

# GARWAY PARISH COUNCIL

Minutes of the Ordinary Meeting of  
Garway Parish Council  
held in Garway School Hall  
on Thursday 28<sup>th</sup> January 2016

No GPC/MW/012

## Councillors Present

Councillor Mr. Anthony (Tony) Phillips Chairman  
Councillor Mr. Richard M. Sparey Vice – Chairman  
Councillor Mrs. Cara Campbell  
Councillor Mr. Chris Strange

Acting Clerk Mr. Malcolm Walker

## Also Present

Sam Banks Planning Officer Herefordshire Council, Ward Councillor Mr. David Harlow, Locality Steward for Balfour Beatty Living Places (BBLP) Mr. David Atkinson and six further members of the public

**The Ordinary Meeting of the Parish Council was formally opened by  
the Chairman at 7.00pm**

## **1.0 Apologies for Absence**

Apologies received and accepted from Councillor Mr. Craig Hooper  
Councillor Mrs. Rosemarie Sparey not present  
Lengthsman Mr. Terry Griffiths sent his apologies  
No representative from the Local Police Team

**The Parish Council resolved to change the order of business at this time to Item 4.0**

## **4.0 Neighbourhood Plan**

Sam Banks Planning Officer Herefordshire Council gave an overview of the Neighbourhood Development Planning process including:-

The Core Strategy as part of the Localism Act 2012

Designated area May 2013

Meeting in the Village Hall was well attended

If Neighbourhood Development Planning (NDP) is not progressed then a Rural Site Allocation

Document is going to be produced by Herefordshire Council later this year

If no NDP Garway and Broad Oak will have no settlement boundary

Area of 14% or 25 homes up to 2031

NDP would define a local plan

A grant of £8,000.00 is available for producing a plan, which can be applied for now

Costs include Planning Consultant, Postal delivery of questionnaires/flyers etc., Public meetings, Maps (PSMA registration required)

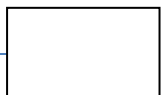
Herefordshire Council only requires electronic copies of plan

Average time to complete is about 18-24 months depending on speediness of Parish Council and voluntary involvement

*“Minutes of the Ordinary Meeting of Garway Parish Council held at Garway Village Hall on Monday 20 May 2013 No GPC/APJ/006*

*Also present Ms Samantha Banks (Neighbourhood Planning Team Leader - Herefordshire Council)  
Item 2.0 Neighbourhood Plan*

*Samantha Banks gave an informative presentation of the principle and requirements of the Neighbourhood Plan. As part of the Localism Bill, Parish Councils can shape development plans within their boundaries by producing Neighbourhood Plans which, subject to ratification through a local referendum, become a statutory planning document. They place an emphasis on sustainable development and can include policies on specific items, such as tourism, transport and wind-turbines.*



*The Neighbourhood Planning Officer provides support to the Parish Council throughout the development of the Neighbourhood Plan, including the creation of a project plan. To develop a neighbourhood plan, Garway Parish Council will need to consider its vision for the whole Parish, current issues, available budget and the possible establishment of a steering group to progress a project plan.*

*It was agreed that a community meeting to discuss ideas and community involvement would be a sensible way forward, with Samantha being invited to attend a subsequent meeting which will preferably coincide with the next presentation on affordable housing. Chairman to liaise with Two Rivers Housing to obtain possible dates.*

*The Chairman thanked Samantha for her time and assistance.”*

*“Minutes of the ordinary meeting of Garway Parish Council held on Monday 22<sup>nd</sup> July 2013 in Garway Village Hall*

*Item 1 NEIGHBOURHOOD PLAN*

*There will be a Neighbourhood Plan information evening on Wednesday 14<sup>th</sup> August in Garway Village Hall which will be attended by Samantha Banks from Herefordshire Council. The meeting will be advertised locally in the Parish.”*

*“Minutes of the Ordinary meeting of Garway Parish Council meeting held on Monday 3<sup>rd</sup> March 2014 Garway Village Hall*

*Item 5 CLERKS UPDATE*

*Mr D Atkinson and Mr C Robinson had been booked onto the Neighbourhood Planning seminar in Oxford on 3<sup>rd</sup> April 2014.*

*Item 11 NEIGHBOURHOOD PLAN – Mr D Atkinson and Mr M Howard had attended the Neighbourhood Plan drop in session on 28<sup>th</sup> January 2014 and would now arrange to complete the grant application forms.”*

*“Minutes of the ordinary Garway Parish Council meeting held on Monday 19<sup>th</sup> May 2014 at 7.30pm in Garway Village Hall*

*Item 9 NEIGHBOURHOOD PLANNING REVIEW*

*Parish Councillors had attended training seminars and information days in the past few weeks. It was agreed that Neighbourhood Plans varied greatly between communities but primarily all needed sustainable, affordable housing. The community must consider what elements need to be included in the Plan along with the availability of any land suitable for housing. As yet Herefordshire Council had not adopted their Core Strategy and this would have an effect on any Neighbourhood Plans. Funding is available; although the application process will involve a considerable amount of time and effort, the timescale is also limited as funding ceases in December 2014 and any monies must also be spent by then. An alternative would be to make enquires about the Neighbourhood Right to Buy. It was agreed to discuss this again at the Parish Council meeting in June.”*

Extract from Garway Website:-

“Neighbourhood Plans

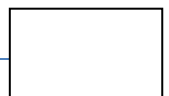
At the Parish Council meeting on 15th October 2012 it was decided that Garway should prepare a Neighbourhood Plan as part of the ongoing development of the Parish Plan.

A Presentation on Neighbourhood Planning to be given by Samantha Banks (Neighbourhood Planning Team Leader, Herefordshire Council) on Wednesday 14<sup>th</sup> August in the Village Hall, when people were invited to join a Steering Group to develop a Neighbourhood Plan for Garway. The Steering Group currently consists of 12 people including 3 Parish Councillors. If you would like to be part of the Steering Group please contact the Parish Clerk Mrs Linda Cowles on 01981

510119. Neighbourhood planning is a new right for communities introduced through the Localism Act 2011.

For the first time, local people will have a major statutory say in helping to shape development in the areas in which they live.

Neighbourhood planning empowers communities to shape the development and growth of a local area through the production of a neighbourhood development plan, a neighbourhood development order or a Community Right to Build Order.



Neighbourhood development plans will become part of the local statutory development plan and will form the basis for determining planning applications in that area. A neighbourhood development order enables the community to grant planning permission for the development it wishes to see. For more information on Neighbourhood Planning go to the Communities & Local Government website and also Campaign to Protect Rural England website.”

**The Parish Council resumed the correct order of business at this time Item 2.0**

**2.0 Declarations of Interest & Dispensations**

**2.1 To receive any declarations of interest in agenda items from Councillors**

No Declarations of Interest received

**2.2 To consider any written applications for dispensation**

No Written Applications were received

**3.0 Minutes**

To receive, approve and sign the Minutes of the Ordinary Parish Council Meeting  
No GPC/MW/011 held on 17<sup>th</sup> December 2015, with two minor amendments

1) **Item 10.0** delete reference to “New Village Hall“

2) **Item 10.0** addition of “Councillor Mr. Craig Hooper”

These amendments were confirmed as a true record and signed by the Chairman.

**5.0 Financial Report**

**5.1 Bank Balance as per statement (Statement Number 72 received at HALC Office)  
@ 31<sup>st</sup> December 2015                      Treasurers Account**

£9,493.27

**5.2 Receipts**

No receipts received

**5.3 Invoices for Payment**

Fastsigns School Banner Invoice No 882-9288

£214.43

28/01/2016 Cheque No 000469 & 000470

Monmouthshire County Council Grounds Maintenance 2015/2016

Invoice No 70086243

£988.38

28/01/2016 Cheque No 000471

Terry Griffiths Contracts Lengthsman Work TGC1449 + Worksheet

£450.00

28/01/2016 Cheque No 000472

HALC Subscriptions April 2016–March 2017 Invoice No 7041

£366.80

28/01/2016 Cheque No 000473

HALC Clerk Cover 28/01/2016 Invoice No 6256

£190.54

28/01/2016 Cheque No 000474

**Financial Payments Unanimously Approved**

December 2015 Real Time Information (RTI) Employer Payment Summary  
(EPS) submitted to HMR&C

**6.0 Public Question Time**

A member of the public asked if a letter had been sent to the South Herefordshire Hunt reference  
“Hunting on Garway Common”

Acting Parish Council Clerk read a letter sent to the South Herefordshire Hunt from the Parish  
Council, reply awaited.

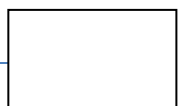
**7.0 To Receive Reports from**

**7.1 Local Police**

No representative from the Local Police Team present and no report available

**7.2 Ward Councillor’s Report**

Ward Councillor Mr. David Harlow sent a report by email January 2016 and gave a brief overview  
of the following:-



### **“Neighbourhood development plan**

I made the point at the last Garway Parish council meeting I attended that ‘Not having a neighbourhood development plan means losing influence over where the housing growth in your area will take place.’ This appears to be coming true with highly contentious planning applications in neighbouring parishes in the pipeline.

Many county parishes are now at the stage of adoption and therefore there is more help and advice than ever for parishes such as Garway at the early stages of the NDP process. Several of the parishes in my ward have now started the community engagement process and I would urge the Garway council to consider following this trend.

According to H.C files, Garway has not designated a neighbourhood area so is not currently producing a neighbourhood plan.

For Garway the options are as follows:

- Produce a neighbourhood plan - this will devolve the plan making powers to the parish council. The local community can produce locally specific policies and proposals.
- Technical advice and support is available from the Neighbourhood Planning team. Grants and support is still available for any parishes who wish to produce a neighbourhood plan. Sam Banks is coming to the meeting to help Garway to restart the process if that is the council’s decision.
- Be included within the Rural Area Site Allocation DPD – this document will be produced by Herefordshire Council and consultation will be undertaken with the parish council and local community in line with the Statement of Community Involvement.

Detailed work on the Rural Area Site Allocation DPD will commence in the summer, and Herefordshire Council will be writing to the Parish council to explain these options in depth. The Core Strategy also indicated that those areas who have designed a neighbourhood area but made little progress to date could also be included within the Rural Site Allocation DPD. Herefordshire Council will be reviewing current progress within those parishes who have not reached draft plan (Reg14) to ascertain the likely timetable for production.

### **Garway community centre**

I have been trying to arrange for Jesse Norman to drop by sometime in early Spring to find out more about the community centre. This is by far the biggest new community asset to be built in Herefordshire with lottery money in recent times and he is keen to show his support.

### **Local transport plan 2016 - 2031**

Herefordshire’s new Local Transport Plan covering the period 2016-2031 is currently in draft form undergoing consultation. The Local Transport Plan sets out the council's strategy for supporting economic growth, improving health and wellbeing and reducing the environmental impacts of transport.

We are seeking your feedback from a questionnaire which will help to prioritise Herefordshire Council's objectives and spending priorities over the next 15 years. This survey will conclude on 29 January 2016 and we would urge you to take part by using the link below:

**<https://www.surveymonkey.co.uk/r/LTP-Consultation>**

### **High town consultation**

The public consultation which asks for opinions on plans to improve the city centre has been extended until 29 January 2016

Plans of the proposed improvements can be viewed on the council’s website

<https://www.herefordshire.gov.uk/transport-and-highways/transport-schemes/high-town-refurbishment>”

### **7.3 Locality Steward Mr. Dave Atkinson**

Locality Steward Mr. Dave Atkinson commented on several issues, mentioned that the Lengthsman was doing a good job, full report see Information Sheet Item 12.0

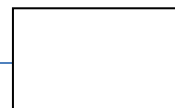
### **7.4 Lengthsman Terry Griffiths (Contracts)**

Lengthsman Mr. Terry Griffiths not present but report sent by email

Specific Task Work

Recent high winds and heavy rainfall required the team to concentrate on maintaining the lined drainage system and ditch headwalls on this month’s visit.

Also special attention was paid to clearing as much as possible of the storm debris off the roads.



Roads covered on this visit C1239 From the A466 to the parish boundary with Kentchurch  
C1245 From the C1239 to the county boundary Monmouthshire, C1238 From the C1239 to parish  
boundary Orcop, U71411, U71412.

### **7.5 Footpaths Officer**

Councillor Mr. Richard M. Sparey, Vice – Chairman is Temporary P3 Footpaths Officer, any  
issues or problems please contact him direct.

He gave a brief report including:-

GW23 and GW24 ongoing issues - Locality Steward Mr. Dave Atkinson aware of problems

Chapel Lane – overhanging hedge causing a dangerous nuisance

Invoices, dates etc. for Lengthsman / P3 copies to Richard

### **8.0 Planning Application for Consideration**

P153606/FH Eastcombe, Garway Court Lane, Garway, Herefordshire HR2 8RE

Proposed single storey rear extension and first floor extension to the existing dwelling and  
conversion of existing garden store to hobby room/gym

**The Parish Council resolved to support the application as presented**

#### **For Information**

153727 Farm building at Haskells Farm, Broad Oak, near Hereford

Application for prior approval for a proposed change of use of an agricultural building to a  
Dwelling house (Use Class C3) and for associated operational development – Residential dwelling  
and provision of parking

*This application is for prior approval determination for a change of use and as such the new  
legislation does not require the Parish Council to respond to this communication*

P160087/PA7 Haskells, Broad Oak, Herefordshire HR2 8QX

Proposed polytunnel

Delegated Decision Report Application Number 160087

Prior Approval is NOT Required 22<sup>nd</sup> January 2016

### **9.0 Transparency Funding Application Form**

*Laptop, (Scanner, Copier, Printer), Website Annual Costs, Parish Councillor & Clerk Training*

*Total amount applied for £575.00 {All Parish Councillors unanimously agreed for the Acting Clerk to  
apply for the Transparency Funding Grant}*

Grant awarded of £575.00, cheque to be issued February/March 2016

### **10.0 Community Centre**

Councillor Mr. Chris Strange and Councillor Mr. Craig Hooper had attended a good meeting on  
Monday 25<sup>th</sup> January 2016.

Changes being made as to Management Trustees

Tenders going out February/March 2016, 5 contractors

Village Hall Trustees meeting reference Old Village Hall

### **11.0 Play Area Maintenance**

Acting Clerk had booked a ROSPA Inspection for late May early June 2016 costing approximately  
£50.60 + VAT

The Parish Council resolved unanimously for the inspection to take place.

Mr. Mark Jones reference “Bark” for play area costing approximately £400.00 on hold due to  
weather conditions

Agenda Item for the next full Parish Council meeting due to Councillor Mr. Craig Hooper not being  
present

### **12.0 Information Sheet**

#### **Planning Results**

Number 152893

Type Planning Permission

Location Church Farm, Garway, Herefordshire HR2 8RL

Proposal Proposed change of use from redundant agricultural building to artists studio  
(Retrospective) **Application still valid**



22<sup>nd</sup> January 2016 Good Morning All

Nice to have at least caught a glimpse of what a traditional winter looks like, sunny skies, dry days, picture postcard frost decorated hedge rows.

Far better than that horrible warmish, wet rain, but what's it doing outside now??? Raining, can't win can we.

Due to the weather conditions over the winter period, we have received countless requests for ditch clearing.

However, these are deemed as assets which belong to the adjacent land owner, be they domestic residences or commercial (farms etc.) as part of their own land drainage /water courses. Therefore Belfour Beatty do not clean out roadside ditches as part of their asset management.

I have had numerous discussions on this matter over the last 9 months, but please read the attached notice for further clarification on the matter.

I am happy to supply hard copy, if this helps.

As you will recall last week I was proposing to have a get together with anyone who is in or volunteers to help with the P3 footpath scheme,

I can confirm the venue is at Llanwarne village hall at 7.30 on February 22<sup>nd</sup>

It would be great if we could catch up

Ward: **Wormside** A49 FROM PORTWAY TO CROSS IN HAND FARM Fly Tipping Collection- lay-by where burger van is at bottom of Callow of LH ,(not form burger van) 1.00 Number

Gatehouse Road Fly Tipping Collection-two cream leather sofas in the usual gateway near to bridge 1.00 Number

A465 FROM PROW FOOTPATH KD3 TO GWENT BOU Gully - Clean & Prove Connection 3.00 Number

ARKSTONE COURT ROAD Collapsed system needs to be surveyed and repaired referred to asset management as a scheme

KILPECK Footpath 2>KK2 Waymarker post (Install) kilpec 2.00 Number

**Llangarron** A466 FROM REEVES PARK COTTAGE TO GWENT B Replace Traffic Sign (Full Reinstatement) 1.00 Number

A466 FROM REEVES PARK COTTAGE TO GWENT B 10mm Wearing Course (Upto 20sqm) pothole 3.00 Number

C1271 BAYSHAM TO BRIDSTOW 10mm Wearing Course (Upto 20sqm) pothole 1.00 Number

C1271 FROM PICTS CROSS TO STRANGFORD FAR 10mm Wearing Course (Upto 20sqm) pothole 5.00 Number

A4137 FROM BURNTHOUSE GREEN TO GREAT TRE 10mm Wearing Course (Upto 20sqm) pothole 1.00 Number

Ward: **Birch** LITTLE BIRCH Footpath 19>LB19 Clear Vegetation (LM) (PROW Team) 50.00 Linear Metres

C1234 LITTLE HILL ROAD TO OLD HALL Deep deposits of mud 50.00 Linear Metres

A466 FROM B4521 TO REEVES PARK COTTAGE 10mm Wearing Course (Upto 20sqm) pothole 1.00 Number Until next week Dave A

### **Q & A Ditches and Drainage - Landowner responsibilities**

#### **Am I a Riparian Owner?**

Under common law any landowner is known as the Riparian Owner of any watercourse within, or adjacent to your property

#### **Q. If I own land on both banks of a water course am I fully responsible for its maintenance?**

A. Yes

#### **Q. If I own land on one bank of a watercourse what am I responsible for?**

A. You are responsible for the maintenance up to the centre of the watercourse

#### **Q. If the watercourse is not on my land, but I am the nearest landowner to one bank, am I responsible for maintaining any part of the water course?**

A. Yes, you are responsible for maintaining up to the centre of the watercourse, even if the water course and bank do not fall within your property boundary



**Q. If I own land on one bank of the watercourse with a Highway on the opposite bank what am I responsible for?**

A. It is likely that you own both banks and are therefore responsible for the maintenance of the whole watercourse. The majority of Highways are constructed via a dedication of land by landowners, meaning the soil beneath the Highway remains in the ownership of the landowner

**As a Riparian Owner what am I responsible for?**

1. Letting water flow through your land without any obstruction, pollution or diversion which affects how others will receive the water; others have the right to receive water in its natural quantity and quality.
2. Accepting flood flows through your land; even if caused by inadequate capacity downstream
3. Keeping banks clear of anything that could cause an obstruction and increase flood risk if it is washed away; Maintaining the bed and banks of the watercourse and the trees and shrubs growing on the banks. Any litter or other obstructions should be cleared, regardless of whether they came from your land;
4. Leaving a development-free edge on the banks next to a watercourse, allowing easy access in case any maintenance or inspection is required
5. Keeping any structure, such as culverts, trash screens, weirs and mill gates, clear of debris;
6. Not causing obstructions, temporary or permanent, that would stop fish passing through;
7. Notifying the Environment Agency and seek consent if you would like to build or alter a structure that acts as an obstruction to a water-course. Under the *The Eels (England and Wales) Regulations 2009 (the Regulations)* it may be an offence if you do not notify the Environment Agency of the above;
8. Protecting water quality. Do not allow the water course to become polluted e.g. dispose of garden or other waste on riverbanks, where it could be washed into the river. This includes grass cuttings, which pollute the water;
9. Protecting your property from water that seeps through natural or artificial banks. Where this damages a flood defence, you may be required to pay for repairs;
10. Controlling invasive non-native species such as Japanese knotweed
11. Making sure any work you do on a watercourse fits with the natural river system. Work must not damage wildlife and wherever possible you should try and improve the habitat
12. Maintain watercourses running in a culvert as if it was an open watercourse

**If you do not carry out your responsibilities you could face legal action**

**If I fail to regularly maintain the watercourse on/adjacent to my land and flooding occurs as a result, do I have to compensate for damage caused to others?**

If you do not carry out your responsibilities, you could face legal action and may be liable for any damage which occurs as a result of your failure to maintain the watercourse

January 2016

Letter sent to Mr. Paul Oliver reference Hunting on Garway Common  
Reply awaited

Email sent to Garway School PSA giving permission  
reference Circus Big Top on Garway Common Sunday 12<sup>th</sup> June 2016

Enquiry from Mrs. Roberts reference Donations in memory of Mr. Derek Mead  
A Metal Bench with a Plaque on Garway Common from “Oldfield Forge”  
Garway and

A Defibrillator in one of the Kiosk/Information Centres

Due to time constraints the Parish Council approved both donations and  
instructed the Acting Clerk to contract Mrs. Roberts with regards to progressing  
the welcomed gifts immediately

Acting Clerk asked to organise projects and also send a letter of thanks to Mrs.  
Roberts

Councillor Mr. Chris Strange agreed to repair broken bench on the Common

**13.0 Parish Clerk Vacancy**

No applications as yet, HALC still sourcing suitable candidates

Advertisement to be placed in The Hereford Times in the “County Section” giving a resume of the  
Parish Council meeting including clerk vacancy

The Parish Magazine contact Mrs. Janet Pullen



**14.0 Garway Common Ownership Issues**

To receive reports from the Commons Task Group and agree any action required

No further progress as yet, communication from the Land Registry still awaited. Statement of Case required from James Delacour De Labilliere

**15.0 Matters Related to the Clerk for Agenda of the next meeting**

Neighbourhood Development Plan

Parish Clerk Vacancy Update

P3 Footpaths Officer Vacancy

Hunting on the Common

Dog faeces

**16.0 Confirmation of Time, Date & Venue of next meeting**

The next Parish Council meeting will be an Ordinary Meeting to be held on  
**Tuesday 8<sup>th</sup> March 2016**, meeting to commence at **7.00pm** in Garway School Hall, Garway

Meeting declared closed 8.35pm

Signed.....  .....

Councillor Mr. Anthony (Tony) Phillips Chairman

Date 8<sup>th</sup> March 2016