

BURTON COMMUNITY COUNCIL

Minutes of the monthly meeting held at the Jubilee Hall, Houghton, on Wednesday 4th December, 2019

Present: Cllrs Nia Phillips, Laurence Price, Paddy McNamara, Derek Jones, Alun Williams, John Mathias, Iain Wood, Scott Sinclair (vice-Chair); Peter Horton (Clerk).

Apologies: C’llrs Robin Howells, Michael Pettit, John Evans.

Declarations of known interests

None.

Minutes of November 2019 monthly meeting

The minutes were agreed as an accurate record, and signed by the Chairman (proposer C’lr Derek Jones, seconder C’lr Iain Wood).

Matters Arising

Sardis bollards. C’lr Iain Wood was still awaiting a quotation for the work, and said that he would endeavour to obtain this in time for the January meeting. C’lr Alun Williams commented that the problem of mud around the pathway and road verge had seriously worsened since last month.

Ditches, New Wells Road. Members noted the message received from P.C.C. to say that the work had been completed.

Sardis boulders. Members were informed that the boulders had been delivered, and C’lr Iain Wood had been on site to receive them. They were yet to be placed across the site frontage.

Biodiversity. C’lr Scott Sinclair had prepared an initial report document in draft. He mentioned that the report should technically be published by the end of the year, but was proposing that Members feed back any comments on the draft document in time for a final version to be prepared for ratification at the January meeting. Members agreed this, and thanked C’lr Scott Sinclair for the work carried out in preparing the document. Matter to be placed on January agenda for further discussion.

Ambulance response times, and NHS services at Withybush Hospital. C’lr Paddy McNamara commented that this was an issue of management of the services involved, and it was important to keep the pressure on them to maintain a good level of services. Members were in agreement with this. Matter to be placed on January agenda for discussion.

Fly-tipping. C’lr Laurence Price reported that the rubbish dumped on the bridleway had now been removed.

Discussion of encroachment onto common land and bridleway, Houghton Moor

The Chairman welcomed to the meeting Mr. Jim Dunckley, Common Land Officer with P.C.C., who was present to assist with this agenda item. C’lr Laurence Price provided the context to the agenda item, by reporting on how he had seen heavy equipment using the bridleway to access the development site. He had spoken to the contractors about this on three occasions, the final time with C’lr Scott Sinclair present as well. The driver of the excavator had eventually produced a plan allegedly showing that they had planning permission to access the site from the bridleway. C’lr Laurence Price had subsequently discussed the matter with the P.C.C. Public Rights of Way Officer and Common Land Officer. They had both been involved, as the case included both common land and rights of way issues. They had confirmed that separate permissions would be required for (a) crossing the common land with vehicles, and (b) using the bridleway for vehicular traffic, neither of which had been, or were likely to be, granted.

The Chairman thanked C'lr Laurence Price for his involvement to date, and for the photographs taken by his wife. C'lr McNamara had inspected the bridleway and found it virtually impassable. He had also noted the entrance which appeared to be under construction. At this point the Chairman invited the P.C.C. Common Land Officer Mr. Jim Dunckley to address the meeting. Mr. Dunckley said that, to date, he had visited the site three times to inspect, speak to contractors, and also warn them of illegality of their actions. The contractors had assured him that there would be no further vehicular activity by them along the bridleway during construction. On the final visit to the site, Mr. Dunckley and the Rights of Way Officer Mr. Matt Cloud had discussed the best way to approach the matter. They had decided that, while there were both common land and Rights of Way issues involved, the most appropriate and effective way to proceed would be to invoke Rights of Way legislation to tackle the illegal use of the bridleway.

Mr. Dunckley proceeded to outline the view of the Authority on the current situation. It was understood that the access to the site from the bridleway was formed to facilitate access for construction of the bat roost. (On being questioned, Mr. Dunckley confirmed that the 'bat roost' structure apparently conformed to the specifications outlined by the ecology officer when planning consent was granted).

Mr. Dunckley confirmed that accessing the bridleway with a vehicle was a criminal offence. He understood that the gateway shown on the plans for the development did have planning consent. However, this did not confer permission to use the bridleway for access purposes by vehicle. Regarding the current poor condition of the bridleway following recent activities, Mr. Dunckley confirmed that the Authority was not satisfied with the current standard of reinstatement. It was noted that the bridleway had been scraped of mud, but not reinstated fully. They had the option of compelling the developer to complete reinstatement of the bridleway to a satisfactory standard, or alternatively taking direct action to carry out the work in house, and reclaiming the costs. He commented that any legal action taken under common land legislation could be taken by either P.C.C., B.C.C. or jointly. Bridleway action would, however, be by P.C.C. He reassured Members that P.C.C. was committed to seeing the situation satisfactorily resolved, and was on the same side as B.C.C. in the matter.

C'lr Laurence Price estimated that the scraping carried out by the developer had taken around 75mm off the bridleway surface. In addition, the verges to either side had been largely destroyed, resulting in the 7ft bridleway being scraped into a 12ft wide accessway.

C'lr Paddy McNamara asked what action was now proposed by the Authority to resolve the matter. Mr. Dunckley explained that they were currently in discussion with their Legal Department regarding the best course of action. He stressed that they were keen to take action, for the protection of the common and bridleway. He expected a clear position / course of action to have emerged by the end of the week, and considered that the matter needed addressing sooner rather than later to avoid worsening of the situation. He undertook to keep the Community Council updated on the matter as it progressed. In the meantime he said that the landowner of the plot concerned had been told of the legal situation regarding the use of the bridleway and common land, and that permission would not be forthcoming to regularise this. C'lr Scott Sinclair made reference to the apparent permission for the physical entranceway, but not for it to actually be used, and asked for clarification as to whether this was in fact the case. It was explained by Mr. Dunckley that the access was originally tacitly accepted to facilitate access solely for construction of the bat roost structure. It had been properly consented, and any future access required for maintenance of the bat roost may need to be looked at. However, there was no permission in place for its use for any other purposes. C'lr Paddy McNamara asked if it was acceptable to use the bat roost structure as a garage. Mr. Dunckley explained that this would be at the discretion of the landowner, but did not prevent the Authority from controlling access via the bridleway and common land with vehicles.

Members were happy with the approach proposed by Mr. Dunckley on behalf of P.C.C.

Following the discussion over the current situation, Mr. Dunckley expressed concerns over the possibility of further incidents of non-compliance with common land and rights of way legislation in the future. To address this, he recommended consideration to further measures, such as byelaws, to deal with future occurrences. This would involve introducing a scheme of penalties set by the W.G. Signage could then be erected to publicise the byelaws, which would also remove the defence of ignorance being claimed by offenders. Mr. Dunckley was keen to canvas the opinion of B.C.C. concerning this suggestion, with a view to proceeding jointly. Members were in agreement with the proposal to introduce appropriate byelaws, feeling that all available avenues should be pursued to protect the common and bridleway.

This being the case, Mr. Dunckley undertook to look at the matter of byelaws in more detail and come back to the Community Council more information / detailed proposals.

C’lir Alun Williams asked if it would be possible to ask the author of the bat report to confirm exactly what was intended for this structure. Mr. Dunckley undertook to look at this to see exactly what had been said and provide clarification.

At this point the Chairman opened the discussion to questions / comments from local residents who were present.

Mr. David Lawrence was present, and thanked Mr. Dunckley and B.C.C. for the approach being taken, which he found reassuring. He commented on the importance of protecting the Common and bridleway as virtually the only remaining public facilities in Houghton. He felt it vital that these should be protected from further damage. He also questioned the lawful authority to use the bridleway, and suggested that the possible presence of a historic gateway would not confer this. Mr. Dunckley confirmed that this was correct.

C’lir Scott Sinclair asked if it would be possible for the plot owners to claim a similar right to use the bridleway for vehicular access as that currently enjoyed by the owners of the property further down the bridleway. Mr. Dunckley explained that they would have to be able to claim 20 years historical use, which they would not be able to do.

Mr. & Mrs. David and Sheila Camplin addressed the meeting. They referred to the new development, and the potential for problems with the sewage disposal infrastructure. They had been informally told by Welsh Water that the pumping installation at Houghton was viewed as a ‘problem’ unit, and this would worsen when the new development came on stream. Mrs. Camplin had called Welsh Water on numerous occasions due to problems with the pumping installation and outfall. She had paperwork with correspondence that she wanted to pass to Members via the Clerk. She was of the opinion that the matter was likely to get worse. She had previously monitored the overflow pipe for discharges. However, this had become more difficult in recent times, due to encroaching overgrowth. She asked if this could be cleared away to provide a clear line of sight from their boundary to the outfall pipe. This would enable them to take samples and contact N.R.W. in the case of any incidents of overflow to the stream. She mentioned that she was unsure whether Welsh Water actually had any means of logging overflow incidents from the pipe. She had asked them about this and got a vague response. An engineer had, however, turned up at the site shortly thereafter to carry out work supposedly to facilitate this. It was agreed that Mr. Dunckley and C’lir Laurence Price would arrange to meet the Camplins to look at what needs doing to clear the land, and put this in hand.

As a final comment, C’lir Paddy McNamara referred to the planning consultation responses from B.C.C. for development in Houghton, which had always raised concerns over the potential for problems with the sewage disposal infrastructure. He also mentioned meetings between the Community Council and Welsh Water, at which Welsh Water had assured B.C.C. repeatedly that there would not be a problem, and their system was adequate for all proposed development. They had claimed that they had a right to discharge from the overflow pipe in ‘exceptional circumstances’. C’lir McNamara also reminded all those present of the importance of reporting any and all incidents of discharge from the overflow pipe to the N.R.W. pollution hotline. After the discussion, the Chairman thanked Mr. Dunckley for attending, whereupon Mr. Dunckley left the meeting.

Plans

Applications

19/0749/PA (Steel storage barn to store machinery for agricultural use - tractor, trailers and farm implements; Little Dumbledale Farm Holiday Cottages, SARDIS, Haverfordwest, Pembrokeshire, SA62 4NT) – No comments to make.

Decisions

19/0604/PA (Alterations and first floor extension to Existing Dwelling - Cobweb Cottage, Vale Road, Houghton, Milford Haven, SA73 1NW).

Correspondence

- 1) Community Health Council – survey seeking views on NHS services – to be considered in January agenda item on NHS services at Withybush.
- 2) O.V.W. – information on preparing report on biodiversity – noted.
- 3) Mid & West Wales Fire and Rescue Authority – consultation on draft plan 2020-25 – noted.
- 4) O.V.W. – minutes of recent meeting for large councils – noted.
- 5) Planed – invitation to ‘promoters’ meeting, to be held at 12-30pm, 16th December 2019 – noted.
- 6) Rob, Evans, P.C.C. – response regarding drainage pipework at pond in Church Road – discussed in agenda item below.
- 7) W.G. – consultation on working towards a fairer Wales – noted.
- 8) Wales Audit Office – Notification of Sec. 137 grant limits for 2020-21 – noted.
- 9) Rights of Way Officer, P.C.C. – comments on bridleway, Houghton – discussed in agenda item above.
- 10) P.C.C. – Information on obligations in relation to Ash dieback – matter to be tabled for discussion in January meeting.
- 11) Mrs. Helen Groves – concern over issues with bridleway – discussed in agenda item above.
- 12) W.G. – information on Welsh Index of Multiple Deprivation – noted.
- 13) P.C.C. – B.T. consultation on proposed payphone removal at Burton Ferry – Members had no objections to the proposed removal of the payphone. C’llr Laurence Price raised the possibility of asking for a bus shelter to be placed there instead. However, Members decided that this was a completely separate issue for discussion on a future occasion.
- 14) Emrys Williams, P.C.C. – response to contact about ongoing problems with ditches in New Wells Road – noted.
- 15) Emrys Williams, P.C.C. – holding reply to enquiry about Rhooseferry Lane drains – C’llr Laurence Price mentioned that the work to clear the drains appeared to have been completed.

Accounts

Payments

Clerk (mileage, postage, etc., June – December 2019)	:	£102-30
H.M.R.C. (P.A.Y.E. tax, October – December 2019)	:	£200-40
G.D. Harries (boulders)	:	£409-43

The above payments were approved by Members (proposer C’llr Laurence Price, seconder C’llr Iain Wood).

Discussion of footpath provision from car park to Jubilee Hall

Matter still in hand with C’lr Iain Wood, who had been extremely busy with his house move. Matter to be tabled for discussion in the January meeting, in conjunction with the agenda item to discuss bollards / footpath widening at Sardis.

C’lr Laurence Price mentioned that he had obtained a verbal quotation of £750 - £800 for a rolled stone path with timber edging across the common between the car park and Village Hall. Regarding the possible provision of a path by P.C.C., C’lr Laurence Price mentioned that he had been in conversation with C’lr Rob Summons regarding this. C’lr Summons had referred to a recent P.C.C. cabinet meeting at which this had been ‘moved forward’, referring to possible future funding streams.

Clerk to check with the Common Land Officer whether or not W.G. consent for a path across the common would be needed for a path with an unbound surface. Clerk to also ask Darren Thomas of P.C.C. if there is any timescale available for the possible grant scheme previously mentioned. Clerk to also check the exact extent of common in respect of the two access lanes across it.

C’lr Paddy McNamara raised the possibility of trying to get a pelican crossing installed across the main road, and wondered what criteria would need to be satisfied to obtain this. However, no substantive discussion was had on this suggestion.

Discussion of needed maintenance at the pond area, Church Road

C’lrs Alun Williams and Derek Jones had visited the site to inspect the pipework. They were agreed that the water going into the pond would appear to be coming from the P.C.C. surface water drainage network, with the water then being piped out of the other side of the pond. Members accepted the findings, and were in agreement that, based on the available information, the pipe bringing water into the pond would appear to belong to P.C.C. Clerk to write to P.C.C. to say that the pipes clearly appear to be theirs, and asking them to deal with the matter by bypassing the pond or accepting responsibility for cleaning it out (proposer C’lr Alun Williams, seconder C’lr Iain Wood).

Discussion of progress on measures to address traffic issues in Burton / Burton Ferry, fundraising and proposed plans for signs

C’lr Scott Sinclair mentioned that there had apparently been further technical problems with the traffic survey equipment, which would explain why no results had yet been received.

C’lr Scott Sinclair had circulated a report to Members prior to the meeting, with a number of recommended courses of action. Members agreed to support and implement the plan as written (proposer C’lr Scott Sinclair, seconder C’lr Nia Phillips).

C’lr Alun Williams, while going along with the decision of the Council, expressed some doubts as to whether or not the proposed signage would actually make any significant difference to the problem. He raised the question of whether a grant could be sought from the P.C.C. second home grant fund to cover the cost of the signage. Members felt this might be worth looking at.

Discussion of slow broadband problems in Burton

C’lr John Mathias had not been able to carry out the survey of local residents to ascertain in more detail the overall situation. However, C’lr Michael Pettit had reported broadband speeds of around 31mB/s at his property. Matter to be placed on January agenda for more discussion, and C’lr John Mathias to obtain information from other residents in Burton in the meantime.

C’lr Scott Sinclair raised the question of whether it would be possible to get technical information on exactly where the fibre optic cables were within the community.

Discussion of matters to do with new rubbish collection arrangements

Members were agreed that it was important to allow time to see how the new arrangements worked in practice. Matter to be placed on March 2020 agenda for further discussion.

Discussion of any proposed projects for inclusion in budget for 2020/21

Members discussed the potential for funding possible projects in the Community, while keeping the level of precept per household broadly in line with neighbouring community councils. It was agreed that the precept should be set according to the needs of the community, and that there was, therefore, a need to clearly identify the requirements. Areas mentioned for discussion were a possible £3000 for speed signage, Members' allowances, Playpark fencing, measures to promote biodiversity, work at Barnlake Wood.

Matter to be discussed in detail at the January meeting, in connection with discussions over the precept level for 2020/21.

Members also discussed a request by the Clerk for consideration of some kind of retirement gratuity / pension provision [NOTE – the Clerk left the room during discussion of this matter].

Following discussion of this matter, the Clerk returned to the room, and was asked to note the following for the Minute record :

The request from the Clerk had been received by the Chair and vice-Chair a few days prior to the November meeting. The Chair had asked for it to be deferred for discussion in the December meeting, due to the short time available for considering it prior to the November meeting. He had also requested details of the current remuneration arrangements from the Clerk, which had duly been provided. The information supplied by the Clerk to the Chair and vice-Chair had not been circulated to the other Members prior to the December meeting, leading to concerns by the Clerk that Members would not be in a position to consider the matter properly. The Chair had recommended putting it into the January agenda to enable time for full consideration of the request by all Members. He mentioned to Members that pension provision would be a discretionary matter, not a legal obligation. The Clerk pointed out that he had mentioned this at the outset in his written request. Matter to be tabled for further discussion in the January meeting.

Discussion of Independent Remuneration Panel report Members' allowances for 2020/21

Members made the following decisions on allowances for the 2020/21 financial year:

Determination 44 (payment for specific responsibilities)	- not approved.
Determination 45 (payments for travel expenses for approved duties)	- approved.
Determination 46 (reimbursement of subsistence expenses)	- approved.
Determination 47 (financial loss compensation for approved duties)	- not approved.
Determination 49 (payment to Chair of Council)	- not approved.
Determination 50 (payment to vice-Chair of Council)	- not approved.

The above were agreed by Members (proposer C'lr Nia Phillips, seconder C'lr Scott Sinclair).

Any Other Business

Potholes. Potholes were reported (a) just past the bus shelter in Hill Mountain going in the Haverfordwest direction, and (b) in Vale Road by the junction with the spur to Vale Farm. Clerk to report these to P.C.C.

The meeting ended at 9-20pm. Next meeting, Wednesday 8th January, 2020 at The Mission Hall, Hill Mountain.