

Clerks Report - December 2007

Agenda Items

5*b) Parish Council input into Local Development Framework: District Cllr. George Jeans writes:

'While at Salisbury it has come to my attention that the development of The Local Development Framework (A very important legal document starting in 2011 with a probable life expectancy of 10 years), without any Parish Council input from Mere (this we have at present decided), is perhaps not the best option. I consulted with Steve Milton, planning officer, who feels that the Parish Council should have some input, if only generalisation. The development boundary of Mere ("The village fence") may change. Existing areas in the development boundary may or may not be allowed to develop. Larger commercial development just in Zeals near the A303 will impact on Mere. Pubs, food suppliers etc. in Mere could benefit. Local employment could be aided. We are classed as a sustainable settlement; some domestic development helps the viability of Mere, however in my opinion we need some commercial viability. Areas of Mere within the present development boundary which have not been developed may be hastily developed should the land owner sense his asset may be worth less in value after 2011.

I agree with what I believe was The Parish Council intention - not to be site specific for small development. When the Parish Council became deeply involved in the previous local plans, much of the development was coming from one owner who appeared to want to consult with the Parish Council. However, we still sounded out local opinion as to where development was acceptable in order of preference. This time we are not giving any local information into the planning process. As said above even if we gave a generalization for example, we may feel that we would like to see the development boundary not to get any smaller around Mere. Should it expand if so by how much? Would we like to see our town commercially financially viable? Do we want Mere just to become a domestic housing area close to the services of North Dorset? Do we want to promote and see new business in some form? Are we happy with the declining spiral of services in Mere or could we put local input in that may help. (I understand a proposal is being already formulated for a business to expand in a sustainable settlement such as Mere with a less demanding criteria than a non-sustainable settlement in South Wiltshire which I have requested many times in the past).

Steve Milton implied we still had time to give input. I believe it would be good policy to revisit this topic as we draw towards 2011, or, as we saw at Peasehill, action may be taken by residents when it is possibly too late, and it could be argued that we Councillors should be kept abreast of proposals etc that effect Mere and make representations if so required before it is too late.

I would like to remind Parish Councillors that Parish Plans (including Mere's) are considered, by Salisbury District Council, to be community documents and not Parish Council Policy Documents. This was argued out at the last Western Area Meeting.

As we progress towards a Unitary Authority, this gives further uncertainty to the machinery that will form the outcome of The LDF in 2011. One thing is certain – the document will be formed and subsequently will have to conform to a Wiltshire-wide LDF that will overtake our South Wiltshire LDF.'

***7b) Track adjacent to No. 1 Old Hollow, Mere: Janice Green, WCCs Rights of Way Officer writes:**

'Thank you for your letter dated 3rd October regarding a track adjacent to the property 1 Old Hollow, Mere, with apologies for the delay in getting back to you. The track is not a public right of way, nor is it an adopted highway and therefore the County Council has no responsibility for it. It

appears to be a private track and the County Council are unable to comment upon the obstruction of the track, the claiming of private rights and the intention to build here. WCC only hold records of public rights and therefore we do advise people to seek their own legal advice when dealing with private rights. However, a public right of way can be added to the definitive map and statement of public rights of way by making a definitive map modification order. I have included a very helpful document entitled "A Guide to Definitive Maps and Changes to Public Rights of Way" which explained the definitive map and the legal procedures in place to make changes to the definitive map. The definitive map and statement of public rights of way was established following the National Parks and Access to the Countryside Act 1949, as a legal record of the public's rights. The Parish Councils carried out surveys of the rights of way in their area and submitted information to the Surveying Authority for inclusion on the definitive map. The definitive map is conclusive evidence of what it shows, but is without prejudice to the existence of additional or lesser rights on a path already shown, for example vehicular rights on a bridleway, or the existence of additional rights of way not shown on the map at all. The rights of way modification order process exists to correct such anomalies and therefore any person may make an application to amend the definitive map and statement, in this case to add a public footpath. All claims must be based on evidence, which can be either witness evidence and/or historical evidence. A claim based on user evidence must demonstrate that a path has been used by the public for a period of 20 years or more without interruption. This use must be without force, without secrecy and without permission. I have enclosed an example of the witness evidence form which should be completed by path users with a plan attached upon which path users should mark the route which they have used. The completion of the forms helps us to establish the motivations of path users. The route marked on your map appears to be a cul-de-sac which adds little to the rights of way network as it does not form a link between any two highways and although there is nothing laid down in law to prevent a cul-de-sac route being added to the definitive map, it would be interesting to see the reasons for which people have been using this route. I have also enclosed a leaflet on historical evidence which explained the types of documents which may be used to support a claim, such as inclosure awards, tithe awards, council minutes etc. and what these documents can tell us. Most of the documents included can be found in the Wiltshire & Swindon Records Office which is now located in Chippenham and it may be useful to look at these documents as they may reveal evidence which can support a user evidence claim. Please do let me know if you do wish to make a claim and I will forward you the relevant application forms as you will need to serve notice upon all landowners. I hope this information helps.'

***11b) Area Committees – Review of Community Involvement** – SDC's Democratic Services Officer writes: 'SDCs Western Area Committee is making a concerted effort to address more community issues and increase community engagement Accordingly we are writing to remind Parish & Town Councils of their rights and opportunities in relation to the area committee.

Parish & Town Councillors may:

- Raise items for consideration by the area committee in the same way as District Council members (i.e. 10 working days in advance of the meeting and with sufficient supporting documentation to allow for an informed discussion to take place);
- Speak at meetings on any matter affecting their parish or town, or the area in general;
- Vote on certain issues of community interest at the discretion of the chair.

The Western Area Committee are keen to receive input from parishes and feel that you can play a key role in ensuring that important community issues do not slip under the radar of the District Council. Accordingly they have introduced 'Community Update' as a standing item on all agendas. Under this item District Councillors, Parish & Town Councillors and other community representatives will be able to address the committee freely and without the need to submit advance notice. We have also included copies of a leaflet outlining the role of area committees which you can distribute to anyone within your parish who may find it of interest.

Forthcoming dates of the committee are as follows and you are warmly welcomed to attend (all meetings start at 4.30 p.m.)

- Thursday, 6th December, Bishopstone Village Hall
- Thursday, 10th January, Dinton Village Hall,
- Thursday, 7th February, Bishopstone Village Hall
- Thursday, 6th March, Dinton Village Hall
- Thursday, 3rd April, Nadder Hall, Tisbury
- Thursday, 1st May, Bishopstone Village Hall
- Thursday, 29th May, Nadder Hall, Tisbury

Information Items

Planning

SDC has granted (with conditions) permission for the following applications:

S/2007/1942 – CHANGE OF USE – CHANGE OF USE FROM FURNITURE DEPOSITORY TO PRE-SCHOOL
USE (RETROSPECTIVE)
THE CHAPEL, BOAR STREET, MERE.

S/2007/1864 – LISTED BLDG (WKS) – ALTERATIONS TO FACILITATE CONVERSION TO DWELLING
APPROVED UNDER PERMISSION S/2007/0732
CHURCH OF ST MATTHEW, SHAFTESBURY ROAD, MERE.

S/2007/1855 – FULL APPLICATION – ERECT CONSERVATORY
LINDEN HOUSE, SHAFTESBURY ROAD, MERE.

S/2007/1818 – TREES WITH TPO – CUT BACK AND THIN WALNUT TREE BY UP TO 15%
14 CLEMENTS LANE, MERE.
S/2007/1105

Newsletters, Magazines & Periodicals

Clerks & Councils Direct – November 2007 – Issue 54

Countryside Voice – Magazine of the Campaign to Protect Rural England – Autumn 2007

WCC's Transport Times & Telegraph, Issue 13, November 2007

The Clerk – The Journal of the Society of Local Council Clerks – November 2007

South West Provincial Employers – Affiliate & Associate Member Bulletin – 20.11.07