



Laverstock & Ford Parish Council

Incorporating Milford, Bishopdown Farm, Old Sarum & Longhedge

Meeting of Laverstock and Ford Parish Council held on
Monday 20th June 2022 at 7.00pm

DRAFT MINUTES

Councillors present: Barker, Hayes, Jones, Lynn, Maskell (Vice-Chair and Chair for this meeting), Schneider, Vanstone, Waller

In attendance: Brain (Communications and Community Engagement Officer CCEO), Cavendish (Deputy Clerk), Deane (Clerk), Prince (Responsible Financial Officer RFO)

Wiltshire Councillors present: WCllr McLennan (from 7.22pm)

13 members of the public were also in attendance.

One member of the public spoke regarding a planning application, on the agenda under item 22.094, stating that they believed the extension would be proportionate and in keeping with the existing property.

Another member of the public spoke about concerns of speeding on Church Road between Woodland Way and the railway bridge at the bottom of Laverstock Hill, stating they had witnessed a significant increase in traffic and speed in the years they had lived in Laverstock. The resident expressed concerns about proposed parking restrictions by the schools, and a proposed new supermarket on London Road, and the impact these may have on speed on Church Road. A third member of the public spoke on their concerns regarding opening an access from The Oakbournes to the Hampton Trail, expressing concerns over safety, cost and a lack of consultation with residents.

The meeting commenced at 7.15pm.

22.089 Apologies

Apologies had been received Cllrs McDonald, Tucker, Rigiani and Baker. WCllr Oliver and PC Jung had also sent apologies for the meeting.

Resolved: to accept the apologies received

22.090 Declarations of Interest

Cllr Waller made declarations of interest for two items as a resident of The Oakbournes:-

22.093 Hampton Trail Access – In advance of the meeting Cllr Waller applied for a dispensation to take part in this item, which was granted by the Clerk, under Standing Order 13 (h) *ii. granting the dispensation is in the interests of persons living in the Council's area.*

22.094 Planning PL/2022/00560 27 The Oakbournes

22.091 Approval of Minutes of meeting on 16th May 2022

The Clerk highlighted an error in the previously circulated draft minutes. The Financial Statement should read 'The Balance on the 32-day notice account at the end of April 2022 was £17,413.75'.

Resolved: to approve the minutes of the meeting on 16th May 2022 as amended.

22.092 Matters Arising

The updated action list had been circulated to councillors and published as a report on the website in advance of the meeting. No questions were raised.

22.093 Hampton Trail Access

Under the dispensation granted, Cllr Waller stated her intention to present her personal statement regarding opening the access points in The Oakbournes and Oldfield Road. Cllr Waller read her statement which is attached as Annex One.

The Clerk reported that Wiltshire Councils legal team were still investigating queries raised by a resident and advised any decision made by Parish Councillors should be subject to their response.

Resolved: Subject to confirmation that opening the access is legally correct, that the council continues with works to open the accesses in The Oakbournes and Oldfield Road on to the Hampton Trail.

22.094 Planning

27 The Oakbournes PL/2022/00560

Councillors discussed the revised plans which reduced the size of the extension by 50cm. A number of councillors had reported visiting the site. WCllr McLennan confirmed that the application was due to be discussed at Southern Area Planning Committee.

Resolved: that the Parish Councils previous objection remained unchanged.

Drakes Corner, Ford PL/2022/03712

Councillors discussed whether the application demonstrated justifiable agricultural benefit. Cllr Maskell reported that the applicant had stated the changes were needed in order to accommodate specialist firewood processing equipment.

Resolved: that the Parish Councils respond 'No Comment'.

Planning Log

Resolved: to approve the following responses

PL/2022/03999 Single storey rear extension replacing conservatory at 10 Silverwood Drive, Laverstock SP1 1SH No Comment

PL/2022/03633 Fell 3 poor specimen trees at Throgmorton Hall, 1 The Churchills, Portway, Old Sarum SP4 6BQ No Comment

PL/2022/03596 (Retrospective) Construction of conservatory to rear elevation at 81 Partridge Way, Old Sarum SP4 6PX No Comment

PL/2022/03482 Demolition of redundant single storey commercial use building and erection of new single storey dwelling at 38 Napier Crescent, Laverstock SP1 1PL No Objection Subject to Condition

PL/2022/03479 Erection of a non-illuminated sign on the gable end of property at Unit 1A, Castlegate Business Park, Old Sarum SP4 6QX No Comment

PL/2022/03386 Proposed porch at 75 Saunders Ave, Bishopdown SP1 3PG No Comment

PL/2022/03313 Replace existing windows and doors at Wolferstan Barn, Wolferstan Drive, Bishopdown SP1 3XZ No Comment

PL/2022/03168 & PL/2022/03329 Replacement windows and external doors, formation of new door opening and alterations to modern internal partitions and doors including listed building consent The Granary, Wolferstan Drive, Bishopdown SP1 3XZ No Comment & No Comment

PL/2022/03069 Installation of Air Source Heat Pump at 38 Hill Road, Laverstock SP1 1RW No Objection

PL/2022/02948 To erect 4.2m x 5.2m x 3.8m timber shed to rear of garage at 127 Church Road, Laverstock SP1 1RB No Comment

22.095 Highways Improvement Requests

Update on Church Road Experimental Traffic Regulation Order ETRO

The Chair reported on the update from Wiltshire Council that they did not intend to proceed with the Experimental Traffic Regulation Order, but to proceed with a full Traffic Regulation Order process instead. Councillors expressed their disappointment after so much work had been done on the proposals by the working group, and felt an ETRO was in the best interest of all parties including residents.

Resolved: that the Chair of the Parish Council submits the following response:-

Laverstock and Ford Parish Council regrets the decision of the Wiltshire Cabinet Member for Highways not to approve the Experimental Traffic Regulation Order which was supported by this council and the Wiltshire Council Southern Area Board. This council notes Cllr McClelland's concern that further consultation is carried out before agreeing an order. This council believes that while any consultation is desirable, the only truly informed consultation that can take place will be after local residents and other road users have had the chance to observe the regulations in effect. This council therefore restates its support for the traffic regulations in an experimental form and requests that Cllr McClelland agree to an ETRO after any further consultation he deems necessary.

New request Church Road/Riverside Road, Laverstock

A Highways Improvement Request form HIF had been received from a resident and circulated in advance of the meeting. The resident had expressed concerns about speeding on Church Road, Laverstock travelling south from the junction with Woodland Way. The Clerk recommended that a traffic survey be requested to inform Highways recommendations on solutions.

Resolved: to support the HIF requesting a traffic survey on Church Road

New request Sherbourne Drive

The Clerk reported that Sherbourne Drive had now been adopted. Previous discussions regarding parking problems on Sherbourne Drive had not been progressed whilst the road was unadopted. Concerns were also expressed over speed and safety at bus stops. The Clerk had circulated a proposed HIF in advance of the meeting.

Resolved: to support the HIF, adding a request for a traffic survey.

Update on results Spire View

The Clerk had previously circulated the results of the Spire View traffic survey. The recorded speeds did not meet the thresholds for intervention and Wiltshire Highways would be taking no further action.

22.096 Approval of Internal Audit

The RFO had previously circulated the results of the Internal Audit. The Council acknowledged receipt.

22.097 Approval of Annual Governance Statement

The Chair read out each of the eight statements to the Council and invited questions from Councillors. The ninth statement is not applicable to this Council.

Resolved: That the Council agree with each of the statements and approve the Annual Governance Statement 2020/21. The Statement was signed by the Chair and Clerk.

22.098 Approval of Accounting Statement

The RFO reported that these accounts had been prepared using the new Rialtas accounting system.

Resolved: that the Council approve the Accounting Statements 2021/2022

22.099 Notice of the Period for the Exercise of Public Rights

The RFO had circulated the notice to commence on 21st June 2022 and end 2nd August 2022

Resolved: to approve the Period for the Exercise of Public Rights from 21st June 2022 to 2nd August 2022.

22.100 Internal Audit Observations

The RFO had previously circulated the results and comments of the Internal Auditor, and the responses made.

The Council acknowledged receipt and noted the contents.

22.101 Grant Application – Chalk Stream Challenge, Devenish Bradshaw Trust

A representative of the Devenish Bradshaw Charitable Trust had submitted a grant application which had been previously circulated to councillors. Councillors expressed their support for the scheme.

Resolved: to grant £700 to the Devenish Bradshaw Trust to support the introduction of the Chalk Stream Challenge, under the powers of Section 137 of the Local Government Act 1972.

22.102 Standing Orders Adoption

Changes to Standing Orders had been proposed at the Parish Council meeting in May 2022, reflecting changes to procurement thresholds in Standing Order 18.

Resolved: to adopt Standing Orders as circulated in Report 22.081.

22.103 Finance

The Chair confirmed that Cllr Tucker had checked the presented accounts.

Adoption of Monthly Accounts.

The Financial Statement had previously been circulated in Report 22.103. The total funds held at the end of May 2022 were £1,411,393.68 of which £1,254,363.51 were earmarked or restricted reserves.

Resolved: To adopt the monthly accounts as a true record of the Council's finances. **Cheque & Debit Card Payments.**

The list of payments had been circulated in Report 22.103. The Clerk reported that two additional cheque payments had been raised since Cllr Tucker had checked the payments – one for Alvian (Play Area Works) and another for Olas Art (Skatepark Graffiti Workshop). Total cheque payments in June 2022 now amounted to £19,909.36. Debit card and direct debit payments in May 2022 amounted to £1,798.88.

Resolved: To approve the cheque and debit card payments in May 2022.

Reserves and Treasury Deposit Report.

Summaries of Financial Reserves and Deposits had been presented in Report 22.103. Earmarked and Restricted Reserves at the end of May 2022 were £1,254,363.51. The balance on the 32 Day Notice Account at the end of August 2021 was £17,415.12 including interest of £5,531.71.

Resolved: That the Council has received the reports of Financial Reserves and Treasury Deposits

22.104 Clerk's Report & Correspondence

The Clerk introduced Juliet Brain who had joined the staff team as Communications and Community Engagement Officer.

22.105 Exempt Business - Exclusion of the Press & Public

Resolved: In view of the commercial, in confidence nature of the business about to be transacted, the public and press are temporarily excluded from this meeting under the Public Bodies Admission To Meetings Act 1960 and the Local Government Act 1972 Section 100.

A discussion followed regarding vandalism at Council owned Play Areas.

The meeting closed at 9.13pm.

NEXT MEETING. The next Parish Council Meeting will be held on Monday 18th July 2022 at Old Sarum Community Centre.

Signed:

Date:

ANNEX ONE

Statement by Lesley Waller re: Opening access on the public highway in The Oakbournes to access the CHCP and the Hampton Trail

History

There is a divided memory. Some believe that the developers blocked off the public highway.

Others say that SDC under the auspices of the Community Safety Partnership at the request of the Bishop Down Farm Resident Association did.

What we can agree is that the public highway access point in The Oakbournes to the path from The Crusades around the estate development to Sycamore Close near to the junction with Pearce Way was blocked some 25 years ago.

At the time the land on the other side of this path behind Oldfield Road and The Oakbournes was farmland with sheep grazing and this public highway only provided access to the path around the estate.

During this time the fence in Drakes Close Play area was repeatedly broken, within days of repair, by people wanting to use this path to walk to Bishopdown Estate which at that time had a superior bus service.

This land was owned by Salisbury District Council until 2009 when it was passed to Wiltshire Council along with the powers and assets of the local council in its Unitary authority status.

In 2012, the Hampton Trail was developed/publicised by way of a Heritage Lottery bid. By this time the access points in Tyrhorn Drive and Neal Close were already open.

In March 2020, the PC took ownership of the Castle Hill Country Park and commissioned a 99-year lease to the Land Trust. This country park is an amazing facility for local residents as well as being a material selling asset to properties that have direct access to this 58-hectare public facility.

In 2022 Laverstock Parish Council took ownership of this trail land along with responsibility for its governance and maintenance in much the same way as when WC took charge of the land from SDC.

Where previously the public highway in question leads nowhere other than the path around the estate, now this access point gives direct access to the Castle Hill Country Park.

NB:

1. 9 or 10 houses in Drakes Close and Oldfield Road have opened up gates from their back gardens to the Hampton Trail which indicates to me a demand for access to the Hampton Trail and CHCP.
2. At the February PC the police stated that they did not expect an increase in crime as a result of the fence being taken down.
3. This proposal has been discussed for a long time by the PC and the action has been on the Action Plan since August 2020. The Action Plan is a public document and is published on the PC website before every PC meeting.

The Legal Situation.

The Highways Act 1980 says the following at section 137 and 138

137 Penalty for wilful obstruction

- (1) If a person, without lawful authority or excuse, in any way wilfully obstructs the free passage along a highway he is guilty of an offence and liable to a fine not exceeding £50.
- (2) A constable may arrest without warrant any person whom he sees committing an offence against this section.

138 Penalty for erecting building, etc., in highway

If a person, without lawful authority or excuse, erects a building or fence, or plants a hedge, in a highway which consists of or comprises a carriageway he is guilty of an offence and liable to a fine not exceeding £50.

In taking ownership of this land, I would argue that the PC accepts the following two facts.

The first being that the public highway is blocked by the fence and that this breaches sections 137 and 138 of the Highways Act 1980. The fence being on the land now owned by the PC.

Secondly, that the public highway in question in The Oakbournes (as well as the public highway in Oldfield Road and The Crusades) is designated as Public Highway.

Discussion:

I argue that the PC cannot accept the liability of past actions on land; but now that the PC owns this land it has a duty to ensure that it complies with current legislation.

Under that the ownership is with the PC, there is an opportunity to right a wrong.

Failure to do this will mean that the PC will **knowingly** continue to breach section 137 and 138 of the Highways Act 1980.

Looking at the legislation the PC will be liable to a £50 fine, whether this fine increases by inflation is not clear. Neither is it clear if the PC continues to breach these sections of the act, whether re-occurring fines might be charged against the PC.

What is not in question is that the PC now as landowner will be held responsible for the continuing breach of section 137 and 138 of the Highways Act 1980 if the fence remains in position.

Petition:

The petition presented to the PC is asking the PC to keep the fence that currently blocks the public highway and for the PC to continue to act in breach, by restricting access points, when it is a clear duty, on behalf of all residents, to provide and encourage as many access points as were anticipated at the outset.

If we accept that 1) the currently situation is in breach of the Highways Act 1980 and 2) that liability for maintenance and governance of this land now rests with the PC; then should the PC act in accordance with the residents wishes as expressed in the petition, then the PC will knowingly act in breach of this legislation.

Further the PC could be seen as failing to provide due governance to the residents of the parish by placing it in a position that it could be legally fined for its actions.

In short, I say that the residents are requesting that the PC acts illegally and against its own governance responsibilities. This is something I cannot support.

The Way Forward:

I say that the legal way forward for the PC is to unblock the restriction to the public highway and for the PC to undertake its responsibility to provide multiple access points, for all residents, to the Country Park.

I wish to thank residents for raising the issue, via petition, which has led to much research and clarification of the PC duties and responsibilities, in this instance.

Lesley Waller
June 2022