



SARRATT PARISH COUNCIL
POLICY AND PROCEDURES: SARRATT GREEN

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15. SUMMARY.

Sarratt Village Green is an integral part of the community and as such, provides its residents with a focal point on which to live a peaceful and friendly existence. It also attracts many visitors each year who come to enjoy the Green and use its adjacent public houses, Community Shop and Café. The following policy outlines the rules and practices to be followed, to ensure it remains a beautiful space, and references legislation that covers this area as appropriate.

1. MAP OF SARRATT VILLAGE GREEN (numbers refer to the schedule of access – see Appendix)



2. 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.

3. REGISTRATION

The Village Green is registered with the COMMONS REGISTRATION AUTHORITY (Hertfordshire County 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. Sarratt Green was registered in 1980.

Sarratt Green is owned and administered by Sarratt Parish Council, however it is not now possible 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).

4. 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.

5. RESPONSIBILITIES

Sarratt Green is owned and administered by the Parish Council, and they are responsible for its maintenance, protection and upkeep. All matters relating to Sarratt Green should be referred (in the first instance) to the Parish Council 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, the Parish Council must ensure that the Green is protected against encroachment, damage, and uses other than those consistent with normal enjoyment of the Green. Parking on the grass is not allowed. Protection of grassed areas may involve the placing of stones, or erection of posts or bollards to prevent vehicular access.

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.

6. LAWFUL USES

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

Lawful uses include:

- Walking across it with or without a dog.
- Village fetes.
- The May fair.
- Playing sports and games.
- Public gatherings, including for entertainment.
- Use of existing paths for access/egress on foot.
- Use of existing rights of access that cross the Green with a vehicle.

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 and horses.
- Parking of a vehicle on the grass.
- Storage of building or other materials, spoils, or equipment on the surface of the Green.
- Planting of trees except by the Parish Council.
- The building or introduction of any structure (this includes for example small items such as steps, bollards and posts) except by the Parish Council.
- The driving of a vehicle across grassed areas, unless permission has been given by the Parish Council for a specific purpose. Existing tracks and access ways are often permitted routes but if in doubt contact should be made with the Parish Council.
- The pruning or cutting down of trees except by the Parish Council.
- Metal detecting, unless approved by the Parish Council, and in that instance this will be for a specific purpose for a defined and limited time period.

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 (provided there is reasonable access for pedestrians). Land which is registered as a Village Green cannot be used for car parking or caravan parking (other than for an event), 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".

It goes on to say that a Parish Council must not, except under certain circumstances grant a private vehicular access over any Village Green which it owns since such use is incompatible with the Council's duty to preserve the status of the land for recreational purposes.

A degree of common sense must prevail in the possible uses of a Village Green. However, the overriding factor must be the Green's protection against damage and change of use. The Parish Council will be pleased to advise residents on the Green's use. Contact should be made via the Parish Clerk, a Parish Councillor, or attendance at the monthly Parish Council meeting, for the Council's consideration and ruling.

7. EVENTS ON THE VILLAGE GREEN

Where an organisation wishes to use the Village Green for an event, permission must be sought in advance from the Parish Council via the Parish Clerk.

Where the event is a commercial event / activity, the Parish Council will typically make a charge for the use of the Green. The charge will be dependant on the extent of the area of the Green to be used and the duration of the event. Generally, the Parish Council will not make a charge for non-profit making, or charity events.

Depending on the nature of the event and any equipment involved, the Parish Council may require the organisers of the event to supply the Parish Clerk with copies of their Health & Safety policy, insurance and public liability policies and risk assessments.

Organisers of an event are expected to ensure noise levels from the event are not deemed unreasonable and there should be no noise generated between the hours of 11pm and 8am on any day of the week. The event organisers are expected to provide sufficient rubbish collection bins to support the size of the event, and ensure no litter or rubbish is left on the Village Green at the end of the event.

Should any damage be caused to the Village Green by an event, the Parish Council will require the event organisers to make good the damage, or choose to repair the damage themselves and charge the event organiser. To this end a deposit may be required from the event organisers at the time of booking the Village Green for an event, to be used by the Parish Council if remedial work is needed to the Village Green.

8. ENFORCEMENT

Where a party or parties are proved to have mis-used 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/ 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/ reinstatement or employ a contractor/individual; all costs incurred will be automatically charged to those individuals responsible for the damage or alteration.

Residents should advise the Parish Clerk, a Parish Councillor, or attend one of the monthly Council meetings for advice or facts on any issues relating to the Village Green, and before engaging in any form of activity that does not fall within the detail listed in this policy (see note 5 - Lawful Uses).

9. MAINTENANCE.

The Parish Council is legally responsible for the maintenance of all parts of the Village Green, be they grassed or covered i.e. shale, concrete or tarmacadam.

Whilst grassed areas are regularly cut and seeded, other areas may be subject to repair or replacement from time to time dependent on the degree of erosion they have received.

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.

10.REPLACING HARD SURFACES POLICY

Background:

As owners of Sarratt Green under Section 8/2 of the Commons Registration act 1965, The Parish Council is responsible for ensuring its maintenance in a safe condition relative to the nature and use of the area in question.

In this regard gravelled/tarmacked areas in their varying nature need to be maintained in a condition which allows for safe use by people, animals and vehicles. However, such maintenance need only be sufficient to meet the degree and nature of such use and need not, therefore, be to a fixed standard.

Gravelled/tarmacked areas of the Village Green generally fall into one of the following 3 categories:

1. Roads which are essentially vehicular thoroughfares and accessible to the general public as well as residents.
2. Roads, crossings & footpaths which are essentially vehicular and pedestrian accesses for one or more properties.
3. Those providing access or amenity space for the Boot public house in the village.

Maintenance Responsibility:

Category 1: Maintenance and cost responsibility rests with the Highway Authority. However, as detailed above, such maintenance need not be to a fixed standard and can be varied to suit the nature and degree of use of specific areas. In this regard should the Parish Council decide upon a particular recognised maintenance regime which does not meet the expectations of the residents involved then those residents will be required to pay any additional costs incurred in meeting their own requirements.

Category 2 & 3: Responsibility for these areas rests with individual owners or jointly with the property owners within a housing development. Should such areas become unsafe then the Parish Council will draw to the attention of those responsible the situation and require appropriate remedial action within a specified time frame at the owners' cost. If such action is not taken, then the Parish Council will step in to make the area safe on the basis of its legal responsibilities, and recharge the owners with the costs incurred. Further:

1. Any residents wishing to have a hard surfaced area under category 2 or 3 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. The residents will be required to cover the costs of the works required but such a requirement 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.

Details of the various areas included within the Green and their categories can be found on the following pages are shown in the appendix.

11. INSPECTIONS AND WORKING PARTIES.

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

From time to time the Parish volunteers will conduct working parties to carry out minor works in relation to the Green's maintenance and upkeep, i.e. seeding, pond clearances etc.

12. RIGHTS OF ACCESS.

There is a distinction 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 for many years), Parish Council's gave consent (in a formal document, not just a letter) 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 instead a consent to the use, so that the Parish Council could 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. Any access way should have been in use and already constructed in such a case. Where there is no long-term use there is no expectation that a right of way could exist for such use (i.e. vehicles) and it cannot be created by the Parish Council.

Use on foot only is already part of the public right to use the Green and so does not need to be created. Creating a new surface for foot use only e.g. to stop mud being carried into a house, may be contemplated if the Parish Council is 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 licence to use the path subject to it being properly maintained by those benefitting from it.

13. 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 the Parish Council, and in the case of trees covered by a Tree Preservation Order, or in Conservation Areas (as is the Village Green), also means Three Rivers District Council. The Parish Council is 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.

Contact should be made to the Parish Clerk, a Parish Councillor or by attending one of the monthly Parish Council meetings for any questions or queries in relation to the planting of trees and other plants on the Village Green.

14. ALTERATION OR CHANGE OF USE

Any requests to alter or new 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.

It is possible to change the use of Village Green in certain circumstances given that an equivalent piece of land in proportion is exchanged for the intended area of Village Green concerned, i.e. access to a new development.

In general terms it is not possible to obtain permission to alter or change the use of the Village Green given 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.

15. AVAILABILITY.

This document will be published on the Parish Council's website and copies may be obtained on application to the Parish Council or by contacting any of its Councillors.

16. 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. Sarratt should all be proud of its Village Green and feel honoured to live and be a part of a community that has the good fortune to have one.

Reviewed and adopted: 9 April 2024


Appendix: Schedule of Access across The Green.


Please refer to the map on page 2

| | | |
|--------------------------|---|--|
| Area number | 1 | |
| Address | Sarratt Hall Cottage | |
| Properties served | Sarratt Hall Cottage | |
| Access Category | 2 | |
| Photograph |  | |
| Construction | Gravel | |
| Condition | | |
| Agreement | | |
| Inspected | | |


| | | |
|--------------------------|--|--|
| Area number | 2 | |
| Address | Field owned by Sarratt Hall | |
| Properties served | Agricultural Field | |
| Access Category | 2 | |
| Photograph |  | |
| Construction | Grass | |


| | |
|------------------|---|
| Condition | |
| Agreement | 21.1.69 agricultural access owners of field to ensure tracks are rolled out and kept in good condition |
| Inspected | |

| | |
|--------------------------|--|
| Area number | 3 |
| Address | The Old Forge |
| Properties served | Springfield, Toledo, Little Toledo, Elm Trees, High Rising |
| Access Category | 2 |
| Photograph |  |
| Construction | Gravel |
| Condition | |
| Agreement | |
| Inspected | |


| | |
|--------------------------|--|
| Area number | 4 |
| Address | The Old Cottage |
| Properties served | The Old Cottage, Field |
| Access Category | 2 |
| Photograph |  |
| Construction | Grass |
| Condition | |


| | |
|------------------|--|
| Agreement | |
| Inspected | |

| | |
|--------------------------|--|
| Area number | 5 |
| Address | Wheatsheaf |
| Properties served | Wheatsheaf Cottage, Northend, Farthings, Lynburn |
| Access Category | 2 |
| Photograph |  |
| Construction | Tarmac |
| Condition | |
| Agreement | |
| Inspected | |


| | |
|--------------------------|--|
| Area number | 6 |
| Address | Chevins |
| Properties served | Chevins |
| Access Category | 2 |
| Photograph |  |
| Construction | Tarmac |
| Condition | |


| | |
|------------------|--|
| Agreement | |
| Inspected | |

| | |
|--------------------------|--|
| Area number | 7 |
| Address | The Rectory |
| Properties served | The Rectory |
| Access Category | 2 |
| Photograph |  |
| Construction | Gravel |
| Condition | |
| Agreement | |
| Inspected | |


| | |
|--------------------------|--|
| Area number | 8 |
| Address | Green Pastures and The Boot |
| Properties served | Green Pastures and The Boot |
| Access Category | 2 & 3 |
| Photograph |  |
| Construction | Gravel |
| Condition | |


| | |
|------------------|--|
| Agreement | |
| Inspected | |

| | |
|--------------------------|---|
| Area number | 9 |
| Address | The Boot |
| Properties served | The Boot & Car Park |
| Access Category | 3 |
| Photograph |  An aerial photograph showing an outdoor seating area with several wooden tables and benches arranged on a gravel surface. In the background, there is a building with a dark roof and white walls. The area is surrounded by trees and a road on the right side. |
| Construction | Gravel |
| Condition | |
| Agreement | |
| Inspected | |


| | |
|--------------------------|---|
| Area number | 10 |
| Address | Easton Green |
| Properties served | Easton Green |
| Access Category | 2 |
| Photograph |  An aerial photograph showing a gravel path leading to a building. The path is bordered by a well-maintained hedge. The area is surrounded by trees and a road on the right side. |
| Construction | Gravel |
| Condition | |


| | |
|------------------|--|
| Agreement | |
| Inspected | |

| | |
|--------------------------|--|
| Area number | 11 |
| Address | Field Adjacent to Pear Tree Cottage |
| Properties served | Field Adjacent to Pear Tree Cottage |
| Access Category | 2 |
| Photograph |  An aerial photograph showing a grassy field with a dirt path leading towards a row of brick and white cottages. A circular arrow icon is visible on the grass in the foreground. The sky is overcast. |
| Construction | Grass |
| Condition | |
| Agreement | |
| Inspected | |


| | |
|--------------------------|---|
| Area number | 12 |
| Address | Pear Tree Cottage |
| Properties served | Pear Tree Cottage |
| Access Category | 2 |
| Photograph |  An aerial photograph showing a gravel path leading towards a row of cottages. The path is on the right side of the frame, and the cottages are visible in the background. The sky is overcast. |
| Construction | Gravel |
| Condition | |
| Agreement | |


| | |
|------------------|--|
| Inspected | |
|------------------|--|

| | |
|--------------------------|--|
| Area number | 13 |
| Address | The Old Church |
| Properties served | The Old Church (former Baptist chapel) |
| Access Category | 2 |
| Photograph |  An aerial photograph showing a gravel path leading from a grassy area towards a church building. The church has a prominent gable roof and a steeple. To the left of the church, there are residential houses and a large green hedge. The sky is overcast. |
| Construction | Gravel |
| Condition | |
| Agreement | |
| Inspected | |


| | |
|--------------------------|---|
| Area number | 14 |
| Address | Great Wheelers Farm |
| Properties served | Great Wheelers Farm |
| Access Category | 2 |
| Photograph |  An aerial photograph showing a gravel path leading from a grassy area towards a farm building. The path is bordered by a large green hedge and trees. In the background, there are residential houses and a road. The sky is overcast. |
| Construction | Gravel |
| Condition | |


| | |
|------------------|--|
| Agreement | |
| Inspected | |

| | |
|--------------------------|--|
| Area number | 15 |
| Address | Great Wheelers Barn |
| Properties served | Great Wheelers Barn, Great Wheelers |
| Access Category | 2 |
| Photograph |  |
| Construction | Gravel |
| Condition | |
| Agreement | |
| Inspected | |

| | |
|--------------------------|--|
| Area number | 16 |
| Address | Green End Farm |
| Properties served | Green End Farm |
| Access Category | 2 |
| Photograph |  |
| Construction | Gravel |
| Condition | |
| Agreement | |

| | |
|------------------|--|
| Inspected | |
|------------------|--|

| | |
|--------------------------|--|
| Area number | 17 |
| Address | Village Hall |
| Properties served | Village Hall, Dell Cottages |
| Access Category | 1 |
| Photograph |  |
| Construction | Tarmac |
| Condition | |
| Agreement | |
| Inspected | |

| | |
|--------------------------|--|
| Area number | 18 |
| Address | Sarratt School |
| Properties served | Sarratt School & Myrtle Cottages |
| Access Category | 1 |
| Photograph |  |
| Construction | Tarmac |
| Condition | |

| | |
|------------------|--|
| Agreement | |
| Inspected | |