

Tracks on Walton Village Green

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Introduction

There have been several complaints from parishioners about the poor state of the tracks across Walton Village Green and also that vehicles are using some tracks as short cuts rather than using the roads.

The extent of Walton Village Green has been defined by the Land Registry with Walton Parish Council registered owners.

This note details the position of the Parish Council regarding the use and maintenance of tracks across Walton Village Green.

Use of Tracks

Under the Road Traffic Act 1988, driving over a village green without lawful authority is an offence with an exception being to park within 15m of a road. In addition the damage to a green (from driving) is an offence under the Commons Act 1876 and the Criminal Damage Act 1971. This includes damage to tracks as they are classed as part of the village green.

The Parish Council have an obligation to protect the green under the Open Spaces Act 1906. Therefore the Parish Council cannot grant access for driving across a village green if it causes damage to the green.

It is difficult for a Parish Council to prevent driving across the village green where there is an express right of way and such cases have been taken to court and the right to drive across a green for access upheld.

Rather than try to regulate the driving across the village green the Parish Council take a pragmatic view of the use of tracks across the green by motor vehicles. This is summarised as follows:

- 1) To allow driving across the green where there is an express right of way to allow access to properties provided there is not extensive damage to the green. That is where there is a clearly defined track. Note the tracks are clearly marked on the Land Registry maps of Walton Village Green.
- 2) To allow driving and parking on Walton Village Green within 15m of a road provided that there is not extensive damage to the green.

The following items are forbidden by law:

- The use of tracks for purposes other than access to properties, such as to take a shortcut.
- Making new tracks across the green as this damages the surface of the green.

Damage to the Tracks

As stated previously, it is forbidden to damage the village green and Walton Parish Council are obligated to protect the green from damage. 'Damage' is not clearly defined and Walton Parish Council consider any minor damage to the surface of the track in order to access properties is reasonable. However there is no obligation on Walton Parish Council to actively maintain the village green, which includes any tracks across the green. Therefore if damage were to occur, Walton Parish Council are not obliged to repair it.

By taking a pragmatic view about damage to tracks across the village green, Walton Parish Council aim to provide a working solution for the Parish. The main points are summarised below:

- 1) Minor damage to the surface of existing tracks to allow access to properties is acceptable. Note the existing tracks are marked in the Land Registration documents.
- 2) If there is damage to the tracks, such as due to weather, Walton Parish Council are not obligated to repair any damage and as such are not liable for damage to vehicles due to the state of the tracks. However, Walton Parish Council will allow individuals to repair any damage provided that natural materials are used, that is in keeping with the remainder of the track. In the case of Walton this expressly precludes the use of tarmac, house bricks or building rubble. Acceptable items include Hoggin (usually known as either "dug gravel" or "pit-run gravel") and Quarry Waste provided the colour is in keeping with the rest of the track. The cost and time to affect the repairs will be borne by the individuals.