

From "Yorkshire Local Councils Associations" <admin@localcouncils.org>

To clerk@appletonwiske.com

Date 19/10/2023 12:19:46

Subject Ticket #1786517: Village Green Parking

Ken Blackwood,

The following ticket has been updated:

Ticket #: 1786517

Subject: Village Green Parking

Status: Closed

Priority: Important

Category: Village Greens

Date: Thu, 19 Oct 2023 12:19:44 +0100

Author: Karen Mann

KAREN MANN

LOCAL COUNCILS ADVISORY AND TRAINING OFFICER
YORKSHIRE LOCAL COUNCILS ASSOCIATIONS

Please do not respond to this e-mail, ie to admin@localcouncils.org You will not get a response. If you are asked to provide more information or have further questions in this matter, please log back into this ticket using the link, enter your info/enquiry and save. This will update the ticket. Do not e-mail any additional information or questions to our admin address or direct to a YLCA officer's e-mail address. Thank you.

Dear Mr Blackwood,

APPLETON WISKE PARISH COUNCIL – VILLAGE GREEN PARKING

Thank you for your enquiry of 13 October 2023 on behalf of Appleton Wiske Parish Council, regarding village green parking.

These Associations would advise that, having looked back at previous casework, we provided the council advice in 2017 and we were provided with the council's Village Green Policy (attached) which states at 1.2 that parking or driving of vehicles will not be allowed on the grassed areas of the village green. Has this policy been reviewed since 2013? Village greens are open spaces that local inhabitants can use for 'lawful sports and pastimes' registered under the Commons Act 1965 or the Commons Act 2006.

Please find attached the NALC Legal Topic Note 56 – paragraph 14 – NALC takes the view that the following activities may not be undertaken for the better enjoyment of village greens and may, therefore, be unlawful, the first bullet point is general car parking (i.e. which is unrelated to the recreational use of a green).

Please note the NALC Legal Topic Note 57 – Easements over Common Land and Village Greens, gives an explanation of easement over village greens and whilst it is possible for an

easement to be granted over a village green, whether or not an easement should be granted in any given case will depend on the extent to which such use would injure the green.

To access any attachment that we are sending to you, scroll to the foot of this e-mail and access the attachment via the link provided.

We have received advice from the NALC solicitor regarding a similar situation in that "cars are already parked where it is proposed to provide parking, and therefore the surface of that part of the village green has already been disturbed. Under the Victorian Acts, the Parish Council should consider taking action against the people parking in that location. However, taking action is a power, not a duty, and the Parish Council might conclude that it is not necessary in these circumstances".

If owners of other premises around the village currently park on sections of the village green where planning approval has previously been given to create new dwellings and to convert existing garages, which had access across the village green, into rooms in their properties was this before the council adopted its Village Green Policy and did the council consider the legislation that prevents parking on a village green at that time? There should be a minute of what took place when parking was considered at a council meeting.

We hope that this has been helpful. Please do not hesitate to contact us should you need any further information.

Yours sincerely

Karen Mann

Local Councils Advisory and Training Officer

SAVE THE DATE : Talking Tables Training Day (Sponsored by Breakthrough Communications, Parish Online and Blachere Illuminations) on Friday 10 November 2023, at The Bridge Hotel & Spa, Walshford, Wetherby LS22 5HS. The draft programme is available on the YLCA website.

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You may view your ticket and download any attachments here:

<https://www.yorkshirelca.gov.uk/member-support/1786517#element-1788144>

Thanks

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Yorkshire Local Councils Associations