



Please reply to **THE REGISTRAR**

Berwick Upon Tweed Town Council
5 The Chandlery, Quayside,
Berwick Upon Tweed
Northumberland
TD15 1HE

Our Ref: LP/20/2015

4 March 2016

Dear Sir/Madam,

**Northumberland County Council
Land to the rear of Wallace Green, Berwick-upon-Tweed, TD15 1ED**

I refer to your letter to the Tribunal dated 29 January 2016 which has now been considered by the Registrar. He has also considered Northumberland County Council's letter dated 28 January, a copy of which is enclosed for ease of reference.

As the Applicant does not admit (i.e. accept) that the Town Council is entitled to object to the application, it is now up to you to produce documentary evidence to the Tribunal that the Town Council is entitled to so object. This means that, given the fact that the Town Council was not a signatory to the transfer which created the covenant in 1993, and it is not the statutory successor authority to Berwick-Upon-Tweed Borough Council, the only way of proving entitlement is to produce evidence that the Town Council now owns land which was owned by William Low Supermarkets Ltd or by Faraday Properties Limited at the date of the transfer in 1993 (i.e. 30 March 1993).

In the circumstances the registrar has directed you to file your documentary evidence proving entitlement to object within one month of the date of this letter.

The registrar asks that both parties copy to each other letters that they send to the Tribunal.

I await to hear from you.

Yours faithfully,

Jeanette Chalkley
Direct Tel.: 020-7612-9710
For the Registrar

Cc; Lorraine Fenwick Northumberland CC

The Lands Chamber of the Upper Tribunal
is the successor to the Lands Tribunal

The office open hours are 9am to 4.30pm

NORTHUMBERLAND

Northumberland County Council

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Our Ref: LoF/007646
Your Ref: LF/20/2015
Contact: Lorraine Fenwick
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28 January 2016

Dear Sir

**Restrictive Covenant Application LP/20/2015
Land to the Rear of Wallace, Berwick upon Tweed TD15 1ED**

I write further to the Order of the Tribunal dated 27th November 2015 staying proceedings in Northumberland County Council's ("the County Council") application until 29th January 2016.

Having received notice of Berwick upon Tweed Town Council's ("the Town Council") objection to the application and in particular its concerns in relation to the possible impact on public parking it was proposed to the Town Council, as a gesture of good will, that a Deed be entered into with it restricting use of the land to that of public parking, there being no foreseeable plans to develop the land or change its use. The Town Council's agreement to this was conditional and the conditions proposed were not acceptable to the County Council.

This being the case the County Council now requests the Tribunal to reach a decision on the County Council's application to remove the restrictive covenant in favour of Tesco plc.

The Deed imposing the covenant was entered into by Berwick upon Tweed Borough Council which merged with the County Council on local government re-organisation in April 2009. The Town Council's claim that it entered into the covenant is therefore mistaken.

No doubt you will let me know if you require more information and I look forward to hearing from you.

Yours faithfully

Lorraine Fenwick
Lawyer