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**UPTON BISHOP PARISH COUNCIL**  
**Minutes of an Ordinary Parish Council Meeting held on**  
**Tuesday 2<sup>nd</sup> August at 19.00 in Upton Bishop Village Hall**

**Present**

Councillors: Mark Rusby (in the Chair), Mike Tyers, Paul Newman, Michael Wallace, Guy Cooper, Andrew Parr and Claire Newman.

**In attendance**

Clerk Helen Tinson – on behalf of HALC (Herefordshire Association of Local Councils); Ward Cllr Barry Durkin; 11 members of the public.

**1. Consideration to access HALC Clerk Cover for the meeting:**

It was unanimously RESOLVED to access HALC's CiLCA qualified Clerk/RFO Cover for the meeting.

**2. Apologies for absence:** Apologies were received and accepted from Cllr Mark Shuttlewood.

**3. Declarations of interest & written dispensation requests:** Cllr Michael Wallace declared a non-pecuniary interest in agenda item 7.3.1.

**4. Minutes of Extra Ordinary Meeting 9<sup>th</sup> July 2022:**

Members considered the minutes. It was unanimously RESOLVED to approve the minutes of the Extra Ordinary Meeting on the 9<sup>th</sup> July 2022 as a true and proper record of the meeting. The minutes were signed by the Chair.

**5. Public Participation:**

- 5.1 Ward Councillor Report** – Ward Cllr Barry Durkin gave his report, which is available in full on the Parish Council website: <https://uptonbishop.gov.uk/agendas>. The Clerk will establish the current position in respect of UBPC's registration with the Lengthsman scheme. Ward Cllr Durkin will be arranging a meeting with the Safer Neighbourhood Team in the Autumn to consider how to improve communication and to address concerns over speeding. Some difficulties were reported in respect of the PROW team and the TRO and Traffic Management teams following their move back under the control of HC. Ward Cllr Durkin asked that any new issues are reported to him in the first instance.

**5.2 Public Session –**

- 5.2.1** A member of the public asked who is checking the PC emails as she had not received a response from an email sent two months ago. The Chairman confirmed he is checking the emails daily but that this might have been during the cross over period. The resident will resend the email for the Chairman's attention.
- 5.2.2** A member of the public expressed concerns over speeding on Crow Hill from the Moody Cow to the traffic lights. Ward Cllr Durkin said he would raise the matter

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with the Safer Neighbourhood Team at their Autumn meeting, and with the Traffic Management Team at HC. The Chairman expressed the intention to create a Highways and Byways Working Group in the near future.

- 5.2.3** A councillor raised a proposal on behalf of a member of the public (not in attendance) to create a Village WhatsApp group as a way of passing along general village information. Council was supportive of the proposal but wished to make clear that the group would be run by volunteers and would not be under the responsibility of the Parish Council.

Ward Cllr Durkin left the meeting.

## **6. Neighbourhood Development Plan (NDP):**

The Chair provided an update on the current status of the NDP reporting that Regulation 16 representations have been made by National Highways in respect of traffic assessment and Herefordshire Council Transportation in respect of highway and transport matters. The NDP Consultant was asked to draft replies for the Council to consider and these have been circulated between councillors. The Chairman invited Councillors to comment; comments were received by Cllrs Michael Wallace (please refer to Appendix A) and Cllr Paul Newman.

After recognising the enormous amount of work that has gone into the NDP and confirming that he is keen to see the NDP reach its final stages, Cllr Wallace nevertheless wished to raise concerns that matters around traffic and highways have not been included in the NDP following assurances that these matters are outside the scope of an NDP. Cllr Wallace proposed that the following sentence is added to the draft response prepared by the consultant:

“Traffic calming is an important issue to the local community. The Qualifying Body, however, are operating under the understanding that such matters are beyond the scope of an NDP, and accordingly, detailed comments on this matter are excluded. The Qualifying Body expects that this matter will be considered in detail during the planning application process”.

In response, Cllr Paul Newman responded detailing the progress of the plan to date and confirming the points raised by Cllr Wallace are all outside of the scope of an NDP.

There being no other comments, the Chairman asked members to vote on a motion to endorse the draft responses prepared by Upton Bishop NDP consultant and that they be forwarded to Herefordshire Council as the official Parish Council response in respect to the Regulation 16 responses from National Highways and Herefordshire Council Transportation.

It was RESOLVED to support the motion (6 in favour, 1 against).

## **7. Finance:**

- 7.1 2021-2022 AGAR and Accounts ...** The Chairman gave an update on the current position and reported that HALC are completing the year end accounts and will then

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arrange for them to be internally audited. It is hoped that they will be ready to officially endorse and submit to the auditor at the September meeting.

- 7.2 Bank mandate changes ...** The Chairman gave an update on the current position reporting some progress but delays within Lloyds Bank mean the process is still ongoing. The Chairman reported that the Ross branch of Lloyds Bank appears to be closed. The Chairman and the Chief Executive of HALC plan to arrange a meeting with Lloyds Bank in Hereford to progress the matter and express their concerns that Parish Council funds are still under the control of non-council members.

- 7.3 Payments ...** It was RESOLVED to approve the following invoices for payment:

- 7.3.1 Millenium Hall Hire - £108.00 – Cllr Wallace refrained from voting in accordance with his declaration of interest
- 7.3.2 Solicitors Fees - £1500.00

## **8. Footpaths:**

Cllr Andrew Parr, Footpaths Officer, reported that the fingerpost has been installed at Upton Court and a new stile has been delivered to the landowner at Felhampton Farm to be installed in due course.

## **9. Website:**

Cllr Claire Newman reported the following items of interest on the website:

- 9.1** A successful summer fun day – the next one is on 10<sup>th</sup> August;

- 9.2 Buses 4 Us campaign;
- 9.3 Two new sessions of short mat bowls; and
- 9.4 A visit to Safelane Global in Phocle Green by HRH Princess Anne.

It was agreed that Cllr Newman would write a short report to provide an update to each meeting.

**10. Agenda Items for the next meeting:**

- 10.1 HALC cover
- 10.2 2021-2022 Accounts and AGAR
- 10.3 Banking update
- 10.4 Footpaths update
- 10.5 Lengthsman and P3 Scheme
- 10.6 Website update
- 10.7 Planning updates and consideration of current applications for determination by HC
- 10.8 NDP update if appropriate



**11. Chairman’s Report:**

Cllr Rusby concluded the meeting by reporting the four main aims of the council’s rebuild plan - to recruit new councillors (complete), sort out the finances (hopefully complete by the end of September), deal with legal issues and return to business as normal.

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He thanked all those involved with the successful Summer Fun Days and reported that the Recycling and Sustainability Café will be at Linton Village Hall on 13<sup>th</sup> August with a talk by Lara Michael on the Buses4us campaign.

**12. Date of next meeting:** Tuesday 6<sup>th</sup> September 2022.

SIGNED  DATE 

**Appendix A: Minute Reference 6 – NDP: Communication from Cllr Wallace**

I’d like to thank the Chair for providing me the opportunity to bring this matter before the Council. I do recognise that an enormous amount of excellent work has gone into the NDP,

and that we - including myself - are keen to see the NDP reach its final stages. Though I do not want to rock-the-boat, I have a serious concern, one that is not a simple technical or procedural issue, and that is why I asked to raise it here.

Myself and my fellow councillors received a document detailing comment from National Highways (formerly Highways England) and the Transportation department of Herefordshire Council. This document also contained proposed responses prepared by our external consultant. The comments from Herefordshire Council are of most concern, and they include:

*“No policy on highway matters”,*

*“Footway and cycleway connections should have appropriate crossing points and be away from carriageway”,*

*“Traffic management and calming should be provided on all routes into the village”,* and

*“The objective for infrastructure and roads should support provision for active travel”.*

The assurances we have had from our consultant, are that these matters are beyond the scope of an NDP. What concerns me is that Herefordshire Council - the very body to which we are submitting our NDP - clearly feel otherwise. They think that things like traffic calming and active transport should be covered by the NDP. I respect the consultants' expertise on this, but I have received no satisfactory explanation as to why there is such a gap between what our consultant believes should be in an NDP and what Herefordshire Council were expecting.

The reason this matters is because if we don't say now what improvements we want in our village, then we risk undermining our ability to ask for them in the future. Once an NDP is approved, any development in compliance with it is *presumed* to receive planning consent. In a planning consultation,

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we as a parish would - I am sure - want a developer to contribute to transport improvements. But given that these improvements are omitted from our NDP, it may be taken to imply that traffic and transport are not important issues for the community. I certainly do not believe that is the case. Regardless, a planning board may justifiably take the view that to impose any condition on a developer to fund improvements would be disproportionate, given that such matters were not given due attention in the NDP - the community-led document that sets out what we want from a development.

I am not suggesting we go back to the drawing board to come up with detailed plans - plans that our own consultant says we don't need. I believe there is a far simpler solution.

The main thrust of our consultant's advice is that these matters are beyond the scope of the NDP. We should, therefore, say that in our response - emphatically and concisely. And so, my recommendation would be to use wording such as this:

*"Traffic calming is an important issue to the local community. The Qualifying Body, however, are operating under the understanding that such matters are beyond the scope of an NDP, and accordingly, detailed comments on this matter are excluded. The Qualifying Body expects that this matter will be considered in detail during the planning application process".*

This clearly demonstrates that we care about the issue, that its omission from the NDP does not indicate it is of low importance for the community, and that we expect to get a fair and full hearing through the planning process.