

# Ravensworth Parish Council

## **The Village Green: a policy for decision making by the Council.**

The village green is an asset which the residents of Ravensworth value. It is visually pleasing, provides an area on which residents and visitors can relax and is a natural play area for children. It is maintained by the Parish Council (RPC) who arrange for the grass to be cut regularly, the trees and shrubs trimmed, the seats maintained and the upper and lower cart track kept in order. In a recent questionnaire the maintenance of the green and its amenities were valued highly by residents.

The village green was given to the village by the late Major G. H. Craddock in 1960. In the letter of gift he charged the Parish Council with "maintaining the green for the use of the residents of the parish". The green is registered with North Yorkshire County Council (NYCC), code VG 80, and the RPC is the "owner pursuant to Section 8(3) of the Commons Registration Act 1965". The RPC is therefore bound by such laws and local statutes as apply to village greens. Until now the RPC has interpreted its role in the "maintenance of the green" by following the principle that change is prohibited by the laws regulating village greens. However the law may not be so rigid as to prevent any change or improvement. If the RPC and the residents were to agree that a particular easement was desirable, document LTN 57 produced by the National Association of Local Councils states that easement may be obtained by prescription if the following conditions are met:

1. The right claimed has been exercised for 20 years or more.
2. No force has been used to enjoy the right claimed.
3. The use of the land must not have been secret.
4. The owner must not have given permission.

In order to apply for such an easement for a proposal the RPC must be aware of the views of the residents of Ravensworth and must agree that the proposal is within the spirit of their brief to maintain the village green for the use of the residents.

A questionnaire was circulated to all houses in the village in September 2009. In their replies the following points were considered important:

1. The grass should be cut regularly (as now).
2. The lower and upper cart tracks be better maintained.
3. Several respondents requested that they be allowed to modify the area between the cart track and their property to allow paving or standing for the owners' motor vehicles.

The RPC is aware of the desire by residents to upgrade the cart tracks. However the cost is far beyond the budget available to the RPC. Negotiations are proceeding with the Education Authority for financial assistance to upgrade the lower cart road, but no money has yet been allocated. Any upgrade the upper cart road, (or both lower and upper cart roads if no other funding can be obtained) will have to be financed by the residents of Ravensworth.

The suggestion that residents be allowed to develop the area of the green adjacent to their property deserves further consideration. It has not been allowed in the past. If RPC were to propose that it would consider applications from residents, all applications should be treated openly and fairly using agreed guidelines. The Council would like to suggest the following framework:

1. The owner submits a proposal in writing to the RPC (including plans and drawings if appropriate).
2. The RPC will decide at a properly constituted Council meeting whether the proposal is appropriate, balancing the improved amenity for the resident against the alteration of availability of that part of the green for other residents. The decision of the RPC will be communicated to the proposer in writing before any alteration to the green is made. Normally only the area between the front of the property and the cart track would be considered. The RPC reserves the right to refuse permission if the proposal is considered unsatisfactory or inappropriate.
3. The owner proposer will bear the whole cost of the improvement to be made and reimburse any cost the RPC incurs for administration or legal opinion resulting from the proposal.
4. The RPC will remain the owner of the land and retains the right to reclaim the area involved for the use of other residents if appropriate.

This paper and, in particular the framework for decision making will be discussed after the Annual General Meeting of the RPC on 4<sup>th</sup> May 2010. You are invited to attend to express your views. If it is the will of the residents, the Council will take this proposal to the proper Authority for consideration and hopefully, agreement. No proposal will be agreed until this process is completed.

Nigel Bateman.  
Chairman, Ravensworth Parish Council