

Caldbeck Parish Council Management Plan for ex National Park land

Proposed management policy for “village” land to be acquired from the Lake District National Park in Caldbeck and Hesket Newmarket, [approved at the Parish Council meeting held on the 10th February 2020].

The Parish Council asked to purchase the land in Caldbeck and Hesket Newmarket villages which belonged to the Lake District National Park some 2 and a half years ago. The purpose was to gain direct control of the village assets and manage them for the benefit of the community. The purpose was given impetus as some time before a request was made to the National Park to extend the Hesket Newmarket car park, and the National Park did not want to get involved because the car park was already unlawful, being on common land without Secretary of State consent under what was then section 194 of the Law of Property Act 1925. The Parish Council was already cutting the grass at its expense at Hesket Newmarket and was prepared to conduct more active management. The National Park agreed in principle and negotiations started. The acquisition is for the benefit of the community, ensuring current access/amenity is maintained, and was supported by over 70% of those parishioners who replied to a consultation on the matter (and other matters) in December 2019.

1. The majority of the land to be acquired is presently registered as common land. There are 3 registrations:

1.1. CL20 for Caldbeck Common which totals 3,986 ha, and of which the land used as a car park in Caldbeck forms a small part. The proposed acquisition has been notified to those attending the Caldbeck Commoners Association AGM in December 2019 to which all holding rights (about 70 persons) to graze Caldbeck Common (CL20) were invited. No adverse comment was made.

1.2. CL23 land at Hesket Newmarket. Most of the land the Parish Council proposes to acquire at Hesket Newmarket is registered under this common. The Todhunter family who farm in the village have grazing rights for cattle, which they have exercised, and for grazing geese and hens. Arthur Todhunter was contacted about 2 years ago concerning a proposed extension to the car park and he had no objection. A Mr and Mrs Brew have rights in gross to graze hens and they no longer live in the village. If they have assigned their rights, the new owner has not registered them so they are not exercisable (Commons Act 2006 section 12).

1.3. CL24 small areas of land at Caldbeck. The right to graze 50 sheep or 2 ponies or 12 cattle are registered to land at Knocker House and fields at Upton which will now be held by Victor Green of Knocker House who does not farm, and by John and Paula Cole who live in Twickenham and who do not farm. Rights to keep hens are registered to Upton House. None of the rights has ever been exercised and it would be totally impractical to do so. Contact will be made with the rights holders by the Parish Council if an application is made under section 38 of the Commons Act 2006 in respect of the part (known as the Map Shop triangle) long used as the school and parish hall car park.

2. Consideration would be given to registering part of the grassed area in the middle of Hesket Newmarket as a Village Green subject to the existing common grazing rights. This would give the local residents the statutory right to exercise lawful sports and pastimes on the green, but the transfer to the Parish Council will effectively give them that right anyway.
3. Applications under section 38 of the Commons Act 2006 for the consent of the Secretary of State to the existing car parks would be considered for each of the areas presently and in the twenty years or more past used as car parks, namely Caldbeck car park, Caldbeck map shop triangle, and Hesket Newmarket car park. It is understood that obtaining retrospective consent to what is there and has been there in some cases for very many years pre 2007 may not be possible without being linked to a new works application, for eg resurfacing a car park.
4. It would be the intention of the Parish Council to apply under section 38, and for planning consent, to extend the car park at Hesket Newmarket
5. It would be the intention of the Parish Council not to charge for car parking on any of the existing sites, but to seek donations in a voluntary contribution box on all sites as the National Park presently does on Caldbeck car park.
6. Day to day management will continue. Grass cutting at Hesket Newmarket on the potential village green land has been organised and paid for almost entirely at the Parish Council's expense and would continue as before (March to October]. Pot hole filling and surface repairs in the car parks have also been carried out by the Parish Council in Caldbeck car park and in Hesket Newmarket car park either by the Parish Council or by the County Council following a request from the Parish Council. The Parish Council would seek to maintain and improve the car parks. Consideration would be given to the active environmental management of the pond in Hesket Newmarket.
7. Past encroachments on the areas transferred would be dealt with by the Parish Council on their legal merits and/or commercial merits as would applications for easements or licences.
8. Disposals and the grant of easements and licences would be considered on land agency advice and at the discretion of the Parish Council representing the wishes of the local community.
9. New encroachments would be stopped.
10. Subject to finance, planning, and if needed section 38 consents, the Parish Council will be looking to make improvements to the land acquired for the public benefit and to manage it actively, without interfering with its status as common land where the land concerned is part of a registered common.