

NORTH RUNCTON PARISH COUNCIL

Members of the Public are invited to attend the next Parish Council Meeting
which will be held at the Cricket Club, North Runcton
on **Tuesday 13th October 2015 at 7.00pm**

**The purpose of this meeting is to discuss issues surrounding
the Runcton Hall site.**

Please see below a statement from the Parish Council's solicitor which gives some background information regarding an easement for School Lane.

Question: Why would a deed of easement be beneficial to the Parish?

Answer: (1) It secures a substantial capital sum for the Parish Council and therefore for the benefit of the parish as a whole (2) it ensures the Church pays a substantial contribution towards the cost of future maintenance and repairs to School Lane and (3) it gives the Parish Council a measure of control over the extent of use of School Lane by providing that its use is limited to that authorised by the existing planning permission. If the Church (or any other future site owner) gets planning permission for any wider or different use than that authorised by planning permission 13/01103/FM then the use of School Lane becomes unlawful under the deed of easement (unless the easement is varied to allow the wider use).

Question: Why would not having a deed of easement be problematic?

Answer: The issue then becomes by what right does the Church actually exercise a right of way over School Lane and what are the consequences?

One matter is that without an easement, the Church eventually acquires a right of way by prescription (a legal term essentially meaning use for more than 20 years subject to fulfilling a number of conditions). If a right of way is acquired by prescription then the user is not legally obliged to contribute towards the cost of maintenance and repair. The user is entitled to carry out its own repairs at its own cost so as to enable it to exercise the right it has acquired.

It is also more difficult to control the extent and intensity of the use of the right of way acquired by prescription, so if there was a future enlargement or intensification of the use of the site it would not be as easy to limit the use of School Lane as it would be if there was an express deed of easement.

The Parish Council invites any questions arising from this statement to be submitted in advance for discussion at the meeting.

Please email these in advance to the Clerk, Mrs Rachel Curtis,
northrunctonparishclerk@outlook.com or post to the Chairman, Mr Rick Morrish,
56 Common Lane, North Runcton, PE33 ORF by Monday 12th October.

Agenda

1. Responses to questions received.
2. Discussion – Opportunity for further discussion within time available.

Please Note:

The ordinary monthly meeting of the Parish Council will now be held on
Tuesday 20th October at the Village Meeting Place at 7.45pm.