

**Meeting of Harberton Parish Council
13th December 2022**

Summary Paper for Parish Council Consideration

Item 11: Harberton Playing Field Easement

1. At the meeting of Harberton Parish Council on 8th November 2022 the Parish Council considered a request made by a resident of the Old Hall, Harberton, for permission to dig a trench over land owned by the Parish Council in which to lay a 16mm electrical cable connecting power from the rear of their property to their parking space, 50 meters from their house. This is for the purpose of providing a charging point for an electric vehicle.
2. During discussion it was agreed that it was not quite as simple a matter as asking permission and it be or not be granted, but that an easement would be required. It was agreed that the clerk write to the resident offering them the chance to work with a solicitor to apply for an easement, and that the resident would be required to pay for all the Parish Council's reasonable costs, including legal costs.
3. The resident has made some enquiries with legal firms and has found one willing to provide an estimate for services. That solicitor has commented that the land would first need to be registered before a Deed of Easements can be drafted.
4. The resident has proposed that it is the Parish Council that instructs the solicitor, but that they pay the final legal fee.
5. Both the Harberton Parish Hall committee and the Harberton Playing Field Association have considered the query by the resident, as whilst the Parish Council is the landowner, the land is subject to lease agreements with both organisations. The Playing Field Association has deferred to the Parish Council on the matter and the Parish Hall Committee agreed it has no objection to this work being carried out as long as it is made good as promised and that the resident provides written assurance that if any extra expenses occur he will take responsibility.

The Parish Council is asked to consider:

A: Is the Parish Council willing to take the next step towards the drafting of a Deed of Easement to allow the cable to be laid?

B: Is the Parish Council willing to agree to the resident's request for the Parish Council to take the lead in instructing a solicitor to draft the Deed of Easement, while the full cost to be covered by the resident.

C: If the Parish Council decided to move forward with the Deed of Easement, what conditions would the Parish Council wish to include?