**ALBY WITH THWAITE PARISH COUNCIL**

**Minutes of the Special Council Meeting held on 5 January 2017**

**at Alby Horse Shoe Inn, Cromer Road, Erpingham, NR11 7QE**

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Present: Chairman - Barry Fitzpatrick, Vice Chairman – Councillor Will Cutts, Councillors’ Steven Wade, Stephen Jordan, William Mellor, Parish Clerk: Rosalyn Dawson

Visitors: Norman Smith - District Councillor and Chairman of

Erpingham Parish Council

Chairman of Friends of Thwaite Common (FoTC)

Common Right Holder representative

Seven Members of the Public including one representative of FoTC

1. Apologies: Councillor James Buchan

The Chairman advised that the other Common Right Holders were aware of the meeting but will not be attending.

2. Parish Council Policy on Thwaite Common:

The Chairman’s made the following opening statement: This is a single item Agenda and the public are invited to participate.

The Chairman stated that a draft response was inadvertently sent to Norman Smith before it was put to a vote before the Parish Council. Notwithstanding this the Chairman advised that the content of the email sent to Norman has now been endorsed by Parish Councillors.

He also stated that any relevant correspondence would be read out in the Meeting.

Norman Smith advised that before he had sent his email to the Chairman he had previously run it past Paul Ingram, NNDC Countryside and Parks Manager and member of the TCMC. He subsequently read his email to all in attendance.

To summarise, the main points are as follows:-

*‘Regulations issued by the Secretary of State are not binding on the NNDC; their purpose is to ensure the Common is maintained as an open Common. Due to unfortunate circumstances, management of the Common was passed from the Alby with Thwaite PC (AwTPC) to the NNDC who took on sole responsibility for compliance and protection of Right Holders who have right to graze. With regard to the Friends of Thwaite Common (FoTC) the Council can seek help of a casual nature from volunteers who will be directly responsible to them. Placing of any benches is ultimately the final decision of the TCMT.*

*The Common is accessible to everyone; they can roam at will; however in so doing they could damage wildlife and disturb birds nesting and therefore additional footpaths might prevent this. The TCMC would seek advice from the Norfolk Wildlife Trust on these matters. My suggestion is that the interested parties seek to achieve SSI status and the local community with the AwTPC as lead could seek to pursue this.’*

Councillor Steven Wade proceeded to read the Parish Council’s reply to Norman Smith’s email. The main points are summarised as follows:-

*‘Norman Smith was present at the AwTPC’s recent Parish Council meeting when it was decided that the AwTPC was opposed to new benches and footpaths on the Common. In essence the AwTPC are opposing the statement that TCMC has overall control of any work carried out on the Common since this overrides a longstanding relationship the AwTPC has had with TCMC since 2002 when the TCMC took over.*

*The AwTPC has powers, albeit limited, and have to comply with The Scheme of Regulation with works carried out and in effect have asked permission and financial support from the TCMC.*

*The AwTPC has been a driving force in maintenance works such as pond and drainage clearances, footpaths, sewage spills, signage and creating a soil bridge on the Common in addition to the established Management Committee plan.*

*In consequence the AwTPC seeks a joint meeting to discuss and overcome differences.’*

Norman Smith’s response was as follows:

He said his understanding was that since the AwTPC had handed over the Common to the TCMC the NNDC had total control of works under- taken on the Common, including seats. He also said that some concerns had been expressed that certain works carried out by the AwTPC was a misuse of parish funds. But nevertheless his thoughts were that those who made such accusations should seek legal advice as he believed the one organisation that should have some control is the AwTPC. He further stated that as for the group of volunteers, there were more properties along the Erpingham boundary and it is appropriate they have representation. He expressed concern that if the funding to NNDC was reduced the TCMC would be in considerably more difficulty in protecting the Common from what he perceived as new unscrupulous Planning rules which relate to Commons generally.

If a majority of local people support the Common there is less likelihood of changing its wildlife character. The TCMC parallels other interested parties in wanting similar outcomes for the Common.

He said he regarded the TCMC as a small ‘Team’ working together and not a ‘Committee’ as their title suggested. There was an acknowledgement that little written administration existed and that each member of the Team did what they were ordered to do on an ad hoc basis.

Paul Ingram had always referred to Helen Baczkowska as a consultant who acts in an advisory capacity and not one of the Team as such. He advised the meeting that the NNDC had appointed someone new to take over Paul Ingham’s role but that he would not be involved as Paul was. He also advised that Anne-Marie Gedge as the Ranger was very knowledgeable and is working on various projects.

Councillor Steve Wade asked if there was likely to be a consultation following the on-site meeting on 11th January. Norman Smith suggested that interested parties take notes and these will be presented to the TCMC. Councillor Steve Wade asked if the meeting was open to other parishioners to attend. Norman Smith replied that anyone can attend and proposals for works to be carried out in the forthcoming year will be represented.

Norman Smith put forward a suggestion that District Councillor Tom Fitzpatrick could be persuaded to attend an informal meeting arranged with interested parties.

The Chairman said his real objective was to take matters forward without fuelling acrimony and he referred to a letter from Martin Pettifer, dated January 2001, which outlined the NNDC’s temporary policy with the inclusion of the AwTPC and that the intention was that the AwTPC would have foreseeable permanent involvement. The Chairman said his intention was to restore the reputation of the AwTPC and work with TCMC towards mutual objectives.

3. Suspension of Meeting for public participation

The Chairman of the FoTC entered into the conversation saying volunteers are keen to so some good work tackling bramble encroachment with a heavy duty strimmer and advised they had approached experts on the areas this should be done. Councillor Steve Wade said the difficulty was the speed of the work undertaken and it had been completed before the AwTPC realised. The Chairman (FoTC) replied, that the intention was not to cause offence.

Norman Smith acknowledged that new footpaths should not be made where they could cause damage to wildlife but a few paths leading walkers where the joint parties would like them to go could save natural habitats. He says the objective should be to obtain SSI status and give the Common permanent protection.

A member of the public was concerned that volunteers of the Friends are covered by public liability insurance in the event of accidents because one resident paid this cover himself; however it was acknowledged that the NNDC repaid the cost of the cover. Norman Smith advised a public liability insurance was in place but that the TCMC would make the final decision on pay-out.

A member of the public asked what the prospects were for temporarily fencing on the East side of the Common. Norman Smith responded saying that underground cable is invisible and not appropriate although not expensive, but there is an issue if the battery loses charge. The only way the grazing could take place on the middle and East would be to fence on separate occasions. A member of the public asked for clarification, for instance would each area be fenced in at different times, in effect only one area at a time. Norman Smith said this was the only way it could happen. Councillor Stephen Jordan suggested mobile fencing. He said horses are easier to graze and would stay confined. The Chairman suggested that grazing on the whole of the Common could be discussed at the meeting on the Common on the 11th.

A representative of the FoTC said The Common is a National asset and that the Friends only interest was to retain its natural surroundings. She outlined what the Friends were basically interested in such as ‘flora’, ‘fungi’, and butterflies and there has never been an intention to take over from other interested parties.

Councillor William Mellor suggested that representatives from each interested party could participate in decision making which could be presented to the TCMC. The Thwaite Common representative was totally in agreement with this suggestion and two other members of the public also agreed. The Chairman expressed his opinion that the FoTC had formed purely because the NNDC had not carried out any work to benefit the Common for considerable time and a section of it was nominated as an area of outstanding natural beauty. He also stated that when the Management Stewardship Agreement comes to an end the joint parties do not want to lose grant monies and if byelaws were introduced they could protect the Common from any incursions put forward.

Norman Smith made a final comment stating the combined parties should arrange a joint meeting. He subsequently left the meeting.

Chairman (FoTC) proceeded to query a certain communication that had come to his notice. His first query was that of an unsigned email from the Alby with Thwaite Parish Council that had come into his possession. The Parish Clerk explained that this was an internal document and that this was inadvertently sent and the intention was not to make this document public. He also queried works which were carried out on Thwaite Common in 2010 which he said had not been agreed. The Clerk has decided to research this matter.

Members of the public left the Meeting.

4. To reconvene the Meeting

Councillors contemplated matters that had arisen in the meeting and there was some discord; however the overall analysis of the Meeting was positive and something that the Parish Council could build upon.

5. Date, Time and Place of next Meeting

 No date was set.