

# CULGAITH PARISH COUNCIL

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Fell View  
Blencarn, Penrith  
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## Minute of the Meeting Held on Monday 6<sup>th</sup> November 2023 in the Victoria Institute, Culgaith. commencing at 7.30pm

**Unapproved.**

### 78/23 Present

Cllrs Caroline Richardson (Chair), Ken Philipson, Sue Smith, Nick Mason, Andrew Clay, David Witney, Pauline Toppin (Vice Chair),  
Westmorland and Furness Cllr Michael Hanley, plus two members of the public.

### 79/23 Apologies

Cllr John Watson and Westmorland and Furness Cllr Mary Robinson.

### 80/23 Minutes

The Chair was unanimously authorized to sign the minutes of the meeting of the Parish Council held on Monday 4<sup>th</sup> September 2023, as a true record.

Proposed by Cllr D Witney, Seconded by Cllr S Smith

### 81/23 Declaration of Interests

There were none.

### 82/23 Public Participation

A member of the public, who owns land over which the proposed 'Unofficial Permissive Path' by Tarn Vill, Culgaith, crosses, took part in a debate over this proposed initiative. The Parishioner indicated that he would consider what was proposed.

The creation of such a path, would, in effect, formalize current custom and practice. (See 86.1)

### 83/23 Westmorland and Furness Councillor Report

Cllr Michael Hanley presented a report to the meeting.

A full report is available on [www.culgaith.org.uk](http://www.culgaith.org.uk)

### 84/23 Finance (Incl.Vat)

#### 84.1 To Note the following balances as at:-

**30/10/2023**

£

HSBC Account	2336.20
Penrith Building Society	19315.12
NSI Account	<u>24.00</u>
Total Cash	<u>21675.32</u>

#### 84.2 Presentation of Interim Accounts from 5<sup>th</sup> Sept to 7<sup>th</sup> Nov 2022

These accounts were unanimously approved.

Proposer Cllr S Smith

Seconder Cllr C Richardson.

#### 84.3 The Following Accounts Were Ratified

84.3.1 J Fleming Fee Aug/Sept/Oct 2023	As per contract
84.3.2 J Fleming Office Provision June/July 2023	60.00
84.3.3 HSBC Charges 15/8/23	5.00

83.3.4.	HSBC Charges	15/9/23	5.80
83.3.5	HSBC Charges	15/10/23	5.00
83.3.6	Velcro – Amazon		16.99
83.3.7	Mark Binney – Grass Cutting		292.50
83.3.8	Wel Medical Defibrillator Pads – Blencarn		71.94
83.3.9	Solway Direct – Drove Road Bench		448.80
83.3.10	Blencarn VH Room Hire 4 <sup>th</sup> Sept 23		25.00
83.3.11	Skirwith Bus Shelter -Water Butts Direct		76.99
-			
<b>84.4</b>	<b>To Approve the Following Accounts for Payment</b>		
	J Fleming Expenses – 4 <sup>th</sup> Sept– 6 <sup>th</sup> Nov 2023		12.77
<b>84.5</b>	<b>To Approve 83.3 and 83.4</b>		
	These were unanimously approved		
	Proposer Cllr A Clay		
	Seconder Cllr P Toppin		
<b>84.6</b>	<b>To Report Receipt</b>		
	Transfer from Penrith Building Society to current account.		3000.00
<b>84.7</b>	<b>Budget 2024 – 2025</b>		
	A budget for the forthcoming year was tabled and unanimously adopted. A copy being on file..		
	Proposed by Cllr A Clay		
	Seconded by. Cllr D Witney		
<b>84.8</b>	<b>Precept 2024 – 2025.</b>		
	It was formally agreed to set the Precept at £13000, an inflationary, 8%, increase of £1000, over last year.		
	Proposed by Cllr N Mason		
	Seconded by Cllr D Witney.		

The importance of highlighting, to Parishioners, the work the Parish Council does within the community was stressed.

## **85/23 Planning**

To Report.

23/0594 - Brook View, Skirwith, Penrith –Trees requiring pollarding and trimming;

1) Ornamental Pear. 2) Ornamental Crab Apple. 3) Flowering Cherry. 4) Betula utilis.

Supported

23/0643, Site adjacent to Otters Holt Culgaith, Reserved Matters for access,

appearance, landscaping, layout and scale, attached to approval 17/0632. Supported

23/0663, Land Adjacent to Otters Holt Culgaith, Modification of S106 agreement regarding a commuted sum, attached to approval 17/0632. Commented

## **86/23 Highways and Land Matters**

### **86.1 Foot path – By Tarn Villa Culgaith.**

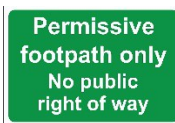
**86.1.1** Following the decision taken at the September 4<sup>th</sup> meeting, to investigate the requirements involved in creating an ‘Unofficial Permissive Path’; the following document was tabled.

### 86.1.2 Unofficial Footpath Diversion by Tarn Villa – Culgaith

1. It would be in order to create an informal. 'Permissive' path on the current route of the existing path. Red on map.



2. The associated signage must make it clear that this is a 'Permissive' path and not registered 'Public Right of Way'.



3. As the line of the Public Right of Way is still obstructed and not available to offer as an alternative, WAFC would not agree to a legal agreement to maintain the Permissive path, signpost, etc. **The path would have to be established informally.**
4. All the landowners over whose land the path goes over must be in agreement.
5. The landowners involved would be liable for the maintenance of this Permissive path and any furniture on the path, stiles, signposts, etc.
6. Landowners can specify what users can use the path, whether they be on foot, a cyclist or on a horse. Who can use the path must be clearly stated on signs at either end of the Permissive path.
7. **Landowner Liabilities**
  - a. The liability's that may befall a landowner is governed by the 'Occupiers Liability Act 1957 and the duty of care that a landowner must extend to visitors on their property.
  - b. **Insurance notification** – Landowner must inform their insurance company of their plan to create a Permissive path to ensure they are covered under their Public Liability, against those using the path.
8. **Signage.**

This will ensure that users stick to the route.

  - a. Signage at either end of the path stating Permitted usage.
  - b. Signage regarding dogs being kept on a lead.
  - c. Way markers are advised to clarify the route, if appropriate.
  - d. Signage to warn users of stock in a field over which the path passes are advised. Incidentally cows with calves being as, if not more, dangerous than bulls.
  - e. Signage Photographs – It is advised that photographs are taken and filed of all signage for use should a future dispute arise.

- f. Permissive path signage is white lettering on a green background.



- g. Fingerpost, hardwood. 2.3m tall with one finger costs approx. £270 + Vat + £45 carriage. Small signs eg 100m sq. £20 - £30 + Vat.
9. **A landowner's concern** regarding the establishment of a Permissive path is that, at some point in the future, a claim could be made that not having been closed for a period of 20 years it can be claimed as a 'Public Right of Way. To avoid this happening, it is recommended that the path be closed for a day, once a year.
10. **Closure of a Permissive Path.** There is no legal restriction on a landowner closing a Permissive path at any time in the future, should it be so desired, for whatever reason.
11. **Setting Up a Permissive Path Informally.** This is straight forward.  
I have been advised as follows: -  
Decide on route, in this case this is already determined.  
Erect signage. See 8 above.  
Inform your insurance company to confirm you are covered by Public Liability in respect of those using the path.  
Inform WAFC and the Parish Council of your intention to create an **informal** Permissive path.  
Check that there are no hazards on the route of the path.  
Arrange to close the path for one day each year.
12. **Cross check** that all procedures are in order with the CLA National Access Adviser at the Country Landowners Association. (Members only)  
<https://www.cla.org.uk/news/in-focus-permissive-paths-what-landowners-need-to-know/>  
Tel 020 7235 0511 or Westmorland and Furness Council 01768 817 817

Culgaith Parish Council 3<sup>rd</sup> November 2023  
EAOA

**86.1.3 Action:-** Following a discussion, taking into account 82/23, the following key clauses were unanimously agreed. (86.1.4 – 86.1.7)

Proposed Cllr N Mason

Seconded Cllr P Toppin

**86.1.4 Signage** - Assuming that both parties, over who's land the proposed 'Unofficial Permissive Path' crosses, agree to its creation, the Parish Council agrees to cover the cost of all signage.

**86.1.5 Creation of the Path** – This shall be the sole responsibility of the landowners.

**86.1.6 WAFC** – Once established, Westmorland and Furness Council shall be notified of the establishment of the path, for their records.

**86.1.7 Memorandum of Understating Document.**

Cllr N Mason kindly agreed to draw up a Memorandum of Understating, document between the landowners involved and Culgaith Parish Council.

This is on file. (subject to approval).

## **86.2 Skirwith Footway Light – Non-Functioning**

Reported that this wayleave issue was being investigated by the 'Land and Consents Officer' at Electricity North West Ltd,

- 86.3 Beck Cottage, Skirwith – Revised Driveway Deed of Grant.**  
Reported that the matter was still with the Land Registry.
- 86.4 Electricity NW – Tree Maintenance in Church Street Skirwith.**  
Reported that this work was now completed.
- 86.5 Road Safety Markings – Culgaith Entrance Roads**  
Reported that this was still in hand with Highways.
- 86.6 HGV and Coach Traffic from Station Road to ‘Black Swan’ Junction.**  
Reported that this matter was still in hand with Highways
- 86.7 Skirwith – Church St. Roadside Concrete Post and Rail Fence.**  
In hand with Highways.
- 86.8 Skirwith Village Green. Path off road by Beck Cottage.**  
In hand with contractor.
- 86.9 Drainage issue - The Pea to A6412 Junction – In hand with Highways**
- 86.10 Culgaith Drove Road – Replacement Bench**  
New bench is now in position. Councilors expressed their gratitude to the Parishioner for completing the installation.
- 86.11 Blencarn Green – Silver Birch Prune on Village Green by Cobblestone**  
Barn  
Reported that this work would be completed in December.
- 86.12 Skirwith Beech Tree – Christmas lights.**  
Permission was sought, by a group of Skirwith residents, to decorate this tree with Christmas lights.  
**Action:-** Permission was granted and it was agreed to cover approximately 50% of the cost.

**87/23 Schedule of Correspondence, Notices and Publications.**

The following items of correspondence were received since the last meeting.

- 87.1 Cast Iron Fingerpost.** – It was reported that the cast iron fingerpost signs were being refurbished at the Skirwith/Culgaith/ Blencarn junction, south of Blencarn and at the top of ‘The Pale’ junction, south of Howrigg, on the Culgaith Newbiggin road. The Kirkland sign has been added to the list for refurbishment in 2024/25.
- 87.2 Westmorland and Furness Council Public Space Protection Orders (PSPOs) Relating to Dog Control.**  
It was reported that notice is hereby given that Westmorland and Furness Council proposes to extend the existing Public Space Protection Orders (PSPOs) applicable to the area of Eden, relating to dog control for a further period of three years under Section 60(2) of the Anti-Social Behaviour, Crime and Policing Act 2014 and of all other enabling powers.
- 87.3 Westmorland and Furness Code of Conduct,** document has been revised. This replaces the three District Association’ documents.  
**Action:** - It was unanimously agreed to revised and update both the Council’s Standing Orders and Code of Conduct documents.  
Proposed Cllr C Richardson  
Seconded Cllr P Toppin.

**88/23 Councillor Matters**

An opportunity for Councilors to raise issues on behalf of residents.

*Note: no decisions can be made on these matters, but they may be placed on a future agenda of the Council*

- 88.1 Storm Damage Kirkland** - Reported that two small trees had been damaged in a storm on Kirkland Village Green. One, an Oak, was beyond salvage and was cut up, the second, a Chestnut, was still standing but suffered some limb damage.

- 88.2 Tree Safety Pruning – Kirkland.** There was some outstanding safety pruning required on the small plantation between Blencarn and Kirkland. A quote had been received of £200 to complete the work; it was agreed that this be accepted and the go ahead for the work, given.
- 88.3 Skirwith – Overhanging Trees -** Outside the Durbervilles, Kirkland Road  
**Action:** -, Unanimously agreed to arrange for them to be pruned as a matter of urgency.
- 88.4 Voneus Broadband Fibre Installation – Culgaith**  
 Concern was expressed over the overall disruption that this work was causing. The long delay on the traffic lights was excessive, especially at the Black Swan junction. There appeared to be work carried out to properties only on one side of the road and not the other. Further, the Village Green, by the War Memorial, had been dug up and a cable laid, without permission being sought.  
**Action** - Agreed that Voneus be contacted to seek clarification regarding what work was exactly being carried out and whether all properties in the village were being supplied with a fibre broadband connection to their boundary or not. In addition the above-mentioned Councillor concerns were also, to be raised with the company.
- 88.5 Langwathby Station Parking Charges.**  
 Serious concern was raised over the recently introduced, £12 per day parking charges at Langwathby Station with only a 10 minute drop off concession. Such a short drop off concession did not give time to safely seat an elderly passenger on a train without incurring a £60 fine. In addition, for those using the train, who worked in Carlisle, the weekly travel costs would be prohibitive,  
**Action:** - The Clerk, as also Clerk to Langwathby Parish Council, agreed to discuss the matter with the new station, station car park and access road, owner.

**89/23 Dates and Venues of 2024 Meetings.** All on Mondays at 7.30pm.

8 <sup>th</sup> January	Skirwith Village Hall,
4 <sup>th</sup> March	Blencarn Village Hall
13 <sup>th</sup> May	Culgaith, Victoria Institute, (Annual Parish Meeting/AGM/May meeting)
1 <sup>st</sup> July	Skirwith Village Hall
2 <sup>nd</sup> September	Blencarn Village Hall
4 <sup>th</sup> November	Culgaith, Victoria Institute,

The Chair thanked Councillors for their attendance and closed the meeting at 20.12

Signed by Chairman \_\_\_\_\_

Date \_\_\_\_\_

