

WANBOROUGH PARISH COUNCIL

Minutes of the Extraordinary Council Meeting of the Parish Council held on Monday 8th November 2021 at Wanborough Village Hall starting at 7.30pm

Present: Parish Councillors Bob Biggs (Chair), Mike Webster (Vice Chair), Dave Hayward, Kathy Glanville, Richard Angwin, Gary Sumner, Joe Smith and Colin Offer.

In attendance: Angela Raymond (Parish Clerk) and 14 members of public

Meeting Ref:

EM/11/21/

1. Apologies
Apologies received from Donna Stalker, John Emmins and John Warr, and approved at the meeting.
2. Declaration of interest
None received.

THE MEETING WILL BE ADJOURNED FOR PUBLIC QUESTIONS.

Bob Biggs confirmed that the time allocated for public questions was 20 minutes. He confirmed that he had received notification of some questions in advance and referred to them first.

A resident stated that she was attending the meeting to observe and listen, as she was concerned about the amount of tax payers' money that was being spent on the matter, and the amount of time and resources that are being taken up by both Parish Councillors and officers at SBC. She stated that those at the meeting seriously need to consider what they are doing when there are so many wider issues that need money spent on, such as the elderly, vulnerable, and issues in the village such as the new road and flooding.

A resident asked Bob Biggs why, when the Inspector wrote to the Parish Council back in August 2021, the Parish Council had not discussed the options put forward by the Inspector until this meeting was called. He noted that Parish Council did have an item on the agenda for the Footpaths & Village Maintenance committee, however according to the minutes of that meeting it wasn't quorate for that agenda item so could not be discussed, therefore he asked why was the agenda item not immediately added to the following Parish Council meeting. He stated that Parish Council have had plenty of time and if Parish Council had discussed the matter they would have then been able to confirm their choice at the Case Conference. Bob Biggs confirmed that the item on the Footpaths & Village Maintenance agenda was for discussion purposes to provide information for the new Councillors, it wasn't an agenda item to put forward for the following Full Council meeting. Bob Biggs stated that he wanted to attend the Case Conference first to hear what the new Inspector had to say so that Parish Council could have a better understanding of what she is proposing to do going forwards before a meeting to discuss the matter took place, which is what the current meeting was for.

A resident asked why did the Parish Council change their mind at the end of the last Inquiry by stating that they also objected to the footpath across the corner (Suter's Lane). Bob Biggs asked Dave Hayward to answer the question. Dave Hayward explained that on the last day of the Inquiry there was a considerable amount of new evidence put forward by the residents of Suter's Lane which showed that the line of the footpath put in by the developer was not the same line of path that was on the Order Map and the Inspector accepted that. The Inspector gave SBC's Rights of Way Officer an opportunity to change the line of the path on the Order Map but the Rights of Way Officer chose not to, so on the last day of the Inquiry the Inspector asked him if the Parish Council wanted to change their position with regards to the footpath across the corner. He was pushed by the Inspector for a response and stated that he could not speak on behalf of the Council, but offered his personal opinion based on the evidence that the route on the Order Map was incorrect, so confirmed to the Inspector

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that he objected to the path across the corner and felt that the Parish Council would agree. Dave Hayward confirmed that it was a qualified statement on the facts that were provided at the Inquiry.

A resident confirmed that the footpath across the corner (Suter's Lane) has been walked for 30 years. The developer put in a path between two of the new houses, with the plans compiled by the developer approved by SBC. He stated that everyone knew the terrain has changed, as there used to be a wide track, but now it's a narrow path and although not in the most accurate place, it's close enough. He stated that everyone knows that the purpose of the path is to provide a safe path across the corner. He therefore felt that the Parish Council has not answered the question. Dave Hayward asked the resident if he attended the last day of the Inquiry when new mapping and overlays were shown to the Inspector which clearly demonstrated that the path walked was not the route shown on the Order Map.

Bob Biggs confirmed that he would have been pleased to have the footpath across the corner and it would have been easier if the applicant hadn't added a second footpath (across Honeyfield Farm's fields) in addition to just the corner (Suter's Lane). However as a result of a number of previous failings which the Parish Council cannot change, the current Councillors now have to sort out a very messy situation.

A resident stated that he put the question to the chair at the last Parish Council meeting and is asking again if he will vote the way the residents want. Bob Biggs confirmed that he would like to put a footpath across the corner but it's not there anymore, it's as Dave Hayward had already explained. Bob Biggs gave the resident a warning that he did not want an argument on the matter and stated that he would have to close the meeting if this continued.

A resident stated that his recognition of the last day of the Inquiry is different to that stated by the Council's representative. He stated that it was the final question raised by the Inspector to the Parish Council representative who just replied "yes". Bob Biggs confirmed that from his experience as a scout leader, he walked footpath 25 to footpath 23 and confirmed that there was not another footpath at the time or available to use.

Bob Biggs confirmed that it is no good going over what has already been said at the Inquiry, but if residents have any new evidence then he would be happy to hear.

A resident stated that the Inspector has made it clear that whether residents want or need a path is completely irrelevant. What needs to be established is if the path has been walked, so whether the path is wanted or not is not relevant for the decision for the Parish Council to make at the meeting. Bob Biggs confirmed that the ultimate decision will not be made at the meeting, it would be made by the Inspector, what the Parish Council needs to decide at the meeting is the response to the Inspector in relation to the options she has put forward.

A resident asked if they remember the first Inspector and what she stated "I have the power to take the houses down on the actual route". The resident stated that he didn't want the houses knocked down, he just wants the path across the corner re-instated. Councillors confirmed that no one's house is going to be knocked down. Bob Biggs confirmed that as a resident he can make this point to the Inspector, but there is no point attending the meeting and going over the same ground.

A resident asked the Parish Council to maintain their position, as previously decided, since supporters of the applicant had not provided any new evidence. He stated that all residents have the opportunity to submit their objections to the Inspector if they so please.

Bob Biggs closed public questions.

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3. Footpath 44 modification order

3.1 A verbal update to the Council on Footpath 44 Modification Order's first inquiry & Inspector's report

Bob Biggs asked Dave Hayward, who attended the whole of the first Inquiry, including the extra day in November 2019, to provide a summary to the Parish Council, particularly for the new Councillors who did not know what had happened so far.

Dave Hayward ran through a timeline of what happened over the years, including some extra background information going back to 2008 to help with the understanding as to what had happened prior to the footpath 44 modification order being submitted by the applicant.

Richard Angwin raised a number of objections to the points raised by Dave Hayward stating that he should not include his own opinion, just the facts. Dave Hayward confirmed that he was only providing the facts of what happened and what was stated by the Inspector.

Dave Hayward continued to provide a summary of what happened but he was once again stopped. Bob Biggs felt that it was clear that Councillors did not want to hear the full summary so decided to move on to the next item on the agenda.

3.2 A verbal update on the Case Conference held on 28th October 2021

Bob Biggs confirmed that the new Inspector who has been appointed to finish the case is Heidi Cruickshank.

The second inquiry for Footpath 44 modification order will be held at 10.00am on Tuesday 7th December 2021, at Hawksworth Hall, STEAM. The inquiry is currently scheduled to last 3 days but this depends on the number of witnesses: two days (7th & 8th December) will be held at Steam, with the third day held virtually via Microsoft Teams on the 15th December 2021.

Anyone who wishes to attend physically or virtually needs to contact Martin Fry (SBC's Rights of Way Officer) by 26th November 2021.

Dave Hayward stated that he wanted to take the opportunity to confirm that the information that he had been providing was a summary of the facts. At the point when Richard Angwin stopped him he was explaining what had happened at the Inquiry when the Inspector had warned the applicant that he would bring the inquiry into disrepute, and she therefore adjourned the meeting advising the applicant to consider what he had said. Dave Hayward again reiterated that this was a fact and not his opinion.

Bob Biggs gave another warning to members of public that they would be asked to leave if they continued to shout out.

3.3 Parish Council to vote on which of the four outcomes (A-D), put forward by the Inspector:-

- A. To conclude that the Order should be confirmed as made and without the proposed modification to remove A-B-C-D;
- B. As above but with additional modifications to amend the width of the Order route;
- C. Not to confirm (any part of) the Order at all.
- D. To confirm the Order, without the proposed modification but to show a different alignment in relation to the section A-B-C-D.

Bob Biggs confirmed that Councillors were now welcome to discuss the four options that the Inspector had put forward to them and opened up the floor to those who wished to speak.

Richard Angwin put forward a proposal for the Council to go straight to a vote.

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Gary Sumner asked a question in relation to option D. Bob Biggs confirmed that option D could potentially be re-discussed in the future, but until more is known about what the Inspector is suggesting and the proposed new alignment, it would be difficult to understand what she is proposing.

Gary Sumner stated that whether there is a footpath going through where a house has been built isn't relevant.

Colin Offer stated that footpaths move and it's not unusual for the route of a footpath to change slightly. Bob Biggs confirmed that it was the Inspector who stated that the path / route could not be changed as per her report. Bob Biggs confirmed that it's not just about the path moving, it is also the fact that there would then be two paths; footpath 25 is already there and follows a route to footpath 23. Bob Biggs also stated that he knew that footpath 25 currently goes along the edge of the applicant's garden.

Dave Hayward stated that it appears that Councillors do not want to discuss the options and want to go straight to a vote. He therefore proposed to put forward that the council vote on the options and Gary Sumner seconded.

Bob Biggs read out the four options.

Four Councillors voted for option B and four Councillors voted for option C. As the vote was equal with 4 votes each, the Chair exercised his right to use his casting vote and voted for option C. Bob Biggs proposed that the Council could discuss option D once the Inspector has provided more information on the proposal, but without any further details available he confirmed that he would use his casting vote to vote for Option C.

Resolved: Parish Council agreed to support option C – Not to confirm (any part of) the Order at all.

Meeting closed 8.45pm.