

WARK PARISH COUNCIL

Chairman: Anne Hutchinson

Email: clerk.wark@gmail.com

Draft Minutes Meeting held at The Haining

26th January 2022

1. Welcome and Apologies

Attendees- Cllr E Jeffrey, Cllr A Hutchinson. Cllr P Leadbitter, Cllr J Weir

Member of the public Mr D Haley, Mrs L Thirlwell

Apologies – Cllr S Batey, Cllr L Lorraine, County Cllr Nick Morphet, Cllr R Baty

Cllr Edward Jeffrey acted as chairman and Cllr Hutchinson acted as clerk

2. **Notification of other business** - None

3. **Conflicts of Interest** None

4. **Approval of minutes** 6th December 2021 p. Cllr Wier 2nd Cllr Leadbitter

5. **Issues raised by Members of the Public** – Parking on Wark Village Green

6. **Report from County Cllr N Morphet by Email Highway Stonehaugh to Scotch Coulthard**

As this was a lengthy document it was circulated in advance of meeting

I emailed Alex Bell, the Definitive Map Officer, about the Coldcotes to Scotchcoulthard road, and he's provided me with the following explanation. My questions are in black and his answers are in red. It's complicated, but his explanations are clear. I admit to having to read it twice before I understood it though! We can discuss the implications next time we meet.

1) Is the old U5057 still a public highway? Is it still called the U5057, even though it's no longer maintained at the public expense? **The short length of U5057, near Whygate, that was not affected by the 1989 Magistrates Order, is still the U5057. If, as seems likely, it was a public motor vehicular right of way before 2 May 2006, then it will still be a public motor vehicular right of way now. The section of former U5057 between Coldcotes and Jocks Close is still likely to be a public highway. It is no longer part of the U5057, because it is no longer publicly maintainable (and the U road or C road designation is a statement about public maintenance liability - rather than the public rights which exist). It's not called anything, at the moment, and the route's status isn't legally recorded anywhere. It looks like Wark Parish Council were seeking to remedy this, back in 2011, but then for some reason decided not to pursue the matter further (i.e., it doesn't look like any application to amend the Definitive Map was ever made). The old U5057 isn't likely to be a public motor vehicular highway any longer, though, for the reasons given below.**

2) Can you confirm that the short section between Grindon Green and Jocks Close isn't a motor vehicular highway? Would this be a major barrier to bringing the whole route back into use as a publicly maintainable highway? **Most of the short section between Grindon Green and Jocks Close**

is currently identified as part of Public Footpath No 21, though there is actually a gap of about 50 metres between the end of the U7041 and existing Public Footpath No 21. The simple answer to your first question is that I can't confirm anything, really. Historically, I suspect the whole route was an old public road / vehicular right of way. I'm aware of historical documentary evidence which indicates as much, including an Enclosure Award (from 1787) which appears to identify the U7041 road (and also its continuation to the parish boundary at Jocks Close) as a public road. Section 67 of the Natural Environment and Rural Communities Act 2006 (NERCA 2006) had a major impact on public motor vehicular rights of way. Where these rights were unrecorded, the Act extinguished the motor vehicular element (leaving a non-motor vehicular public right of way i.e., a restricted byway). Motor vehicular rights were 'saved' if one of certain named exemptions applied. The two main exemptions were (1) if the route was identified on the Council's List of Streets at 2 May 2006 (this 'saved' most A, B, C and U class roads) or (2) the route was already recorded on the Definitive Map as a Byway Open to All Traffic. There were some other exemptions, but they don't apply very often.

The likely position (though I can't say for sure without a proper investigation of all the evidence) for the Grindon Green - Coldcotes route seems to be that:

- i) a publicly maintainable public motor vehicular right of way existed over the whole route.
- ii) in 1989, the Magistrates Order removed the public's liability to maintain the Coldcotes - Jocks Close section of road (it stayed a public road, but was removed from the List of Streets (i.e., schedule of publicly maintainable highways).
- iii) in 2006, the NERCA extinguished the public's motor vehicular rights over the whole Coldcotes - Grindon Green section (leaving the route with restricted byway rights).

If it turns out I'm correct, the twin 'facts' that the route is no longer a public motor vehicular highway and that the Jocks Close to Coldcotes section is no longer publicly maintainable would both be major barriers to bringing the route back into use as a publicly maintainable road.

3) The Wark PC clerk refers to the U7041 as the U7071, and some of the old paperwork agrees with her. Can you explain why the highway might have changed its name? My guess would be that this is some clerical error that has maybe been perpetuated. I don't know what old paperwork the clerk has but, checking the 1958, 1964 and 1974 County Road Schedules, the U7041 has always referred to the Grindon Green Road whilst the U7071 relates to some road in Haltwhistle town.

4) The U7041 is in a terrible state of repair. What obligation does the County Council have to maintain it to a better standard? The Council's obligation, as with all highways, is to maintain it so that it is suitable for the ordinary traffic of the neighbourhood. I don't know quite how bad the route actually is, but I would say there is no automatic obligation for the Council to provide a metalled surface on a road (and even less so on routes which aren't through routes for motor vehicles). But my strengths are in the area of highway status - I'm far from an expert on maintenance matters. I think you might be better off contacting Graham Bucknall (Highways Delivery Manager) in relation to this particular issue.

I'll speak to Graham Bucknall about the County Council's obligations. I wonder if the fact that it's the NCN68 means that they're obliged to keep it in better condition than they actually do? I emailed Alex Bell, the Definitive Map Officer, about the Coldcotes to Scotchcoulter road, and he's provided me with the following explanation. My questions are in black and his answers are in red. It's complicated, but his explanations are clear. I admit to having to read it twice before I understood it though! We can discuss the implications next time we meet.

7. Planning application

R7 H Scott. Replace existing Workshop WPC supported this application
p. Cllr Jeffrey 2nd Cllr Leadbitter

8. Highway issues

Parking on Village Green and Hexham Road it was suggested that WPC erect a no Parking sign

- Purchase a 2Moving Vehicle Sign - ask business for support
- Clerk has asked NCC to erect posts to support a MVS
- 20 mph speed limit, School Lane and Hexham in hand

9. Stonehaugh Issues

- Substation sale and Activity Centre Lease with Solicitor
- Footpaths and Jocks Close to Scotch Coulthard road- See Pt.6

10. Wark Issues

- Street Watch – contacted organiser Anthony Kirk Training delayed because of Covid, he will contact when something becomes available
- Request from Monday Club for a grit bin at entrance to St Michael's mount. Proposed WPC buy a grit bin Cllr Leadbitter will source one.
P Cllr E Jeffrey 2nd Cllr P Leadbitter

11. Correspondence

- Receipts from all recipients of donations

!2. Financial matters.

Payment Schedule

1381 Toilet Maintenance £72.08

1382 Toilet Maintenance £71.28

1383 E Jeffrey Stamps 10.20

Agreed and paid

Bank balance £20251.48 including donations received for Activity Centre

Accounts are with Tyne Reed Accountant

13. Reports from Representatives of other Bodies

- Town Hall Open for usual activities including coffee morning and Senior Citizens dinner.
- Stonehaugh Community Hall- open again for Social Club and Community Hall

14.Other Business

Jubilee Celebrations It was agreed to display 2 beacons, Clerk to order a Gas beacon for Stonehaugh, David Haley will donate a cauldron type for Wark,

It was agreed to complete Activity Centre using money in hand from donations, £1500 from sale of land with any shortfall from reserves.

It was agreed to purchase 2MSV signs using £2000 from sale of toilets, money from reserves.

Meeting closed @ 9pm Members of public asked to leave

Wark Parish Council Confidential meeting

Was convened following general meeting.

Wark Grass cutting.

Three tenders received

Contract was awarded to Wark Monday Club, Monday club to use WPC mower if required

Stonehaugh Grass cutting

Two Tenders received

Contract was awarded to Trevor Bell Terms and conditions as per previous contract.

Appointment of Clerk

Louise Thirlwell attended for interview and was appointed to the position of Clerk commencing April 2022

No other business the meeting closed at 9.45pm

Signed

A Hutchinson Acting Clerk and RFO

