

**MINUTES OF THE MEETING OF NETTLETON PARISH COUNCIL  
HELD IN WEST KINGTON BAPTIST CHAPEL ON THURSDAY 15<sup>th</sup> AUGUST 2013**

PRESENT: Cllrs Kerr (Chair), Bell, Bush, Flint, Pearce, Wright, Maddock, Beare,  
Unitary Cllr Scott, Emma Walker (Clerk)  
Six parishioners – Mr and Mrs D Leat, Mr D Staincliffe plus 1, Sallie Belcher,  
Mr G Cheetham.

AP		ACTION
1.	<b>Apologies for Absence.</b> Cllr Shanahan	
2.	<b>Declarations of Councillors’ personal or prejudicial interests</b> None.	
3.	<b>Chairman’s Announcements</b> Cllr Kerr welcomed the new Clerk, Emma Walker, to the meeting.	
4.	<b>Approval of the Minutes of the meeting held on 11<sup>th</sup> July 2013</b> – Proposed Cllr Maddock, seconded Cllr Wright.	
5.	<b>Matters Arising</b> Cllr Kerr reported that the necessary changes would be made to the <b>bank account</b> to add himself and Cllr Pearce as signatories and remove Mr Peter Broadhurst. Cllr Beare confirmed that <b>cutting back hedges</b> is the responsibility of individual landowners and that proactive liaison with farmers in the parish should ensure that problems do not arise. Cllrs to report overgrown hedges to Cllr Beare. Cllr Bush confirmed that works have been carried out by the Environment Agency to the <b>brook in West Kington</b> to dig out part of the accumulated silt, following a request by Cllr Shanahan (at her own expense). Cllr Pearce confirmed that himself and Cllr Beare would be <b>erecting a fence</b> to restrict access to the Council land opposite Raybarrow, Nettleton Shrub and adjacent to the green lane.	Clerk, Cllr Kerr/Pearce  Cllr Beare/All  Cllr Pearce/Beare
6.	<b>Public Participation</b> <b>N/13/01636/FUL – Stonewell House, The Street, Burton</b> Following the call-in of their planning application, Mr and Mrs D Leat of Stonewell House, The Street, Burton sought clarification on the role played by the PC in the development control process. Cllr Pearce confirmed that NPC considered that the proposed extension represented over-development of the site and had therefore requested, via Unitary Cllr Scott, that the application be determined by Committee, should the Planning Officer be minded to recommend permission. Cllr Pearce informed the meeting that there was a difference between the Planning Officer’s opinion and that held by the PC and therefore the application will go to Committee, to be heard on Wednesday 21 <sup>st</sup> August. Cllr Pearce confirmed that Mr and Mrs Leat could attend this meeting and that he would attend on behalf of NPC. Following this item Mr and Mrs Leat left the meeting.  <b>Publication of Minutes</b> Sallie Belcher requested that the Minutes of meetings of NPC be made available for inspection by parishioners through a website and other means to ensure that parishioners with no access to a computer can be kept informed. Cllr Kerr confirmed that the website was to be refreshed and updated and that copy would in future be provided to “The Honeycomb” for publication. Cllrs discussed the possibility of maintaining a Minute Book in the Post Office. Cllr Kerr will supply S Belcher with copies of the Minutes of recent meetings.	Cllr Pearce          Cllr Kerr to supply S Belcher with copies of Minutes

	<p><b>AP14 – “Confidential Report”</b> David Staincliffe of Burton questioned the principle of confidentiality in terms of excluding members of the public from having full access to report(s) prepared by and on behalf of the Parish Council, whose democratic duty is potentially severely compromised by this activity. Cllr Pearce proposed that AP14 be brought forward to be heard immediately following AP6 – unanimously adopted.</p> <p><b>Green Barn, Nettleton</b> Mr G Cheetham confirmed that following the last meeting of NPC, he had made alterations to his proposed plans for a link building, having respect to the advice he had received from Cllrs. The mass of the structure had been reduced and the height scaled down to avoid a continuous roof line. The detailed use of appropriate materials aimed to be both sympathetic to the original buildings but to separate the old and new elements. NPC confirmed unanimously, although informally in the absence of an application, that they were comfortable with the new designs. Cllr Pearce advised Mr Cheetham, as a matter of courtesy, to liaise with his neighbours. Following this item Mr Cheetham left the meeting.</p>	
14.	<p><b>Parish Lands</b> Cllr Pearce proposed that this item should not be discussed in private as the concern which had been expressed by one Councillor relating to potential interest in Parish Council land from parties not directly involved had been alleviated. Unanimously adopted. The report and recommendations prepared by Cllr Beare was presented to the meeting. Cllr Beare confirmed that he is willing to undertake further research, involving no cost to the Parish Council and invited Cllrs’ opinions. Cllr Beare’s queries were discussed. Cllr Kerr confirmed that the Parish Council decided not to proceed with the registration application in 2011 due to concern at the likely cost of legal advice. Following lively discussion, Cllr Kerr proposed that Cllr Beare and himself complete the information gathering exercise, with permission to contact statutory bodies such as the local electricity supplier who have poles on the land, but not to incur any expense and not to contact the Land Registry. Cllr Pearce proposed that, on the basis of the above, the debate on potential use of the land in the future should continue only when further research had taken place. Cllr Pearce reported to the meeting that a Freedom of Information request in relation to this item had been received from a parishioner. Cllr Pearce confirmed that he will contact the parishioner who made the request to report on the PC discussion. Following this item Mr Staincliffe plus 1 and Sallie Belcher left the meeting.</p>	<p>Cllr Beare and Kerr to undertake research.</p> <p>Unitary Cllr Scott.</p> <p>Cllr Pearce to contact parishioner re FOI request.</p>
7 7.1.1	<p><b>Planning matters</b></p> <p><b>Pound Barn Cottage, West Kington SN14 7JQ</b> Cllr Pearce reported that the planning application submitted by Dr While represents a revised scheme for a new build dwelling on the plot at Pound Barn. Cllr Pearce confirmed that although the basic footprint of the design is larger, the plans are very similar to those presented to NPC pre-application on an informal basis by Dr While, other than in matters of detail such as the position of the chimney having altered. Cllr Pearce proposed actively supporting this application on the basis that it represented a significant improvement within the Conservation Area of West Kington – NPC</p>	<p>Cllr Pearce to respond – support. Unitary Cllr Scott to call-in if PO recommendation for refusal.</p>

	<p>unanimously adopted. Unitary Cllr Scott was requested to call this application in for determination by Committee should the Planning Officer be minded to recommend refusal.</p>	
7.1.2	<p><b>N/13/01641/FUL – Retention of outbuilding for use ancillary to dwelling, Horsdown Cottage, The Gibb, Nettleton.</b> Permission given. Cllr Pearce confirmed that a Condition had been imposed requiring the cladding to be completed within six months of the date of the planning permission.</p>	
7.1.3	<p><b>N/13/01619/FUL – Extension to dwelling, Daryl Leaze, West Kingston Road, Nettleton.</b> Proposed substantial extension to existing single storey dwelling. Cllr Pearce confirmed that permission had been granted as submitted. Although NPC had suggested that the design could be more sympathetic to the rural location, particularly in relation to the larger dormer windows to the rear elevation, the Planning Officer had not requested any modification.</p>	
7.1.4	<p><b>N/13/01636/FUL – Extension to dwelling, Stonewell House, The Street, Burton.</b> To be determined by Planning Committee 21/08 – Cllr Pearce to attend on behalf of NPC. (see note in AP6 above).</p>	<p>Cllr Pearce to attend Planning Committee.</p>
7.1.5	<p><b>N/13/01786/FUL – Extension over garage, Rectory Orchard, Church Hill, Burton.</b> Permission given.</p>	
8.	<p><b>Financial Matters</b> Cllr Shanahan to confirm that Karen Sayer’s appointment as Internal Auditor to Nettleton PC has been confirmed. Cllr Kerr and Pearce to complete relevant sections of Lloyds Bank form to make changes to account and return to Clerk. (see note in AP5 above).</p>	<p>Cllr Shanahan Cllr Kerr/Pearce</p>
9.	<p><b>Website</b> Cllr Maddock confirmed that he is willing to be the Lead Councillor for the website and will refresh and update the <a href="http://www.Nettleton.org.uk">www.Nettleton.org.uk</a> website which he set up and maintained in the past. Discussion relating to content determined that NPC Minutes dating back to the beginning of 2012 will be uploaded onto the website as pdf documents. The Minutes of future meetings will be uploaded having been adopted by NPC. An up to date Councillor list will give Councillors’ the option of including their contact details, or not, depending upon personal preference – Clerk’s contact details to be available. Cllr Beare reported to the meeting that legislation required that details of Cllr’s interests be available on the website – Unitary Cllr Scott confirmed that a link to the relevant section of Wiltshire Council’s website would suffice.</p>	<p>Cllr Kerr to supply Cllr Maddock with 2012/13 (to date) Minutes. Cllr Kerr to confirm contact details which Cllrs wish to include on the website.</p>
10.	<p><b>Speed limits</b> Cllr Maddock reported to the meeting that Castle Combe PC have expressed support in relation to reviewing and reducing the 60 mph speed limit on two sections of the B4039 between Burton and The Gibb to 50 mph. Cllr Maddock confirmed that he has contacted John Thompson, Wiltshire Council Cabinet Member with responsibility for Highways to ask that this issue be given consideration. Unitary Cllr Scott will follow-up on behalf of NPC.</p>	<p>Unitary Cllr Scott/Cllr Maddock.</p>
11.	<p><b>Signage relating to dog fouling</b> Cllr Pearce reported to the meeting that parishioners had requested signage relating to dog fouling on the footpath between Lower Leaze House and Stile Cottage, Nettleton. Cllr Pearce proposed to the meeting that NPC should not isolate a particular footpath for special consideration and suggested that he speak to the landowners involved in this particular case, as an individual rather</p>	<p>Cllr Pearce</p>

	than in a Councillor capacity, to ask that they might take responsibility for signage on the footpath.	
12	<p><b>Standing Orders</b></p> <p>Cllr Kerr reported to the meeting that the Clerk, in conjunction with himself, would undertake a review of the WALC Standing Orders with the intent of producing a short version of the key issues for NPC to be presented to Cllrs for approval.</p>	Clerk/Cllr Kerr
13.	<p><b>Highways and related matters</b></p> <p>Cllr Beare presented a report to the meeting confirming that he had met with Richard Dobson (Highways and Street Scene Co-ordinator, Wiltshire Council) to agree a method of working with Nettleton Parish Council to ensure that highways issues are reported and dealt with effectively – and a basis established for carrying out regular maintenance work. Unitary Cllr Scott confirmed that Wiltshire Council is aiming to allocate significant funding to highways to ensure that the historic backlog of road problems in the County can be sorted out. Cllr Beare confirmed, in response to a query, that drains are a highways issue and that trees adjacent to the road are the landowner’s responsibility, unless they become a hazard, in which case he will alert Wiltshire Council.</p> <p>Cllr Bush requested that more hard-core be deposited in passing places which quickly become churned up.</p>	<p>Cllrs to inform Cllr Beare of highways issues.</p> <p>Cllr Beare to copy h’ways reports to UC Scott.</p> <p>H’ways rpts to be avail. on NPC website.</p>
13.	<p><b>Any other business</b></p> <p>Cllr Bush alerted the meeting’s attention to ensuring that Unitary Cllr Scott be made aware of meeting dates, particularly on occasion when these are altered. Cllr Maddock reported that a parishioner had contacted him in relation to a blocked footpath – contact to be made with the Rights of Way Officer at Wiltshire Council.</p> <p>Cllr Beare confirmed that his snow report would be available soon but expressed concern relating to reports suggesting that the Fosseway would not be gritted over the coming winter. Unitary Cllr Scott confirmed that Wiltshire Council will be ensuring that grit bins are filled in good time, prior to any severe weather setting in.</p>	Cllr Maddock.
15.	<b>Date and time of next meeting – 12<sup>th</sup> September at 7:30 pm.</b>	

Meeting closed: 9:20 pm.



## REPORT TO NPC

### SUBJECT                      **Small parcels of land at Burton and Nettleton to which NPC may be able to register a legal title**

Councillor Beare visited the Public Records Office in Chippenham on 17 July 2013 and inspected the records that were available. These included minutes and correspondence from 1895 to 1950 and annual statements to 1963, papers relating to highways '95 to '98, audits '96 to '99, planning '98 to 2000, general '98 to '99 and minutes '91 to 2007. **There are no records available from 1963 to 1995**

The only items found relating to the Subject are as follows

- Record of rent being received (£2.50) from Chippenham/Calne RDC for Nettleton tip in 1959
- Minutes PC meeting 26/3/1996 see appendix A. Councillor Flint in chair
- Minutes PC meeting 26/9/00 see appendix B. Councillor Flint in chair
- Minutes PC meeting 17/2/05 see appendix C. Councillor Broadhurst in chair

#### Information requested from councillors and others

- Where was Nettleton pit
- Does the 26/3/'96 minute refer to land opposite Raybarrow Cottage If not, what land
- There was no follow up to minute 26/9/00. Why was this
- Definitive reasons why registration application was abandoned in 2011. Who made the decision. There is no mention of the this in either minutes or agendas at the time
- At Nettleton, clarification is required as to the extent of the land where ownership is claimed. Specifically is the old quarry also included with the triangle of cultivated land. Likewise what are the boundaries of the land at Burton
- Has any formal legal advice been sought at any time. If so by whom, when and from whom.

## RECOMMENDATIONS

- The missing records need to be located by the PC. Enquiries to be made of parish clerks during the period
- Pro bono legal advice should be sought as to whether the reasons why the registration was abandoned in 2011 have any basis at law. Based on this advice, guidance as to how to proceed should be sought

- It is envisaged that in due course statutory declarations will be required from local people who have knowledge and assistance will be needed in identification
- It is suggested this type of situation will have been experienced by other parish councils in Wiltshire and it may be appropriate to seek further guidance from the legal department of WC
- In due course advice and guidance to be sought from Land Registry prior to any application being made
- The two parcels of land should be fenced immediately

### COMMENTS

- Lastly a word of caution. Because of the passage of time it may not be possible, despite all reasonable endeavours, for NPC to obtain registration. This should then be recorded in the minutes together with the reasons why. Any costs associated with registration will need to be assessed. However NPC have a duty to use all reasonable endeavours to protect and preserve the value of any land which NPC believes NPC may own

S. H Beare 2.8.13

# APPENDIX

## A

### Parish Council Land

The question was brought up that someone had led a stream from the joining bridlepath into the Parish Council's land at Lower Nettleton. Various members of the Parish Council volunteered to remove the stream and fill in the pond that had been dug. The question was then brought up of the possibility of selling this block of land. The Clerk suggested that it might be put up by tender, but we were advised by the District Councillors that we may have to get the District Valuers approval for valuation, but the Clerk was asked to ring Mr Betteridge, the District Secretary to ask his advice on the matter. The Clerk was also asked to see if the land could be registered and to find out if it was already registered and to register a caution against first registration. The suggestion of selling the land was approved by John Wright and Judy Cordell, after advice on the arrangements have been taken

## B

### Any Other Business

Two points raised by the auditors:

- The parish owned land opposite RayBarrow Cottage and should make use of this asset if possible. Members should view this land ready for a discussion on the subject at the next meeting.
- The Parish Council should have Standing Orders. The clerk will prepare a draft to hand out at the next meeting for future discussion.

## C

**Redefinition of old site for village hall.** Further to a request from the Parochial Church Council, the Chairman said that the first step should be to identify exactly which piece of land is in question. This will need a Land Registry search.