

BORROWBY PARISH COUNCIL

MINUTES OF THE MEETING HELD ON WEDNESDAY 28 SEPTEMBER 2005

Present: Cllr G Weir (Chairman), Cllrs F Cowton, D Frith, D Jackson and Mrs C Thornton
P Harrison (Clerk)

There was a public attendance of ten.

1. APOLOGIES

There were no apologies. All Councillors were present

2. MINUTES

The minutes of the meeting held on 31 August 2005 were taken as read, approved and signed by the Chairman.

3. MATTERS ARISING

- * Ref para 2.2, the new cheque signatories have been approved by Lloyds TSB.
- * Ref para 3.3, the Chairman reported that the questionnaire associated with the LDF had been completed and returned to HDC
- * Ref paras 4.1 and 4.2, the Clerk reported that he had informed HDC of the decisions taken at our last meeting (Woundales and Greystone Flatts).
- * Ref para 5.1, the Clerk reported that he had written to NYCC Highways who replied saying that have received no other complaints but will investigate.
- * Ref para 5.2, the Clerk reported that he had written to NYCC Highways who replied by sending a specification and plans from the grass cutting contract. He had then asked for specific information about progress on the Borrowby part of the contract, but this is still outstanding.
- * Ref para 6.1, there have been meetings concerned with flooding and this subject and will be deal with later under Agenda Item No 6
- * Ref para 6.2, Chestnut Tree Bank is a separate Agenda Item, No 7
- * Ref para 6.3, at a meeting on 25 Feb 2004 immediately prior to the Parish Council meeting Mr J Cole of Highways Agency, based at Leeds, indicated that the A19 near Borrowby would be resurfacing in about four years time.

4. CORRESPONDENCE

- 4.1 Mazars Fee Note 292740 dated 31 August for £58.75 in connection with the annual audit carried out on the Parish Accounts. Approval was given to this expenditure.
- 4.2 Letters from Mr P Johnson, dated 2 September, and Mr and Mrs J Smith, dated 26 September on the subject of Chestnut Tree Bank. See Agenda Item 7 below.
- 4.3 HDC LDF Development Policies – Issues and Options – comments on this document have been made by some Councillors. Arrangements will be made by the Chairman to complete the consultation and report to HDC.

- 4.4 Letters from Mrs A Johnson dated 14 and 25 September – flooding – see Agenda Item 6 below.
- 4.7 Letter from NYCC Highways dated 26 Sep in answer to ours of 7 and 8 Sep. Subjects covered were (a) Grass cutting, (b) Allerton Wath / Ings House junction, (c) Water ingress into road gullies, Chestnut Tree Bank.

5. PLANNING APPLICATIONS

- 5.1 – South Villa (Ref 2/05/017/0162) – This application had been approved by Hambleton District Council on 28 June 2005. Notification was received this week from HDC of a request that revised plans submitted should be treated as a minor amendment. HDC proposed to accept the changes as minor amendments to the approved scheme. No objections were raised by the Parish Council to the action proposed by HDC.

6. FLOODING IN THE VILLAGE

Ann Johnson reported on two meetings (a) with representatives from Environmental Agency on 7 September and (b) DIP meeting on 17 September. Minutes of these meetings are on file. The main points Mrs Johnson brought to the attention of the Parish Council include:-

- * A Phase 2 Study is programmed for 2008/2009 at a probable cost of around £27,500
- * On 20 October there is to be a multi agency meeting involving HDC, NYCC, Environmental Agency, Yorkshire Water, and Highways Agency. Mrs Johnson says she expects to be informed of the outcome.
- * Rural priorities and the maintenance of water courses by riparian owners.
- * The operation of the sewage plant on Bob Lane was discussed. The flooding of the area on 19 June was so severe that the Parish Council will raise the issue with Yorkshire Water.
- * Hambleton Flood Forum is to meet on 29 September. Mrs Johnson will be attending, and said she would report back to the Parish Council
- * Mrs Johnson is keeping Anne McIntosh, Gareth Dadd and Denis Howey informed.

7. CHESTNUT TREE BANK

The Clerk referred to the letters from Mr P Johnson and Mr and Mrs J Smith, and reported on his researches into this issue. The present situation had arisen as the result of a letter from Mr S Pimperton of NYCC Highways dated 10 January 2005 to the Parish Council. In it he said that Mr Crooks of Chestnut House had queried with him the ownership of the grass bank in front of his house. He said that NYCC would struggle to prove conclusively that the grass bank formed part of the highway. He proposed a 12 month probationary period to allow the village to consider objections to this. This proposal had been discussed at a Parish Council meeting on 19 January 2005 and the Parish Council raised no objections to the probationary period. The view expressed by Mr Pimperton this year is at variance with views he expressed in the past. In letters dated 16 April 2002 and 17 October 2002 Mr Pimperton said that he believed that the verge forms part of the highway. When his change of heart was queried with him this week he said that he had not really been challenged before the approach by Mr Crooks at the end of last year. Discussions with NYCC legal department now led him to take his present stance. The Clerk had been contacted today by Mr Les Crooks who would have liked to be present at the Parish Council meeting this evening, but he is away on business. He E-mailed to the Clerk a copy of a certificate from NYCC Commons Registration Department dated 24 August 2004. What this does is to confirm that NYCC does not have any record of the land in front of Chestnut House being either Common Land or a Village Green. It does not give any indication of who the rightful owner is. The Clerk reported that in the telephone conversation with Mr Crooks today, Mr Crooks had said that he considered the hardcore road in front of Chestnut House to be his property and that it was not a right of way.

In the subsequent discussion, to which members of the public at the meeting were invited to contribute, much concern was expressed about the possible implications of the determination of the ownership of the bank. It was generally considered that the way the bank was maintained at present was exemplary, but future owners of the properties above the bank

may not behave so considerately and, if the banking was shown to belong to them, they may take actions which could seriously damage the appearance of the village.

The use of the hardcore road running along the top of the bank was a contentious issue, with a number of villagers claiming that they had been using it as a right of way for many years. The highway at the foot of the grass bank did not have a public footpath and the use of the hardcore road on the top of the bank provided a safer alternative to walking along the highway itself.

It was decided that the matter should be kept under review, and the Clerk was asked to seek further advice.

8. ANY OTHER BUSINESS

8.1 It had been reported that the trees on the green at the south end of the village were in need of pruning. It was agreed that Cllr Weir should discuss this with Mrs Reveley and arrange for the work to be done.

9. OPEN FORUM

9.1 Mrs Cunniffe reported that water was running down Park Lane as a result of a blocked drain. It was agreed that Cllr Mrs Thornton and the Clerk will take the matter up with NYCC Highways and/or Hambleton.

10. DATE OF NEXT MEETING

The next meeting was agreed to be on Wednesday 19 October 2005 at 8.00pm in Borrowby Village Hall. There being no further business, the meeting closed at 9.40pm

Signed:.....Dated:.....