

Meopham Parish Council

All correspondence to:
The Windmill, Meopham Green, Meopham, Kent DA13 0QA
Telephone: 01474 813779

Clerk: Mrs S Egglesden
www.meopham.org

E-Mail: clerk@meopham.org



1 June 2016

Dear Sir/Madam,

SUMMONS AND AGENDA FOR AN EXTRAORDINARY ADMINISTRATION AND RESOURCES COMMITTEE MEETING

There will be an **EXTRAORDINARY** meeting of **ADMINISTRATION AND RESOURCES COMMITTEE OF MEOPHAM PARISH COUNCIL** on Tuesday 7 June 2016 at 11.30am, to be held at **The Windmill, Meopham Green**.

Yours faithfully

Cllr Max Bramer, Chairman
(Issued pursuant to Standing Order 6a)

AGENDA

- 1 To receive Apologies for Absence
- 2 To receive Declarations of Interest
- 3 To consider and, if appropriate, recommend to Full Council that a letter is sent to Mr David Grey of The Barn, Meopham Green, as sent to other Meopham Green residents in 2006 on advice of DEFRA, accepting the Rights of Access to properties around Meopham Green.(*)
- 4 To consider and, if appropriate, approve registering the remaining part of Meopham Green, other than the Cricket Club leased area, to Meopham Parish Council, subject to E&A approving the relevant expenditure.
- 5 To review the Parish Council's statutory obligations under S123 and S127 of the Local Government Act 1972 and other advice received in relation to the disposal of land for the Cricket Club Lease and the easement for Mr David Grey and to make any recommendations considered appropriate to a future meeting of Full Council.(*)

Meopham Parish Council

The Windmill, Meopham Green

All correspondence to:

The Windmill, Meopham Green, Gravesend, Kent DA13 0QA

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22nd August 2006

To: Residents of Meopham Green and Priestwood Green.

Dear Parishioners,

VEHICULAR ACCESS ACROSS COMMON LAND

The Parish Council has recently received the latest advice from DEFRA on the interpretation of the Countryside and Rights of Way (C&ROW) Act 2000 and the rights of vehicular access across common land and registered village greens. This latest decision now gives a clearer indication that the House of Lords judgment on the Bakewell v Brandwood case should apply. We attach a copy of this reply and the accompanying analysis of the consultation responses for your information. From our understanding of the outcome, if there has been unchallenged access by property owners for more than 20 years, then no compensation for continued rights of easement applies.

The Parish Council therefore acknowledges that all existing property holders who have access across Meopham and Priestwood Greens qualify under this provision and providing, as you will see that the earlier legislation which applies to causing damage (injury) to Greens is still extant. However, we do not regard this as relevant to gaining access to private properties. Any future cases that may arise will of course be dealt under the terms of the Acts of 1857 and 1876.

It is the view of this Council that all the present addressees listed overleaf have established a prescriptive right under the "twenty year" rule and no compensation will be claimed by us in pursuit of establishing this right. Copies of this letter go to Martin Tolhurst and CBHB&P, who are acting on behalf of two residents and Mr A Holloway, MP, whose guidance we have sought in this matter.

Yours truly,

Peter Tennyson

Clerk.

Name	Address1	Address2	Town	County	Postcode
Mr & Mrs S N King	Forge House	Wrotham Road	MEOPHAM	Kent	DA13 0AT
Mr & Mrs G I Lorkin	The Oast House	Meopham Green	MEOPHAM	Kent	DA13 0PY
Mrs P M Keneston	By-Ways	Meopham Green	MEOPHAM	Kent	DA13 0PY
Mrs M Pafford	Green Farm House	Meopham Green	MEOPHAM	Kent	DA13 0PY
Mr & Mrs S F Westmacott	Greenacre	Meopham Green	MEOPHAM	Kent	DA13 0PY
Mr & Mrs B Booth	Little Hinstock	Meopham Green	MEOPHAM	Kent	DA13 0PY
Mr & Mrs A M Anderson	Langton House	Meopham Green	MEOPHAM	Kent	DA13 0PY
Mr & Mrs N A Elkins	The Farmstead	Meopham Green	MEOPHAM	Kent	DA13 0PY
Mr & Mrs F K Hurley	Outfield	Meopham Green	MEOPHAM	Kent	DA13 0PY
Mr & Mrs J Shaler	Cedar House	Meopham Green	MEOPHAM	Kent	DA13 0PY
Mr A J Barlow	7 Kent Cottage	Wrotham Road	MEOPHAM	Kent	DA13 0AT
Mr & Mrs G Duebell	6 Kent Cottage	Wrotham Road	MEOPHAM	Kent	DA13 0AW
Mr & Mrs I M Curfies	5 Kent Cottage	Wrotham Road	MEOPHAM	Kent	DA13 0AW
Mr & Mrs A P Mighell	4 Kent Cottage	Wrotham Road	MEOPHAM	Kent	DA13 0AW
Ms R F Smith	2/3 Kent Cottage	Wrotham Road	MEOPHAM	Kent	DA13 0AW
Mr L Cole	1 Kent Cottage	Wrotham Road	MEOPHAM	Kent	DA13 0AT
Mr & Mrs P J May	Greenways	Wrotham Road	MEOPHAM	Kent	DA13 0AT
Mr & Mrs G Lindsell	Homeways	Wrotham Road	MEOPHAM	Kent	DA13 0AT
Mr & Mrs Ambrose	ye Olde Forge	Wrotham Road	MEOPHAM	Kent	DA13 0AT
Mrs B Wade	2 Oakmead		MEOPHAM	Kent	DA13 0PL
Mr W R Russell	C/O 1 Green Farm Cottages	Meopham Green	MEOPHAM	Kent	DA13 0PY
Mrs R I Lamb	C/O 3 Green Farm Cottages	Meopham Green	MEOPHAM	Kent	DA13 0PY
Mr A G Payne	1 Green Farm Cottages	Meopham Green	MEOPHAM	Kent	DA13 0PY
Mr P C Davies	2 Green Farm Cottages	Meopham Green	MEOPHAM	Kent	DA13 0PY
Mr A Hester	3 green Farm Cottages	Meopham Green	MEOPHAM	Kent	DA13 0PY
Mr & Mrs J P Gibbons	Redgate Kennels	Priestwood Road	Harvel, Meopham	Kent	DA13 0DA

Zone 1/05, Temple Quay House
2 The Square
Temple Quay
BRISTOL BS1 6EB

Telephone 0117 372 8000
Website www.defra.gov.uk



Our ref: CLI 74

9 August 2006

Dear consultee,

COUNTRYSIDE AND RIGHTS OF WAY ACT 2000, SECTION 68. VEHICULAR ACCESS OVER COMMON AND OTHER LAND

In September last year Defra published a consultation paper inviting views on whether section 68 of the Countryside and Rights of Way Act 2000, and regulations made under that section (The Vehicular Access Across Common and Other Land (England) Regulations 2002 - SI 2002 No. 1711), should remain in force, or whether it would be appropriate to repeal these provisions.

We invited general comments on the possibility of repeal and posed some specific detailed questions about the implications. Since then we have been considering all of the responses to the consultation which have helped inform our final conclusions.

Conclusion and way forward

The conclusion reached was that section 68 of the 2000 Act and the related regulations were no longer required and should be repealed, and that there was no need for any replacement legislation. We felt it was only right that Parliament should be given the opportunity to consider the issue before the Department announced any final outcome from the consultation.

Following debate on the Commons Bill in Parliament, an amendment to repeal section 68 was introduced. Section 51 of the Commons Act 2006 will now repeal section 68. Upon its repeal, the Vehicular Access Across Common and Other Land (England) Regulations 2002 made under that section will cease to have effect.

Analysis of responses

The attached document provides a summary analysis of the key points made by the respondents following the consultation and sets out the Department's key considerations and conclusion.

Town and village greens

We have concluded that where vehicular access is across a town or village green, special provisions are not needed. Our reasons for this are further explained in the analysis.

Publication of responses

As this is a formal public consultation exercise, in line with Defra's policy of openness, copies of the responses have been made publicly available through the Defra Information Resource Centre. Contact details are provided at paragraph 18 of the analysis document.

Future role of Defra

Following repeal of these measures the Department will have no further role in this matter. The law, as set out by the House of Lords in the *Bakewell* case, now states the circumstances in which it is possible to claim a prescriptive right of vehicular access. The question of easements and prescriptive rights is in our view essentially a private matter of land law and for property and landowners to resolve between themselves.

Further information on the Commons Act and the background to the section 68 repeal consultation can be found on the Defra website at:

www.defra.gov.uk/wildlife-countryside/issues/common/commonbill/index.htm

www.defra.gov.uk/wildlife-countryside/cl/vehaccess.htm

Yours sincerely



Mrs Heather Gates

Common Land and Greens (Protection)

Environmental Land Management Division

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Local Government Act 1972

1972 CHAPTER 70

PART VII

MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

Land transactions — principal councils

123 Disposal of land by principal councils.

- (1) Subject to the following provisions of this section, a principal council may dispose of land held by them in any manner they wish.
- (2) Except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.

[^{F1}(2A) A principal council may not dispose under subsection (1) above of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them.

- (2B) Where by virtue of subsection (2A) above a council dispose of land which is held—
- (a) for the purpose of section 164 of the Public Health Act 1875 (pleasure grounds); or
 - (b) in accordance with section 10 of the Open Spaces Act 1906 (duty of local authority to maintain open spaces and burial grounds),

the land shall by virtue of the disposal be freed from any trust arising solely by virtue of its being land held in trust for enjoyment by the public in accordance with the said section 164 or, as the case may be, the said section 10.]

^{F2}(3)

^{F3}(6)

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government Act 1972. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (7) For the purposes of this section a disposal of land is a disposal by way of a short tenancy if it consists—
- (a) of the grant of a term not exceeding seven years, or
 - (b) of the assignment of a term which at the date of the assignment has not more than seven years to run,
- and in this section “public trust land” has the meaning assigned to it by section 122(6) above.

Annotations:

Amendments (Textual)

- F1** S. 123(2A)(2B) inserted by Local Government, Planning and Land Act 1980 (c. 65, SIF 123:1, 2), s. 118, Sch. 23 Pt. V para. 14
- F2** S. 123(3)(4)(5) repealed by Local Government, Planning and Land Act 1980 (c. 65, SIF 81:1, 2), s. 194, Sch. 34 Pt. XIII
- F3** S. 123(6) repealed (with savings in S.I. 1990/431, Sch. 1 para. 1(a)) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(2), Sch. 12 Pt. I (and as saved, amended (1.8.1993) by 1993 c. 10, s. 98(1), 99(1), Sch. 6 para. 12(3)).

Modifications etc. (not altering text)

- C1** S. 123 excluded by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 76(11), 137(6), 189(6), 231(7), 235(6)
S. 123 excluded (6.5.1992) by Further and Higher Education Act 1992 (c. 13), s. 39(8); S.I. 1992/831, art. 2, Sch. 1
S. 123 excluded (1.1.1994) by 1993 c. 35, s. 41(7) (with s. 155(11)); S.I. 1993/3106, art. 4, Sch. 1 (with Sch. 2 para. 7(3))
S. 123 excluded (1.11.1996) by 1996 c. 56, ss. 204(7), 583(2) (with s. 1(4))
S. 123 excluded (1.10.1998) by 1998 c. 31, s. 77(6)(9) (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2(1), Sch. 1 Pt. I
S. 123 excluded (W.) (1.9.2001) by S.I. 2001/2678, reg. 16, Sch. 4 para. 21(5)
S. 123 excluded by Greenham and Crookham Commons Act 2002 (c. i), s. 18(11) (with ss. 38, 39) (the amendment coming into force in accordance with s. 1(2)-(4) of the amending Act)
- C2** S. 123 modified (7.8.1991) by S.I. 1991/1773, art. 8(2), Sch. 2
S. 123 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), Sch. 2
- C3** S. 123: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, Sch. 2
S. 123: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, Sch. 2
S. 123: certain functions transferred (temp. from 4.5.1995 to 31.3.1996) by S.I. 1995/1042, art. 3(3)
- C4** S. 123 extended (3.4.1995) by 1994 c. 19, s. 51(6) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1995/852, art. 8, Sch. 4
S. 123 extended (with modifications) (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), Sch. 8 para. 1(1)(a) (4) (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C5** S. 123: power to make provisions about matters of the kind dealt with in this section conferred (1.9.1997) by 1997 c. 50, s. 44(1), Sch. 4(a)(vii); S.I. 1997/1930, art. 2(1)(2)(m)
- C6** S. 123 applied (with modifications) (20.11.2006) by The Devon and Somerset Fire and Rescue Authority (Combination Scheme) Order 2006 (S.I. 2006/2790), art. 2, Sch. para. 15
- C7** S. 123 excluded (25.5.2007) by The School Organisation (Transitional Provisions) (England) Regulations 2007 (S.I. 2007/1355), regs. 40 46, {Sch. 4 para. 12(5)}
S. 123 restricted (1.11.2007) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 26(3)(a), 245; S.I. 2007/3136, art. 2(a)
- C8** S. 123(2) excluded by Local Government Act 1988 (c. 9, SIF 81:1, 2), s. 26(5)(b)
S. 123(2) excluded (1.10.1993) by 1993 c. 35, s. 285; S.I. 1993/1975, art. 9, Sch. 1



Local Government Act 1972

1972 CHAPTER 70

PART VII

MISCELLANEOUS POWERS OF LOCAL AUTHORITIES

Land transactions—parish and community councils

127 Disposal of land held by parishes and communities.

- (1) Subject to the following provisions of this section, a parish or community council, or the parish trustees of a parish acting with the consent of the parish meeting, may dispose of land held by them in any manner they wish.
- (2) Except with the consent of the Secretary of State, land shall not be disposed of under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can reasonably be obtained.
- [^{F1}(3) Subsections (2A) and (2B) of section 123 above shall apply in relation to the disposal of land under this section as they apply in relation to the disposal of land under that section, with the substitution of a reference to a parish or community council or the parish trustees of a parish for the reference to a principal in the said subsection (2A).]
- (4) Capital money received in respect of a disposal under this section of land held for charitable purposes shall be applied in accordance with any directions given under the [^{F2}the Charities Act 1993].
- (5) For the purposes of this section a disposal of land is a disposal by way of a short tenancy if it consists—
 - (a) of the grant of a term not exceeding seven years, or
 - (b) of the assignment of a term which at the date of the assignment has not more than seven years to run.

