

LYDD TOWN COUNCIL

THE RYPE
TOWN/VILLAGE GREEN (TGV)
POLICY

Version 1 Angela Alexander Town Clerk

Policy adopted by Lydd Town Council at their meeting held on 8th September 2025

Background

The Rype is an area of land registered at H M Land Registry with Title Absolute under Title Number K921923 with registered proprietor Lydd Town Council
The Rype is registered with Kent County Council as a Village Green

Village Green status

A Village Green is defined as an area of land where the inhabitants of a locality have a customary right to indulge in lawful sports and pastimes.

There is no statutory definition for sports and pastimes, but it has been judicially decided to include dog walking, playing family and children's games flying kites dancing and playing cricket. There may be recreational facilities which contribute to the status as a village green such as May fairs. ^{*1}

The overriding factor is availability for informal recreational use.

Legislation applicable to Village Greens

Apart from legislation under the Commons Act 1965 and 2006 relating to the registration of Village Greens the legislation relating to the operation of most Village Green remains based on the Inclosure and Commons Acts and in particular the Inclosure Act 1857 and the Commons Act of 1876. The exceptions are where Village Greens have been created under specific legislation.

Offences

As a result of the 1857 and 1876 Acts, it is a criminal offence to create a nuisance on a Village Green, or to encroach, enclose or erect a structure on a Village Green. Such actions are deemed to be a public nuisance. On conviction the offender is subject to a fine. Proceedings can be instituted by any person or organisation

Under the Road Traffic Act 1988 it is an offence to drive a vehicle more than fifteen yards from a road other than for the specific purpose of parking. This applies to Village Greens

Use of the Village Green

The legal restrictions on the use of a Village Green are designed to ensure that the land is retained as open land for the use of the public for recreation.

Based on judicial comment and general principles it is considered that:-

Any activity can be carried on if the right to use the Village Green for recreation and lawful sports and pastimes is not substantially compromised. For instance, on a large Village Green such as the Rype the provision and enclosure of a Playground is unlikely to compromise the use of the Village Green. If the enclosed area were a substantial part of the Village Green the rights would be compromised and this would not be permitted

Any temporary activity that results in a large area of the Village Green being fenced off with no admittance to that area without payment should not be permitted

Individual stalls can be placed on the Village Green provided that access is maintained between the stalls. Individual stalls could charge for admission.

No purely commercial activities should be permitted.

No vehicles should be permitted on the Village Green. This would apply to parking of all types of vehicles. To be clear, there is no right for any person to park on a designated Village Green. The Road Traffic Act merely provides that in certain limited circumstances it is not an offence to drive on land.

Parking is an obstruction and is therefore not permitted on a registered Village Green.

No permanent structures should be permitted with the possible exception of any which are ancillary to the use of the Village Green and which do not form a permanent barrier to access. Examples are goalposts, benches and signposts.

As regards the use of a skip, technically it is an obstruction, but this could be licenced to remain for a stated period subject to no objections being received from third parties. A deposit to cover any damage could be charged with the application.

There is no exhaustive list of uses and in some cases uses have been in place for many years which would not strictly comply with the requirement for open public recreation. It must also be stated that there has been no prosecution for breaches of the Village Green legislation in recent years. This is not to say that a public-spirited person could not attempt to take action.

The Council may make byelaws governing the use of the Village Green to reinforce the provisions of the Inclosure Acts.

Responsibilities

The Rype is managed and maintained by Lydd Town Council and any requests relating to its use should be referred in the first instance to Lydd Town Council.

It is the responsibility of the owners of properties fronting onto a Village Green to check their Deeds as to the boundary of their property to ensure that they do not extend beyond this with obstructions or planting.

Lawful Uses

Whilst not exhaustive, the following is a list of lawful and prohibited uses of the Rype.

Lawful uses would include:

- Walking across the Rype with or without a dog (but not on the play area of the Rype)
- Village Fetes and approved events (please complete the application form,)
- A community event with stalls (not vehicles)
- Playing sports and games that do not damage the surface of the Rype
- Flying of kites
- Bollards, posts, rocks or similar to prevent parking on the grass (decision would be made by Lydd Town Council to install these)

Prohibited uses would include:

- Any physical alterations to the Rype
- Fencing of the perimeter of the Rype to prevent access
- Wilful damage e.g. by vehicles, bicycles, electric bikes and scooters, mopeds, and horses
- Parking of a vehicle on the Rype (except the perimeter fifteen yards)
- The driving of a vehicles on the Rype
- Planting of trees except by the Town Council (Residents may apply for a Memorial Tree under the policy on the website lyddtowncouncil.gov.uk)
- The building or introduction of any structure – this includes smaller items such as benches, steps, bollards, posts **except** by the Town Council (Residents may apply to the Town Council for the installation of a Memorial Bench or temporary skip).
- Pruning or cutting down of trees except by the Town Council and their appointed contractors
- Playing of golf
- Use of remote-control model aircraft or drones
- Boot Fairs

Maintenance

All instances of maintenance and repairs will be conducted by the Town Council or by their appointed contractors unless in the case of an emergency incident. All works in this instance must be reported to Lydd Town Council as soon as practicable.

Inspections

Lydd Town Council will arrange for expert independent inspection of the Rype, the play equipment and trees on the Rype and act on their guidance.

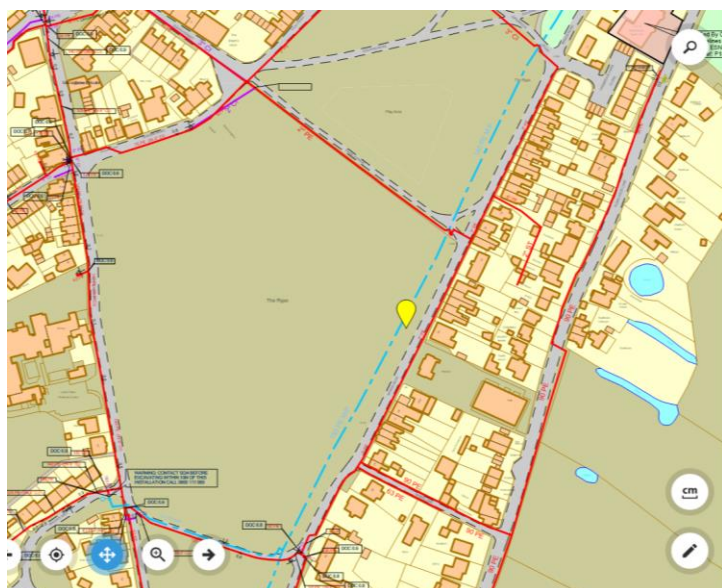
Use of the Rype for events

All requests to use the Rype must be made on the application form at least **two months** prior to the event taking place and in accordance with the Terms and Conditions of hire.

Maps of buried services on the Rype

The maps of buried surfaces provided with this policy must be referred to by users of the Rype for health and safety purposes along with the guidance below.

SGN GAS PIPELINES BURIED SERVICES



The map shows the buried gas pipelines at the Rype -no Marquees etc to be placed in the vicinity.

There is no legal limit for the depth to be laid, the recommended depth is a minimum of 600mm.

Any work where you need to dig or put spikes in the ground please use the L.S.BUDS website and that will tell you if anything is in your area that could be a problem, that will notify SGN plant protection that will send out some information for you or come to site if required.

Safety

IF YOU CAUSE or FIND A GAS LEAK OR SMELL GAS

If you cause a gas leak, or suspect that gas pipe or equipment is leaking, you must take the following actions immediately:

- Inform the National Gas Emergency service immediately on 0800 111 999 (all calls are recorded and may be monitored)
- Stop work and get everyone away from the immediate vicinity of the escape.
- Do not attempt to stop the escape or repair by filling the hole.
- Do not attempt to operate any valves (unless directed by the call centre staff to close emergency control valves at domestic properties)
- Prohibit smoking and extinguish all naked flames or other ignition sources for at least 15m from the leakage.
- If escaping gas is entering properties, advise the occupants to leave until it is deemed safe to return by SGN emergency personnel onsite. Damage to a gas main or service supplying a building may result in gas entering the building.
- Prevent any approach to the immediate vicinity of the escape.

Assist SGN and the Emergency services as requested.

SGN GAS PIPELINES AND NATIONAL GRID ELECTRICITY BURIED SERVICES

Hamilton Road end of the Rype



There are SGN pipelines routed through this road (orange) and the electrical equipment is shown in red and belongs to UKPN. There are also water pipelines shown in blue owned by Affinity Water.