

All minutes are draft until ratified by the Committee at the next meeting

Marchwood Parish Council

Minutes of the Parish Council held at Marchwood Village Hall on Monday 12 December 2022 commencing at 7.30pm.

Present

Councillors: N Buckett, – (Chairman), D Hindle, M Proctor, S Roach, M Saxby, R Young and G Wright (in the Chair).

In attendance: T Dudley, Parish Clerk, C Cockeram, Deputy Clerk, A Woodward, Responsible Finance Officer.

Also present: District Councillor, S Bennison.

Apologies

23/146 – Apologies for absence was received from Councillors, J Case (personal reasons) J Leath (personal reasons) and P Mballa (work commitments).

RESOLVED – to accept apologies for absence.

Declarations of Interest

23/147 – Declarations of interest were received from Councillors Young and Roach in regard to agenda item 16i their children attending the Scout and Guides; Councillor Wright declared an interest in agenda item 14 being the treasurer of the Man Shed. There were no declarations of pecuniary interests for this meeting.

Public Participation

23/148 – A resident addressed the Council to request tree works be carried out in Maritime Avenue, the trees were blocking out light in to the residential homes in Drakes Court. Following previous request in July 2022 the resident considered that after living in the property for over twenty years The Right to Light Act 1959 would apply as would the Council's Tree Policy.

A further resident of Drakes Court confirmed the trees were blocking light in to the residential homes, he raised concern that the trees had doubled in size during the previous 13 years that he had been a resident in Drakes Court.

Members noted the concerns, the request was to be considered later on the agenda item 5.

Minutes

23/149 - RESOLVED – to accept the minutes of the Parish Council meeting held on Monday 17 October 2022 as a true and accurate record and duly signed by the Chairman.

Trees situated in Maritime Avenue

23/150 – Members considered the request for tree works in Maritime Avenue. Members considered the comments in the report provided by the NFDC Tree Officer that stated in his professional opinion:

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"The Right to Light Act 1959 is rarely actionable against adjacent trees.

As these trees were planted as part of the development via planning application then due consideration for both species, position, distance from structures would have been considered as part of this process. The trees are approximately 13m away from the properties so I would say sufficient clear sky remains accessible, that light is still available and not overly blocked, and from the discussions with the resident it is apparent that the residents aim is to improve sunlight over the gardens also, and not specifically to the windows.

In NFDC Policy:

"As trees grow they can block out sunlight. This is particularly apparent where trees are located beyond the southern boundary of a site. 'The sun rises in an easterly position and tracks through south to set in a westerly direction' (Barlow & Harrison 1999) and as such trees located to the south can cause a high degree of shade, particularly during times of year when the sun is lower in the sky and when leaves are present on deciduous trees. These factors must be considered at the design stage for all proposed structures to minimise future conflicts. There is no proven right to light in law in relation to trees. Pruning trees can negatively affect their visual appearance and has implications for long term tree health and retention. Pruning often results in dense re-growth which can increase issues of shade within a short period of time and therefore doesn't provide a sustainable or cost-effective method of controlling this issue"

I think Marchwood Parish Council can prove further consideration has already been applied in relation to the specific residents in this case. The history of correspondence, site visits, discussions in meetings etc. cyclical tree inspections, reactive tree inspections, CAVAT valuation.

The quoted works would all necessitate cyclical pruning to be continued at the MPC's expense, likely at a 3-4 year interval for the remainder of the trees life.

I would strongly advise to continue to maintain the trees in accordance with Council policy.

I would advise the residents that the option for them to exercise their common law right to prune back to their boundary is an option still open to them, the trees are subject to Conservation area regulations, so any tree work may be notifiable under section 211 of The Town and Country Planning Act 1990. This common law right does not include works to reduce height, or prune any part of the tree over their boundary".

Members agreed that no action should be taken by the Council and that in line with Council policy the request had been carefully considered by Council both in July and the present meeting. The village had numerous trees maintained by the Council that were inspected and works carried out when required in. If all trees in the village were to become the responsibility of the Council when any light issues arose the Council would not be able to sustain the works in financial terms, if the works were to be authorised at the expense of the Council a precedent would be set therefore members of the public would expect the same funding from the Council to prevent loss of light in their homes all around the village. It was considered that due consideration had been given and that the Council had been fully compliant with the Tree Policy.

It was further noted that light to light varied during the seasons and that once a tree was bollarded the regrowth would be thicker.

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The Clerk explained that the tree budget was expected to be over budget in excess of £10,000 for this financial year.

Resolved – no tree works would be carried out to the 7 trees sited on Maritime Avenue to the rear of Drakes Court.

Matters to report in relation to previous Council meeting

23/151 – The Clerk informed Council that a meeting of the Communications Working Party had taken place to review the strategy and that a report would be submitted to the next meeting in March.

Following a request by Members of the Council the Clerk confirmed that the Oak tree's trunk at Kingfisher Way had been inspected and declared safe following the collapse of some of its branches on to two residential homes.

Members were informed that the vacancy for a Councillor had not resulted in any applications. Members agreed that due to the May 2023 election being less than 6 months away the vacancy would not need to be continuously advertised.

Committee minutes

23/152 – The minutes of the Planning Committee held on Monday 7 November 2022 and Policy and Resources Committee held on 21 November 2022 were noted.

Reports from New Forest District Councillor

Councillor Hoare sent her apologies for this meeting.

23/153 – Councillor Bennison addressed the Council:

Consultative Panel – 1st December

I always attend this meeting on behalf of Bramshaw Parish Council, I thought you would be interested in what were very informative updates from Forestry England and the National Park. attached to an email previously sent to all Members of the Council.

The Forestry England update covered a whole range of issues covering wildlife, track and bridge repairs, fly tipping and the new operator for the Forest campsites.

The National Park Authority Officer, Steve Avery updated the meeting on the five Partnership planned themes of Climate, Nature, People, Place and Partnership. Of particular interest was the additions to the Local List and the Public Spaces Protection Orders.

Public Spaces Protection Orders' Consultation

This follows earlier joint working through the Recreation Management Strategy Advisory and Steering Groups.

The consultation runs from 5 December until 27 January at 5pm. The public can comment on the two proposed PSPOs, which look to ban the lighting of fires and use of BBQs principally on the Crown Lands managed by Forestry England, and the feeding and petting of ponies, horses, mules, and donkeys in the New Forest (see maps at www.newforest.gov.uk/PSPOmap1 and www.newforest.gov.uk/PSPOmap2 for proposed restricted areas).

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Background information and the online consultation forms can be accessed at www.newforest.gov.uk/publicspaceprotectionorders

Waterside Rail Passenger Service

I am sure you have all seen the results of this consultation, I am not sure if it really gives a true representation of who and how often people would use this service, so I have asked Kate Neill-Sneller (Network Rail) if she could let me know how many Marchwood residents responded and what the proportion was for and against. I am still waiting for a reply. I thought you might be interested in the recent Poll undertaken by Richard Young which resulted in 370 votes being cast with the following split:-

Never – 37%

Once a week or less – 46%

Twice a week or more 17%

Outline Application 19/10581 – Site of Fawley Power Station

We will be given an update on this outline application at Wednesday's Planning Committee before the final decision is issued, which is expected to be in January 2023. Once the Section 106 legal agreement is completed, the Head of Planning subject to an amended set of conditions (which is also attached) will grant permission.

Reports from Hampshire County Councillor

HCC Councillor Harrison sent his apologies for this meeting, a written report was read to Council by Councillor Wright:

23/154 – Railway Passenger Service

Probably one of the most significant events that has happened since my last report is that the results of the consultations undertaken by Network Rail with regard to the restoration of the Waterside passenger railway service have been published.

I am very pleased to say that there is significant support for it, (as I anticipated). Of course, in the present financial climate and turmoil with the way we are being governed nationally, who knows whether the government will decide to fund it. It would help if everyone, including the local MP, were more positive rather than concentrating on potential negative impacts.

Solent Freeport

My fears about the Solent Freeport designation have been realised, with government confirming it will go ahead. The worst aspects of this (in my opinion) are the designation of Dibden Bay, constantly being referred to as "Strategic Land Reserve" – which represents a real threat to the environment, including internationally important habitats for wading birds, as well as the potential widening of the A326, with yet more destruction of the environment, including tree buffers between the road and housing, both in Marchwood and Totton. I really don't see this partial widening of the road will do much to ease commuter congestion. I think most people realise that the real game is to create lorry capacity for servicing new port development. Apparently, needs of business and the economy outweigh protection of the environment, even in the New Forest!

Highway Issues

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The work to improve cycling and walking facilities all the way up the Waterside continues, using a combination of some developer contributions and the Transforming Cities funds. I had hoped to report on construction of the new safer crossing at the Trotts Lane Junction but it has been delayed. I am currently liaising with residents in Eling and the Engineers responsible for designing the scheme, in order to hasten things in a way that most people will be satisfied with. There was a re-designed scheme which involved the closure of Bury road, (which would need a Traffic Regulation Order). However, I am told there be lots of objections to such a TRO, so it might be a case of “back to the drawing board”.

As with most winters, the cold weather presents a challenge to Hampshire County Council, with gritting lorries out a great deal of time. Residents are encouraged to use the grit bins for spreading on icy pavements.

Unfortunately, cold weather has a big impact on road conditions, leading to more pot holes and cracks. IT's a very good idea to keep reporting any such defects using the Hampshire County Council website.

Council policies

23/155 – Members considered the following updated and new policies:

Resolved – to approve the Document Retention and Disposal Policy.

Resolved – to approve the Equality and Diversity Policy.

Calendar of Meetings

23/156 – Resolved to accept the Calendar of meetings 2023.

Meetings start times

23/157 - Members agreed to continue with the 7.30pm start time for meetings and that the new Council following the elections in May 2023 may want to consider a 7.00pm start.

Local Government Pay Claim 2022/2023

23/158

- I. **Resolved** – to approve the NJC pay agreement 2022-2023 including the one-day additional annual leave from 2023.
- II. **Resolved** - Incremental pay rises were to be referred to the Personnel Committee for further consideration.

Man Shed

23/159

Cllr Wright explained the Man Shed had begun operating successfully from the Marchwood Hub and that Charity status had been approved. A request to site a container on the site for the purposes of storage was being requested. The ground staff supervisor had suggested the

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existing storage container onsite could be utilised for the purposes of the man shed and that the new 10ft container could be utilised for the storage of the ground staff.

Members requested the Council's liability insurance was checked to ensure adequate cover. As that portacabin was to be donated on a permanent basis should it ever be removed the existing container known as Shakespeare is returned to the sole use of the Council's ground staff; the Council retains the right to reclaim the space at anytime. In addition the Charity commission is informed of the additional container. The grounds staff supervisor was to ensure attendees of the man shed were not permitted to access the Council's workshop.

Resolved – to allow the container to be sited on the Lloyds Recreation ground within the grounds staff maintenance area subject to confirmation of adequate insurance cover and approval from the Charity Commission.

Voting – 6 For 1 Abstention (Cllr Wright).

Budget 2023/2024

The Chairman of the Policy and Resources Committee stated that the proposed budget had been extensively scrutinised over 3 previous meeting and that the projected income was unavoidable

Resolved – to approve the 2023 -2024 annual budget as set out in appendix I.

That the Precept 2023 – 2024 £287,057 equivalent Band D £138.84.

Exempt business

23/160 – RESOLVED to exclude the press and public in accordance with s1(2) Public Bodies (Admission of Meetings) Act 1960 on the grounds that the following agenda item being considered involved the disclosure of confidential information.

Scout and Guide lease

23/161 – Cllr Buckett presented a report to discuss the lease relating to the Scout and Guide building at Lloyds Recreation grounds. He highlighted information that had not been provided by the organisation including changes to the final construction of the building, a requirement of the lease.

Members agreed a meeting with the Scout and Guide organisation would be beneficial to both organisations in order to discuss the Council's concerns and any issues the Scout and Guide organisation may have to enable a successful tenant and landlord relationship.

Resolved – The Clerk, Chairman and Cllr Buckett arrange a meeting with the Scout and Guide Management Committee members to review outstanding documentation relating to the lease.

The Clerk left the meeting at 9.10pm.

Probationary period of the Clerk

23/162 – Resolved – the Parish Clerk had completed a successful probationary period.

Close of meeting

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23/163 – The date of the next meeting 13 March 2023 was noted. The meeting closed at 9.15pm.