

**GRIMLEY PARISH COUNCIL – WORCESTERSHIRE THIS DOCUMENT IS DRAFT****Managing activities on parish council owned land POLICY Grimley Parish Council**


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Published by WCALC: N/A. NALC: N/A.

Draft 1.1 20/05/2025 with changes 02/06/2025 and October 2025

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**1. Introduction**

1.1 Common Land and Village Greens are part of our heritage and are an integral part of our community and, as such, should be protected and enjoyed by everyone as much as possible and as safely as possible, and especially by the residents of the parish that they are connected with. We are fortunate in the Parish of Grimley to benefit from the Village Green at Sinton Green and the Common Land at Monkwood Green, the latter being recognised as an area of exceptional biodiversity and registered as a Site of Special Scientific Interest (SSSI). We aspire to these open areas being **“cherished and safely enjoyed by residents and admired by visitors, preserved for future generations and with enhanced ecosystems and biodiversity”**.

1.2 A Parish Council must not allow a Common or Village Green which it owns to be encroached upon or to be misused and must have due regard to all health and safety laws. A degree of common sense must prevail in the possibilities of the Common and Green use. However the overriding factor must be protection against damage and change of use. This policy is a reference document that touches upon what is and is not allowed by default under the law, and lays out what the parish council has set as restrictions on uses in order to achieve the aspiration in 1.1 above. This document acknowledges that the needs of the residents vary in each location.

**1.3 Registration.** Grimley Parish Council asserts full ownership of the Common and SSSI at Monkwood Green and Sinton Green village green. A copy of the documents and maps held by the Land Registry and parish council are available upon request (WR168816 for both holdings).

Figure 1 left below: Monkwood Green – Common Land and a Site of Specific Scientific Interest. (What3Words: ///spouting.trucks.manly)



Figure 2 right above: Sinton Green – Village Green. (What3words: ///chose.laugh.zoom)

1.4 See Appendix 1 for definitions of Common land, village greens and Sites of Specific Scientific interest (SSSI)

## 2. Consultation - Steps that this parish council will undertake prior to adoption of this policy

2.1 Public consultation. Advise people that there is a policy and give them the chance to engage over a period of 3 months, with an additional 3 months to publish final outcomes.

2.2 Notify residents on Facebook and parish magazine, give two months for comments (document available on website) and then have a leaflet pulling out the key points to all residents.

## 3. Laws granting pedestrian access and governing management

3.1 In the case of Common Land – the Countryside and Rights of Way Act 2000 – also known as the ‘Right to Roam’ act, grants access and sets restrictions. Common land is not public land under UK law. See Appendix 1 for further information.

3.2 In the case of Village Greens – the designation itself grants access and sets restrictions. Village Greens are considered public land under UK law. The following is a list of the most common legislation that exists for the protection and rights that cover the Village Green; 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 & Rights of Way Act 2000 Local Gov. Acts 3

3.3 Access can be withdrawn at any time without notice or consultation if the land-owners deem it immediately necessary to protect the welfare and safety of the public. All due information and notice will be provided to residents and anticipated timelines given for resolving any safety issues. The parish council accept no liability for financial compensation in these instances.

**4. Birchall Green and Oakhall Green and the two smaller triangles at the junctions to Grimley village.** – this policy does not cover the small hamlet greens at these locations. This land historically has on occasion been maintained by the parish council but no ownership has been registered by the parish council for this land. Queries should be directed to Worcestershire County Council.

5. This policy does not cover the land held by the **smaller charities/peace hall/ parochial church council or the ‘Hallow Fields’ wildflower meadow owned by the district council at Grimley.**

## **A list of activities associated with the Common and Village Green and parameters for regulation**

**Preamble.** None of the below represents a material change to the status quo. This policy makes no comment on the needs/requirements of existing commercial businesses. Some businesses have been in operation on and adjacent to Monkwood Green for example for over 50 years. As stated above in 1.2 the aim of this document is to prevent new and additional encroachment, ensure access and fair management and maintain health and safety moving forward.

### **1. Vehicular Access**

- 1.1 No new vehicular access will be permitted across the Common/SSSI/Village Green without the written approval of the Parish Council. Any unauthorised access created without approval could be closed by the Parish Council and the cost of the works passed to the resident responsible.
- 1.2 This excludes the Service Roads across Monkwood Green Common – which are subject to individual access agreements with each household on the Common.

### **2. Parking**

2.1 Where residents have garages or drives on their properties we ask them to use them. For those who claim to have insufficient parking or no parking or garage space within their property, they are not entitled under current legislation or access rights to park on the Common/SSSI/Village Green or the verges on the Common/SSSI/Village Green as owned by the parish council.

2.2 This excludes the Service Roads across Monkwood Green Common – which are subject to individual access agreements with each household on the Common. Due regard must be given to 2.4 below.

2.2 No new hard-standing (e.g. concrete or tarmac surfacing) or gravel or vehicular appropriate surfaces are to be laid on the Common/SSSI/Village Green by any individual or household or business for any purpose whatsoever, including car parking.

2.3 The verges are part of the Common/SSSI/Village Green and must not be used for parking of any vehicle or in lieu of passing places. This includes activities at public houses and the parish hunt.

2.4 The service roads must be kept clear to allow access by emergency vehicles.

2.5 Ownership of the access roads/service roads lies with the parish council. This policy makes no comment on or changes to the existing parking experience granted or not, acquired or not by the Fox Inn pub, Monkwood Green. This policy makes no comment on or changes to the existing parking experience granted or not, acquired or not by the plant sales business adjacent to Moorlands, Monkwood Green

2.6 In certain circumstances the parish council permits parking on the Village Green second smallest triangle for fetes and such events. This must be arranged via written permission of the parish council and a risk assessment carried out by the organiser. Only designated access points must be used, in order to protect the integrity of the village green verges.

**3. TRACK MAINTENANCE (Service Roads)** – Monkwood Green only, as the parish council does not own any access roads or highways at Sinton Green

3.1 It is for the Parish Council alone, at a regular meeting, to decide whether track maintenance should be allowed and no track maintenance, alteration or change by any householder is permitted without the express written authority of the Council. The Council will not allow work to be undertaken without its explicit consent.

3.2 Residents who feel that a track is in need of repair should contact the Parish Council in writing for approval before any repairs or resurfacing takes place. No reasonable request for this will be refused. If approval for repair / resurfacing is given the Parish Council will identify the materials that should be used. A specification has been drawn up for the materials suitable for resurfacing Common tracks which varies depending on the length, track location and the severity of the work required. No materials not specified by the Parish Council can be used. The Parish Council has the right to remove any resurfacing carried out without approval and pass the cost of the removal to the resident responsible.

**4. Building materials and skips**

4.1 Skips and building materials must be sited on the resident's property and not on the Common/SSSI/Village Green.

4.2 Where building work necessitates the siting of a skip or building materials on the Common/SSSI/Village Green because the nature of the work makes it impossible to site them on the resident's property, permission must be sought in advance from the Clerk before deliveries are made and work commences. No reasonable request for this will be refused.

4.3 The property owner is liable to third parties for any claim for damage or injury and must be appropriately insured, either through themselves or by the skip hirer. Protective material must be laid under building materials to minimise damage to the ground. Any damage caused to common land will be made good by the resident within three months in accordance with guidelines that the council will provide for the most appropriate form of restoration.

**5. Planting**

5.1 The Common/SSSI/Village Green all support a diversity of habitats. Monkwood Green common supports a number of rare plants and invertebrates. This ecology can easily be altered by the introduction of garden or non-indigenous plants.

5.2 The planting of any flowers, plants, shrubs, trees or hedges on the Common/SSSI/Village Green is not allowed unless specifically requested or approved by the Parish Council. However, the Council may permit certain groups to make plantings of native species in specific circumstances with permission gained in writing before hand (The PC handles all aspects of gaining Natural England consent where applicable). Memorial trees are not permitted without written consent.

5.3 Temporary Christmas Trees placed for community events are permitted if the parish council is given simple notice.

## 6. Encroachment

6.1 No one may annex any part of the Common/SSSI/Village Green. Stones or markers may not be used on the Common/SSSI/Village Green as they may, however unwittingly, imply an extension of private land into common land. Encroachment includes specifically mowing areas of the Common/SSSI/Village Green in such a way as to imply private ownership, installation of new gates (pedestrian or vehicular), the erection of steps and stiles, benches and any object which could lead to the impression of enclosure by the house owner of any part of the Common/SSSI/Village Green.

6.2 Rubbish bins should be stored within the property boundary and not outside of the property on Common/SSSI/Village Green.

## 7. Grazing, Grass cutting and weed control

7.1 Garden cuttings and general garden waste must not be deposited on any part of the Common/SSSI/Village Green. It is the responsibility of all residents to dispose of their garden waste responsibly. This is particularly important on the SSSI, as grass cuttings alter the pH of the soil.

7.2 Grass verges immediately adjacent to a residential property may be cut and kept tidy, with all arising removed and disposed of by the resident and not left on the Common/SSSI/Village Green. It is not acceptable to mow small patches to create the impression of a private garden lawn and public access must not be restricted as a result of any cutting. The householder may cut back nettles, docks and thistles adjacent to his/her home.

7.3 The use of weed-killer of any kind by residents beyond the boundaries of private property is not permitted.

7.4 Grazing on Monkwood Green Common and SSSI is covered by a separate grazing policy and is subject to written consent and also notification of the Commoners Association. Grazing on the Village Green is prohibited.

7.5 On occasion the parish council will allow designated sections of the Village Green to grow long in order to encourage pollinating flowers.

## 8. Recreation and events

**Preamble** - At present, the wider parish community organises and arranges for example Christmas Summer fetes and Royal Commemoration events on the Common/SSSI/Village Green. This policy does not represent an attempt to curtail these events, but rather to ensure that all health and safety requirements are assessed and met and that due diligence is given to wider distribution (noise etc) and that the SSSI is protected.

8.1 Permanent picnic tables are not to be placed on the Common/SSSI/Village Green without prior permission from the parish council. Memorial benches are on occasion granted by the parish council, but permission must be granted and there is no requirement for the parish council to undertake maintenance.

8.2 Bike racks/ramps/BMX equipment is not to be placed on the Common/SSSI/Village Green without prior permission from the parish council.

8.3 The football goals at Sinton Green village green may be used by residents between dawn and dusk without prior appointment or permission. Please enquire if an additional mow is required prior to use of the football goals/village green by families and children and the parish council will endeavour to assist where practically possible. Organised football matches and tournaments are required to accept and adopt the parish council risk assessment. The adoption of the parish council risk assessment applies to all organised sport events on parish council land.

8.4 The Parish Council is regularly asked to permit local events on the Common/SSSI/Village Green including amongst other things fêtes, classic car events, bonfires, xmas trees, celebratory parties, wedding photographs and small scale orienteering. Permission is unlikely to be withheld provided sufficient notice is given, the event doesn't clash with something already taking place, the event will not disturb other residents or visitors or Commoners rights and no damage is likely to be caused to the Common/SSSI/Village Green. Anyone wishing to use part of the Common/SSSI/Village Green for an event should contact the Parish Clerk at the earliest opportunity. The Clerk will have delegated rights in place to permit regular events (annual events) that have already been approved in previous years and where risk assessments are pre-existing.

8.5 Commercial events, if approved, will need to adhere to the conditions above but also demonstrate appropriate licencing and Health & Safety requirements have been met.

8.6 **CHARGES** For larger events numbering more than 30 persons, a contribution is required to be made of £100 (footnote 1). This will cover arrangements for additional mowing and strimming in advance of the event, to be made by the parish council. This can be made before or an event, subject to arrangement with the parish clerk.

8.7 A risk assessment must be conducted by the organisers and provided to the parish clerk 1 week prior to the event.

8.8 A first aid responsible person must be designated for all events. The parish council is not able to provide assistance or training in this respect.

8.9 Ditches must be protected in all public/private events.

8.10 Bins are required to be emptied by the organiser after any such event.

8.11 Bus shelters, benches, parish noticeboards are not to be altered during events.

8.12 Existing signage (county council and parish council owned) must not be removed or altered.

8.13 Pond bouys and safety equipment must not be altered. In the event that this is used, the parish council must be notified as soon as practical after the emergency has passed.

8.14 The organiser will be responsible for notifying Highways and the Police of any highways/access issues and will be responsible for provide/arranging any necessary signage for the highways.

8.15 Public footpaths/rights of way/acquired access rights must not be blocked or restricted by events.

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<sup>1</sup> The above payment threshold was voted and resolved upon on 24<sup>th</sup> march 2024. Prps: GP. Scnd: AS. No abstentions.

8.16 Electric fencing (parish council or Commoner owned) must not be tampered with or removed for an event. Events requiring access to land already covered by grazing and electric fencing will not be permitted.

8.17 Organisers are expected to comply with and enforce all aspects of public health and safety on site, required to ensure that attendees arrive and leave in a quiet and respectful manner, that dogs are kept on leads at all times (except for events of dog exercise and dog showing) and that a walk of the site is conducted after the event to ensure that all litter, hazards/ broken glass is removed. No commercial dog walking business may be conducted on parish council land at any time.

8.18 Flood lighting is not permitted without a separate application to the district council planning department.

8.19 All electrical components on site should be PAT tested. The parish council is not able to assist with this matter.

8.20 Restrictions in respect of avian flu must be adhered to at all times. Any Defra advised restrictions and notifiable diseases.

8.21 The Lengthsman is instructed by the parish council only and cannot assist individuals in respect of preparation for an event.

8.22 Vehicular show events – the nature of heavy vehicles means that these events will be declined if the Common/SSSI/Village Green is wet or is vulnerable to tyre damage. Ditches must be protected in the event where vehicles are moved onto the Common/SSSI/Village Green. Reasonably safe access points exist at Sinton Green for vehicles, please ask the parish clerk for more information. Car events are unlikely to be permitted at Monkwood Green due to the protected nature of the land. The access road to the Fox Inn, Monkwood Green has been used for such events – all applications must be made to the parish council as owners of this section.

**8.23 Livestock and horse events** – Service roads must be protected and horses must not be permitted to gallop along these roads owned by the parish council. Hunts will be required to repair/make good any damage to service roads at Monkwood Green Common.

8.24 Ponds – Horses are not permitted to be exercised or bathed in the ponds on the Common/SSSI/Village Green – as the clay base of these features are vulnerable to piercing and are critical to the water management on site.

## **9. Ashes and cremations**

9.1 The placing of ashes or remains on the Common/SSSI/Village Green are not permitted at any time without written permission.

## **10. Fireworks**

10.1 In general there must always be due adherence to the legislation governing fireworks and the time restrictions therein. Fireworks are not permitted on the Common/SSSI/Village Green.

## **11. Private mobile businesses**

11.1 Such as chip vans etc, must not be parked on the Common/SSSI/Village Green

## **12. Dog walking**

12.1 When walking your dog, it is essential to follow the countryside code to ensure a respectful and safe experience for both you and the land. Here are some key points to consider:

12.2 Keep your dog on a lead: This is particularly important around farm animals and in designated areas where livestock are present.

12.3 Respect the environment: Avoid leaving dog waste in hedges or bushes and pick up after your dog to keep the land clean and tidy.

12.4 Be considerate of other visitors: Keep noise and boisterous behavior in check to maintain a peaceful outdoor experience.

12.5 Follow the countryside code: This code includes guidelines for dog owners to ensure safe and respectful enjoyment of green spaces while protecting livestock, wildlife, and the local community.

12.6 Malvern Hills District is covered by a dog warden scheme and persons found not to be clearing up after their dogs are subject a fine detailed on the Malvern Hills District Council website.

## **13. Memorial benches**

13.1 Memorial benches must be placed only with the written permission of the parish council and due consideration given to planning laws and the requirements of the SSSI (for example concrete bases for a bench would not be permitted on the SSSI).

-end-

Appendices overleaf

## Appendix 1 Definitions of Common land, village greens and SSSI

- A. **Common land** refers to land that is privately owned (in this case by the parish council) (Nb not public land), but over which other individuals have certain rights, such as grazing livestock or collecting resources. Common land is often also CROW land, which is a term used to describe areas of land in England and Wales that are open to public access under the Countryside and Rights of Way Act 2000 (CROW Act – also known as the ‘Right to Roam’ act). This legislation grants the public the right to roam designated open country areas, such as mountains, moors, heaths, and registered common land, for open-air recreation. While public access is granted, the law also allows the land owner to restrict activities, particularly in order to protect wildlife. Monkwood Green Common is protected by a number of **By-Laws**, of which the Parish Council has a copy and which are displayed in the bus shelter on the Common. Common land that is also designated as a Site of Special Scientific Interest (SSSI) are subject to their own special statutory protections, which may take priority over general access rights.
- B. A **Village Green** is public land and an open area within a rural settlement. Historically, a village green was common grassland with a pond for watering cattle and other animals. Sinton Green’s pond is a sump pond, with a primary purpose for managing surface flood water. Village greens also provide an open-air meeting place for the local people, which may be used for public celebrations. The term *village green* has a specific legal meaning in England and Wales, 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 sports and pastimes. The ‘right to roam’ act does not apply to village greens – the right of access for set purposes being granted instead by the ‘village green’ designation. The law allows the land owner to restrict uses and set by-laws through which to govern the land in question. Sinton Green Village Green is protected by a number of **By-Laws**, of which the Parish Council has a copy and which are displayed in the bus shelter/Noticeboard.
- C. A **Site of Special Scientific Interest (SSSI)** is a formal conservation designation. Usually, it describes an area that’s of particular interest to science due to the rare species of fauna or flora it contains. Any works/activities/planning permissions by the land owners and by local residents proposed in or near an SSSI should be discussed with Natural England at a very early stage. Parish Councils can self-certify and consent to reviewed and environmental impact assessed activities as ‘Section 28G public bodies’. The parish council holds a copy of the **1986 reasons for designating Monkwood Green Common as a SSSI** and also a list of **Natural England prohibited activities** for Monkwood Green Common.

## Appendix 2 - Laws granting and governing parish council ownership of land

- A. The Local Government Act 1972, particularly sections 124, 126, and 137, outlines the powers and responsibilities of parish and town councils regarding land ownership.
- B. Section 124 of the Local Government Act 1972 grants parish and town councils the power to acquire land by purchase, gift, or lease. They may acquire land for various purposes, including public amenities, recreational spaces, or community facilities. This provision enables parish and town councils to take ownership of land to meet the needs and priorities of their local communities.
- C. Section 137 of the Local Government Act 1972 provides parish and town councils the power to incur expenditure for various purposes considered in the interest or for the benefit of their area or its inhabitants. This includes acquiring, maintaining, or improving land owned by the parish or town council. However, any expenditure under Section 137 must be reasonable and in line with the council's overall budget and financial responsibilities.

**Footer** Parish Clerk, Proper Officer & RFO Mrs Lisa Stevens, CiLCA, c/o 9 The Limes, Kempsey, Worcs, WR5 3LG. Tel: 01905 820956 Mob: 07950256363 Email: [parishclerk@grimley-pc.gov.uk](mailto:parishclerk@grimley-pc.gov.uk)  
Website: [www.grimley-pc.gov.uk](http://www.grimley-pc.gov.uk)

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