

Terrington Parish Council

Minutes of the Parish Council meeting on held on Monday 8 July 2024 at 7:00pm in Terrington Village Hall

At the outset members of the public were given the opportunity to raise any issues they wanted to draw to the Council's attention. Obstructions caused by overgrown vegetation at the North Ings Farm bridge, on grass verges at various locations and surface water at Willow Corner were mentioned.

1. Attendance

Present: Cllr Winning (Chairman), Cllr Barber, Cllr Barlow, Cllr Challoner Walker, Cllr Kendrick, Cllr Lewis, Kerr Wilson (Parish Clerk) and 9 members of the public.

Apologies: Keith Adkins (RFO)

2. Declarations of interest

Cllr Kendrick declared a personal interest in item 8 and withdrew from the meeting for this item.

3. To confirm the minutes of the

3.1 Meeting of Terrington Parish Council held on Monday 29 April 2024

The minutes of the Council meeting held on Monday 29 April 2024 were approved as a true and accurate record.

Proposed Cllr Winning

Seconded Cllr Barber

3.2 Extraordinary meeting of Terrington Parish Council held on 22 May 2024

The minutes of the Council meeting held on Monday 22 May 2024 were approved as a true and accurate record.

Proposed Cllr

Winning

Seconded Cllr Lewis

4. Finance

4.1 To receive a list of receipts since the PC meeting on 29-04-2024.

£4133.91 Parish Precept from NYC for year from 1 April 2024

£40.00 contribution to web hosting for 4 years from Terrington Arts

£331.31 VAT repayment for 1 March to 31 May 2024 (£213.54 from financial year 2023-24, £117.77 from financial year 2024-25)

Burial Fee receipts

£60.00 for additional inscription on memorial

£175.00 for ashes plot memorial stone

£705.00 for exclusive right of burial and first coffin burial

£300.00 for additional burial in ashes plot

Swifts & Friends Project receipts

529.50 grant from Howardian Hills NL for 2023-24

Underwriting from Project Manager, Jane Hanstock: £150.00 and £249.08

The Council noted the receipts listed at 4.1

4.2 To receive a list of payments against approved expenditure made since the PC meeting on 29-04-2024 -

£100.00 Donation to Terrington PCC in lieu of payment for audit (authorisation: 11-03-24 Minute 4.11.8)

£214.00 Insurance Premium for Annual Policy with Zurich (authorisation: 29-04-24 Minute 6.4)

£21.60 to Terrington Village Hall for hire of the Wimbush Room for the PC meetings in March & April (authorisation: 11-03-24 Minute 4.11.5)

Clerk's salary and income tax payment to HMRC (authorisation: 11-03-24 Minute 4.11.1)

Neighbourhood Plan payments

£21.60 to Terrington Village Hall for hire of the Main Hall on 17-2-24 for NP information session (authorisation: 11-03-24 Minute 4.7)

£21.60 to Terrington Village Hall for hire of the Main Hall on 23-3-24 for NP information session (authorisation: 11-03-24 Minute 4.7)

£395.35 Repayment of unused NP grant money to Groundwork UK (authorisation: condition of grant)

£48.00 + VAT to Parish Online for annual subscription (authorisation form 24/25-01)

£45.36 for Neighbourhood Plan printing for display (authorisation form 24/25-02)

Swifts & Friends Project payments

Payments to Marcus Hollis for putting up swift boxes £562.50, £330.00 and £250.00 (authorisation: 22-01-24 Minute 6.6)

The Council noted the payments listed at 4.2.

4.3 To receive a statement of receipts and payments to date under each budget head in Financial Year 2024-25.

The Council noted and received a statement of receipts and payments to date for the financial year 2024-25.

4.4 i) To approve/authorise payment of £39 to Cllr Winning for wood used by Dave Johnson to repair the Stores Lane railings (total cost £69 less donations of £30).

ii) To approve/authorise payment to Cllr Winning of £5.37 for stickers to label the existing bin on the Plump and the replacement bin next to the Notice Board as General Waste.

The Council authorised payments of £39 and £5.37 to Cllr Winning for wood and labels.

Proposed Cllr Lewis

Seconded Cllr Barber

5. Waste bins. To confirm that the bin on the Plump is for General Waste (not a dog bin).

Councillors confirmed that the bin on the Plump is for general waste only.

6. Cemetery. Report from the Burial Authority Officer to the Parish Council about an interment in the cemetery outside existing Regulations.

Cllr Winning explained that he had received a request to allow the ashes of a deceased member of the family, who had not been a resident in the village, to be interred in his parent's grave. He concluded, after consultation with the Deputy Burial Authority Officer and Councillors, that in this case the family connections amounted to exceptional circumstances and it would be morally right to allow the interment.

7. Terrington Parish Neighbourhood Plan

7.1 – To receive an update on the work of the Neighbourhood Plan Group.

Cllr Kendrick reported that the NPG was making good progress in developing the Plan and expected the relevant documentation would be available for approval by the Council for its meeting on 9th September. It is hoped that this will allow the 6 weeks Consultation period to start on 16th September with events held during this period on the evening of 30th September and at the Coffee Morning on 19th October 2024.

7.2 Motion: To approve the Terrington Neighbourhood Plan Group applying for a grant from the Department for levelling up, Housing and Communities (DLUHC) to support the development of the Terrington Neighbourhood Plan, specifically for
i) submitting an expression of interest for grant funding (EOL) and
ii) to apply for a Grant.

The grant to be paid to Terrington Parish Council and ring-fenced for supporting the agreed activities of the Group.

Proposed Cllr Kendrick

Seconded Cllr Winning

Resolution - *The motion was carried unanimously and the Council resolved to approve the neighbourhood planning group applying for DLUHC grants.*

8. Informal Consultation – The Pheasantry, Terrington, Application RYE/2020/21/PROP

(Cllr Kendrick withdrew for this item)

The Parish Council, as a statutory consultee, is asked to consider its response to the informal consultation on the proposals to 1) part divert and 2) part extinguish Public Footpath 25.94/11. The Parish Council is asked specifically if it has any objections to, or comments on, these proposals.

The Council considered the above application noting that the proposal is made in the interests of the landowner to improve privacy and security at The Pheasantry. The Parish Council had the benefit of the following information provided in advance –

From North Yorkshire Council (NYC) -

- Informal consultation pack
- Notes for applicants on public path Diversion and Extinguishment Orders

From parishioners and public -

- 12 emails responding to the invitation to comment on the application

From Mr Watson (applicant) -

- Document entitled – Footpath issues for Parish Council
- Copy of ‘Government guidance on diversion or extinguishment of public rights of way that pass through private dwellings, their curtilages and gardens...’
- Petition signed by parishioners and the public supporting the application

Diversion and Extinguishment Orders are made under the Highways Act 1980.

Diversion Orders must satisfy the relevant legal tests under **Section 119** of the Highways Act 1980. Before making, and subsequently confirming, a diversion order the Authority must be satisfied that:

- it is expedient to divert the path in the interests either of the public or the owner of the land crossed by the path.
- the proposed diversion does not alter any point of termination of the path, other than to another point on the same path, or to another highway connected with it, and which is substantially as convenient to the public.
- it is expedient to divert the path in the interests of the person(s) stated in the order.
- the route will not be substantially less convenient to the public as a consequence of the diversion
- it is expedient to confirm the Diversion Order having regard to the effect it will have on public enjoyment of the path as a whole, on other land served by the existing path and on land affected by any new path.

Having been provided with the information and documents listed above, including confirmation from the owners of the neighbouring field that they had no objection to the proposed diversion, the Council considered whether the relevant legal tests were met/not met and voted on motion 8.1.

8.1 Motion: The Council was asked if it agrees that the legal tests for the proposed Diversion set out above are met.

Proposed Cllr Lewis

Seconded Cllr Winning

Resolution: The Council was unanimous in agreeing that the legal tests were met and resolved that there was no objection to the proposed diversion application.

Extinguishment Orders must satisfy the relevant legal tests under **Section 118** of the Highways Act 1980. Before making and subsequently confirming an extinguishment order it must appear to the Authority that it is expedient:

- to extinguish the path on the ground that it is not needed for public use.
- to have regard to the extent to which the path is likely to be used and the effect which closure would have on land served by it.
- to disregard any temporary circumstances (such as obstructions) preventing or diminishing the use of the path by the public.

Having been provided with the information listed previously, and drawing on Councillors’ knowledge from the village on the usage of the path, the Council considered whether the above legal tests were met/not met and voted on motion 8.2.

8.2 Motion: The Council was asked if it agrees that the legal tests for the proposed Extinguishment set out above are not met.

Proposed Cllr Winning

Seconded Cllr Barlow

Resolution: The Council was unanimous in agreeing that the legal tests were not met and resolved that it was opposed to the extinguishment of the section from A – B on Public Footpath No. 25.94/11.

8.3 Further comments on The Pheasantry, Diversion and Extinguishment Application.

Cllr Challoner Walker asked if it might be possible to identify a suitable diversion route.

The Parish Council had been provided with a copy of the 'Government guidance on diversion or extinguishment of public rights of way..... (August 2023)'.

In the Council's opinion, the Pheasantry application does not meet the legal tests for extinguishment. However, if North Yorkshire Council conclude that they are met, the Defra Guiding Principles (paragraph 11) state that 'in such circumstances it is in the public interest that any change to remove or reduce the impacts on the property owner or occupier of the existing public right of way should, wherever possible involve diversion or replacement of the way rather than extinguishment alone'. These options include diversion of the right of way onto land already owned/occupied by the owner/occupier.

The Parish Council is aware that, for some considerable time, the public have been directed to use an unofficial path around the perimeter of the garden. If the Diversion application is approved, and the owner fences off the path from B – D, the Council suggests that the owner might wish to apply to officially divert part of the path from A - B around the perimeter of the garden and use fencing and/or hedging along this diversion in order to clearly identify the path and provide privacy.

Conclusion. The Parish Council may be open to supporting a suitable diversion within the boundary of The Pheasantry curtilage along the lines suggested.

Submission to North Yorkshire Council. In response to the request from North Yorkshire Council to comment on the Pheasantry application, the Parish Council will inform North Yorkshire Council that it does not oppose the Diversion application, but does oppose the Extinguishment application.

9. Matters for inclusion on next agenda – Neighbourhood Plan

10. Date of next meeting 9 September 2024

The meeting closed at 19.45 hrs