , unless these are subject to legal ownership of service providers.

2.2 The Green has to be maintained as common land, a place for residents to enjoy for walking and other pastimes, open to public access by foot.

Local residents also have certain other restricted rights to grazing.

2.3 The Green cannot be developed, built on or resurfaced in any way except in very limited circumstances with consent from the Secretary of State, a prerequisite for which is local consultation and support.

2.4 It is illegal for anyone to park or drive on any part of the Green unless they otherwise have a specific right to do so , or the Council gives permission for limited access to provide and maintain services over or under the Green.

2.5 The sections of the driveways and tracks to residents' properties which cross the Green are part of it and owned by the Parish Council . However either by way of legal easement or by virtue of prescriptive rights the residents concerned have rights of access over these.

2.6 It is for residents to maintain these sections of driveways and tracks always provided this is done in accordance with the legal requirements for the Green (in particular this means no hard surfacing). Where the tracks serve more than one property it is for those residents affected to agree how costs are shared.

2.7 The Council is responsible for seeing that the verges contingent to the tracks and to the main road through the Village are kept intact as part of the common land. [Residents are permitted to cut grass, maintain hedges and ditches directly bordering their properties and tend to grass pathways across the Green giving access to their properties.]

2.8 The Council has not adopted nor is nor is responsible for maintaining any of the services under the Green but is obliged to permit those benefitting from such services reasonable access for the purpose of maintaining and/or repairing them.

3 PROCEDURES

3.1 The grass is cut and lifted twice a year. Additional measures are taken to ensure this is facilitated as necessary.

3.2 The trees are surveyed triennially and measures are taken to deal with potential risk of damage or interference to those using the green, and to maintain the trees in good health and appearance in a timely manner.

3.3 Ponds are maintained in an environmentally friendly and sustainable manner . Harmful or excessive plant growth is kept down, and from time to time it may be necessary to dredge the ponds.

3.4 The Council takes suitable measures to protect, maintain and if necessary restore the grass and verges, seeking any necessary permissions.

3.5 The Council draws up an annual maintenance programme for inclusion in budgeted expenditure in the forthcoming year. Works and services are commissioned in accordance with the Council's Financial Regulations to carry out the programme in a timely, efficient manner.

3.6 The development of properties in the Village often involves access over the narrow tracks on the Green for works vehicles. It is not legal to drive on the verges: however the tracks do not accommodate the largest vehicles so some incursion is unavoidable and the Parish Council will give permission for this purpose. The Council will bring this Statement to the attention of the owners of property who are making Planning Applications requesting that Contractors are made aware of it before works commence, so that drivers of works vehicles are warned, damage is kept to a minimum, and that the tracks and verges are restored as necessary during and at the end of the Project. Assurances to this effect will be sought by the Council.

3.6 The Council will bring this Statement to the attention of its contractors for maintenance and other services on the Green when quotes are obtained and orders placed, and, if necessary, to public service providers or other users of the main road through the Village.

3.7 In the event that repairs or protective measures not included in the maintenance programme are required urgently the Clerk in consultation with the Chair and RFO, will take whatever reasonable steps that are needed to deal with them.

PLANNING APPLICATIONS

4. PRINCIPLES

4.1 The Council is notified of and considers all planning applications and appeals relating to the parish.

4.2 The whole of the parish is within the Cotswolds' Area of Outstanding National Beauty and most of the Village itself is a Conservation Area. The Council necessarily has full regard for the restrictions this imposes on development work in order to preserve the natural beauty and heritage of Wyck Rissington.

4.3 The Council supports planning applications for works which will enhance the character of the Village and opposes those that will detract

from it.

4.4 The Council also endeavours to monitor planning applications for significant developments in adjacent parishes which may have a material adverse effect on the residents of Wyck Rissington or the character of the wider local area with a view to opposing these vigorously.

5. PROCEDURES

5.1 The Council has established a Planning Advisory Group to consider and advise the Council on all planning applications and other planning matters under the above principles.

5.2 The Advisory Committee provides advice at Council Meetings on planning applications and the Council decides on any responses.

5.3 In the event that responses or other actions are required urgently, the the Clerk, in consultation with the Chair and the Chair of the Planning Advisory Group, takes whatever reasonable steps that are needed to deal with them in accordance with the Council's planning principles.