

WILCOT, HUISH and OARE PARISH COUNCIL

Local Government Act 1972

Draft Minutes of the meeting of the Parish Council held in the Wilcot Village Hall
on Tuesday 16th November 2021 at 7.30 pm

Present: Parish Councillors Dee Nix (chair), Dawn Wilson, Nicky Fleet, Prue Smith, Kathryn Richardson, and Jamie Ede

Clerk Ruth Kinderman

Unitary Councillor Paul Oatway

Members of the public: Tessa Inge, Pam Kefford, Jack Torrens, Richard Lanyon, P Scott Brown, Donna Rourke-Houguez, CC Pearson, Chris Bartlett, Len Giddings, Jane Williams, David Pack, Alyson and Steve Potter, L Sheppard, William Macgregor, Richard Lewis, J Watherstone, Vicky Sedgewick, Doug Perrins, Charlie Corbett, Peter Williams, Ellis Kitchener, Orlando Harris, Claire Ray, Anth Pattle, Jerry Martin, Vivek Singh, Terry Blake, Martin Fetherston-Godley, Charlie Allen, Tim Crighton, Andy Martin, Laura Harris, K Cornwall-Legh.

Attendees were asked to sign in on the list provided.

Clerk started the meeting with reference to General Data Protection Regulations and advised attendees that their names would be recorded in the minutes. An attempt was being made to record the meeting on Cllr NF's 'phone, the microphone/laptop combination failing to work.

21/82	To receive apologies for absence Cllr Richard Fleet's apology was accepted.	
21/83	To receive declarations of interest Cllr DN – items 88 and 89 Cllr JE – items 88 and 89 Cllr DW – items 88, 89, 91.2 and 92.3	
21/84	To agree the minutes of the meeting on 14th September Cllr PS proposed that these be approved as an accurate record; seconded by Cllr NF, all in favour and signed by Cllr DN accordingly.	
21/85	To receive statement from the Clerk regarding the role of the Parish Council. The Clerk explained that parish councils are elected, legally constituted bodies under the Local Government Act 1894. They operate according to set rules known as Standing Orders and act independently, not on behalf of any other group or body. As the lowest rung of government, they are most closely connected with their constituents. Parish councils have limited powers but a wide scope. They have the power to raise tax through the precept and may decide how to spend that money within defined limits; examples include litter bins, traffic calming, playgrounds, war memorials and bus shelters. Parish councils do not have any power with regards to either Planning or Highways, which includes Rights of Way; for this parish, Wiltshire Council is the relevant authority, which the Clerk clarified as the body which makes decisions. The role of the parish council in either Planning or Highways matters is to represent parishioners to the Wiltshire Planning Department or to the Wiltshire Highways Department.	
21/86	To receive report from Wiltshire Unitary Councillor Paul Oatway. Cllr Oatway reported that a new National Code of Conduct is in preparation; the Wiltshire Standards Committee, which he chairs, considers that the new Code would be far more effective than the current model. This is especially pertinent in the light of the recent increase in complaints	

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	<p>referred to the Committee, most of which have been between councillors, or between councillors and clerks, rather than members of the public complaining about councillors. The Standards Committee will recommend to full council that Wiltshire Council adopts the new Code, although current indications are that the old model will be retained.</p> <p>Cllr Oatway reported that Wiltshire Council has commenced a Community Governance Review; locally, this includes Beechingstoke civil parish which needs to either form a parish council, having been without one for some years, or merge with a neighbouring parish, possibly North Newnton. Cllr Oatway reported that £1.2million has been secured to develop the rural bus service throughout the Pewsey Area. He noted that Trenchard Lines, Upavon, are currently not served by any buses at all.</p> <p>Cllr Nix invited questions to Cllr Oatway from the floor; there were none.</p>	
21/87	<p>To receive statement from the Clerk relating to the Definitive Map and to Definitive Map Modification Orders</p> <p>Clerk explained that the Definitive Map (DM) came into being with the National Parks and Access to the Countryside Act 1949. Under the Act, authorities were required to compile and maintain a legal record of public rights of way; this record consists of a map plus an accompanying statement which describes each route. The DM shows the position and existence of recognised routes but the absence of a route from the map does not mean it does not exist. As a legal document, the DM can only be amended by due legal, and therefore public, process. This process is conducted by the relevant surveying authority, which for this parish is Wiltshire Council; the surveying authority has a statutory duty to maintain the map and to be as sure as possible that it accurately reflects reality on the ground.</p> <p>A Definitive Map Modification Order (DMMO) is a legal order which authorises changes to the DM. Anybody can apply to the surveying authority for a DMMO, and the process can be used to add, divert or extinguish rights of way from the DM. DMMO's are a regular feature of life nationwide; applicants tend to be landowners, parish councils, and groups such as the Ramblers Association and Bridleways Association who are effective coordinating bodies for collating an application.</p> <p>With reference to the two maps on display (publication dates 2017 and 2021), Clerk described the DM as a living document, and drew attention to the changes and use made of the map since her tenure as clerk began in 2019. She pointed out the replacement footbridge over the railway at Woodborough to demonstrate an extremely large landowner (Network Rail) legally obliged to apply for a very small change, being a matter of moving the right of way a few hundred yards eastwards. Other examples of amendments to the DM between 2017 and 2021 included parish boundary changes after the Community Governance Review completed in 2020, and footpaths WILC5 and WILC6 which were diverted after the relevant landowner applied to Wiltshire Council for a DMMO. As part of that process, the parish council had been consulted but it would have been unreasonable to object to the diversion. In contrast, another landowner had declined to apply for a DMMO to formalise a diversion to WILC3 and the parish council is currently working with a Wiltshire Rights of Way Officer to ensure the correct route, as shown on the DM, is clear to walkers on the ground. Another example was the DMMO applied for by the parish council in 2019 on behalf of parishioners, for the track known as Cocklebury Lane leading from Wilcot village to Cocklebury Farm, to be added to the DM as a right of way.</p> <p>Clerk reminded attendees, several of whom had been involved with the Cocklebury Lane application, that a DMMO to add a route will depend on evidence of unhindered use during the previous twenty years, and even further back than that. The evidence consists of witness statements, testifying to use of the route and these statements are legal documents, sworn to just as if they were in a court of law. Witnesses sign their statements to say that they would stand by their evidence in a public enquiry.</p> <p>Witness statements are submitted to Wiltshire Council, who assign a Rights of Way Officer to the application. Wiltshire Council is responsible for holding a public consultation to hear objections and then decide whether to make the DMMO, having weighed all the evidence in the balance. Clerk emphasised that the Parish Council cannot make a DMMO, only apply for one.</p>	

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	<p>Cllrs DN and DW (each of whom had submitted witness statements for the Peall's Wood/Park Copse DMMO application) and Cllr JE (as Vice-President of Wilcot Cricket Club) withdrew. Clerk asked that the remaining three councillors elect a new chair. Cllr PS proposed that Cllr NF take the chair, Cllr KR seconded the proposal. Cllr NF took the chair.</p>	
21/88	<p>Public question time for the Parish Council to receive representations relating to the meetings held on 18th May and 14th September, items 21/37.1 and 21/80.6, Peall's Wood [Park Copse]. Cllr NF reminded attendees that there would be time for up to ten representations not exceeding three minutes each.</p> <p>Doug Perrins introduced himself as head of the youth section of the Wilcot Cricket Club, which he described as having had an extremely successful year and continuing to flourish, providing a fantastic service to several local villages; the Club relies on the support of a local benefactor, for which the Club is very grateful.</p> <p>In response to a question from Cllr NF to clarify the connection between the Cricket Club and the DMMO for Peall's Wood/Park Copse, Peter Williams on behalf of Wilcot Cricket Club confirmed that the landowner (who owns both Park Copse and the land used by the Cricket Club) was withdrawing support from the Cricket Club in response to receiving notification of the DMMO application. He confirmed that the Cricket Club had been on the verge of signing a lease with the landowner, but that the landowner had put this on hold. As a result of having no lease, the Cricket Club would no longer be granted several thousand pounds worth of funding from Sport England and other sources, which had been applied for.</p> <p>In response to a question from the floor, Clerk confirmed that eleven witness statements had been submitted with the DMMO application. A majority felt strongly that the parish council should consider the disproportionate effects of the situation, with more than one hundred children likely to be adversely affected unless resolution with the landowner was achieved.</p> <p>Donna Rourke-Houguez pointed out that the Golden Swan pub benefits from the Cricket Club and would lose a substantial amount of business if the Club were to close, thus further adversely affecting the village's future relationship with the landowner; she asked the Parish Council to consider how this damage could be mitigated.</p> <p>Despite the Clerk's explanation under item 87 that DMMO witness statements are sworn documents, one attendee disagreed with the rationale for the DMMO application, considering that the witnesses, if they had used the paths, must have been using them under a mistaken belief that they could do so; she said that the previous owner of Park Copse denied any previous amenity use. Some attendees said that in their own experience they had been made aware that it was private woodland and had been asked not to enter. Martin Fetherston Godley said that in the twenty-two years of his residence in the parish he had rarely seen anybody in Park Copse, having been told by Lady Rothschild that it was private woodland; several attendees agreed with him that the parish council should have canvassed opinion more widely before submitting the DMMO application.</p> <p>Several attendees noted that the parish council meeting agendas and minutes had referred to Park Copse as Peall's Wood and that this has been misleading, preventing parishioners from following the process before the DMMO application was submitted.</p> <p>Andy Martin, who has the contract for maintaining and installing fences and stiles for the landowner, expressed concern that some parishioners regularly complained about this aspect of the estate management.</p> <p>The majority felt that the situation with regards to the Cricket Club could have been avoided if the landowner had been informed of the intention to submit a DMMO application.</p>	
21/89	<p>To consider oral representations made under item 21/88; to consider written representations received prior to the meeting; to review items 21/37.1 and 21/80.6, Peall's Wood [Park Copse]. Cllr NF clarified that the Wilcot Cricket Club and the Parish Council are entirely separate bodies.</p>	

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Clerk took full responsibility for using the name 'Peall's Wood' four times previously to 18th May 2021, and twice thereafter. She had done so in the belief gained at Parish Council meetings that the names were used interchangeably; also, that 'Peall's Wood', apparently being the colloquial name, would be more familiar to parishioners than the formal 'Park Copse'.

In further mitigation, Clerk said that the landowner, via the Farm Office, had made no attempt to correct this terminology. Despite adamant belief from the floor that there had been no communication between the Parish Council and the landowner, Clerk asserted that the landowner had been notified of the intention to submit the DMMO application; she had emailed the Farm Office twice between 18th May (item 21/37.1) and 14th September (item 21/80.6), on 16th June and 10th August, referring to the DMMO application for Peall's Wood. Her emails had been acknowledged.

In addition to the Clerk's correspondence, Cllr NF said that one parish councillor had verbally informed the Estate twice before 18th May that witness statements were being gathered in readiness for a DMMO application.

Post-meeting note: the Parish Council has been told that these emails and conversations never reached the landowner and occupiers, who consequently were unaware of the DMMO application until it had been submitted.

In response to a question from Jack Torrens as to why the landowner had not been contacted directly, Clerk said that she had understood that the landowner's preference is that all communications are to be conducted through the Estate offices. Jack Torrens queried why this preference had been ignored when notifying the landowner that the DMMO application had been submitted. In response, Clerk said that contacting the landowner directly is a legal requirement of the DMMO application process.

It was pointed out from the floor that only one landowner, rather than both landowners, had been notified; Clerk referred to her email correspondence with the Estate which had implied she was correct to be assuming only one landowner.

Cllr NF said that parishioners are always welcome to contact the Clerk for clarification of any item on the Parish Council meeting agendas, which are published at least three days in advance.

Cllr NF referred to the 31st December 2025 deadline for submitting DMMO applications, after which no un-recorded routes may be added to the Definitive Map.

Clerk advised the chair that the Parish Council could withdraw its support for the Park Copse DMMO application. Cllr NF said that the Parish Council would need to have sufficient reason for doing so. Cllr NF asked attendees if they would expect the situation with regards to the Cricket Club to be resolved if the Parish Council did withdraw its support for the DMMO application. Peter Williams replied in the affirmative but said that he would need to see evidence of the Parish Council's action before 29th November in order to preserve the £78,000 of prospective funding due to the Club.

Prior to the meeting, Clerk had circulated to all councillors written correspondence received relating to this DMMO application, including an email from the previous owner of Park Copse in which he confirmed that his grandfather Oscar Peall had never formalised any amenity use of Park Copse, or intention to do so.

Cllr KR proposed that the Parish Council resolve to withdraw its support for the DMMO application for Park Copse, in respect of the large number of representations received relating to the threat to the Cricket Club. This was seconded by Cllr PS and approved by Cllr NF.

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	<p>Cllr Oatway noted that Wiltshire Council currently has approximately three hundred and fifty outstanding DMMO applications. On average, Rights of Way Officers process five applications per year.</p>	
	<p>All members of the public left the meeting. Cllrs DN, DW and JE returned to the meeting. Cllr DN took the chair.</p>	
21/90	<p>Public question time No residents were present; no representations had been received regarding items 91-96.</p>	
21/91	<p>Planning Applications and Enforcement</p> <p>It had been agreed by email to submit no objection to the following five planning applications received since the last meeting:</p> <p>91.1 PL/2021/08191 Listed building consent (Alt/Ext) Latenbury Cottage, Oare, Marlborough. SN8 4JA Proposal: Retrospective permission to remove a secondary chimney stack above the level of the thatched roof.</p> <p>91.2 PL/2021/08814 and PL/2021/09091 Listed building consent (Alt/Ext) Porch Cottage, Huish, SN8 4JN Proposal: Raise existing chimney - Add external door to kitchen</p> <p>91.3 PL/2021/09577 Notification of proposed works to trees in a conservation area 1 THE OLD DAIRY, WILCOT, PEWSEY, SN9 5PJ Proposal: Crown Reduce Several Trees of various size between 15-60%, Fell one Hornbeam and Two Birch Trees. and Reducing a Macrocarpas & Lawson Cypress by 2-3ft.</p> <p>91.4 PL/2021/09571 Notification of proposed works to trees in a conservation area 53, WILCOT, PEWSEY, SN9 5NS Proposal: Ash Leaf Maple - Crown raise to clear garden by 3m and cut back to clear overhead cables by 0.5m</p> <p>91.5 PL/2021/09351 Notification of proposed works to trees in a conservation area 3 THE OLD DAIRY, WILCOT, PEWSEY, SN9 5PJ Proposal: Sweet Chestnut in Churchyard to West of Back Garden - Cut back to boundary Yew - Reduce spread to 1m garden side of wall. Shape Field Maple - Pollard to 4m</p> <p>The following application was considered at this meeting:</p> <p>91.6 PL/2021/09929 HUISH HILL HOUSE OARE HILL OARE MARLBOROUGH SN8 4HZ Proposal: Two-storey extension to 'linked' element of the dwelling; two-storey extension to west elevation; associated landscape works.</p> <p>Cllr PS distributed plans for perusal at the meeting; it was agreed that no objection would be submitted.</p> <p>Two applications had been received since publication of the agenda; Clerk to email details to all councillors for consideration. PL/2021/10278 - 6 CANAL CLOSE, WILCOT, PEWSEY, SN9 5NW Proposal: Loft conversion with dormer windows and single storey front extension Comments by 8th December</p>	<p>RK</p>

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	<p>PL/2021/09591 - WILCOT LODGE, WILCOT, PEWSEY, SN9 5NS Proposal: Pollard six lime trees to 3-4m. Pollard six lime trees to 5-6m Comments by 7th December</p>	
21/92	<p>To receive Budget & Monitoring Report 92.1 To note payments made since meeting of 14th September - Clerk's salary September and October £391.27 - Fishlock & Dyer £333.60 - Charlton & Baker payroll fee £15.00 - Chris Wheeler construction £1080.00 – Cllr DW expressed satisfaction with the work in digging out the ditch at Huish. The flooding problem appears to have been resolved.</p> <p>92.2 To approve invoices due There were no invoices presented.</p> <p>Cllr DW proposed that the Budget and Monitoring Report be accepted; seconded by Cllr DN, who thanked Cllr NF for her efforts; all in favour.</p> <p>92.3 To receive grant application from PCAP An application had been received from Susie Brew, administrative assistant to PCAP, the amount requested being unspecified and left at the discretion of the parish council. Clerk had distributed the application form and a summary of the latest PCAP activity to all councillors. Cllr JE proposed that a grant of £250.00 be made, as last year; seconded by Cllr KR; all in favour. Cllr DW did not take part in the discussion or vote. As Chair of PCAP she thanked the parish council for the contribution.</p>	RK
21/93	<p>To receive draft budget for 2022/2023 Cllr NF had circulated the projected expenditure for 2022/2023. There were no other suggestions for capital expenditure and the Parish Council agreed that it was minded in principle to keep the precept at £9000.00; to be confirmed at the next meeting.</p>	
21/94	<p>Project updates 94.1 Footpath audit Cllr DN said that the audit is on hold but that she and Cllr RF plan to resume their survey shortly. It was noted that failure to clear up after hedge-cutting along WILC8 had made it difficult for walkers. It was noted that the stile adjacent to Kennet House was in need of repair. It was noted that the footpath adjacent to Ladybird Cottage had been cleared to a high standard.</p> <p>94.2 Defibrillator cabinets – roof Clerk had confirmed with Fishlock & Dyer that a cabinet roof was required. This has not yet been done; Clerk to chase.</p> <p>94.3 Huish Lane reflectors/verge markers The verge markers have still not been located; Clerk has emailed Highways and also included this on the Parish Steward Request sheet. Cllr Oatway will investigate further.</p> <p>94.4 Greensward – pond clearing activity Due to insufficient interest, the session planned for the end of October had been cancelled. Paul Darby has suggested that a mini-digger could be hired for the job, instead. Clerk to call a meeting of the Committee to discuss further. It was agreed that a grant application from the Committee might be received favourably.</p>	<p>RK</p> <p>PO</p> <p>RK</p>

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	<p>94.5 Erosion to war memorial repairs Cllr PS reported that the erosion had been successfully addressed at the beginning of October.</p>	
21/95	<p>Clerk's Report 95.1 WILC3 Cllr DN and the Clerk had met Stephen Leonard, Rights of Way Officer, on site. He will contact the new landowner to discuss fixing way-markers at points along the route and to discuss the new gate which has been installed; it was noted that the electric fencing has been improved.</p> <p>95.2 Canal-side parking and white lining Further to item 80.2, Richard Dobson had explained that originally it was agreed that Highways would put a line only on the side of the bridge where it has been placed; they will keep an eye on it and if it causes a problem they will address it in the future. With regards to the omission of the 'SLOW' and white lines on the Prospect side of Cross Hayes, Richard Dobson said that if time permits, he will attend to these shortly but if that is not possible he will add them to the schedule. Clerk to contact the Stowell Estate to discuss further banking up of the verges along the canal-side road.</p> <p>95.3 White Hart – to receive response from Wiltshire Council The letter agreed under item 80.3 had been sent to Cllr Botterill and acknowledged, with a response promised in due course. Nothing had yet been received; Clerk had made enquiries and Cllr Botterill's secretary had apologised for the delay and promised that a response will be arranged. Cllr KR noted that the White Hart appears to have been vacated and is standing empty.</p> <p>95.4 Litter bin on Wilcot Green The litter bin has still not arrived. Clerk to chase again.</p>	<p>RK</p> <p>RK</p> <p>RK</p>
21/96	<p>Exchange of information 96.1 Forthcoming roadworks The C8 will be closed at Alton Priors for three days from 12th January for Openreach work between 9.30am and 3.30pm. The C8 Wilcot Road will be closed between Cross Hayes and the West Stowell turning for three days from 24th January for surfacing works between 8.00am and 6.00pm. Clerk has requested that the published diversion along the C52 is changed.</p> <p>Cllr Oatway said that he is due to meet with Highways Officers to discuss strategic solutions for the C52 regardless of cost. Once some prospective solutions are on the table, a meeting will be held for all interested parties including this Parish Council.</p>	

Provisional dates and times of next meetings 2021/2022

Tuesday 11 th January 2022 - precept	Oare
Tuesday 15 th March 2022	Wilcot
Tuesday 17 th May 2022 – Annual Parish Meeting to be followed by the Annual Meeting of the Parish Council	Oare

Meeting closed at 9.20pm

Signed: _____ Date: _____