Birlingham Parish Council

Minutes of meeting held on Wednesday 18 September 2024

In Birlingham Village Hall

Councillors:

Councillors Paula Aston, Rupert Day, Steven Byrne, David Glover, Michael Porter and Ian Yates.

In attendance:

Clerk June Hiden and 3 residents

Welcome – The Chairman thanked everyone for attending.

1. Apologies for absence

Apologies were tendered by Councillor Katie Parsons due to illness. The apologies were accepted. Apologies given by County Councillor Adrian Hardman and District Councillor Paul Middlebrough who were both attending the Wychavon District Council Executive Board Meeting. Apologies from Footpath Warden Bruce Hayward and Lengthsman Carl Brassington.

2. Co-option of Seventh Councillor – signing of Declaration of Office

Rupert Day had been co-opted at the last meeting and duly signed his Declaration of Office.

3. Minutes of the previous meeting

The Minutes of the meeting held on 17 July 2024, a copy of which has been circulated to all Councillors was agreed, after an amendment to the time, as a true record and duly signed by the Chairman.

4. Declaration of Interest

a) Register of Interests: Councillors are reminded of the need to update their register of interests.
b) To declare any Disclosable Pecuniary Interests in items on the agenda and their nature.
c) To declare any Other Disclosable Interests in items on the agenda and their nature.
d) Written requests for the Council to grant a dispensation (S33 of the Localism Act 2011) are to be with the Clerk at least four clear days prior to a meeting.

Councillors who have declared a Disclosable Pecuniary Interest, or Other Disclosable Interest which falls within the terms of paragraph 12(4) of the Code of Conduct, must leave the room for the relevant items. Failure to register or declare a Disclosable Pecuniary Interest may be a criminal offence.

Democratic Opening

The meeting was adjourned for public question time.

Identifying the benefits of a speed restriction in Upper End and further into the village. Residents attending were happy for Rupert Day to update and report. Discussion at Item 10. It has been noticed that there was a box on a repeater sign in The Avenue. It was suggested that this was to do with the measuring strips.

5. Progress Reports

a) Footpath Warden:

i. Footpath 508 (path to Defford from Gravelling Hill) – boardwalk has been partially repaired. Clerk has update from County.
ii. Footpath 518 (Asham Lane to the north of Asham Meadow) – cleared under the proactive strimming programme ran by the County Council.
iii. Footpath 522 (from Nafford Lock up to Nafford Weir) – strimmed.

Missing finger post by Maryworth Barn – response from County Council has been recorded on Clerk's report.

Clerk to ask Footpath Warden about the finger post on the Eckington Road which resident says appears to be missing?

Bruce Hayward was thanked for the good job that he does.

b) Tree Warden:

The Warden advised that the tree works in Upper End are awaiting a visit by Wychavon District Council and this is estimated as 12 weeks.

c) Lengthsman – circulated to all Councillors. ***Appendix 1***

d) District Councillor. The following report has been received:-

"Key issues from Wychavon District Council -

Constitutional Matters

Wychavon is now represented by three Members of Parliament, Nigel Huddleston and Dame Harriett Baldwin, and a new Member Chris Bloore. During August following the resignation of two Wychavon councillors two byelections were held. Craig Reeves was elected for Harvington and Mark Ward for Badsey.

Planning Matters

National planning issues have been to the forefront of discussion.

New towns
The Chancellor Rachel Reeves announcement that she wants to accelerate housing project She said there would be a new task force to speed up developments, including a new 10,000 home town planned for the area around Worcestershire Parkway station. The scheme is already in the proposed review of the South Worcestershire Development Plan. Little has moved forward other than New Towns Taskforce has been appointed.

Review of National Planning Policy Framework (NPPF)
A consultation has been started to review the NPPF. In the governments words This consultation seeks views on our proposed approach to revising the National Planning Policy Framework in order to achieve sustainable growth in our planning system. We are also seeking views on a series of wider policy proposals in relation to increasing planning fees, local plan intervention criteria and appropriate thresholds for certain Nationally Significant Infrastructure Projects. The Government has posed 106 questions within 13 chapters of the consultation paper, a very technical paper that does not lend itself to easy completion.

The council response is to express concern at

- *The huge increase 90% in annual housing numbers required for the three South Worcestershire Councils.*

- *Lack of absolute certainty that the South Worcestershire Development Plan Review will be given full status and the five-year land supply implied will be certain.*
- *Proposals to extend development in green belt.*
- *Lack of overt support for Neighbourhood plans.*
- *No assurances on necessary infrastructure."*

The District Councillor can be contacted on paul.middlebrough@wychavon.net

Members discussed the lack of housing supply. Birlingham has no Neighbourhood Plan.

e) County Councillor: – None.

Councillor Adrian Hardman has been asked to respond to questions regarding the positioning of the measuring / speed strips and flooding at Lower End.

f) Clerk - See ***Appendix 2***

6. Planning

a) Planning applications

PLANNING APPEAL with reference to W/23/02328/PIP **Broadgrove Nursery** Farm Shop for construction of up to 4 no dwelling.
PLANNING INSPECTORATE REF: - APP/H1840/W/24/3344335
27 June 2024 - Appeal start date

26 July 2024 - Parish Council representation(s) received by the Inspectorate

July 2024 – neighbours were advised by the Parish Council of the Appeal.
Suggested statement - *As a party whose property is in proximity to the applicant's site, and who will very much be affected by the proposed redevelopment of the site, we would like to comment as follows. We support the current application for residential use on the subject site. The area in which the subject site is situated, is predominantly residential in character so the proposed residential use is very much preferred to the light industrial planning consent the subject site currently benefits from. Vehicular access and egress to the site will also be reduced by the proposed residential use.*

16 September 2024 – appeal decision circulated to all Councillors:-

Appeal allowed dated 13 September 2024.

The Chairman recounted the history of the site. A planning application for seven industrial units on the site was approved despite opposition from neighbours who were supported by the Parish Council and the case being taken to planning committee. Subsequently a second and alternative Planning in Principle (PIP) application was made for 4 residential houses on the site. This application was supported both by neighbours, the Parish Council and District Councillor as preferable to the industrial units. However, this application was refused. The applicant appealed the decision and this appeal was again supported by the Parish Council. The appeal has been successful.

The key points the Inspector noted were that the location is not suitable for housing and is contrary to the SWDP, but notwithstanding this point they noted that the type and scale of development would not cause significant harm to the character and appearance of the local area - the fact that this site is previously developed land, relatively close to the village, and has planning permission for a commercial scheme added weight to this. The inspector then considered the lack of housing land supply, which means that the presumption in favour of sustainable development applies. He concluded that the harm caused would not significantly and demonstrably outweigh the benefit of supplying housing, granting the appeal.

b) Applications granted: -

i. W/24/00948/FUL - **Peacock Barn**, Lower End WR10 3AD
(29 May 2024)
Change of use from agricultural to domestic garden - including permission for garden room (Stuga). Retrospective
Applicant: Peter and Julia Luff
Parish Council comments – "*Birlingham Parish Council support the application, provided that permitted development rights are removed to ensure there is no additional domestication of the extended garden land without being subject to a planning application to allow consideration of the impacts of any further proposals.*"

Approved - 29 August 2024

c) Enforcement: - none

7. Financial Matters

a) The Accounts for 2024/2025

i) Bank balances - current is £6,683.90 as at end of August 2024 and Business saving balance is £13,443.20 as at end of August 2024. Clerk to check interest calculations on spreadsheet.

ii) Receipts

i. £113.75 – Worcestershire County Council

iii) Payments agreed: –

i. £280.00 – Lengthsman May 2024
ii. £140.00 – Lengthsman June 2024
iii. £20.00 – Birlingham Village Hall – July meeting
iv. £167.50 – Clerk's PAYE – April, May, June
v. £670.00 – Clerk's pay – April, May, June
vi. £104.28 – Clerk's expenses – April, May, June

b) Future payments for consideration

i. £20.00 – Birlingham Village Hall September 2024
ii. £2.00 – Birlingham Village Hall (payment due from July – charge for cheque. Test to be actioned for online banking to adhere to 'prime user' charges.
iii. £113.75 – Lengthsman July 2024
iv. £87.50 – Lengthsman August 2024

c) Online Banking

Paula Aston confirmed as a user on the bank accounts and can set up payments and authorise. Katie Parsons is already confirmed. Ian Yates is awaiting confirmation.

d) External Audit

<u>2 September 2024 - WO0018: Receipt of documents – notification of exempt status, 2024</u>

SBA External Auditors - notification advised that they have received and logged the notification of exempt status for the year ended 31 March 2024 submitted by Birlingham Parish Council. By notifying that Birlingham Parish Council has claimed exemption there is no review to be performed and consequently no auditor certificate and report, or any other closure documentation, will be issued by SBA for this reporting year.

e) CIL monitoring – this is on the spreadsheet and will be revised if contributions are made.

Members asked if a speed sign would fit the criteria for an item. Councillor Katie Parson to be asked to update.

f) Projects discussion – projects / funds commitments for the November budget setting. Ask the residents if they know of any projects?

8. Policies and Procedure

- Complaints Procedure to be reviewed and agreed.
  This has been reviewed and there are no changes. Amend date on policy.

- Handling requests made under the Freedom of Information Act 2000 and the Data Protection Act 1998. There are no changes to this policy.

- Dealing with the Press/Media – review of the Council's policy and agreement. No further adjustments so the date of the review can be updated.

9. Highways

- Flooding at Lower End

  The ongoing work to try and solve the problem of the leak on the highway by the Manor House / paddock continues. A road closure from 7-11 October 2024 has been announced for Worcestershire County Council Highways to repair the gully and collapsed drainage pipe. Further investigation work is still required by Severn Trent Water who own the assets across private land. Councillor Byrne will continue to progress this matter.

- Footway on Eckington Road

  The work on the footway has still not been actioned despite ongoing requests from the resident at Dairy Cottage. The hedge is overgrown and the footway has narrowed.

10. Survey / Speed

'20 is plenty' - identifying the benefits of a 20mph limit in Residential Areas.

Following on from discussions at the May and July meetings regarding traffic concerns from residents in Upper End, a small group of residents carried out a survey to establish residents' views and support for the possible introduction of a 20mph speed limit in parts of the village. Residents in Upper End were contacted initially and this was then expanded to include some properties in the centre of the village as well. 50 properties were visited and 79% were supportive of a reduced speed limit.

County Councillor Adrian Hardman will be asked about a community speed watch. Questions were asked; is there sufficient data to make an application to take this forward or should the results of the speed monitored be found first. The vehicle and volumes were being monitored in Upper End through a request to Worcestershire County Council; the measuring strips have been put down by the Court House. What are the next steps in the process? Should the area of the survey be extended? Members thought that the main impact and objective was for the Upper End so this should be trialled first before tackling other parts of the village. Upper End has included New Barn Road and Church Lane.

Rupert Day and the resident group was thanked for their efforts.

11. Full Fibre Broadband (Fibre to the Premises – FTTP)

Most of the full fibre work in the village has now been completed by Airband. A final report on any work still to be done has been requested. The circumstantial evidence mentioned in July regarding the Nokia router causing intermittent service is now a recognised issue within Airband. Those residents who have requested Airband to replace their Nokia router with the Linksys alternative report no further issues.

Scott Wellman from Airband has contacted the Chairman and advised regarding the completed build. What has happened to Whitehall Lane? Whitehall Cottages and White Posts were already connected from the central box near the village green. There was a Wayleave for permission to put a cable on Western Power equipment. No feedback has been given to the Chairman.

12. Councillors' reports and items for next agenda

- Councillor Paula Mann is attending Worcestershire CALC AGM on 26 September 2024 via Teams and will report back.

13. Closure and date of next ordinary meeting - with nothing further to discuss the meeting closed at 8.00pm and the Chairman thanked everyone for their attendance.

The next Parish Council Meeting is scheduled for Wednesday 20 November 2024 at 7.00pm.

The meeting will be held in Birlingham Village Hall. Clerk has booked the hall.

Signed: ..... Councillor Ian Yates, Chairman

Date: ……..……..……..……

Appendix 1 – Lengthsman's Report

Drainage

Upper End

Barncroft and Brockham – gully between the properties - Drainage Report / Reference 37605 - November 2023

What3words - martini.pitchers.guideline

August 2024
Councillor Porter reported this, sending the picture below to the Clerk, who asked Worcestershire Council (reference 58163) for an update and had this reply:

'This has been referred to our engineers to upgrade the gully and its chamber, as it is offset which causes difficulty when it is being cleaned."



Postcode WR10 3AA – fully full – Drainage Report / Reference 60900 - 5 September
What3words – snooping.dots.quirky

Junction of Upper End/Defford Road – Drainage Report / Reference 60901 – 5 September
Gully fully

Defford Road
Kerb drains blocked – Drainage Report / Reference 58930 - 7 August 2024
Rectory Lane

Gully full – Drainage Report / Reference 60898 - 5 September 2024

What3words - intruded.noodle.wrong

The Avenue
Gully full – Drainage Report / Reference 60899 - 5 September 2024

What3words - packets.secondly.clincher
Drainage Report - Reference 60903
Reply from WCC.

Thank you for your report regarding drainage issues at UPPER END that you reported on 05 September 2024. Following a site visit, we can confirm that a CCTV survey is required to investigate the highway drainage system.

Verge markers

Upper End
Opposite Maryworth Barn - Reference 58863 - 6 August 2024
Damaged verge markers

Access cover dislodged

Broadway Road

Reference 60145 - 27 August 2024
What3words - rehearsed.indoor.losing

For note:

"As you will note from the Annual Agreement for A & B roads only locations within a 30mph or less can have their gully grates cleared. If these locations the Lengthsman has attended are a 40mph/50mph or 60mph he must not clear these grates"

This effectively reduces my working area to the village excluding Defford road, the outer reaches of Upper End, Eckington Road and New Barn Lane.

It won't make a lot of difference to us as most of the village is 30mph anyway

Appendix 2 – Clerk's Report

i. Highways / Public Rights of Way

- **The Causeway**

Communications:

Bob Bemand (previously Chairman at Defford and Besford Parish Council
Wednesday 21 Aug 2024 sent to both Defford and Birlingham Parish Clerk's and copied to Adrian Hardman:-

> *"Hello Sue and June,*
> *Unfortunately, this protracted issue continues.*
> *To-day I came across a contractor installing a step from the end of the truncated causeway. The contractor said that he had received no instruction to restore the full length of the causeway. Because the causeway does not extend to its former length to the higher ground means that the truncated causeway is totally useless when the Bow brook floods and the work already done on the limited causeway is a total waste of taxpayers' money. The contractor said that apparently the bridge is lower than the causeway, and it has been deemed not necessary to restore the causeway to its full length because you would not be able to access the causeway when the bridge is flooded. If that is the case, why has money been wasted restoring the causeway at all! Inspecting the level of the bridge to the causeway (Ref photo 1) there is no significant difference between the bridge and the causeway. The causeway is marginally higher to ensure the original length of the causeway reaches higher ground!*
> *This state of affairs is totally acceptable particularly after this intractable length of time. Is it now time for Cllr Hardman to get involved and urgently resolve the issue and simply restore and make good the original length of causeway before the forthcoming winter weather sets in? How much longer do we have to wait?"*

Defford Parish Clerk sent message to Adrian Hardman:-

> *"Dear Adrian,*
>
> *I received this from Bob yesterday, he has been campaigning for this to be completed for some time.*
>
> *The end of the new causeway is fine at the moment, however as soon as the ground becomes wet it becomes very muddy to the point where you are likely to get stuck in it. That is why there was an extension to the original causeway. I tried writing to Will Saunders again only to receive an email suggesting he has left, how do we find out who has taken over?*
>
> *The photos Bob has shared clearly show the issue, it is dry now but it doesn't take long for the mud to reappear and an influx of cows soon churn up the ground to make the Eckington round impassable.*
>
> *Any ideas?"*

Reply from Philip Coulson, Rights of Way Operations Manager at Worcestershire County Council

Friday 23 August

> *"Dear Sue,*
>
> *As you will probably be aware the bridge is quite low and is regularly topped by flooding. The reason for shortening the boardwalk was we have had issues with people still using the bridge in flood conditions, wading through flood water when crossing the actual bridge*

which is clearly very dangerous. Longer term we'd ideally look to replace the whole structure with a larger bridge but the cost is prohibitive.

There were some issues with the work the contractor did not been what Will Saunder had requested, this includes installing a step on the end. They have been back this week and we'll be inspecting it shortly.
We'll monitor it over the winter months to see how it performs. If the ground becomes badly poached, we'll probably look to stone it.

If you would like to discuss further my number is 01905 843439."

Footpath Warden, Bruce Hayward has been copied in.



16 September - Clerk at Defford has replied saying "look forward to the monitoring reports next year".

- **Finger post – Upper End**

Bruce Hayward reports:

"I've had a look. I can't find a fingerpost lying in the hedge, so I guess it's gone."

I've spoken to the County Council. Their reply was:

"The missing signpost is recorded on the system. We don't currently have the officer resources for a programme of work to install signposts in the area so it will wait until we do, I'm afraid."

- **Notice of road closure – Lower End**

Monday 2 September 2024 - First Notice of Order - Road Closure - Birlingham - Wychavon District – 1623918 for October. This has been sent to Birlingham News.

- **Eckington Road - footway**

5 September – resident informs "*Still no action by WCC to restore the Eckington Road footpath and make it useable for wheelchairs/pushchairs. I have reported once again. See attached fyi*".

First reported December 2023.

ii. Tree Application – TPO

Merriview, Upper End: Undertake tree works, as detailed on application form and in any accompanying information (Case No. W/24/01593/TPOA).

Application withdrawn.

iii. Inspect possible collapse to pipe through property The Moors, Lower End

19 August 2024 – Barry Barnes at Worcestershire County Council and copied to Adrian Hardman:

I've attached an e mail trail between myself and Judith (The Moors) explaining the events leading up to the STW inspection. **I'd sent STW a plan from a CCTV survey we had completed pinpointing an area at the edge of the Moors not on the property**.

Road Closure – 7-11 October 2024 for highways to repair gully and collapsed drainage pipe. This is only WCC and not the outstanding issues / investigations for STW to action.

iv. Litter

A request by a resident was sent to Redstar regarding the issues of litter, particularly in Upper End.

The farm manager has replied:

"Good morning June,

I have passed this on to the relevant people at Red Star.

Many thanks"

Circulations to Councillors

19 August

NPPF Consultation

Planning Technician, Planning Policy email regarding the NPPF.

The Government published, on the 30 July 2024, a consultation version of the National Planning Policy Framework (NPPF) with a significant number of proposed amendments and has invited responses to these by the 24 September 2024. The NPPF sets out the overarching national policies for planning and the changes reflect the new Government's manifesto commitments and reverses updates to the current version of the NPPF published in December 2023. Further information can be provided via this link:
Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK (www.gov.uk)

The district council will be providing a response to the consultation and officers have provided a briefing to your ward members recently setting out the proposed changes and explaining what the implications may be for planning in the district. The attached briefing note provides a summary of the proposed amendments, which may also help your council decide as to whether they wish to provide a response to the Government.

Should you have any queries or need any further information about this please contact Andrew Ford, Senior Planning Officer in the Policy Plans Team on 01386-565362 or via email: andrew.ford@wychavon.gov.uk

19 August

Consultation on Draft Policy on Pavement Licensing

Wychavon District Council is the authority responsible for the issuing of pavement licences in its area under provisions contained in the Business and Planning Act 2020. The Business and Planning Act 2020 created a streamlined process to allow applicable businesses to apply for a licence to place removable furniture over certain highways adjacent to a premises in relation to which the application is made, for certain purposes.

The licensing regime was originally intended to be in place on a temporary basis but has now been made permanent.

The Council is now carrying out a consultation exercise in relation to a draft policy on pavement licensing.

The draft policy sets out a number of relevant matters including:

- The Council's interpretation of the scope of, and key terms in, the relevant legislation
- The Council's requirements in respect of applications for licences
- The general approach and matters that the Council will take into account when determining applications for licences, including those who will be consulted
- The conditions that the Council will attach to licences granted or deemed to be granted
- The Council's approach to enforcement and revocation of licences

As part of the consultation exercise, the Council would welcome responses to the survey that can be found here: https://www.smartsurvey.co.uk/s/WDCPPL

A copy of the draft policy is attached to this email and can also be viewed here: draft-policy-on-pavement-licensing-wdc-consultation-version.pdf (worcsregservices.gov.uk)

The consultation survey will remain open for responses until **Friday 30th October 2024.**

28 August 2024

From Mick Simpson, Rural & Business Crime Officer, South Worcestershire Problem Solving Harm Hub

Rural Newsbeat Summer 2024 to Town and Parish Clerks

> *Dear Clerks*
> *Firstly, apologies for lateness of this document mainly due to my extended sick leave this year.*
> *I am aware that some of the email addresses may now be out of date so please contact me if there are any updates.*
> *We are also now able to offer Crime Prevention Awareness days should your council be interested in holding one.*
> *Again, let me know if you would like to arrange this.*
> *I now only work part-time which means a week on and a week off. Pete Meredith will be covering the weeks I am not here, so that should provide continuity.*
> *Please contact Pete as above if needed.*

30 August 2024

PCC newsletter from John Campion, West Mercia Police and Crime Commissioner - August 2024

Extracts of interest All News can be found online at birlingham.org

Birlingham **News 334 – 25 July 2024**

Birlingham News Online

The online edition contains:

- Cuppa & Chat, Wednesday 7th August
- Rake and Cake, Saturday 31st August
- Warning of issue that could cost you in terms of maintenance, and the value of your property
- Sewer Map – Lower End
- Full schedule for Flower & Produce Show, Saturday 7th September
- Parish Council Report from 17th July
- Reports for July 2024 from the County and District Councillors
- Planning Applications – Birlingham Nurseries (approved)
- Recent photographs of the village and dates for your diary between now and mid-September

If you have any problems downloading this edition, please reply to this email.

Birlingham **News 335 – 14 August 2024**

The online edition contains:

- Musicians Needed!
- 'Welcome to Birlingham' leaflet
- Photo from 200th anniversary of The Row
- South Worcestershire Air Quality Proposals
- Autumn Bystander copy date
- Birlingham Bystander (Autumn 2012)
- Recent photographs of the village and dates for your diary between now and the end of September

If you have any problems downloading this edition, please reply to this email.

Birlingham **News 336 – 28 August 2024**

The online edition contains:

- Rake and Cake, Saturday 31st August
- Cuppa & Chat, Wednesday 4th September
- Birlingham Flower & Produce Show, Saturday 7th September
- Autumn Bystander Copy Date, Saturday 7th September
- Swan Inn Holiday Closure, Saturday 7th – Thursday 19th September
- Harvest Festival, Sunday 15th September
- Quiz Evening, Saturday 2nd November
- Birlingham Skittles Team
- Pershore Scottish Dancing Society
- Trip to Ukraine
- Planning Applications – Merriview, Upper End
- Recent photographs of the village and dates for your diary between now and mid-October

Birlingham **News 337 – 11 September 2024**

The online edition contains:

- St James' Church News: Harvest Festival, Sunday 15th September
- Birlingham IW, Thursday 19th September
- Swan Inn Holiday Closure, until Friday 20th September
- Musicians Needed, Friday 18th October
- Quiz Evening – postponed
- Road Closure – Lower End, Monday 7th – Friday 11th October
- Birlingham Bystander (Spring 2013)
- Planning Applications – Peacock Barn (approved); Merriview (withdrawn)
- Recent photographs of the village and dates for your diary between now and the end of October

If you have any problems downloading this edition, please reply to this email.