



BROMSBERROW PARISH COUNCIL

Draft MINUTES

7.00pm on Tuesday 26th March 2024 at Bromsberrow Village Hall

1. **Present:** Cllr Robin Launders (Chair), Cllr Roxanne Shayle Cllr Chris Neville, Cllr John Stephens, with Cllr Gill Moseley (Gloucestershire County Council), plus six members of the public, also present: David Mills (Clerk).

Apologies received: FoDDC Cllr Philip Burford

2. **Declaration of interests:** As agreed at the 20th June 2023 meeting the Clerk duly granted dispensation to all councillors to enable discussion of Quarry activity matters, progress of the ROMP and Parish Council Responses of this agenda and at subsequent meetings covering the same topic for the next two years. No other items declared.
3. **Minutes of meeting 30th January 2023** – approved and signed.
Minutes of meeting 22nd February 2024 - approved and signed.
4. **Matters arising:** None
5. **Planning**

- a. **Land Grab** Alleged land grab from public footpath/bridleway – Cllr Neville provided the following background information and recommendation:

Background: The Parish Council has been provided with historic maps by Gloucestershire County Council's Public Rights of Way Officer (PRWO). The maps are dated 1849, 1866 and 1910. The footpath is shown on each map, although only the 1910 map is sufficiently accurate to rely on it as a measure of the footpath's width, which is between 2.5 and 3 metres.

On a date unknown, subsequent to 1866, the land that borders the path, and where Yew Tree Cottage now stands, was sold to James Nichols, with a duty upon him to maintain the fence between his land and the footpath 'forever hereafter'.

In the 1950's parish councils in Gloucestershire were asked by the County Council to nominate public footpaths for inclusion in what is called The Definitive Map, which gave them legal recognition. At that time, Bromsberrow Heath formed part of Dymock Parish. Dymock Parish Council did not nominate the path in question for inclusion in the Definitive Map, and therefore when the map was published in 1960 the path was not recognised.

However, in the 1980's the question of the path's designation arose. On 12th November 1984, Gloucestershire County Council's Rights of Modification Orders Sub-Committee considered and approved a report to add the footpath to the Definitive Map of Public Rights of Way. The report included supporting evidence from five residents in the village who were able to give evidence that the path had been in use, from their recollection, going back as far as 1915.

In 1989 a legal order, a Modification Order, was made by the County Council to recognise the footpath and to include it in the Definitive Map. Unfortunately, the stated width of the path is 1.5 metres **minimum** in the Modification Order. No maximum width is stated.

In 2014 complaints were made to the Parish Council following the erection of a new fence alongside the path by the owner of Yew Tree Cottage, alleging that land had been taken from the footpath. The owner of Yew Tree Cottage disputed the allegation. The PROW considered, at the time, that the path had suffered encroachment from both sides (Yew Tree Cottage and Greenlands) over the years. The Parish Council did not pursue the complaint any further.

The measured width of the path, as it stands today, has been measured by the Parish Council as 1.42 metres at its narrowest. On this basis, we can only demonstrate that the path is 8cm narrower than the legal minimum width. Such a discrepancy is likely to be regarded as insufficiently significant to support enforcement action.

It is theoretically possible for the Parish Council to ask the County Council for another Definitive Map Modification Order (DMMO) to seek to recover the land on either side of the path to re-establish the path's original width, if sufficient supporting evidence could be obtained by the Parish Council from local people who knew the path in the past. However, this would be a lengthy process, measured in years.

Recommendation: I recommend that the Parish Council does not seek a DMMO from the County Council, on the grounds that the path has for many years only been used as a footpath. It has not been used by vehicles for decades, and there is no need for vehicles to use it, even if it were wide enough. As the path stands today, it remains useable as a footpath. To revert the path to its original width would impose significant cost and disruption to the owners of Yew Tree Cottage, Greenlands, and the new property that has been built in the former garden of Yew Tree Cottage, but for no apparent benefit.

There is an argument that the Parish Council should seek a DMMO to 'uphold the law' and warn others that it is not acceptable to take land from the highway or footpaths, however in this particular case, the 'law' as it stands is that the path must not be less than 1.5m. As outlined above, the path is only 8cm less than the minimum width.

Cllr Stephens provided further anecdotal historical evidence of how the lane width has changed including sharing childhood photographs of children playing in what was then a village lane.

Council decided to seek a DMMO from the County Council, to recover the land on either side of the path to re-establish the path's original width.

Action: Clerk to compile information and complete DMMO application form.

- b. Bromsberrow Quarry ROMP review and new documents reference: 22/0031/FDROMP - Bromsberrow Sand & Gravel Company Bell Lane Bromsberrow Heath Gloucestershire HR8 1NX Proposal: Initial periodic mineral review of planning consents G1209, G1209/A & G1209/C

Cllr Launder proceeded by going over outstanding matters recapping on past issues and further explaining circumstances around the quarry issues. These covered early promises reviewed; **New ROMP conditions and documents filed by applicant 14th March**. Covering issues including 36m; the complaints procedure, tree margins; further proofs of breaches of existing, etc, etc.); confusion over application dates; construction proceeding of new gate; recent diggings; 1:1; topsoil still for sale; no reply re skips complaint to GCC; responses to 2 replies received on GCC complaints; o/s matters from our 8 complaints; no EIS screening opinion yet; legalities re EIS disciplines; rules on 'calling in' to Committee; legalities generally.(administration, service delivery, policies, statutes). Cllrs Launder continued quoting from and comment on a letter received by the council from a planning officer dated 21st September 2021.

Clerk confirmed the Neighbour Consultation Expiry date currently on the GGC planning portal is listed as 18th April 2024.

Action: Council agreed to a single topic Extraordinary Meeting of the Bromsberrow Parish Council on Tuesday 9th April 2024 – 7pm at the Bromsberrow Village Hall to cover responses to the 13 new documents posted on the GGC Portal.

- c. 'Glynchbrook'. An updated on the local plan was proved by County Councillor Moseley in her role

as District Councillor elsewhere in the district in the unexplained absence of FoDDC Cllr Clayton Williams who has planning role and within his area this development falls.

The Forest of Dean District Council needs to deliver around 7,500 new homes by 2041, with more than 4,000 of those to come from new development sites yet to be identified. The council's preferred local plan strategy, currently still in discussion, for meeting that housing need doesn't include a new settlement preferring to place further development in the existing new towns and the larger villages of the district.

The developer, also called Glynchbrook and promoted by a land agent Blackbox planning based in Texas USA, said: "The new settlement will comprise a mix of up to 3,000 homes, and workspaces to support a range of circa 3,000 new jobs, as well as community, education, recreational, health and retail facilities.

Council considered how to respond to the consultation on plans for a potential 3,000 home development within the neighbouring parish and agreed to follow the line adopted Redmarley Parish Council which is to **not** engage at all with the Blackbox planning enquiry.

Action: BPC response to encourage residents to NOT engage with Blackbox planning enquiry.

The Clerk to contact Redmarley PC to confirm BPC approach and confirm BPC will engage with a Cross Parish Group on this issue should this be formed by Redmarley PC.

6. Discussion items

a. **Playground project feasibility study** and questionnaire

The clerk presented charts and conclusions from 2021 Census study of the Bromesberrow parish consisting of an estimated 420 people. Conclusions:

- More children - There is potential increase in the proportion of children in Bromesberrow for the next five years particularly in the ages 5 to 19.
- More grandchildren - There is potential increase in the proportion of adults with grandchildren in Bromesberrow for the next five years.
- Recreation and employment – The requirements of people working from home and those commuting to/from work needs to be considered in location and content of any play facility.
- Vehicles - Given the rural nature of the parish and 96% of households have at least one vehicle, parking must be a consideration in the location of any amenity.

Cllr Shayle, was thanked by council for organising and circulated all the results of the questionnaire to councillors. The clerk compile into a single page summary and reported:

- 82 people responded, 93% from people living in the Parish, that's approximately 18% of the population.
- 94% agreed that Bromesberrow and Bromsberrow Heath need something for younger members of the community.
- 40% respondents expressed concerns with the right equipment, safety issues, security & maintenance.
- 45% respondents said they would be willing to help and support to create a Playpark for the community.
- Council agreed there is clearly an identified need to provide some form of Playpark facility with the parish.

Action: Cllr Shayle to seek consultations with all stakeholders including the Village Hall Committee, the landowner trustees to consider forming a workgroup to investigate the legal, fund raising and practicalities of providing a new facility for the increasing young population of Bromsberrow.

b. **Build Back Better bid for two village Noticeboards:**

GCC have confirmed that funding of £1500 towards the cost of two signs has been approved however no date has been provided when the funds will be allocated.

Cllr Neville advised: The shop's management committee have discussed the noticeboard and

concluded that bigger was better, looks as though we will be in the £1000 ballpark for a two panel sign with Bromsberrow Parish Council headboard in black on two posts concreted into the ground. Cllr Shayle reported: I attended Bromesberrow Village Hall committee meeting last night; to discuss the idea of a footpath noticeboard. They all seem very enthusiastic about it and said it was a really good idea. I took along some print outs to show. They have chosen a black lectern style sign and size A1 which come in with in budget at £659.

Action: Check and order best value for two noticeboards, clerk to confirm when funds are received from GCC.

- c. **Chase End road issues** update – Cllr Shayle reported Gloucestershire highways reference is 11453781- apparently work was carried out yesterday and some is due on 1st April. They are also going to speak to their safety team, as the road is dangerous to bicycle users.

Actions: Cllr Shayle to observe and update.

- d. **MVAS** update – Council thanked John Meredith for his efforts in maintaining the 30mph Moveable Vehicle Activated Sign (MVAS) in Bromsberrow Heath.

The Clerk provided an up to date report from data collected from the MVAS including vehicle Count vs Speed over the last 12 months to March 2024 at three locations in Bromsberrow Heath. This included 74,248 counted vehicle movements.

The average speed is 32.9mph in a 30mph area.

26% of vehicles pass the MVAS at speeds in excess of 30mph which is 10% higher than experienced in other villages in the Forest of Dean. Council accepted on this evidence Bromsberrow Heath has a speeding problem.

Cllr Moseley advised councillors to study the newly updated **Community Approaches to Road and Safety (CARS) TOOLKIT** and consider adopting some of these methods in the village. The CARS Toolkit offers practical ideas for improving road safety in Gloucestershire, produced by GRCC and the Gloucestershire Road Safety Community Hub.

Action: Councillors to consider adopting practical ideas from the CARS TOOLKIT for improving road safety included placing a large mock ‘speed gun’ poster in the side of the bus stop.

- e. **Community Walk feedback** – Cllr Shayle reported the organised walk in March was well attended with very positive and many requests to organise similar walks on a regular perhaps monthly basis.

Action: Cllr Shayle to consider organising further walks.

7. Parish council business

- a. Correspondence shared with Councillors on GAPTC Training opportunities for Councillors, GRRC funding sources etc.
- b. Clerk presented the current year 2023/24 accounts position included project payments for Clerk Q4 salary and PAYE for March.
- c. Parish Clerk handover arrangements:
- Cllr Launders took possession of the BPC laptop.
 - Cllr Launders and Cllr Neville received from the Clerk a confidential envelop with all login details and passwords for BPC Clerk access. Cllr Shayle has full access to the Bank Account.
 - All past paper documents in the archive boxes in the Village Hall upper floor along with the Canon printer.
 - All documents from 2022 stored on digitally BPC OneDrive with control access on the laptop.

8. AOB None

9. Date of next meetings

Tuesday 28th May 2024

Tuesday 30th July 2024

Tuesday 24th September 2024

Tuesday 26th November 2024

Signed:

Date: