

BURTON UPON STATHER PARISH COUNCIL

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18 January 2007

Dear Councillor

You are hereby summoned to attend a **Meeting of the full Council in the Parish Office, Norfolk Avenue, Burton upon Stather at 7.15pm on Thursday 25 January 2007.**

Please note the date and venue.

Members of the public and press are welcome to attend any meeting of the Parish Council. 15 minutes are set aside at the beginning of each Council meeting to allow public participation.

Yours sincerely

Mrs P. Denby - Clerk to the Council

AGENDA

Attendance Register

To receive apologies for absence

1. **Declaration of Interest – Model Code of Conduct Order 2001**
 To record declarations of interest by any member in respect of items on the agenda.
2. **To consider the procedure for claiming the following footpaths as a public right of way, with advice from Ms N. Boyd, Public Rights of Way Officer at North Lincolnshire Council:**
 - i) Villa Farm Footpath
 - ii) Chafer Lane (Brickponds) Path
3. **To consider a response to Planning Application 2006/1931**
 Planning permission to change the use of two ponds to commercial fishing ponds to station a container and provide car parking.
 Burton Fishing Ponds, Chafer Lane, Off Stather Road, Burton Stather.
4. **Planning Application 2007/0070** Approval of reserved matters following outline planning permission ref. 2004/2129 dated 02.02.05 for the erection of a detached dwelling at 23 Norfolk Avenue, Burton upon Stather (Drury).

Burton upon Stather Parish Council

**Special Meeting of the Parish Council held in the Parish Office,
Norfolk Avenue, Burton upon Stather on 25 January 2007**

PRESENT Councillor R.W.Harris in the Chair
Councillors G.E.Anderson, G.M,Aykroyd, Mrs J.A.Cooper,
Mrs P.J.Cooper, C.Curtis, M.Peace, S.G.Sowerby,
N.F.Thornes.
North Lincolnshire Cllr B.P.Regan
Ms Naomi Boyd – North Lines Definitive Map Officer
Mrs P.Denby – Parish Clerk

APOLOGIES for absence were accepted from Councillors P.F.Bell, Mrs A.Bradley, Mrs B.Clark-Vessey, G.A.Mackay, Mrs C.A.Middleton and Mrs M.A.Richardson.

210. Declaration of Interest – Model Code of Conduct Order 2001

Members were reminded to record any declaration of interest in respect of items on the agenda.

211. To consider the procedure for claiming the following footpaths as a public right of way, with advice from Ms N. Boyd, Definitive Map Officer at North Lincolnshire Council:

i) Villa Farm Footpath

Naomi Boyd explained that she had researched the Villa Farm footpath file and did not know why previous claims had never been resolved. A number of evidence of use files were on file, but some of these dated back over 20 twenty years and residents might have since died or moved away. Early maps did show the existence of a path, but this had never been added to the Definitive Map.

It was important that a number of residents, probably at least 6, who had filled in accurate evidence of use forms, were prepared to attend a court hearing if the landowner contested the claim. She therefore suggested the Council should start collecting forms again, possibly using the information already on file. Consistent accounts of using this footpath for a continuous 20 year period was required, prior to 1981, but omitting the wartime period 1939 - 1945.

She confirmed that the presence of the historic landing stage using during the Second World War would not affect the legal status of the claim, nor would ownership of the land.

It was agreed that a riverbank path from Burton Stather through to Alkborough would be welcome, if it could be achieved. It was noted that the footpath had been on the top of the riverbank and was disliked by the owner, as walkers could look into the rooms of the property below. The owners had therefore given permission for local residents to walk on the lower bank, but the obstacles barring the path had never been removed.

25.01.2007

Signed:

RESOLVED that the following action should be taken:

The Clerk should write to the present owners advising them that the Council was preparing to claim the footpath once again.

Naomi Boyd and her colleague, Colin Wilkinson, would do further research on old maps.

The Clerk should liaise with Naomi Boyd to collect the names of those residents who had previously completed Evidence of Use forms, research the Villa Farm footpath file, contact the Burton upon Stather Local History Association for help in tracing former path users and contact a previous Parish Council chairman.

An article should be included in the next Parish newsletter, asking residents who used to use the path on at least an annual basis to contact the Clerk.

ii) Chafer Lane (Brickponds) Path

Naomi Boyd confirmed that she had alerted the Planning Office to the fact that this path might be the subject of a footpath claim. She confirmed that the same criteria would apply, should the Parish Council wish to claim it as a public right of way. In this case, however, the path was used by traffic to access the fishing ponds, therefore a claim for a footpath would compromise current usage. She agreed to check on whether or not a claim for a bridleway would affect traffic.

The Chairman thanked Ms Boyd for attending the meeting.

212. To consider a response to Planning Application 2006/1931

**Planning permission to change the use of two ponds to commercial fishing ponds to station a container and provide car parking.
Burton Fishing Ponds, Chafer Lane, off Stather Road, Burton Stather.**

Councillor B.P.Regan advised the Council that the Environment Team had objected to the application because of the threat to existing wildlife, particularly species named under the Wildlife and Countryside Act 1981. The site was close to the River Trent, which is both a Ramsar site (indicating the protection of wetlands and waterfowl habitats) and an SSSI (Site of Special Scientific Interest and SAC (Special Area of Conservation). It was also designated as a SINC (Site of Importance for Nature Conservation) within the Local Plan and the applicant would need to address policies LC4 and LC5.

RESOLVED by a majority vote that the Parish Council should not object to the application, but that the following concerns should be raised:

1. The application suggests a major development, much bigger in scale than actually exists on the ground. The Council fears that construction traffic will be needed to develop access roads and car parking to the additional two ponds.

2. The Council fears that the development of the infra structure will pose a threat to existing wildlife habitats as designated in the Local Plan (SINC and adjacent to Ramsar, SSSI and SAC sites).
3. The Council is concerned about the lack of detail in the application, particularly the volume of traffic, which might arise from the proposals, and its impact on Stather Road. It is felt that times of use, including night-time fishing, if envisaged, should be specified.
4. The Council feels that the width of the road (7 metres), as shown on the plan, is excessive and would have an adverse impact on the environment.
5. The proposed container should be screened to blend in with the environment. The Council asks if the caravans already on site should also have planning permission.
6. If permission is granted, the public pedestrian path to the Trent Bank should be protected, as it has been in constant use for over 40 years.

213. Planning Application 2007/0070

Approval of reserved matters following outline planning permission ref. 2004/2129 dated 02.02.05 for the erection of a detached dwelling at 23 Norfolk Avenue, Burton upon Stather (Drury).

No comments or observations.

25.01.2007

Signed: