

Dated

27th February 1984

AGREEMENT

NORTHAM TOWN COUNCIL

and

DEVON COUNTY COUNCIL



W.A. Burkinshaw Esq
County Solicitor
Devon County Council

County Hall, Exeter

THIS AGREEMENT is made the 27th day of February

1984 BETWEEN NORTHAM TOWN COUNCIL by the hand of their Mayor

Gouneillor WILLIAM BADCOCK and their Clerk DONALD REGINALD WALLIS

(hereinafter called "the Town Council") of the one part and

DEVON COUNTY COUNCIL (hereinafter called "the County Council") of the

other part

WHEREAS

(1) The Town Council is trustee for the inhabitants of the ancient parish of Northam in the County of Devon in relation to their rights of common over the land known as Northam Burrows which is registered under Register Unit Number CL. 9 in the Register of Common Land maintained by the County Council

(2) The Town Council as such trustee brought proceedings in the Chancery Division of the High Court of Justice under Title Number 1980 N. No. 662 (hereinafter called "the Action") against the County Council and against Frank T. Blakey and Geoffrey Wilford in respect of alleged infringements of the said rights of common

(3) The Town Council and the County Council have agreed to compromise the Action upon the terms herein contained

NOW THIS DEED WITNESSETH as follows:

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1. THE Town Council shall forthwith discontinue the Action against the County Council the order of discontinuance to contain the following terms namely

- (a) that there be no order as to costs;
- (b) that the Town Council shall not be entitled to bring any further action against the County Council in respect of the user of parts of Northam Burrows for the purposes specified in paragraphs 2(2), 3, 4 and 5 hereof;

2. (1) THE County Council will every year supply to the Town Council free of charge up to 1,500 season tickets for the taking of vehicles onto Northam Burrows subject to the following conditions and procedures:-

- (i) the number issued shall not exceed 1,500 per annum
- (ii) the holder will have the same rights and be subject to the same restrictions as any member of the public paying a toll
- (iii) the issue shall be restricted to permanent residents living within the Ancient Manor and Parish of Northam (as shown on the map attached) and whose name shall appear on the electoral register
- (iv) The Town Council shall give to the County Council names and addresses of all persons to whom a pass is issued - together with the registration numbers of the vehicles within a period of 4 weeks of the date of issue of a pass

(v) the types of vehicles for which the Town Council may issue a season ticket shall be restricted to those types of vehicle which the public may from time to time take on to the Burrows on payment of a toll and the vehicle shall be used for private transport only.

(2) The said free season tickets shall be deemed to be in compensation for the loss (if any) of grazing attributable to the following:

(a) the maintenance and use of the existing roads shown in red on the attached plan

(b) the maintenance and use of the existing car park areas shown hatched on the attached plan subject to the area hatched orange (Sandymere) being used only when not flooded and the area hatched brown (overflow area) being used at times of peak demand only

(c) the maintenance renewal and use of existing toll-keepers huts toilets cattle grids signs and posts on Northam Burrows

(d) the building maintenance renewal and use of the existing new visitor's centre (shown in green on the said plan)

and if and so long as the said season tickets are supplied as aforesaid no claim shall be made by the Town Council on behalf of those entitled to rights of common over Northam Burrows in relation to any of the things specified in (a) (b) (c) and (d) of this sub-clause

3. THE County Council may at its discretion fence off from time to time areas of the sand dunes shown coloured light brown on the said plan to stop access by the public (including inhabitants of the ancient parish of Northam entitled to rights of common) and livestock so that the County Council may take steps to conserve the dunes and minimise erosion Provided Always that the area fenced off at any one time shall not exceed 25 acres. It is accepted by the Town Council that this fencing of the sand dunes is a temporary necessity from time to time as a matter of good land management and the County Council accept that any fencing will be of a temporary nature pending stabilisation of the sand dunes in question

4. (1) THE County Council shall be entitled to operate a refuse tip in the north-east corner of Northam Burrows in the area shown by purple hatching on the said plan provided that for so long as tipping continues within that area the County Council will pay annually to the Town Council the sum of £150

(2) The maximum area fenced off for tipping or for restoration upon the completion of tipping shall not at any one time exceed 25 acres. In addition to this acreage the County Council shall be entitled to use the area shown coloured blue on the said plan to the south of the tipping area for annual winter ponding as part of the overall controlled land drainage of the tip area

27. Feb 1984.

5. (1) The area at present used for the Golf Course is shown blue on the attached plan. The County Council will every year pay to the Town Council £5 per annum out of the rent received by the County Council from the Golf Club as compensation in

Agreement entered into between the County Council and the Town Council

accordance with former practice, for the loss of grazing (if any) resulting from the existing activities of the Golf Club on the course and practice ground as laid out at present (or any variation thereof which has no greater effect on the grazing) on Northam Burrows and if and so long as such payment is made no claim shall be made by the Town Council on behalf of those entitled to rights of common over Northam Burrows in relation to such user as a golf course.

(2) The said sum is subject to review in the event of any renewal of or rent review of the lease between the County Council and the Golf Club. In the event of any dispute regarding the amount payable on such a review then such dispute shall be referred to the decision of a sole arbitrator who shall be a land agent to be agreed between the Town Council and the County Council or in default of agreement to be a land agent nominated by the Chairman for the time being of the Devon and Cornwall Branch of the Royal Institution of Chartered Surveyors. If for any reason it shall not be possible to give effect to the provisions of this sub-clause or pending the agreement or determination of the reviewed sum the County Council shall continue to pay the sum of £5 per annum as specified in sub-clause (1) above

(3) The Golf Club shall be entitled to continue to maintain and renew its existing private water supply and existing shelter huts on Northam Burrows and to erect and maintain from time to time temporary fencing around the Greens to prevent undue damage thereto by stock

6. In order to facilitate liaison between the County Council as owners of Northam Burrows and the Town Council as trustees of the grazing and as representatives of the local inhabitants of Northam meetings shall be held on a regular monthly basis (or as frequently as may be agreed) between the Grazing Sub-Committee of the Town Council and the County Council's warden (accompanied when necessary by a member of the County Estates Surveyor's headquarters) to discuss matters of management relating to Northam Burrows

7. To facilitate consultation with the Golf Club the Town Council will arrange for a nominee of the Golf Club to be co-opted on to the Grazing Sub-Committee of the Town Council when agreement on outstanding matters has been signed by the Golf Club

8. The terms herein contained are in full and final settlement of presently existing claims or causes of action of the Town Council on behalf of the inhabitants of the ancient Parish of Northam against the County Council in relation to user of parts of Northam Burrows for the purposes specified in Paragraphs 2(2), 3, 4 and 5 hereof.

IN WITNESS whereof the said WILLIAM BADCOCK and DONALD REGINALD WALLIS have hereunto set their hands and seals and the County Council has caused its common seal to be hereunto affixed the day and year first before written.