



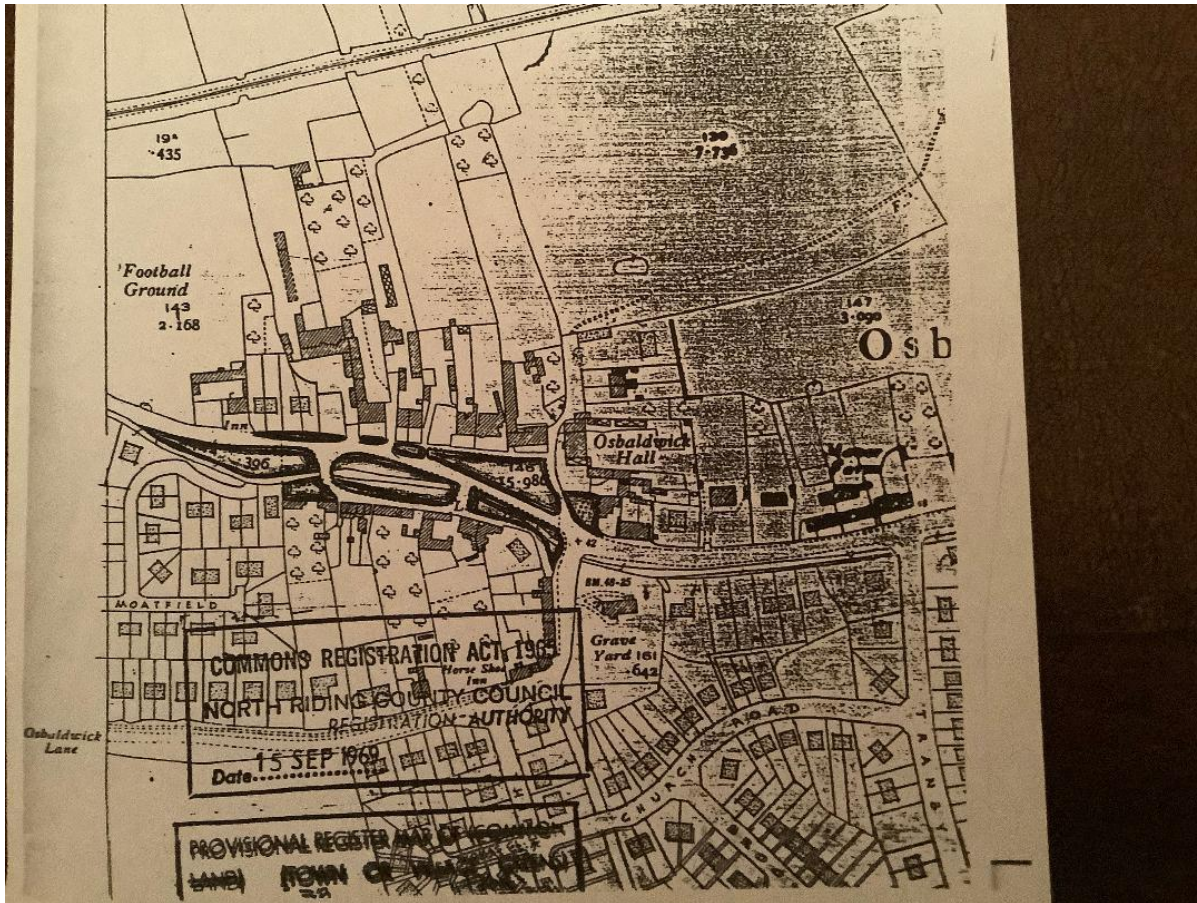
Osballdwick Village Green Policy



Osballdwick Parish Council

Date Approved: 14th November 2022

The Village Green in Osbaldwick was registered under the 1965 Commons Act in 1968 by North Riding County Council the title of which was purchased along with the Manorial Title in 2017 by Osbaldwick Parish Council from the previous long term title owner resident in the village.



The Village Green land as currently recorded and mapped by City of York Council;



Since purchase of the Village Green land the Parish Council has carried out various improvement works necessary for the continued use and enjoyment by the public of the Village Green.

Both bridges over the beck have been rebuilt and the access tracks have been renovated despite the ownership of these parts of the Green not as yet being formally recognised by City of York Council despite an application to formalise the position that is pending consideration.

This policy document is not a legal document and nothing within it is to be given as legal opinion, practical directions issued by Osbaldwick Parish Council are drawn from Primary legislation of which there is much published material.

Village Greens are protected under various legislation, notably Section 29 of The Commons Act 1876 and Section 12 of The Inclosure Act 1857.

Section 12 makes it a criminal offence to do any act which injured a Green or interrupts its use as a place for exercise and recreation. section 29 also makes it an offence to permanently encroach upon or 'inclose' a Green, or build upon or disturb the soil of a Green otherwise than with a view to its better enjoyment.

Accordingly it is not possible for the Parish Council to give consent to do any works that contravene this legislation, as to give such approval would be condoning a criminal offence.

The full list of legislation protecting Village Greens is available at www.defra.gov.uk and the Open Space Society is a useful source of information and guidance.

City of York Council holds the Common Land, Town and Village Green register for York.

Osbaldwick Parish Council Village Green Policy.

(i) Osbaldwick Village Green is owned and maintained by Osbaldwick Parish Council which is the organisation responsible for the protection and upkeep of the Green, and rulings or actions will be made by the Parish Council in accordance with legislation and published guidance from authoritative bodies such as DEFRA.

(ii) Lawful uses, whilst not exhaustive this is a list of Lawful uses of a Village Green;

Walking across the Green, with or without a dog.

Playing sports and games.

Use of existing paths for access/egress on foot.

Use of existing prescriptive rights of access that cross the Green with a vehicle.

Use of the Green for organised recreational events licensed and insured by the Parish Council.

(iii) Prohibited uses include;

Any physical alterations to the Green.

Fencing of the Green or otherwise making the Green inaccessible to the public.

Willful damage by vehicles or horses, or the storage/siting of building materials unless with the express written consent of the Parish Council.

The driving over or direction to drive over the Village Green bridges and/or access tracks with HGVs without the express written consent of the Parish Council.

Planting of trees except by the Parish Council.

The Pruning or felling of any trees except by the Parish Council.

The building or introduction of any structure except by the Parish Council.

The driving of a vehicle across grassed areas.

Parking of vehicles on the Green unless with the express permission of the Parish

Council.

Camping or caravanning on the Green.

(iv) In terms of statutory undertakers there are no rights over and above the existing wayleave agreements in place for maintenance to existing infrastructure within the confines of the Village Green land, accordingly any adjacent highway works not within the remit of existing wayleave agreements include the following prohibitions;

The parking of statutory undertaker's vehicles on the Green unless granted express permission by the Parish Council.

The siting of materials, road signs, work cabins etc unless granted express permission by the Parish Council.

(v) In terms of the City of York Council as Highway Authority there are no rights for the placing of infrastructure on or within the Green without the express permission of the Parish Council.

Whilst a degree of common sense will always be used in interpreting the possibilities for use of Osbaldwick Village Green the overriding factor must and always will be protection against damage, maintaining access and enjoyment for all in the neighbourhood and guarding against unauthorised changes of use.

The Parish Council will always be pleased to advise on use of Osbaldwick Village Green, the first point of contact being the Parish Clerk for statutory undertakers but residents are of course free to contact any Parish Councillor for advice.

(vi) Enforcement.

If Osbaldwick Village Green is/has been unlawfully used, damaged or obstructed the Parish Council if aware at the time of such actions will take actions available to them under law to seek cessation of such activities.

Much of the protection under the Victorian 1857 and 1876 Acts regards criminal offences and North Yorkshire Police will be requested in the first instance to deal with such actions.

Those responsible for any damage will be required to pay all subsequent costs in relation to repair of the Green and works will be subject to the timescales required by the Parish Council, if the Parish Council have to commission contractors for repair/reinstatement works all costs incurred will be charged to those responsible for the damage.

(vii) Maintenance.

Osbaldwick Parish Council maintains all grassed areas of the Village Green, the access tracks to properties (including Gallygap Lane) the two bridges over Osbaldwick Beck, the bus stop sign and bench, fencing, railings and other signage on the Green. All decisions relating to maintenance and repair of Osbaldwick Village Green will be taken by Osbaldwick Parish Council in the first instance.

Inspections and maintenance requirements will be formally recorded in Parish Council minutes any necessary works will be prioritised with resources made available.

(viii) Trees.

All trees on Osbaldwick Village Green are in the ownership of Osbaldwick Parish Council, they must not be cut down or pruned in any way and permission will not be given for any interventions by anyone other than trained professionals under the direction of the Parish Council.

The Parish Council pay for a regular professional tree health inspection by the City of York Council and will respond to any necessary interventions or concerns outside of these inspections as needed.

(ix) Alterations or Change of Use.

Any requests seeking to alter or make new use of Osbaldwick Village Green should first be referred to Osbaldwick Parish Council and it must be noted that the first duty of the Parish Council is to protect the Village Green and the Parish Council has only very limited powers to sanction any alterations that involve the loss of Village Green land.

Any alterations must be for the 'better enjoyment' of users.

The Commons Act 2006 sets out how changes of use and significant alterations are managed, with applications submitted to the Secretary of State via the Planning Inspectorate.

Osbaldwick Parish Council would be very unlikely to support any such applications.

Osbaldwick Village Green is a part of the heritage of Osbaldwick and the Parish Council are proud to own and maintain this important part of the Parish, it is vital to see this area protected as much as possible for the continued enjoyment of the Green by the residents of Osbaldwick.

This policy document seeks to put in place clear statements that can be referred to in the future should it be necessary.

