

Ordinary meeting of the Parish Council

Milson and Neen Sollars

Held at: Victory Hall, Neen Sollars, DY14 0AL

Date: 07/11/2016

Time: 19.00 Hrs

Summons:

| | | |
|----------------------------------|--------------|--|
| Cllr Chris Jones (Chairman) | 01584 890486 | chris@milsonairstrip.co.uk |
| Cllr Steve Painter | 01299 832981 | susan@susanpainter.orangehome.co.uk |
| Cllr Anne Horsley | 01299 271225 | horsley40@btinternet.com |
| Cllr Mazella Witts-Hewinson | 01299 271258 | zell@mazellawh.plus.com |
| Cllr David Jones (Vice Chairman) | 01299 271204 | david.jones6451@gmail.com |
| Tony Price (Clerk to Parish) | 01299 271535 | tony@slottools.com |

1. **Apologies:** Anne Horsley
2. **Declaration of Pecuniary Interest:** None
3. **Minutes of the Ordinary Meeting 26/09/2016 and C.D. Sub-Committee 28/09/2016.**
 - Signed as true record.
4. **Accounts**
 - Current account balance £7516.76
 - Election account £451.09
 - Outstanding payments:
Neighbourwatch Posters x 5 Total £18.43.
 - Parish Assets
Neen Sollars ~ £2,623.90
Milson ~ £1,020.00
5. **Wreathes for Memorial Sunday**
 - Nominees for Milson and Neen Sollars Presentations 13/11/2016.
 - Milson Carola Morrison, Neen Sollars SP.
 - New Wreath to be purchased for Milson.
6. **Parking issues on Milson Village Green.**
 - Communication from Judith Smith Milson.
 - CJ to report on recent issues.
 - It has been agreed that 3 days' notice will be given to Parish Council if Parking on Green is required.
 - Cost of removing debris from old road to create additional parking be investigated, potentially added as one off cost to Precept.
7. **Neighbour Watch Scheme**
 - Joint Parishes are now members of Neighbourwatch scheme.
 - DJ and CJ to confirm locations of signs
3 x Metal signs Neen Sollars, 2 x Plastic Milson.

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- Potential theft at Neens hill top Farm.
8. **Broadband update.**
- Letter and e-mail sent to Phillip Dunne MP, had holding letter but no response on points raised.
 - Communication from Ben Walker service is still scheduled for end of December.
9. **Lengthsman progress report:**
- No work sheets submitted again. TP to set up system with Richard Tong for ongoing time sheets.
 - TP has spent time with Richard Tong to identify drains and blockages and introduced to Phil James.
 - Drain blockage from Milson Green towards Neen Sollars reported.
 - Small Culvert outside Stone Barn reported.
10. **Electoral Charges Amendments**
None
11. **Dogs fouling footpaths.**
- DJ raised the issue of increasing fouling by dogs on footpaths. DJ to confirm temporary signs have been erected ahead of permanent signs.
 - DJ and AH to visit Birch Hill Dog Rescue and raise concerns, to report back 07/11/2016. Carried to next meeting.
 - TP to investigate how to obtain another dog waste bin for area. SSC are investigating see response. DJ requested site visit with Kate Adams SSC to add Tetstill and Village Hall.
 - DJ to identify type and where signs and new bin to be positioned and report back to Council 07/11/2016. Carried to next meeting.
 - DJ requested that consistent offenders Dog waste be DNA tested for identification and further action taken.
12. **Erecting of Garage to Hilltop Cottage?**
TP has E-mailed Graham French planning requesting clarification on permissible development. No response even after follow up call.
13. **Outstanding from last meeting.**
- Community Benefit Deed.
Deed has been submitted to Zoe Walker 13/10/2016, followed up 04/11/2016 has not responded. Instructed Freeth's if no reply before 11/11/2016 PC will no longer require their assistance.
 - CJ to update on Traffic management plan following conversation with Madge Shingleton and Gwilliam Butler.
 - TP to report on Signage in village preventing heavy vehicles over bridges. Contacted Highways to respond to potential disregard to Transport Plan re A456 access only. Case ref 1175342
Highways have yet to respond.
 - Riparian responsibility Shakenhurst ~ no movement

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14. Planning.

- No New Applications from last meeting.

15. LTN Legal Briefings Updates

- None

16. LJC meeting Update

Minutes attached.

17. Public Open Places

Communication from Mark Blount ~ review of POS in Shropshire. TP to monitor and report when published.

18. Place Plan

Completed in 2015 ~16:

- Lengthsman
- Defibrillators to both Parishes
- Provide Car Parking, Seating and Budget to Mow Grass to Milson Village Green.
- Nominees to review and update objectives for 2017 ~ 18
TP, MWH and DJ.

19. Public Participation.

Carola Morrison and Peter Hulland wish to make a representation ref Milson Village Green Parking.

Both representations requested parking continue on Village Green, see agenda point 6 which has been agreed by all parties with the addition of concerns over access for Ambulance and Fire services if parking is not allowed on Green from Mr Hulland.

20. Public Correspondence.

E-mail from Judith Smith ref Milson Village Green Parking.
See Agenda point 6.

21. Date of Next Meeting.

Table of meetings to comply with Standing Orders. Annual and Ordinary Meetings will be held on the following dates.

Ordinary 06/02/2016 19.00 Hrs

22. Meeting Closed. 19.58 Hrs

23. Communications from SSC:

- BDLs
- NALCs News letters
- Police Commissioners visit to Cleobury from Madge Shineton 07/011/2016
- ALC ~ Recruiting for Foster carers and loggings in Shropshire
- ALC ~ Online planning register not available 21/11/2016 upgrading document management system.

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- Neighbourhood watch Survey
- ALC ~ Community assets guide for local authorities.
- SALC ~ SSC Local Plan review - Sustainability Appraisal Scoping
- SALC ~ Annual report and Audit following AGM
- PCC update West Mercia Police

Signed as True Record.....

Dated.....

7th November PC meeting update on LJC. Agenda Item 16.

The next public meeting of the Cleobury & Rural LJC will be held in Market Hall, Cleobury, on Wednesday 7th December 2016. The main topics under discussion will again be the local public transport, in particular the Diamond bus service 2L, responses to the Parish survey, and the proposals that each parish precept a contribution to retain the library and leisure centre in Cleobury Mortimer.

There will be another LJC planning meeting on Tuesday 29th November at 7pm at Cleobury Country to discuss parish responses. Vicky Turner has produced a parish by parish table of membership for both facilities, which was circulated, and our combined parishes show a membership of 13 active borrowers for the library, and 6 Current members of the Teme Cleobury Leisure centre.

Using council tax band D, The unitary councillors are ideally seeking from us an increase of around £20 per household, which would push our current precept up to around £80, without taking into account any increase we may wish to impose, in order to fund our own projects.

I believe we voted previously not to support the scheme, and this is what I shall report to the planning meeting, unless anyone wishes to raise a motion to support it, now that we have all the figures before us.

Chris Jones.

Milson Village Green – Background since 2013

Following the publication of the government's Nation Planning Policy Framework, and Shropshire Council's proposals for their Core Strategy response, Milson & Neen Sollars Parish Council were approached by Alan Healy & Carole Hall (formerly of May Barn, Milson) who were concerned that the plot of land we call Milson Green might be targeted for housing development. Carole advised that if we applied for registered Village Green Status, we could prevent this, in perpetuity. The Council agreed that the green should be preserved for the community, and our application was made at the South Planning Committee of Shropshire Council on 4th March 2014, and registered on 7th March.

Item 5.2 of the application granted states: "Once a green has been registered voluntarily, it is subject to the same statutory protections as all other registered greens and local people will have a guaranteed legal right to indulge in sports and pastimes over it on a permanent basis. Statutory protections following registration as a town or village green ensure that land must be kept free from development and other encroachments."

During the application process the Parish Council discovered that we already owned the land, having previously purchased it from the District council, a fact of which none of the current members were aware. This means, of course, that the PC is totally responsible for upkeep and insurance. Since this time grass cutting and general tidying has been done on a voluntary basis, by some local residents. I would personally like to thank, Bob Westwood, Russell Knapper, Rob Ingliss, Adrian Bradley, Richard Cole and others who have helped me. As you may be aware, 2 chairs and a picnic table are now situated there, to benefit walkers.

During recent wet winters, the verges have become deeply rutted due to poor driving and inconsiderate parking. Members of the Ludlow hunt had caused some of the damage, but a written request was sent to Oliver Dale, and this damage has not been repeated, since the 2 "Please do not park on the grass" notices were affixed to the signposts in 2014.

The PC is very aware that parking is an issue, and 3 members have had a site meeting with the Highways department to discuss this. An initial proposal was to create a parking bay on the roadside between the 2 signs. However this would not now be acceptable, under the village green status, and would have required specialist contractors anyway. They then suggested we investigate exposing a section of the original roadway in front of the Church, to create additional parking. This is currently under investigation, with the biggest problem so far envisaged, being what to do with spoil. Unfortunately contractors on the new Church pathway have just added to the problem by tipping additional material directly in the way. I am hoping that the PC can open a dialogue with St Georges' PCC to jointly find a way forward.

I have noticed that there does seem to be a tendency for one or two individuals to ignore our signpost requests (I am not referring to specialist events or funerals), and a track is beginning to form from the T- junction directly across to Church gate. One recent culprit was Jim Reynolds, from the Cleobury Clarion, who photographed a new Ford Edge he was road-testing, right in the centre of our green (see page 35 in the current edition). I shall be having a word in his shell-like!

I have placed temporary signs in the middle of these tracks on several occasions now, in an attempt to deter whoever it might be, but to no avail. They are summarily removed or flattened. The highways department have already offered to provide permanent black/white bollards along the roadside, and regrettably, if this behaviour does not stop, the Parish Council may be forced to ask them to go ahead. I certainly do not want this to happen, as I like our green the way it is, minus the cars on it!

Chris Jones. Chairman M & NS PC 7/11/2016.

Dear Tony,

Could you please note that Carola Morrison and Peter Hlland would both like to attend the Parish Council's meeting on 7th November next to discuss Agenda item (9).

Martin and I would also have liked to attend to discuss this item but unfortunately we are away. However, we would like to express our view that we see no need for the appearance of No parking notices which have started to appear on our Green. This area of land was purchased by the Parish Council in the early 1970's for the use of the community. One such use being to provide car parking when required. This facility has been enjoyed by the community for over 40 years without any permanent damage being incurred to the Green. We find it reprehensible that without any representation being made to the community you are supposed to serve, the Council have taken it upon themselves to try to alter the status quo. We would have thought that such use of the Green over a long period would have established the community's legal right to continue using this facility.

We also understand that there is some thought of planting shrubbery on our Green, which would totally take away its character.

We also wonder for the need in the middle of the countryside for a roped off area to promote the growing of grass or a wild environment! This is not the middle of a suburban area.

Please make sure that our views are placed before the Council.

Regards

Judith Smith

Application to Register The Green at Milson as a Village Green

Responsible Officer Claire Porter

Email: claire.porter@shropshire.gov.uk Tel: 01743 252763 Fax: 01743 252795

1. Summary

This report relates to an application made under section 15(8) of the Commons Act 2006 to register The Green at Milson as a village green (“the Application”).

2. Recommendations

- A. That the Application be accepted and the land shown edged red on the plan accompanying the application (Plan 1) be added to the Register of Village Greens for the reasons set out in this report.

REPORT

3. Risk Assessment and Opportunities Appraisal

3.1 Human Rights Appraisal

The contents of the report are compatible with the provisions of the Human Rights Act. The landowner has made the Application and no publication of the Application is required by the relevant legislation.

3.2 Environmental Appraisal

The procedure for considering this application will have no environmental implications

3.3 Equalities Appraisal

The contents of this report do not raise any equalities issues.

3.4 Risk Management Appraisal

This report deals with the processes to be followed to fulfil the Council’s statutory duty. Risk management has been appraised as part of the consideration of this Report.

3.5 Community / Consultations Appraisal

No consultation upon the matters contained in the Application is required under the Commons Act 2006 because the Application has been made on a voluntary basis by the landowner.

4. Financial Implications

- 4.1 The matters contained in this report do not give rise to any financial implications for the Council.

5. Background

Introduction

- 5.1 This report concerns an application for the registration of land in front of St. George's Church, Milson as a town or village green, by way of voluntary dedication under section 15(8) of the Commons Act 2006.
- 5.2 Once a green has been registered voluntarily it is subject to the same statutory protections as all other registered greens and local people will have a guaranteed legal right to indulge in sports and pastimes over it on a permanent basis. Statutory protections following registration as a town or village green ensure that land must be kept free from development and other encroachments.
- 5.3 As the Commons Registration Authority, it falls to the Council and this committee to determine the Application. The authority is not required to advertise the Application, nor to examine the merits of registering the land; it needs only to be satisfied that the applicant is legally entitled to apply to register the land and that the consent of any leaseholder of, and the proprietor of any relevant charge over, the land has been given.

The Application

- 5.4 On 30 January 2013 the Council as Commons Registration Authority received an application from Milson and Neen Sollars Parish Council to register The Green at Milson as a village green under section 15(8) of the Commons Act 2006 ("the 2006 Act").

The Law

- 5.6 The relevant parts of Section 15 state that: -
(8) The owner of any land may apply to the commons registration authority to register the land as a town or village green.
(9) An application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over, the land.

(10) *In subsection (9)—*

- *“relevant charge” means—*
 - (a) *in relation to land which is registered in the register of title, a registered charge within the meaning of the Land Registration Act 2002 (c. 9);*
 - (b) *in relation to land which is not so registered—*
 - (i) *a charge registered under the Land Charges Act 1972 (c. 61); or*
 - (ii) *a legal mortgage, within the meaning of the Law of Property Act 1925 (c. 20), which is not registered under the Land Charges Act 1972;*
- *“relevant leaseholder” means a leaseholder under a lease for a term of more than seven years from the date on which the lease was granted.*

5.7 ‘Owner’ is defined by section 61(3) of the 2006 Act which states that:

(a) references to the ownership or the owner of any land are references to the ownership of a legal estate in fee simple in the land or to the person holding that estate;

(b) references to land registered in the register of title are references to land the fee simple of which is so registered

5.8 The Procedure in relation to applications to which section 15(8) of the 2006 Act applies is laid out in regulation 7 of The Commons (Registration of Town or Village Greens) (Interim Arrangements) (England) Regulations 2007 (“the 2007 Regulations”) which states that:

Where an application is made under section 15(8) of the 2006 Act to register land as a town or village green, the registration authority must grant it provided it is satisfied that—

(a) the applicant is the owner of the land; and

(b) any consents which are required by section 15(9) of the 2006 Act have been obtained.

6. Conclusion

6.1 The Application sets out the name and address of the applicant, the basis of application for registration and a description of the land the subject of the Application. Within the supporting documentation accompanying the Application is a plan (which can be found at Appendix 1 to this report) and evidence of ownership. This evidence comprises of a conveyance dated 26 October 1982 and made between Shropshire County Council and Milson and Neen Sollars Parish Council. This is sufficient evidence of ownership.

6.2 For land to be registered voluntarily as a town or village green, it is necessary under section 15(9) for the applicant to show that the consent of any leaseholder or proprietor of any charge over the land has been obtained. Enquiries have been made of the Applicant and they confirm that there are no leases of the land and no “relevant charges”.

- 6.3 The Committee is advised that the requirements for the applicant to prove ownership of the land and consent of any leaseholders and charges (there are none) have been met.
- 6.4 Once the committee is satisfied that the requirements of section 15(8) and section 15(9) of the 2006 Act have been met, registration is a mandatory statutory requirement pursuant to Regulation 7 of the 2007 Regulations.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Copy of Application and supporting documentation

Cabinet Member (Portfolio Holder)

Councillor Keith Barrow

Local Member

Councillors Gwilym Butler and Madge Shingleton

Appendices

Appendix 1 – Plan of Application Land

