A meeting of Lowick Parish Council was held on 18th June 2015 at 7.30pm in the Village Hall

Present: JA Huddart, Mrs A Worlock, P Hanson, Mrs S Graham, Mrs F Burn, Mrs MA Bell, Mrs L Bradbury, Councillor RJD Watkin, and 1 member of the public (J Currah)

1. The Chairman welcomed everyone and opened the meeting

2. There were no apologies for absence

3. Declaration of Interest – RJD Watkin (planning application)

4. The Common – the Chairman decided to start with this item on the agenda before considering the minutes of the last meeting.

A letter had been received via email just hours before the meeting from M Butson (solicitor for the Colgans). There was agreement to pay £400 towards the Parish Council’s legal costs and to lay a surface that would be in full compliance of the Commons Act 2006. Mr Butson said that he thought his clients had done all they possibly could to reach a speedy conclusion to this matter and ended his letter by saying that the other parties could be responsible for all the costs incurred in this matter. It was felt that the Parish council would not be involved in the award of costs. JA Huddart said the judge indicated that each party would be their own costs.

Mrs A Worlock suggested that JA Huddart’s letter to M Butson should be put to the tribunal, this was agreed. In his letter M Butson raised the point of concrete on the track beside the Common. Parish Councillors agreed that when this concrete deteriorated it would not be allowed to be replaced.

The Parish Council has received advice that there’s a market value on any easement and the tribunal would not allow for nothing to happen – agreement has to be reached legally and any easement must include a financial value. JA Huddart commented that he thought the Parish Council had been made to jump to Mr Butson’s tune – he never addresses issues raised by the Parish Council and doesn’t appear to be concerned about the overall situation just the 1 metre strip. Mrs A Worlock suggested that JA Huddart puts all the correspondence together in a letter to the judge to show all the efforts the Parish Council has gone to resolve this matter, this proposal was unanimously agreed. It was also unanimously agreed to make the following points in response to M Butson’s letter – proposed Mrs A Worlock, seconded Mrs MA Bell

'We seem to be in an uncertain area of law, where no two solicitors agree. We, who did not create the situation, have only been brought in as 2nd Respondents in the last 6 months. You placed the easement before us on the day of our April meeting, 8 weeks ago. It contained the features we have been worried about, and have discussed considerably. At out last meeting, 3 weeks ago, the Parish council was advised by an independent solicitor at Hay & Kilner in Newcastle that it would be criminally responsible if it agreed to an illegal act on the common. You might not be surprised that we took this very seriously, and still do.

The council believes an easement should be established, and its minutes reflect this. We are looking for a document that cannot be challenged in court – because we are likely to found guilty if such a challenge was successful and your clients will also be implicated for having injured the common.

As we are granting the easement on behalf of the public, we feel that what is allowed should be in the public interest.

Over the course of the last few months we have asked for:
A document that names all the parties concerned.
That legal and works costs are not born by the public
That the need for reciprocity is acknowledged in writing
That the uses put to the extended easement shall be relevant to agricultural purposes only

The Parish Council having discussed these items once more, and considered the points that have been put it, adds the following detail to the points above.
The easement confirms the existing rights of the owners of Rose Cottage, Burn House, 1, 2, 3 and 4 Lowick Common to use the track across the West edge of the Common, but only for residential purposes. Access to the Lowick Hall Farm field is also by traditional use, and for agricultural purposes.

A one metre extension to the width of the track is to be granted under the easement, for agricultural purposes only, in acknowledgement of the extra width of modern farm machinery.

If further easement is required over the extension, eg for a dwelling or dwellings, a further easement will be required. The chain link fence will be removed, and re-sited if required.

The surface of the easement will either match the existing adjacent gravel and hardcore, or be left as grass. Current use presents no threat to the surface of the common, but if agricultural use were intensified, the gravel surface would have to be laid down [NB, Grasscrete, as predominantly a concrete layer, would in the Council’s view, require permission from the Secretary of State.]

Works costs and legal costs arising from the easement will be met by the net beneficiary, and not by the public.

No direct reciprocity is sought for this easement as is customary. An agreement to provide a community benefit in terms of a permissive path on an agreed part of Lowick Hall Farm is to be made within 5 years of the date of the Easement.

These points were made in our meeting and voted on unanimously by the Parish Council.

With reference to the approaching date of 21st July, we are grateful to have formal notification of this as a target date. We have not had notice of this from the Tribunal, nor have we been asked about our availability should the tribunal meet again and our presence at court be necessary.

As this date is only one month away, we propose the following swift course of action to indicate our serious intention to grant an easement that benefits the parties concerned.

1. The existing easement as proposed by yourselves should be amended to include the points the Parish Council has requested. In order to meet the deadline, we believe this should be amended within 7 days of receipt, and a copy sent to us for discussion and approval.
2. If we do not hear from you in 7 days, we will instruct Roger Taylor to amend or draw up the easement for us, as swiftly as he may, covering the points requested.

His fee of £500 exceeds the amount your clients have said they will pay, by £100. This will be well spent if it finally disposes of this vexing and vexatious problem.

Incidentally, the point you make about the illegally laid concrete at the north edge of the common is correct. Sadly, the concrete was laid without the council’s knowledge as a result of advice the owners were given by Northumberland’s planning department. The parish council was also unaware of the extent of the common at this time, as all its records had been sent to the Berwick Record Office. If this matter is reported by others, action would have to be taken to put the track back to its former state. This action would include legal action if reported to the courts. The council itself has decided to take action when the concrete surface degenerates, to avoid putting the current owners to immediate additional expense.

The Council believes that a further meeting between us would delay the process, so unless there is any legal difficulty with what we propose, we have not suggested it.

Lowick Parish Council confirms that it has no objection to this letter (and all other documents referred to therein) being placed before the tribunal so that the judge is aware of the position in which we have been placed.'

It was also unanimously agreed that the Parish Council would draw up their own Deed of Easement for M Butson to consider within a week of receipt.

5. Minutes of Previous Meeting – these were agreed as being correct

6. Matters Arising

- The CPR poster is in the bus shelter. P Hanson reported that he has put copies of a CPR demonstration video in the village store for anyone to use. The clerk agreed to email newsletter recipients to inform them of this.

Ref: 15/01818/FUL – Proposed conversion of existing outbuilding to holiday let – Building West of High Steads, Lowick. Parish Councillors supported this application

8. **Neighbourhood Plan** – JA Huddart reported that the process is now on to Phase 2

9. **Black Bull** - Mrs A Worlock reported that there had been a meeting on 16th June which Tony Kirsopp had attended. M Dodds has been asked to come up with a business plan and funding possibilities by the end of July – if this doesn’t happen the group will abandon plans to try and buy it although it will still remain as an asset of community value.

10. **Play Park** – a response had been received in relation to the query on whether or not the Parish Council should look into the Freehold of the Play Park. It was thought that leasehold was simpler/cheaper. Mrs A Worlock commented that she thought Freehold would make the Parish Council more liable and the Parish Council would have to cut the grass. It was unanimously decided that when the Parish Council took over responsibility for the Play Park in 2016 it would be on a leasehold basis.

11. **Interactive Speed Indicators** – P Hanson reported that there had been incidents of vehicles entering the village from the east at 60-75mph

12. **Correspondence**
   - Planning Permission received for Ref: 15/00141/VARYCO
   - Planning Permission received for 14/01679/FUL – Proposed residential development of 8no detached dwelling houses on land at South Road, Lowick. JA Huddart asked RJD Watkin about low cost housing. RJD Watkin said that there was no provision at present to include low cost provision
   - It was suggested that Anne Marie Trevelyan be invited to a meeting
   - Dog/Litter Bin beside football field – it was agreed to ask the County Council to install the bin

13. **Any other business** – it was agreed that the Parish Council should, in the future, look into registering unregistered parcels of land in the village.

14. **Date of next meeting** – 16th July 2015

There being no further business the meeting closed at 9.10pm

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16th July 2015