**MINUTES OF THE MEETING OF NETTLETON PARISH COUNCIL**

**held at 7pm via Zoom on Thursday 11th February 2021**

**PRESENT: - Cllrs** Kerr, Minney, Beare, Futrell, Bush, Meier, O’Shea, Wright and Webb. Clerk

**Members of the Public.** Mr. Botterill. Mr Copcutt, Mr and Mrs Bracher Smith, Lisa Dafforn.

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| **AP** |  | **ACTION** |
| 1. | **Apologies for Absence**. Cllr. Phillip Whitehead |  |
| 2. | **Declarations of Councillor’s personal or prejudicial interest in any Agenda item.**  Cllr Beare declared an interest in agenda item 12. |  |
| 3. | **Chairman’s Announcements.**  Cllr. Kerr explained that the meeting was being recorded to help the clerk as she is having problems with her internet. |  |
| 4. | **Approval of the Minutes of meeting held on 14th January 2021.**  Cllr. Kerr proposed the minutes are approved. Seconded by Cllr. Meier, all agreed by everyone at the meeting on the 14th January. |  |
| 5. | **Update on actions from the previous meeting where not the subject of a specific agenda items.**  All actions are on the agenda. |  |
| 6. | **Public Participation.** Mr Botterill said he is happy to give information we might not have heard from WC. Mr Copcutt and Lisa Dafforn did not wish to speak, Mr & Mrs Bracher Smith were here for their planning application. |  |
| 7. | **Planning Applications Received.**  21/00338/FUL and 21/01149/LBC Green Cottage, Nettleton Green. SN14 7NS. Formation of new vehicular access and erection of three bay garage and workshop and demolition of the existing garage.  Cllrs noted that the driveway has a public footpath going through it and therefore that delivery vehicles should have a banksman to warn footpath users. Cllr. Beare suggested that they borrowed the NPC Warning signs. Cllrs. asked that contractor’s vehicles are not parked on the narrow road or verges and noted that the driveway is wide enough for vans and cars to park on one side and to pass on the other side. Cllrs felt that removal of the old garage would make the footpath more accessible. Also they noted that the proposed garage is quite large. The owners have spoken to their neighbours who have no problem with it. Cllr. Kerr proposed No Objection, but suggests there is a Delivery Management Plan. Seconded by Cllr. Futrell. All approved. |  |
| 8. | **Planning Applications Determined.** (post agenda)  **20/10429/LBC** Green Cottage Nettleton Chippenham Wiltshire SN14 7NS. Repair and replacement chimney. Approved by WC with conditions. |  |
| 9. | Finance Matters.Cllr. Kerr proposed approval of the payment of £199 to Netwise for the upgrade of the website. Seconded by Cllr. Bush All approved. |  |
| 10. | **WC Consultation – Local Plan Review.**  Cllrs Meier and Webb attended the online meeting for Chippenham Rural Area and reported back to the Council. The Wiltshire Plan runs from 2016 – 2036; the reviewed plan is likely to be adopted in 2023. A target of 2805 houses are planned between 2016 and 2036, 100 in local service centres, 1435 in large villages and 1270 in “Elsewhere” category, which includes small villages, which is the classification of Burton and Nettleton. Under the existing planning rules for small villages the number of properties is limited to in fill. There may be pressure for development on brownfield sites if they meet the current core policy.  Cllr Meier had provided a report which Cllr Kerr will circulate.  Cllr Meier and Web feel there are three core actions for the parish council:   1. To find out the net position for the remainder of the 2016 to 2036 housing target for “elsewhere” which includes small villages – how many houses still to be built? 2. Clarify where conservation areas are included in Elsewhere or is there a specific different set of policies, perhaps the existing ones which applied to conservation areas. 3. Neighbourhood Plans were mentioned a lot and can help to guide decisions. Cllrs should look at the Burton survey on housing in 2015-16 and the WC survey for Nettleton Parish in 2018-19 for the demands and needs when looking at planning applications.   Cllr. Webb mentioned that the target of 1270 houses is in line with current trends. WC did not suggest there was going to be an increase in building in small villages  Cllr. Kerr suggested that the 2805 houses is for the Rural areas of Chippenham. Chippenham town has a target of several thousand.  Nick Botterill said he cannot get clarity on the net figures, but is sure they exist. The gross figure will be reduced by applications to date. He will feed back any information he can find out. The Neighbourhood Plan is very useful as it gives parishes a say on the design standards, use of materials and brownfield sites, but it is a long process taking at least two years and could be up to four years  Cllr. Kerr asked Cllr Meier to draft a response for Cllrs to approve before the clerk sends it to WC.  Cllr. Kerr asked about the Traveller Sites Review. Cllr. Webb said it is an online review. He has read it and sites are mainly around larger villages and there are very few in this area. Cllr. Kerr asked Cllr. Webb and Meier to look into it so we can comment on it if necessary. | Cllr Kerr  Cllr Meier and Webb  And clerk  Cllrs Meier & Webb |
| 11 | **NPC Land in Nettleton Shrub.**  Cllr. Kerr said he has done a compilation of all the documentation dating back 10 years plus and circulated to all Cllrs. Cllr Meier said he could not see a payment for registration in 2011, Cllr Kerr will add it to the list of costs.  Cllr. Kerr introduced the first question on the agenda:  **Item 11a**: To consider the information available about the land and whether the evidence appears adequate to claim title, through either previous information on ownership or having fenced the land for 12 years, which is up in 2025.  Cllr. Meier said that the matter seems to have been driven by a desire to find land for a play area and for allotments. He considers that there is no factual evidence which makes it clear that we have title. He has looked at it all and noted that the application was refused by the land registry in 2011, no further action has taken place since 2011. He is not convinced there is enough evidence and nothing further has happened and we have not taken legal opinion. A fence was erected in 2013, but the land has not been maintained. He believes the land was derelict and scrub until October last year.  Cllr. Kerr then asked all councillors for their comments.  Cllr. Wright said there is enough evidence to show the NPC own it and they have rented it out in the past. He asked if the NPC did not own it who did, Cllr. Meier explained that it would belong to the crown.  Cllr. Webb said that it appears that the council has a long history with the land, dating back to 1945, and has maintained it semi-regularly over the years.  Cllr. Futrell asked for clarification on Cllr. Meier’s comments that the time starts in 2020 and not 2013 when the fence was built. Cllr. Meier replied that although the fence was put up in 2013 the land has not been maintained regularly, and there is a lot of legal text around maintenance. It needs to be done for a certain number of years. He believes the claim lapsed until the land was cleared in 2020.  Cllr. O’Shea agrees with Cllr. Webb, and thinks we have enough evidence. We have taken wayleave payments and rent since 1945 if not before, and this should add a lot of weight. The initial application failed, she believes, because the PC at the time thought it wasn’t worth going back with further information. The fact that the council fenced it in 2013 and that we have done work on it must add some weight to it. If the council decides they do not own it what is going to happen with all the wayleave payments and rent we have taken off people, as it will be too late to return it, but some people would have a claim. She thinks the PC does have a claim, and would be unwilling to now say the council does not own it. As we started to take possession in 2013, we only have another 4 years to wait before we can apply for adverse possession.  Cllr. Bush supports Cllr. O’Shea’s comments. She has been a councillor for a long time during which the Council has always laid claim to this land.  Cllr. Beare said that the council has complied with the Occupiers Liability Acts and held the land since 1945, if not before, various things have happened over the years from felling trees and insuring the land and recently felling the Ash trees that had ash die back. He refutes any suggestion that there is not good evidence and a number of things are taken into account when an application is made for adverse possession. It has on occasion been strimmed and mowed.  Cllr. Kerr agrees with Cllrs. O’Shea and Webb. He thinks we should take legal advice in 4 years’ time.  Cllr. Beare said there are two distinct parcels of land the one with the Ash Trees, which was fenced in 2013 and another triangle of land which was being used as a garden by people who have moved away. The total area of the two land parcels is about one third of an Acre. The new PC may take a different line and may wish to attempt to register both parcels of land now.  Cllr. Minney broadly agrees with cllrs O’Shea and Kerr. She added why the council would now walk away from the land.  **Agenda item 11b**: To consider the benefits to residents of Nettleton Parish of retaining a claim to ownership versus the costs of pursuing a claim to legal title.  Cllr. Meier said if we assume we do have title what is the value of the land. We have discussed the policies for building houses and if one could be built there it would be a huge asset but under current planning rules this is not possible. If we pursue the claim we will have to spend money maintaining the land. What is the benefit to the council? To him it is a liability with no development potential.  Cllr. Beare said no councillor is qualified or entitled to give any opinion as to the value of this land. A local landed estate has told him that it is regularly approached by people wanting to purchase small areas of land. NPC land is about 0.34 acres. For amenity a starting price of £10,000 is typical. In addition it could be of interest to neighbours for protection and there is surely potential long term development. Cllr. Wright confirmed he has also spoken to a local land agent who told him it could be worth £10-£15,000 without planning permission on it, and did not need a registered title; adverse title would increase the value.  Cllr. Webb noted from past minutes the council has dismissed it for a play area and allotments, gardens have been dismissed so the only value would be for a neighbouring property to buy it to prevent development or as a building plot, but as Cllr. Meier has said that goes against current planning guidance which might put the council in a difficult position.  Cllr. Beare confirmed that the value he was given is for it being sold as amenity land.  Cllr. Minney feels the council cannot decide on whether or not it will get planning permission as guidance may change in the future. There are other reasons for people to buy small patches of land, for example to extend their vegetable garden, or a BBQ with seats. The main point is land is always worth something and the council should continue the claim to ownership even if it means spending another £1,000.  Cllr. Meier said the Council is not a land owner and what would they spend the money on if the land was sold for £15,000. The council is duty bound to do their best for the parish. Have we asked parishioners? They way wish the land to remain wild.  Cllr. Bush agrees with Cllr. Beare and we should make a claim on it.  Cllr. Kerr proposed that the Parish Council maintains the claim to the land on the basis there is enough evidence and in due course legal advice is taken and an adverse possession claim is made by a future Council. Seconded by Cllr. Bush. The clerk was asked to record the vote. In favour Cllrs. Beare, Bush, Futrell, Kerr, Minney, O’Shea, Webb and Wright. Against Cllr. Meier. Therefore the motion was carried.  Cllr Kerr said that following the decision to pursue the claim, agenda items 11c and 11d no longer apply. | Cllr Kerr |
| 12 | **Timber on NPC Land.**  There was only one offer for the wood of £150 from Cllr. Beare. After discussion on what will happen to the wood, and whether the tree stumps should be cut down or be left to re-grow, Cllr. Kerr proposed we accept the offer for the removal of the wood only and the trees stumps are left. Seconded Cllr. Bush. Seven cllrs voted in favour and one abstained. Motion carried. |  |
| 13 | **Highways**  **Item 13a**: Discharge of water from highways being diverted on to NPC land.  Wiltshire Council has advised that it is being diverted and should to be altered back to its natural flow unless the land-owner agrees to the diversion. Cllr Kerr proposed that the parish council diverts the water back to its natural flow route and writes to the owners asking them not to divert the water back on to NPC land. All cllrs voted in favour.  **Item 13b:** The collapsed wall on Wood Lane West Kington. Cllr Kerr has contacted WC about the big hole in the wall because it poses a significant risk to road users and could continue to fall endangering the house below. WC will put up some Heras fencing and will be sending out a structural engineer to have a look at it. Cllr Beare said the road needs to be gritted if we get ice or snow. Cllr. O’Shea said that the cause could include the heavy vehicles using the narrow lanes. Cllr. Beare said this could perhaps be addressed by a weight restriction. Cllr. Futrell agreed with Cllr. Beare, although a weight restriction may not solve the problem if it is not enforced. Cllr Minney added that water percolating into the dry stone wall could be a factor. It was agreed to discuss the idea of a weight restriction in the future.  **Item 13c:** Tolldown Road. Cllr. Kerr asked if councillors agreed the PC should push landowners to fence their land properly particularly on the North side, then responsibility for removing fly tipping will be clear and we can push WC to remove the fly tipping on highway land. Cllr. Beare asked if we should have a site visit with Badminton estate to discuss the issue. Cllr. Kerr advised it is deferred until after the lock down and bring back to another meeting, and in the meantime to continue reporting the fly tipping. | Clerk  Clerk  All Cllrs |
| 14 | **Reports on Meeting & Events.**  Cllrs. Kerr and Minney attended theCommunity Area Transport Group (CATG) Meeting. They met the new highways engineer Kirsty Rose, who has replaced to Martin Rose. They explained to her the two issues in Burton and will are wait for her to contact them when she can look at the issues on Hillside. The other issue of speed limit signs on Nettleton Road as you come into Burton is waiting for a report from WC.  Cllr. Kerr has had an email regarding the Parish Forum meetings asking if parishes would like a meeting on the 10th March to discuss the Planning Consultation. The main meeting will be on the 14th or 21st of April which would the last formal meeting of current parish councils. Cllr. Kerr will circulate the e-mail to see if anyone would like to attend. | Cllr. Kerr |
| 15 | **AOB.**  None from Cllrs**.**  Mr Copcutt said that they have right of access over the green lane adjacent to the NPC land. Cllr. Kerr confirmed that this would not be altered and that there is no intention for the Council to claim ownership of this lane. He also said that his animals shelter under the trees that have been cut, so would like them to be allowed to grow back. |  |
| 16 | **Date of next meeting**. 11th March 2021 at 7.00pm via Zoom. |  |

Meeting closed 8.40 pm