

## The laws regarding Village Greens and their use

Andrew Thomson, Solent Landing Management Committee

I have owned a house at Solent Landing since March 2019 and, as a permanent resident and one of the three directors of Solent Management Company, I am perplexed by the lack of effective action in dealing with the presence of so many motorhomes and camper vans etc on an area designated as a Village Green.

At the date of purchasing my house, I was unaware that the sand extraction area had been designated a Village Green, nor had the IoW Council searches shown that in 2013 part of the shore side of Solent Landing and its neighbouring house had also been designated as a part of a Village Green. That omission is a matter that the council now needs to discuss with Solent Landing owners who purchased their homes after 2013.

The emergence of Covid in 2020, and the government's response, led to lockdowns and a furlough scheme. This combination produced a perfect storm of motorhomes, camper vans and even basic vans arriving in a sand extraction area that was devoid of sanitation, waste collection and fire safety measures. The number of motorhomes and camper vans was never less than 12 and usually was 20 or more. Photographs are attached. The local council toilets were locked to reduce the spread of Covid, there was no water on site, no fire hydrants and no waste disposal facilities. Rules related to gatherings were largely ignored and families with young children were sending them to local schools. In 2020 there were two signs stating no overnight parking in the sand extraction area but were ignored. Appropriate action to remedy the current situation is long overdue.

### What are the legal restrictions on Village Greens

The campers seemed to ignore rules related to use of common land and village greens which are set in law by the Government. Unlike common land, which can be owned by local councils, private individuals, or organizations like the National Trust, village greens are primarily for community use and do not fall under the right to roam. **So, while you can enjoy village greens for leisure activities, you cannot camp, light fires, or hold events without permission. Therefore the campers are not complying with the law.**

Those who have lawful permission, a private right or some other form of lawful authority may drive over, or park on, a green without committing an offence under the 1988 Act. Furthermore it is not an offence under the 1988 Act to drive on a green within 15 yards of a public road solely for the purposes of parking on the green. **However the road to this village green is not a public road that has been adopted. Those parking on the green are acting illegally if they do not have permission from both the council and the land owner.**

Solent Landing Management Committee (SLMC) is responsible for maintenance of the grounds. The IoW Council was sent a letter on 7th May 2020 raising Environmental Health issues because some of the campers were coming on to Solent Landing grounds to defecate and urinate in open sight of residents. The lack of sanitation and the number of vans packed in to the area was also raised. The initial response was a request to keep records of the number of the vans! This same breaches were reported in June 2021 and the reply was that the owner of the sand extraction area was looking into it. Residents are now reporting seeing rats coming from that area due mainly to inadequate food waste disposal.

Furthermore waste has been deposited in and around Solent Landing bins within our grounds and that includes soiled unwrapped nappies found on the ground at a time there had been no infants at Solent Landing.

Campers were lighting fires and barbeques on dry grass and erecting tents in Solent Landing grounds. When asked not to do so, the offenders became aggressive and abusive before accepting that they should move. Others used benches not on the Village Green that needed disinfecting afterwards.

A fierce fire was lit close to dry blackthorn bushes near the gates in the sand extraction area. Sparks were going everywhere and the fire brigade was called. As the fire brigade was arriving, the campers swiftly doused the fire but, after the tender had left, the campers then allowed the bonfire to flare up again! Motorcycles have been ridden over Solent Landing grass from Beach Road to the vans and vice versa.

### Rules related to caravan and motorhome sites

In the UK, you must have planning permission for a campsite before applying for a license. The site must be used for camping in tents on fewer than 42 days in a row or fewer than 60 days in any 12-month period

If you operate a caravan or camping site or have a residential mobile home or park site, you must be licensed with the council. The site can range from a single caravan, tent, or motorhome on a small plot of land to large sites comprising hundreds of units. All sites must have planning permission before applying for a caravan license.

It is advisable to consult with planning consultants, solicitors, or surveyors with planning expertise to ensure compliance with applicable laws.

Planning permission is not required for sites of 5 units or less but anyone operating a stopover site without an Exemption Certificate, or local authority approval, may find themselves in trouble for operating a 'caravan site' without the proper consents.

Land can be used for camping under either the 28-day or 60-day rules until 25th July 2024. Only the 60-day rules can be used thereafter. Other temporary uses permitted under the 28-day rules such as car parking can operate alongside a 60-day temporary campsite after 25th July 2024 provided the required conditions are met. Provision must also be made for on-site toilet and waste disposal facilities. The legislation does not allow 60-day temporary campsites on land within the curtilage of a listed building or within Sites of Special Scientific Interest or Scheduled Monuments. The sand extraction area and village green is within a designated Site of Special Scientific Interest. Prior approval must be obtained from the local planning authority for any 60-day campsites within Flood Zones 2 or 3. This must be done each calendar year and include a site-specific flood risk assessment including a warning and evacuation plan. Solent Landing and Bembridge Point are within a Flood Zone.

#### **The owner the area was made aware of the following rules.**

For reasons of safety, motor-homes and/or caravans shall be a minimum of two metres apart. A means of extinguishing fires must be readily available.

Regular environmental health inspections must take place.

Potable water and sanitary provisions must be available.

There must be regular waste collections.

The site must be kept in good order and not cause a public nuisance.

Public liability insurance must be in place and an incident/accident book must be available and maintained

#### **Why is there a need for action**

The situation is currently anarchic. There is great concern among Solent Landing owners regarding the way in which part of their land came to be a 'village green' and the myth amongst the campers and the general public regarding ownership of the Village Green which is but a part of the overall land belonging to Solent Landing. This has led to aggressive responses when people are asked to keep themselves on the Village Green.

There was a lobby requesting the establishment of the village green in 2019 by those who objected to the possibility of further development in the area. This request appears to have either failed on merit or was dismissed when Planning Consent was granted by the IoW Council. That consent included a metre high chain link fence around the perimeter which was duly installed.

In 2013, there was a change in the laws used to establish a village green in order that it could no longer prevent appropriate planning consent being granted. A meeting was chaired by the late Colin Richards, an IoW Councillor, who rejected the Solent Landing Company Secretary's request to question those lobbying for the green. I have seen the photographic evidence presented to the meeting, some of which is, to say the least, dubious and other documentation that is at odds with the submissions for the green.

Firstly on 7th August 2002, the IoW Council approved planning permission provided that the marker posts and single chain link fence along the northern boundary was set back a minimum of 2 metres from the high water mark to maintain public thoroughfare along the beach at all times. The reason given is that 'It was in the interest of the amenities of the area in accordance with Policy C6 of the Isle of Wight Unitary Development Plan'.

Secondly, in the information provided by the Isle of Wight Council in 2013, was a photograph for Area A shows a high water mark that is more than two metres beyond the current chain link fence on the Northern boundary. The public then had access to the beach without crossing Solent Landing land. It is therefore arguable that the Isle of Wight Council had no authority in annexing private land in 2013 in contravention of its own Unitary Development Plan that was used to confirm the location of the fence and thereby the boundary of Solent Landing.

Thirdly, only 11 years had lapsed between IoW Council's planning consent and the IoW Council's decision regarding the village green which is an insufficient period for a claim for the village green status to be implemented. However the IoW Council rubber stamped the formation of the green, leading to the public declaration of the village green and subsequent incorrect public view that the council had taken over the land. Part of the area assigned by the council as a village green was purchased from by the developers of Solent Landing and remains owned and maintained by SLMC.

The formation of the village green has led to the SLMC having clean up any mess created by dogs and the public, removal of fly tipping of tyres that occurred overnight, repairs to the fence where it has been breached, pay for public liability insurance etc etc – potentially all due to a Councillor who did not allow examination of the supporting evidence. However the decision to create the village green appears reversible, particularly if it was established in response to the change of legislation in 2013 that might otherwise have paved the way for appropriate development.



2020 During Lockdown - Police spoke to the campers who disappeared for a while then reappeared



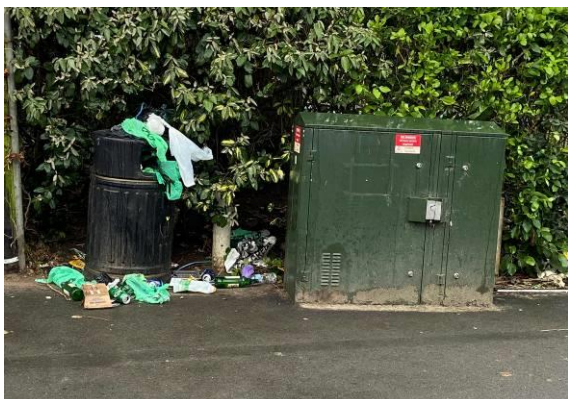
2020 A camper's latrine and rubbish left within Solent Landing Grounds



2020 and yet again



16 out of 21 overnight units in May 2021



Not the worst we have seen!



The following photographs were taken during the morning of Thursday 13th June 2024 and supplied to me by a member of the public. They provide evidence of open fires on the village green, adjacent to bushes with some on dry areas. The south west wind from the marshes is strong and can easily fan flames in this area, smoke is often seen swirling around and changing direction and by July the area will be tinder dry. There is no evidence of fire precautions and show both the close proximity of vehicles in some areas. Whether the stock pile of wood is for use or burning has not been established.

Quite apart from this being not allowed on village greens, it is a hazard and a nuisance. As noted above, the fire brigade has had to be called when a fire was getting out of control.



### Bembridge Point Car Park

Offsite parking - no services



10.00



Satnav Quick Search ID: S27214S

Bembridge, Isle of Wight, England, United Kingdom, PO35

**Login in to view the coordinates. It's totally free and you get so much more by joining in!**

Manned car park , but often no one on the gate. Public Toilet and Pub nearby. Easy access to beach and harbour.

Nil

**Facilities**



**Location**



**PitchTypes**



**Unit types accepted**

Wow, what a fantastic place to enjoy the views ot to the mainland, swim or chill.

There is a very old sign that says no overnight parking but people seem to ignore this and we stayed here two nights along with about four other vans with no problems.

Flat hardstanding and protected by shrubs and trees, a real hidden gem. No facilities but didnt expect any for something that is free. Would definitely use again.

We walked to the Crab and Lobster along the beach. 40 Minutes Second day to Culver Down 1 1/2 hours. Another great pub serving Sunday Roasts. ALWAYS check tides before setting off as you could get trapped by incoming water as can rise about 5 metres.