

DRAFT Minutes of the Urchfont Parish Council (UPC) Meeting held on Wednesday 11th November 2015 in the Conference Room of Urchfont Village Hall

Present: Councillors: Mottram (DM - Chairman), Donald (BD), Mitchell (NM), Thomas (RT), Day (GD), Hill (TH), Clifton-Page (LCP), Gibb (HG) and Stephens (AS)
Clerk to the Council: Lunn (BL) **Planning Administrator:** Johnston (SJ)
Councillor for Urchfont & The Cannings: Philip Whitehead (PW)
Members of the Public (for all or part of the meeting): Paul Bancroft, Richard Hawkins, Gregory Spencer, Susan Creasey, Graham Creasey, Robert Carter and Peggy Pickett

1. **Welcome by the Chairman** – DM welcomed all councillors and members of the public to the meeting.
2. **Apologies** were received from councillors Holt (SH) and Baker (PB)
3. **Declarations of Interest:** None declared
4. **Minutes of the Meeting of the Council held on 14th October 2015 (Version 2)**

Proposal	Proposer	Seconder	Decision
To approve and sign the minutes unchanged as a true record of the meeting.	GD	NM	Unanimously agreed

5. **Action List Status Review and Update Reports from the Minutes of 14th October 2015** – DM reviewed and updated the action list distributed as at 5th November 2015 (see updated version at Appendix 1 on website)
6. **Finance:**

a. To receive a Financial Statement and Bank Reconciliation as at 31st October 2015 – BL referred to the documents which he had circulated to all councillors prior to the meeting which indicate that on present spend indications there will be an end of year reserve of £10197. This will of course be dependent on actual spend of allocated funds and any income during the remaining five months.

b. To review projects progress and approve any proposals received

- i. **Christmas Tree Socket on Pond Green** – two further quotes had been obtained ranging from £380 to £3543 + VAT, but not all with the same specification. Clearly the most expensive quote was not acceptable and debate concluded that the middle quote appeared to offer the best solution to satisfy the requirement. Timing is of the essence in terms of completing the work for this coming Christmas.

Proposal	Proposer	Seconder	Decision
To approve the quote for £575 + VAT from J & M Bodman Ltd on the understanding that the work can be completed prior to installation of the tree on 15 th December 2015.	GD	LCP	Unanimously agreed

(Post Meeting Note: Quotation accepted on basis of above decision on 14th November 2015)

- ii. **Cemetery Wall repairs** – tradesman supplying quote had now declined the work. RT will seek alternative supplier and quote.

ACTION: FC/79/15 - RT

- iii. **Any other proposals** – no other proposals received

c. Precept and Budget 2016/17 preparation – BL presented a 1st draft of the budget for 2016/17 which when finalised will generate the required Precept demand on WC and the associated impact on local council tax. BL pointed

out that the WC Top-Up Grant has reduced as expected from £1100 this year to £198 for 2016/17, this in itself may impact the final level of Precept demand made. PW confirmed that the Top Up grant will be phased out totally in 2017/18 as a result of reducing Government grants. BL requested all councillors to review the 1st draft budget, which he would circulate after the meeting, and let him have any comments, additional anticipated requirements and in particular ball park figures for any new projects by 25th November. This will enable a 2nd draft to be prepared for the December meeting including updated Precept and council tax calculations.

ACTION: FC/80/15 - ALL

A question was asked as to whether the Council is allowed to borrow funds to complete significant projects in particular. BL agreed to try and establish the legal position on this.

ACTION: FC/81/15 - BL

7. Lead Councillor, Clerk & other written Reports (attached at Appendix 2 on website)

i. Road Safety, Car Parking and liaison with Community Speed Watch – PW confirmed that it is standard practice on a normal road to only have bollards on one side of the carriageway, bollards on both sides are normally only installed at or near road T junctions for example. BL pointed out that all the examples quoted in West Lavington are within 30mph speed zones, the crossing near Crooks Lane in Urchfont is within a 60mph zone. In response to a question from DM on whether UPC should install its own additional bollards if WC will not take action, especially near Crooks Lane, the response was yes dependent on cost and any necessary approvals. PW agreed to check the legal position with WC Highways. GD was asked to seek a quote for the work.

ACTION: FC/82/15 - GD

ii. Liaison with Scarecrow Committee - no comments on or updates received to submitted reports

iii. The pond and Surround – no comments on or updates received to submitted reports

iv. Lydeaway and Wedhampton Liaison – no comments on or updates received to submitted reports

v. Clerks Report – no comments on or updates received to submitted reports

8. Working Groups: written reports (attached at Appendix 2 on website)

i. Community Access and Travel Working Group Plan – NM reported on the very positive response from WC on the layby proposal which had been circulated to all councillors. There is now a need to consider the proposal further in terms of funding, design and planning application. PW was of the view that the land would be transferred by CAT on the same basis as earlier transfers, UPC and WC would undoubtedly have to bear their own legal costs. PW expressed some concern about the proposal to park cars nose in to the bank and also whether there might be additional safety issues as a result of cars driving through the Village and around Cuckoo Corner to park. NM also said that a response had been sent to Ruth Durrant (WC) about the proposed path across Top Green.

ii. Section 106 Working Group - no comments on or updates received to submitted reports

9. Update on WC matters

i. Public Right of Way (PROW) to Playing Field

The Chairman closed the meeting for public participation

Paul Bancroft, on behalf of the Urchfont School Governors, read out the statement which is attached at Appendix 3 (on the website only).

The Chairman reopened the Council meeting

BD reported on the first very successful joint working party (WP) between the School, WC and UPC. All at the WP agreed that the route of the PROW shown on the DMMO between points B and C is not acceptable. The WP feels that they can come up with an acceptable and safe route, the preferred route being to join the pathway to Oakfrith Wood.

Any proposals will need to be agreed not only by all members of the WP but by the wider Village also. The WP is also considering other possibilities including:

- Potential to obtain dispensation for the PROW path to be 1.5m rather than 2m wide
- Removal of a hedge behind the School to provide better use of land
- A new path down the playing field side of the driveway fence to provide a safe route to school

BD is confident that the WP can deliver a solution which will be acceptable to all assuming the DMMO is confirmed.

The Chairman closed the meeting for public participation

Robert Carter totally agreed with all in the statement made by Paul Bancroft, he also felt that the report on the WP was very positive. As a parent he is fundamentally opposed to the route shown in the DMMO.

Gregory Spencer, a parent, found it most pleasing that UPC is working with the School to find an acceptable solution.

The Chairman reopened the Council meeting

GD asked whether the second meeting of the WP should take place prior to the consultation cut-off date of 30th November. BD emphasised that the DMMO will not be implemented on 30th November, the legal process will take several months to reach a final decision taking into account objections and any further evidence. PW advised that Richard Broadhead who is leading the WP is the most senior WC officer in charge of rights of way, he will facilitate changes to the timescale if an alternative route is agreed. Diversion of DMMO routes is covered by a defined legislative process and is not uncommon.

The subject of dogs is a contentious issue, can they be banned from a PROW. PW agreed to seek clarification on this.

ACTION: FC/83/15 - PW

A view was expressed by TH, supported by RT that UPC should formally respond to the current PROW consultation process to clearly state the Council position on this issue.

Proposal	Proposer	Seconder	Decision
In response to PROW consultation process, UPC should support the PROW in principle and document the UPC position to achieve a solution which meets stated Council objectives.	TH	RT	Unanimously agreed

It was agreed that BD should draft the letter to Barbara Burke and circulate it to all councillors for comment.

ACTION: FC/84/15 – BD

(Post Meeting Note: Draft letter circulated for comment on 13th November 2015)

ii. Playing Field CAT – BL confirmed that the agreed response to John Price (WC) had been sent on 15th October 2015 (copied to all councillors). We now await further information on the way forward.

Whilst DM acknowledged the contribution and involvement in the past by NM and RT, he believed that the PROW and playing field issues are so closely related that they should be handled by the same UPC representation.

Proposal	Proposer	Seconder	Decision
To nominate Councillor Donald as the lead on this issue as it is closely associated with the PROW	DM	GD	Unanimously agreed

10. Manor Farmyard – BD reported that he had heard that a local estate agent has been instructed to sell Plot 19 in its current condition, presumably for development by another builder. DM read out the following written report that had been received from SH who was not at the meeting:

“I understand that Redcliffe Hands are looking to sell Plot 19 on rather than rebuild it themselves. I suspect the finishing coat to the access road should be laid when Redcliffe Homes complete their 18 houses. I do have concerns about the timescale for Plot 19 to be completed if Redcliffe Homes do dispose of it.

The finish in both courtyards is not ideal as water ponds on the surface which is very muddy. I understand Redcliffe Homes are in discussion with Wiltshire Council as to a solution to this problem which has been voiced by a number of residents.

I raised the issue of whether Visitors spaces and spaces allocated for residents would be marked on the ground, particularly as the five Visitors places in the courtyard do not look like Visitors spaces which might result in visitors parking at the Pond side. Karen Guest suggested this was a matter which should be taken up with the enforcement officers at Wiltshire Council but I believe this matter should not be taken forward until such time as the finish to the courtyards is agreed and completed.

I have recently discussed Pond wall with a number of residents and suggested that the Management Company should get a final copy of the Engineers monitoring and recommendations report which **should be addressed specifically to the Management Company** so that they will have the benefit of it lest the wall does need repair.”

Councillors expressed concern about the Plot 19 scenario. PW confirmed that the original planning applicant does not have to complete all the works and can sell a plot on with the approved planning application. The new developer will have to comply with the existing planning approval unless a new application is submitted and approved.”

The Chairman closed the meeting for Public Participation

Richard Hawkins sought clarification as to who decides when and what work is done to the pond wall.

The Chairman reopened the Council meeting

RT was of the view that UPC should have a boundary wall agreement with the Management Company to ensure appropriate ongoing maintenance. DM stated that UPC does not have any responsibility for the pond wall, as with any other wall in the Parish it is the responsibility of the land owner to maintain it. It is down to the WC Planning Officers to enforce the conditions of the planning approval if the wall is actually mentioned. In the absence of SH, he was requested to circulate to all councillors the full details of the Manor Farmyard planning approval conditions which he recently requested from Karen Guest (WC Planning Officer).

ACTION: FC/85/15 - SH

11. Benches in the Parish – LCP reported that she had completed a review of all benches within the Parish, including the one in the church grounds, and found that most of wooden construction needed treatment to preserve and enhance appearance. Her husband, Jeff Vickers, had volunteered to undertake this work when the weather improves next year. It was agreed that LCP should obtain a quote for this activity and include in budget 2016/17 proposals.

ACTION: FC/86/15 - LCP

Most of the metal seats were satisfactory apart from the need for a clean. NM pointed out that she is still trying to contact MDN to undertake shot blasting and repainting of the metal bench on Top Green as was done for those around the pond.

The bench at the foot of the tree in the centre of the playing field is in need of urgent attention as it is considered unsafe, it was agreed that this should be removed as soon as possible. BD agreed to undertake this task.

ACTION: FC/87/15 - BD

12. Flood Prevention Works in The Bottom – DM commented that works appear to be proceeding well and to be on schedule. PW confirmed that one local resident had been reassured by WC over concerns that she had raised about works on her property.

13. Neighbourhood Plan – DM read out the following written report which had been received from SH who was not at the meeting:

“The Plan will start its final public Consultation with residents, adjoining Relations and national Bodies on Monday next 16th November. The Consultation period has been lengthened by one week due to it falling over the Christmas period. It will close at 5pm on 3rd January 2016. The Steering Group will deliver posters to all houses in the Parish towards the end of this week. The Plan together with its Annexes and Appendices is available on the Parish website and paper copies will also be available to borrow at the community shop, village hall, Lamb Inn, The Tiled house and Bill Donald’s house in Wedhampton

Shortly after the completion of this Consultation the Steering Group will make amendments which it feels are appropriate (hopefully there may not be too many as the Steering Group have already Consulted on the Plan Policies). The Plan itself runs to 48 pages while there are about 350 pages of Annexes & Appendices The Plan will then be delivered to UPC who will hopefully return it to Wiltshire Council swiftly. Wiltshire Council will then undertake their own six-week Consultation and during that period the Steering Group and Wiltshire Council will review CVs of independent examiners prior to the Plan being put out for Examination. Examinations of Neighbourhood Plans recently have tended not to be public Examinations although Examiners do tend to visit Neighbourhood Plan areas. The Steering Group would like to think that the plan may be ‘made’ in late Spring or early summer of 2016. Wiltshire Council will be able to prepare the adverts which they need to publish for their 6 week Consultation between Monday 16th Nov & 3rd Jan which should help to save some time.

The Steering Group feel it is now very important to get the Plan ‘made’ particularly as the land opposite Ballinger’s has recently been added to the Wiltshire Council SHLAA plan.”

The Council expressed thanks to all those involved in preparation of this important plan.

14. External Meetings – DM reported that he and BD had recently met with the Chairman and Vice Chairman of the Urchfont School Governors to try and improve communications. The meeting was generally successful, covered a lot of ground and UPC even suggested the possibility of considering new school premises elsewhere in the Parish. PW believed that the Education Dept. would be interested in such ideas and that UPC may be able to influence the outcome of any proposals, he agreed to try and obtain recently published school capacity forecasts to inform this debate.

ACTION: FC/88/15 - PW

15. Councillors’ Reports and Items for Future Agenda

i. **Effects of recent power cuts** – LCP had noted that the timer in a street lamp near her property appears to have been affected by the recent power cuts and is now turning on and off at strange times, she asked whether any other reports been received in this respect. None had been noted.

(Post Meeting Note: any roads and lighting defects such as this should be reported to Wiltshire Council hotline ‘CLARENCE’ on 0800 23 23 23.)

ii. **Speed Indicator Devices (SID’s)** – GD reported that WC are transferring SID’s to local councils on a first come first served basis. Other councils are apparently grouping together to express interest, it was agreed that UPC should contact adjacent PC’s to judge interest.

ACTION: FC/89/15 - BL

Meeting Closed at 9.40pm

Date of Next Meeting: Wednesday 9th December 2015 in Urchfont Village Hall Conference Room commencing at 7.00pm

Appendix 1

OUTSTANDING ACTIONS STATUS AS AT 14th NOVEMBER 2015						
Action FC/XX/15	ACTION	Date	Action on	Target Completion	Current Status at 14th November 2015	
26	Review lead roles and identify replacements due to resignations	13-05-15	DM/BD	Informal Councillor meeting to be scheduled	IN PROGRESS- to be discussed at meeting on 19th November 2015	
41	Invite WC tree preservation officer to give presentation to Council meeting	10-06-15	BL	For October meeting	IN PROGRESS - expected to attend November meeting	
45	Clarify verge ownership and maintenance in Parish	10-06-15	BL	No target	IN PROGRESS, evidence being collected	
53	Obtain quotes for new path in Allotments from The Croft	08-07-15	DM	For October meeting	Outstanding	
66	Clarify position on connection of electricity supply to Duck House meter box	14-10-15	SH	Soonest	IN PROGRESS	
67	Purchase replacement Gateway Sign	14-10-15	BL	Soonest	IN PROGRESS	
68	Purchase litter bin for Oakfrith Pathway and circulate list of all bins in the Parish and who is responsible for emptying - UPC or WC	14-10-15	BL	Soonest	IN PROGRESS	
69	Purchase signage	14-10-15	BL	Soonest	IN PROGRESS	
70	Obtain definitive proposal from FOFF for remaining budget spend - mower option understood will not go ahead	14-10-15	BL	Soonest	Outstanding	
77	Outline proposal for Welcome to Urchfont leaflet to be circulated to all councillors and to confirm Church 'welcome pack' does not lead to duplication	14-10-15	DM	Soonest	IN PROGRESS	
78	To develop 'Urchfont in 2016' film proposal and provide estimate of cost for December discussion on 2016/17 budget. AS warned at meeting on 11th November that this may not be accomplished for variety of reasons	14-10-15	AS	09-12-15	IN PROGRESS	
79	Obtain new quote(s) for cemetery wall repair	11-11-15	RT	Soonest	NEW	
80	Advise BL of budget proposals by 25th November 2015	11-11-15	ALL	25-11-15	NEW	
81	Investigate possibility of Council obtaining loans	11-11-15	BL	09-12-15	NEW	
82	Seek estimate for additional bollards at crossing by Crooks Lane	11-11-15	GD	25-11-15	NEW	
83	Can dogs be banned from a PROW, seek clarification	11-11-15	PW	Soonest	NEW	
84	BD to draft letter to Barbara Burke setting out Council position on PROW	11-11-15	BD	Soonest	Complete - Draft circulated 13th November	
85	SH to circulate response from Karen Guest detailing conditions on Manor Farmyard planning approval	11-11-15	SH	Soonest	NEW	
86	To prepare quote for refurbishment of Parish benches	11-11-15	LCP	25-11-15	NEW	
87	To remove broken bench below tree in centre of playing field	11-11-15	BD	Soonest	NEW	
88	To provide recently published capacity forecasts for Urchfont School	11-11-15	PW	Soonest	NEW	
89	To canvas adjoining Parish Council's regarding Speed Indicator Devices on offer from WC	11-11-15	BL	Soonest	NEW	
KEY						
	= New action at last meeting, no update information available to date					
	= No indication of action having been taken - Outstanding					
	= Action in progress					
	= Complete					

LEAD COUNCILLOR, WORKING GROUP AND CLERK REPORTS – NOVEMBER 2015

A. Road Safety, Car Parking and liaison with Community Speed Watch

Road Safety - Answers are still awaited from Wiltshire Council on the two outstanding questions resulting from the installation of the B3098 road crossings in the summer:

- a) did Wiltshire Council carry out a Risk Assessment before changing the route of the Market Lavington school bus?
- b) why are there no marker posts on the crossing opposite The Paddock?

Car Parking – nothing to report

Community Speed Watch - Wiltshire Police have written to advise that they are establishing an "enforcement team" which, on the basis of data supplied by CSW teams, will visit sites where persistent offenders are prevalent or excessive speeds are being recorded. The enforcement team will not announce their visit in advance and will not carry out enforcement whilst CSW is in action, but will stay and support the CSW volunteers. Results of enforcement action will subsequently be shared with CSW teams.

On Friday 30th October an enforcement team visited Urchfont and issued 2 speeding tickets (for speeds in excess of 14mph over the speed limit) and 8 cautions.

Graham Day

B. Liaison with the Scarecrow Committee - The Scarecrow committee is well on the way with plans for next year's event. The theme has been chosen (a closely guarded secret) and scarecrows will be allocated to makers next month.

Meetings have started with the Scout group re the possible rebuilding of the Scout Hut, a long term project which will require careful funding.

The Committee has also initiated a tent building training program which has been published in Redhorn News. This is to ensure that any villagers loaning tents are in full knowledge of how they are constructed.

The Committee feel the need to reduce the burden of assisting with other people's events.

Bill Donald

C. The Pond and Surround

- The two new floats have been positioned on the pond.
- Cllr Donald has invited an alternative contractor to quote for the tree socket, but no price has yet been received. It is now unlikely this will be installed for Christmas 2015.
- It is proposed to circulate the new residents of Manor Farm Yard with a letter, welcoming them to Urchfont and giving information about the traditional Christmas tree and lights on the pond wall.
- There is no update on taking over the electricity connection to the meter box in the duck compound. Cllr Holt is progressing this with Redcliffe Homes.

Royston Thomas

D. Lydeaway and Wedhampton Liaison

Wedhampton - Construction on the new house in Greengate Road has started, so far with little disruption for which the builder should be commended.

There is an issue regarding overhanging trees on Greengate Road opposite the Paddock. After approaching the landowner they told me that Wiltshire Council had traditionally cut the trees in question. Bob Lunn has challenged Wiltshire Council and we still await their response.

We are also awaiting a response from WC regarding repair to the junction of The Cartway and the lane to the sewage works, which causes excess mud to be deposited on the road from turning WC vehicles.

Greengate Road and A342 Junction – the road side hedges in both directions on the A342 are again overgrown and reducing visibility for cars leaving the village. WC are requested to take action.

Work on the Leylandii trees in the High Street, which UPC partly funded, is complete and numerous Wisteria and Clematis have been planted which will look excellent in years to come.

Lydeaway - Nothing to report

Bill Donald

E. Clerks Report

1. Current Negotiations / Proposals

- a. **Proposed CAT of Playing Field (Western End)** – The response, approved at the October meeting, to an email from John Price (7th September) setting out options on the way forward was sent on 15th October. We await further progress.
- b. **Status of Right of Way Claim to WC – School Pathway** – the definitive map Order is being progressed by WC. The first meeting of the joint WC/UPC/School Working Party (WP) on the route of the PROW was held on 29th October 2015, Bill Donald as lead UPC representative will report on this and future meetings of the WP.

2. Halloween Party Approval – USPA sought very late (30th October) approval for use of Top Green for their Halloween Party on 31st October. Giving approval I reminded USPA that they are totally responsible for H&S and insurance for/at the event and that they must leave the Green 'as they found it' having removed equipment and litter.

3. Complaint regarding roofing tacks – I have received a complaint from Maria Jackson that roofing tacks were apparently left discarded on the ground either carelessly, by accident or deliberately by someone unknown around (and not necessarily using) the community skip in The Croft recently. This resulted in damage to four tyres (around £200 damage) on a car being driven by the complainant when she parked in the car park near the skip to visit a friend. Whilst she did not hold UPC responsible, she asked whether anything could be done to identify the culprit and/or warn those depositing items in skips to be more careful in future. I will put something in the next edition of Redhorn News.

7. Key Correspondence and E-mails – including:

- Various correspondence regarding Public Right of Way (PROW), from:
 - Gazette & Herald
 - Lynn Everson
 - Emma Lyttle
 - Karen Creasy-Cottle
 - Richard Broadhead
 - Chair of School Governors
- Request from School for copies of UPC Code of Conduct and Complaints procedure
- Response from WC on options for playing field CAT
- School Travel Plan Feasibility Report from WC
- Potterne Neighbourhood Plan Consultation
- Community Shop website update
- Domain (.gov.uk) renewal notice
- Town & Parish Precept 2016/17 information

Bob Lunn

F. Community Access and Travel Plan Working Group – Letters have been sent to Wiltshire Highways re the Crookwood Lane Layby and Ruth Durrant in response to her Travel Plan report. Copies have been sent to all councillors plus Carol Talbot and Anya Watson. I would like to thank Royston for the excellent photos and maps he produced to support our requests.

A meeting will be arranged when we have further feedback.

Nicky Mitchell

G. Section 106 Working Group – Nothing to report

Andy Stevens

**URCHFONTS PRIMARY SCHOOL POSITION STATEMENT TO URCHFONTS PARISH COUNCIL
– PUBLIC RIGHT OF WAY
11 NOVEMBER 2015**

1. The Board of Governors felt that it would be helpful if we made a position statement regarding the proposed public right of way within the grounds of Urchfont School.
2. Under the school's rules of corporate governance, and to preclude any misrepresentation, I can only make a public statement that has been agreed by our Board. Consequently I will read this position statement from a prepared script.
3. For background, my position within the Board is as Premises and Health & Safety Governor, a role that I assumed at the beginning of this academic year in September when the school's scheme of governance was changed from a committee structure to a portfolio cabinet system. Thus I am only 2 months into have full responsibility for this.
4. As you would expect, the regulations under which we are obliged to operate requires governors to act above all in the best interests of the school. In addition our conduct is subject to the Nolan Principles of public service. Therefore, in considering its position regarding the current public right of way issue, the Board has a duty to put the interest of the pupils, staff and school estate before all other. The Board also recognises its responsibilities to the local community, but that is subordinate. It is worth noting that all governors serving and retired that have been in post since this issue arose have unanimously been opposed to it, as has the Salisbury Diocesan Board of Education, who holds the contested land in trust through the Charity Commission.
5. The Board has 3 principal concerns and difficulties with the notion that a public right of way should run within its property and closely alongside the school building. Those concerns are the annexation of land, various matters of uncertainty and the issue of dogs:
 - a. **Annexation of Land.** A principal concern is the inevitability that some of the school estate will either be annexed by fencing or taken from educational use to satisfy the pupil safeguarding requirements. It is worth emphasising, to avoid any misconception on this matter, that safeguarding precautions are not predicated by the school per se, but by the local authority Safeguarding Officer, whose recommendations The Office for Standards in Education, or Ofsted, to whom the Board is accountable, would expect to see implemented. The loss of space would be most felt in the outdoor classroom area at the top of the alleyway. That area is used both for educational purposes in fine weather and as the space in which parents and guardians wait to be identified by the school staff at child pick-up time before pupils up to and including Year 5 are allowed to leave the building.
 - b. **Uncertainty.** The Board's second principal concern is the uncertainty that remains in a number of key areas, particularly over public access, safeguarding and health and safety. Uncertainty is an unwelcome bed fellow that any management team could well do without. Those areas of uncertainty include:
 - i. The uncertainty of where the public right of way will actually finally end up. The proposed definitive map modification order, or DMMO, which is the only official communication that the school has received from Wiltshire Council on this

subject, puts the right of way to run at a 2 metre width alongside the school building to the corner of the bike shed and then cuts across the vehicle turning circle, taking out 2 parking spaces, and terminates in the school garden. Now, we now know that the local authority can change that route, but that would require an extinguishing order to the terminal point in the school garden, a diversion order and a public path order, the latter two of which would be subject to public objection procedure. A diversion order that affected adjacent private properties on the eastern boundary of the school might be contentious. Thus the final outcome is by no means certain. In any event, the probability is that access to the children's public play equipment on the south west corner of the playing field would be accessible at all times only by a circuitous route via the Oakfrith path to preclude dogs from the school playing field area.

- ii. The uncertainty of the safeguarding recommendations from the local authority that will adjudicate on security fencing, screening and gate locking mechanisms.
 - iii. The uncertainty of the health and safety recommendations of the local authority that will adjudicate on such issues as emergency evacuation from the east side of the school, if there is fencing close to it, and measures to ameliorate the health issues associated with dogs.
 - iv. The uncertainty over the need to move the bike shed to allow for the regulatory space should the right of way be diverted behind it.
 - v. Uncertainty over any need to reposition the domestic oil tank to comply with regulations.
 - vi. Uncertainty over responsibility for the commissioning of the construction works that would be required on school land.
 - vii. Uncertainty over the allocation of the costs associated with those construction works. The local authority indicates that the burden of cost will have to be decided between, and thus perhaps divided between, the local authority, the parish council and the school.
- c. **Dogs.** And third, that it is highly undesirable that the law will allow dogs to be walked by the general public on the approach paths to the school along the alleyway from Top Green and along any path that may be constructed to the north side of the school building connecting to the Oakfrith path off Crookwood Lane. Although it could be possible for the local authority to impose separate dog restraining orders that would, first, make it an offence for dog mess to be left on those paths and, second, to require dogs to be on a short leash, both measures would be subject to objection procedures and are thus not certain. In addition those measures would need to be policed and enforced to be of use. Furthermore, there would be no guarantee that dog mess would not be left on those paths and introduced on children's footwear into the school, with the associated health issues thus implied. West Ashton Primary School is one local example where a public right of way causes such problems and there are recorded problems with dog mess being an issue on and around Urchfont School and playing field in the late 1980s until the matter was eventually resolved. It is also worth noting that, because the claimed purpose of the proposed right of way is for pedestrians to gain access to the playing field, and because dogs are considered in law to be a natural accompaniment to a walker, it is possible that dogs would thus have to be permitted onto the children's public play area of the playing field. In any event the route to the

play equipment would have to be circuitous via the Oakfrith path to keep dogs off the school playing field area. The school playing field area might, therefore, have to be fenced off from the remainder of the playing field. This undesirable, unintended consequence of the proposed action will be investigated further.

6. Therefore, if given the option, the Board of Governors would prefer that the public right of way did not exist on school land and that the application had not been processed in the first place. We hope that councillors can appreciate that the Board is not being gratuitously unhelpful and uncooperative, but is exercising its serious duty under national regulations. The natural corollary within due process is for the Board to object to the provisional DMMO decision report during the 42 day objection period that concludes on 30 November.
7. The Board is formally objecting to the DMMO decision report on the following grounds:
 - a. The local authority decision report is flawed, unbalanced and unsafe.
 - b. Substantial and significant additional evidence exists that was not presented by the school in its initial submission, which could demonstrate that access through the school grounds was always entirely concessionary and not as of right and that the school has never had an intention to allow that route to be a public right of way.
8. Notwithstanding the above-mentioned, the school's Board of Governors is happy to contribute positively to the joint working party with the parish council under the chairmanship of Richard Broadhead, the local authority Rights of Way and Countryside Manager. The school is represented by the headteacher, a representative of the Diocesan Board of Education and me. The working party started work on 29 October and will meet again 26 November. The working party is examining options, in the event of the DMMO being confirmed following a public hearing, to assess the practicalities by which a public right of way could be created to allow public access and dogs from the school alleyway at Top Green to the playing field whilst eliminating any prejudicial impact on the village school.

Paul Bancroft
11 November 2015