

**BONSALL PARISH COUNCIL**  
**MINUTES OF BONSALL PARISH COUNCIL MEETING OF 20 JUNE 2006 AT BONSALL**  
**VILLAGE HALL.**

**13/2006/JUNE- PRESENT**

Cllr Cartwright (chair)	Cllr Cruttenden	Cllr Falconer
Cllr Headon	County Cllr Ratcliffe	Mrs Smith (clerk)
Cllr Engelbregsten	Mr Robertson	Mr P Jackson

**14/2006/ JUNE- APOLOGIES.**

Cllr Hind  
Dist Cllr March  
Cllr Rowlands

**15/2006/ JUNE- APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING.**

A copy of the minutes of the meeting of 16 May 2006 was signed as a true record of the meeting, and ratified by the Chairman.

**16/2006/ JUNE- DECLARATIONS OF INTEREST.**

No interests where declared.

**17/2006/JUNE- FINANCE.**

**a. Current Financial Statement** See separate sheet.

**b. Approval and authorisation of work**

<b>Churchyard</b>	30hrs @ £5.15	154.50
	oil & petrol	21.70
<b>Lenghtsman</b>	30 hrs @ £5.15	154.50
	strimmer wire	5.30
<b>Handyman</b>	No bill this month	

**c. Authorisation and payment of cheques**

Mrs C Smith		139.50
Mr M Biggin		176.20
Mr G Bunting		159.80
Mr L Johnson		00.00
Mr D Robertson		35.00
G. Webster	Fountain	980.00
	Restoration	
Cllr Cruttenden	Planters	179.72

**d. Allotments Expenditure** 00.00

**Total Expenses for this month** **£1635.22**

Insurance is to be revisited around the cover for the purchase of the new laptop.

Training for the new RFO has been investigated and DALC will be running some later in the year.

The Chair welcomed Mr Robertson as the RFO. The transition of roles is taking place with Cllr Hind and Mr Robertson.

The bank mandate for cheque signatories is to be updated.

Jobs for the Handyman this month:

Same as last month.

### **18/2006/ JUNE- REPORTS BACK FROM REPRESENTATIVES.**

#### **County Councillor Ratcliffe representative for Derbyshire County Council**

The speeding issues on the Via Gellia road are being monitored closely.

Bonsall School and Anthony Gell School are to be given extra money to improve facilities.

The new Children's Services are to provide a mobile unit for this area for the 0-5 year olds.

This unit will be based at Castle View Primary School in Matlock. Cllr Ratcliffe is monitoring this new incentive. There is huge investment in improving integrated services taking place, between Learning Disabilities, the Health Service and Social Care Services, especially in the 14-19 year old age group.

The M1 motorway between junctions 25-30 is to become four lanes. This work is due to commence soon.

The Matlock Green, Starkholmes to Cromford Road is to be closed within the next week due to road repairs taking place.

Investment; in Community Safety projects in conjunction with Derbyshire Constabulary are taking place to help reduce crime.

The County Council are involved in the Rural Development of England Programme. Much of this work is being done through regeneration of the mining areas of the North East of Derbyshire.

#### **District Councillor March representative for Derbyshire Dales District Council**

No report this month.

#### **P.C. Wright representative for Derbyshire Constabulary**

Crime reports in the Bonsall area are relatively quiet at present.

A van was stolen from Clatterway recently and found in Nottingham.

Sneak burglaries have risen throughout Derbyshire during the recent warm weather, as people tend to leave windows open when normally they would not.

Police advice is to be mindful of crime, and be aware to check all windows are closed.

#### **Cllr Cruttenden reported.**

Information from the Quarry Liaison was that Ball Eye Quarry has resumed work and there have been several complaints about the noise from the stonebreaker, which is working from 7.30am until 6pm.

The stinging nettles are to be cleared by Mr Bunting, after complaints had been made.

#### **Cllr Falconer reported.**

All information has been gathered by the Pro Help group and is being passed to the architects and the work will commence as soon as possible.

### **19/2006/JUNE/FOUNTAIN**

The work on the Fountain has been completed and the PC is very pleased with the work. The flower planters; have been erected by Cllr Cruttenden and Mr Johnson. Payment was agreed and a cheque £980 will be sent to G. Webster.

PC Wright left the meeting at 8.00pm.

## 20/2006/JUNE/FOOTPATHS

### (Peter Jackson, Legal Representative on the Rights of Way for Derbyshire County Council.)

The Chair welcomed and thanked Peter for attending the meeting.

Peter explained to the meeting that he could only comment on the legal side of the Rights of Way, not the maintenance of, as this was Phil Berry's field; Phil was unable to attend.

Peter gave definitions of the various categories of rights of way.

Rights of way are minor public highways that exist for the benefit of the community at large, in much the same way as the public road network does. They are the most widely recognised facility that gives the public the opportunity to enjoy the English countryside.

**Footpaths** – the right of way is on foot only.

**Bridleways** – for pedestrians, horse riders and bicyclists (who must give way to people on foot or on horseback); and

**Byways open to all traffic (BOATs)** - carriageways over which the right of way is on foot, on horseback and for vehicular traffic, but which are used mainly for the purposes for which footpaths and bridleways are used (i.e. by walkers and horse riders).

**Roads Used as Public Paths (RUPPs)**. Currently, under section 54 of the Wildlife and Countryside Act 1981, surveying authorities must review all RUPPs that appear on their definitive maps and reclassify them, as BOAT, bridleway or footpath, according to the rights that are found to exist. However, the Countryside and Rights of Way Act 2000 will remove the need to reclassify RUPPs individually, by re-designating them, en-masse, to a new category of right of way – *restricted byway*. Restricted byways will carry rights for all types of traffic except motorised vehicles.

Surveying authorities (usually county councils or unitary authorities) are required to produce a definitive map and statement showing the rights of way that exist in their area. They have a duty to keep these maps up to date and to investigate any evidence that suggests a way has been left off the map in error, has been recorded incorrectly, or was included in the map in error.

Anyone may make an application to their surveying authority to modify the definitive map or statement. Once an authority has received an application they have a duty to consider whether to make an order to modify the map or statement.

If they fail to make this decision within twelve months, the applicant may request the Secretary of State to direct the authority to make the order within a prescribed time. If the authority decides there is insufficient evidence to justify an order to modify the map, the applicant may appeal to the Secretary of State. In both these processes the relevant Government Office for the Region carries out the Secretary of State's role.

Where an authority decides to make an order, it enters into a process of public consultation. This involves notifying landowners and prescribed organisations (such as the Ramblers' Association, British Horse Society, Byways and Bridleways Trust and the British Driving Society) as well as placing a notice on the route and in a local newspaper. Once the consultation period is over the authority may confirm the order themselves or, if there have been representations or objections, they must submit the order to the Secretary of State.

In the case where representations or objections are received, it is the Planning Inspectorate that carries out the Secretary of State's role and a public inquiry will normally be held so that an inspector may consider the arguments for and against the order. The inspector then has the choice of confirming the order as made by the local authority, confirming the order with modifications, or not confirming the order. If modifications are made that change the overall effect of the order then a new round of public consultation is required, which may lead to a further public inquiry.

Under new provisions introduced by the Countryside and Rights of Way Act 2000, there will be a cut-off date, 1 January 2026, for recording certain rights of way created before 1 January 1949 and providing for the extinguishments of those pre-1949 rights not claimed by the deadline.

Most public rights of way are maintainable at the public's expense. This means highway authorities have maintenance responsibility and must pay for maintenance work from their existing budget. In cases where responsibility for maintenance lies elsewhere, highway authorities still have a duty to ensure the necessary maintenance work is undertaken.

It is an offence to wilfully obstruct free passage along a highway without lawful authority or excuse. Anyone can take out a prosecution against those who obstruct a highway. In addition, highway authorities may secure the removal of obstructions by serving notice on the person responsible for the obstruction. If that person fails to comply with the notice the highway authority is entitled to arrange for the removal of the obstruction at that person's expense.

New powers, to be introduced under the Countryside and Rights of Way Act 2000, enable any person to serve notice on a highway authority requesting it to secure the removal of an obstruction. Such a notice may lead to an order requiring the removal of the obstruction being imposed by a magistrates' court. In addition, the 2000 Act already provides for a magistrates' court to order the removal of an obstruction following a conviction for wilful obstruction. Failure to comply with such an order can lead to further fines, which may be imposed for each day the offence continues.

The PC has a small allowance, which has remained the same for the last seven years from DCC to help maintain the rights of way around the village. Due to the number of rights of way around the area, the cost to maintain these areas far out ways the allowance.

Several members of the public offered to help clear some of the rights of ways, free of charge to help alleviate the lack of maintenance problems. The PC will give this offer some consideration and will respond in due course.

- Pounder Lane is a restricted byway.
- Dobb Lane is a restricted byway.
- Moor Lane is to continue as a highway.

Derbyshire County Council have been bombarded with applications with regard to these issues and it is anticipated that it could take up to two years before many case are looked at. There are currently over two hundred cases ongoing cases.

Dobb Lane and Pounder Lane are considered a priority.

All vehicles must be taxed, have an MOT and be insured. Cases of illegal driving on rights of way are a police matter. Traffic Regulation Orders can be used to police the rights of way. The National Speed Limit is 30 mph and this should not be exceeded.

Most of the "bikers" that come into the village are considerate and follow the Trail Riders Code of Conduct, but unfortunately no everyone is so obliging.

Inappropriate use of the rights of way put people of using the rights of way

Many residents were concerned about the environmental impact of the extra people using the rights of way. Walkers, bikers and horse riders all cause damage and erosion on the area. As part of the Limestone Way runs through the village, effects to preserve it for the future needs to be enforced.

There has been increased traffic from quad bikes coming into the village in the last two years.

Issue were raised about young people from the village riding through the village on motorbikes with no helmets on, and no tax or insurance, causing a danger and nuisance to residents.

Residents felt that it would be useful if signage were used to clarify where rights of way are, and what access is allowed.

Peter; would welcome anyone with any knowledge, and history of the routes around Bonsall to contact him, this would be very useful.

The Chair thanked Peter and invited him to attend in the future to discuss this matter further.

#### **20/2006/JUNE-CORRESPONDENCE**

See separate sheet.

A letter of resignation has been received from Cllr Mike Lynch; who has done sterling work for the PC over the last 3 years. The PC thanked him for his work.

The Clerk will set in motion the necessary procedures for the advertising of a casual vacancy and contact the District Council.

The recent proposals for the merger of the five East Midlands Police Forces; has been put on hold for the time being.

Patrick McLoughlin MP is holding a surgery at the Village Hall on Saturday 22 July.

Wendy Bullar has made some enquiries about the Sustainable Energy project and she has passed the names of the Tideswell PC and Agenda 21 representative on, and they will be invited to the next PC meeting to talk about the successful project in Tideswell.

#### **21/2006/ JUNE- MONTHLY REPORT FOR MUTTERINGS.**

Items for this month's edition:

History Book

Casual Vacancy on the PC

Patrick McLoughlin MP surgery

Sustainable Energy meeting

Noise from Ball Eye Quarry

#### **22/2006/JUNE- PLANNING.**

*Planning Applications received from Peak Park Planning & Derbyshire Dales District Council, for consideration by the Parish Council.*

Application No: 06/00476/FUL

Installation of solar panel – GT & W Henderson, 17 High Street, Bonsall.

No objections.

*Planning application decisions by Peak Park Planning & Derbyshire Dales District Council.*

Non received this month.

#### **23/2006/ JUNE- AGENDA ITEMS FOR THE NEXT MEETING.**

Casual Vacancy on the PC

Sustainable Energy meeting

#### **NEXT MEETING – 18 July 2006**

Meeting closed at 9.45pm.

CHAIRMANS SIGNATURE:.....

DATE:.....