

ELTON PARISH COUNCIL
INTERNAL MEMORANDUM

To: Parish Clerk Kerry Rew

Copy: Parish Councillors Tim Cummins, Richard Donoyou (Chair), Sylvi Ranford, Richard Smith (Vice Chair), Shirley Strowbridge

From: Elton Parish Council, Village Greens Work Group
(Parish Councillors Malcolm McCann, Ian Ross, Kathryn Taylor, Paul Willson)

Date: Tuesday, 14th March 2023 Reference: EPC20230314VGWG

Subject: **ELTON PARISH COUNCIL – VILLAGE GREENS WORK GROUP REPORT**

(1.) INTRODUCTION

Item 6.1 of the minutes of the parish council meeting of Elton Parish Council held on Tuesday, 6th September 2022 regarding parking of motor vehicles on the registered village greens known as Stocks Green and Block Green (registered as The Village Green) records that,

“A working group comprising Cllrs McCann, Ross, Taylor, and Willson will discuss a gradual approach to protection and maintenance to be made clearly visible to visitors, and to investigate further the legal position of the council.”

In accordance with the instruction from Elton Parish Council, this report has been prepared for submission and presentation by the Village Greens Work Group to Elton Parish Council at the parish council meeting to be held on Tuesday, 14th March 2023 (refer to agenda item 7.3.).

- Further supporting information will be provided to Elton Parish Council at and following the parish council meeting of the 14th March so that this report plus the supplementary information can be reviewed and considered by the parish councillors prior to the subsequent parish council meeting planned for the 11th April 2023.

Recommendations are presented in this report for review and consideration prior to the parish council meeting planned for the 11th April 2023.

This report and the recommendations herein take into account the research undertaken by the Village Greens Work Group regarding the legal status of the village greens and the lawful action that can be taken to preserve them; a review of the history of the village greens and previous actions, questionnaires and debates regarding the village greens; representations made by residents requesting that action is taken or not taken; and the approach taken by some other parish councils in a similar environment.

(2.) SUMMARY

Vehicle parking on the village greens causes damage to the greens, and encroachment by vehicles onto the greens interrupts the right of the residents to enjoy the greens as legally intended for sports, exercise, recreation, leisure and pastimes.

Stocks Green and Block Green are registered “Village Greens” under the Commons Registration Act 1965; the village greens are not common land and do not have any registered rights of common. Stocks Green and Block Green are both legally owned with freehold by Elton Parish Council.

- Elton Parish Council, both as owner and as the relevant local authority, has a duty to protect the village greens from damage and to reserve the village greens for their legally intended use.

Recommendations are presented below.

- Following review and due consideration of this report and the recommendations contained herein, and the supplementary information provided, a motion (or motions) will be proposed as agenda item(s) for the parish council meeting planned for the 11th April 2023 to be seconded, moved to a vote and agreed as binding resolutions (or amended or rejected) at that meeting.

(3.) RECOMMENDATIONS

(3.1.) PARK RESPONSIBLY CAMPAIGN

It is recommended that there should be a public information campaign to highlight the damage caused to the village greens by parking of motor vehicles, especially the damage caused during wetter weather when such parking results in destruction of grass cover, churning of the soil and creation of extensive, muddy quagmires.

- The campaign should request users of motor vehicles to consider the damage they are causing to these village assets and politely request that vehicles should not be parked on the village greens.
- Such a campaign can be conducted with leaflets delivered to residents; leaflets and a poster in The Crown Inn; emails; Facebook; Instagram; and the parish council website.
- The campaign would inform local residents, some who park on the village greens themselves and even allow their hired contractors and tradesmen to park on the village greens (recent white vans parked on the east side of Block Green by Duck Street), also the customers of The Crown Inn.
- Such a campaign would be passive, polite, low-cost and use information, education, persuasion and pleading to explain the need to protect the village greens and request the cooperation of residents.
- Signage would be useful to reinforce that the parish council own the village greens, the village greens are not open access land for free use.
- Applications to use either village green other than for the statutory purposes should be made in writing to the parish council.

(3.2.) STOCKS GREEN TRIAL

Stocks Green and Block Green, although identical in law, have somewhat different characters and environment.

- Stocks Green is close to, and next to the public footpath to, Elton Lock and the River Nene; therefore, Stocks Green is the preferred parking area for visitors to Elton Lock and the banks of the River Nene. Stocks Green suffers with mass parking by visitors during periods of sunny, dry, warm weather. There are already posts installed protecting part of the fringe of Stocks Green, and white boulders placed unofficially to deter encroachment by vehicles.

- Some residents around Block Green appear to be happy for parking on the village green to avoid parking near to their own properties. Block Green is close to The Crown Inn so customers of The Crown Inn tend to park vehicles around or on Block Green.

It is recommended to:

- consider Stocks Green and Block Green separately for any positive actions or physical measures to prevent damage to the village greens and encroachment by vehicles on the village greens;
- perform a trial of physical measures to protect, or partially protect, Stocks Green or parts thereof, as described further below.

Severe damage has been caused to parts of Block Green during recent months, particularly the east side and the corners, causing complete removal of grass cover. Following the recommended trial measures on Stocks Green, similar measures could be considered in the future for Block Green.

(3.3.) PROTECTIVE MEASURES

It is recommended to install intermittent fixed bollards along parts of the fringe of Stocks Green, as described further in the plan and supplementary information attached, the bollards being of a similar size and quality to the case study presented.

- The bollards will not enclose Stocks Green but merely protect the corners and some parts of the fringe of the village green.
- The bollards will formalise and uniform the present obstructions where white posts have been installed, and white boulders have been installed unofficially by residents, attempting to protect the village green from damage caused by vehicles, in response to the inaction of the parish council to protect Stocks Green.
- The bollards will reduce (but not totally prevent) encroachment by motor vehicles onto Stocks green and such bollards would re-enforce the legal principle that Elton Parish Council is the custodian of Stocks Green.
- Signage stating “No Parking” should also be installed.
- The bollards will only partially prevent encroachment by the parking of motor vehicles on the village greens, and will not in any way prevent free access by pedestrians.
- Such bollards installed around parts of the fringe of Stocks Green would still allow for free and easy access to Stocks Green by local residents to use and enjoy as legally intended for sports, exercise, recreation, leisure and pastimes without hindrance or discrimination.
- As the bollards would only be installed around parts of the fringe of Stocks Green, there would still be access for motor vehicles authorised by the parish council as necessary for maintenance to Stocks Green or trees on Stocks Green or to support any social event authorised by the parish council to be held on Stocks Green.
- There would be prior correspondence and discussion with residents of Stocks Green and River Lane to explain why the measures are being taken to protect Stocks Green.
- The effectiveness of the bollards would be monitored and reviewed as a trial over the course of 12 months to consider further extension on Stocks Green or use on Block Green.
- Financing the cost of this recommendation is described below.

(3.4.) PROJECT FINANCING

It is recommended:

- If a resolution is passed to install the protective bollards on parts of the fringe of Stocks Green as recommended in this report, best efforts should be made to minimise the cost to the parish council by seeking grant funding, such as the Augean Community Fund (Landfill Communities Fund); Augean Revenue and Small Capital Grants Fund; National Lottery Grants for Heritage; National Lottery Awards for All England; or other funding that may be available. Should grant funding be unavailable or unable to cover the entire cost of the recommended measures, costs will be paid from the £10,000 estimated expenditure allocated for village greens maintenance in the financial forecast for 2023-2024.
- **Elton Parish Council should NOT** spend any substantial amount of public funds on repairing damage to the village greens until there is an effective plan and agreement with residents for measures to sustainably protect the village greens from further damage caused by parking of motor vehicles.
- Spending to repair the village greens is a fruitless waste of public funds if the village greens are allowed to be unofficial car parks, suffering damage every summer by excessive car parking by visitors to the River Nene and damaged every autumn and

winter wet season by local vehicles parking and gouging the grass cover and churning the soil.

- The substantial funds presently allocated in the financial forecast for repairs to the village greens can be reallocated to road safety and traffic calming measures or other projects benefiting the residents.
- Repairs of the unprotected village greens should be limited to some grass reseeding and manual work by willing volunteers at zero or minimal cost.
- Any areas reseeded must have temporary barriers erected to protect the reseeded area from repeat damage (such temporary barriers are already available within the parish, having been used to protect past repair work on Stocks Green).
- Residents, businesses and any community group preferring Block Green to remain as an unofficial car park can undertake repair work themselves when Block Green suffers damage caused by car parking.
- The financial forecast of Elton Parish Council should be revised to reflect this recommendation.
- The 2023-2024 forecast amount of £10,000 should be reduced to a maximum of £2,000 to cover only occasional maintenance and minor repairs (unless expenditure is required to install bollards around parts of Stocks Green as recommended above).
- "Greens maintenance" estimated expenditure over the three year business plan period of 2022-2023, 2023-2024, 2024-2025 (6 September 2022) sums to £30,000, an average amount of £10,000 per year over three years. Reduce that amount from £10,000 per year to a maximum of £2,000 per year for normal maintenance and minor repairs, thus freeing £24,000 in the 3-year business plan for other projects benefiting the residents of Elton.

(3.5.) MONITORING, REVIEW AND CONSULTATION

If protective bollards are installed along parts of the fringe of Stocks Green as recommended in this report, it is recommended:

- The effectiveness of such bollards needs to be monitored and assessed, both regarding mass parking by visitors during periods of sunny, dry, warm weather, and damage caused by parking during periods of wet weather.
- The effectiveness of the bollards should be reviewed after a period of one year following installation.
- Feedback from residents should be considered as part of the annual review. Feedback from residents can be submitted in writing and via a formal consultation process including a 28-day consultation period announced by the parish council following the annual anniversary of the bollards being installed. The formal consultation can include a questionnaire asking whether the measures have been successful; if further measures are needed; if safety and anti-social behaviour issues have improved, etc.

(4.) CONCLUSION

Much time has been spent by the Village Greens Work Group clarifying the legal standing and ownership of the village greens; researching the legal position regarding use of village greens, access to village greens and vehicle access, driving and parking on village greens; considering past debate, questionnaires and actions regarding the village greens; researching the actions of other parish councils with similar issues; and considering a "gradual approach to protection" as instructed by the parish council.

It is the joint opinion of the Village Greens Work Group that the recommendations herein offer an opportunity to protect (or at least partially protect) Stocks Green as a trial by discouraging excessive or damaging parking on that village green, while leaving Block Green unprotected until the effectiveness of the measures at Stocks Green are reviewed. Also, the recommendations minimise the expenditure of public funds, thus freeing funds for other projects benefitting the residents of Elton.

However, whether the recommendations stated in this report are acted upon, or any other actions to protect the village greens are instigated, is up to Elton Parish Council to decide.

Should you have any comments, queries or require any further information at this stage or at any time prior to the parish council meeting planned for the 11th April 2023, please do not hesitate to contact any of us at your convenience.

Yours sincerely,

Kathryn Taylor, Ian Ross, Malcolm McCann, Paul Willson

Supporting information issued at or following the parish council meeting of 14th March 2023:

- Case study description, with photographs, of partial protection of the village green in the parish of Gainford (most of the village of Gainford is in a Conservation Area).
- Recent photographs of severe damage to Block Green.
- Photographs of encroachment of vehicles during periods of mass parking on Stocks Green.
- Memorandum EPC20221010IAR, 10 October 2022, clarifying the registration and ownership of the village greens.
- NALC Legal Topic Note 56, August 2015, regarding village greens.
- Defra guidance of the protection of town and village greens, January 2010
- Defra Vehicular access across Common Land and Town or Village Greens: Non-Statutory Guidance Note, October 2007.
- Hannington Parish Council 2017 report.
- Bishopton Village Green Policy and Procedures, September 2018.