

OFFWELL PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL EXTRAORDINARY MEETING ON WEDNESDAY 5TH APRIL 2023 AT 7.30PM IN THE VILLAGE HALL

Present: Cllrs. J. Tristram, P. Hopkins, A. Welch-Thornton, M. Norfolk & J. Evans

In Attendance: A Jenkins (Clerk)

Members of Public: 32

Cllr. Tristram (the Vice Chair), chaired the meeting

He welcomed everyone to the Council meeting and outlined / reminded everyone of the Covid-19 measures which had been adopted for Council meetings.

OPEN SESSION No 1. (relating to Items 3a,3b,3c &3d only)

No matters raised

COUNCIL BUSINESS

- 1. To receive apologies for absence and to approve reasons given (LGA 1972 S.85 (1))**

Cllrs. C. Whithear & T. Pepper had tendered their apologies.

- 2. To receive any declarations of interest relating to items outlined in this agenda (this does not preclude the duty to declare further interests as applicable)**

None

1. Planning Applications –

- a) **23/0581/FUL – 6 Woodlands Close, Offwell EX14 9SZ**

Installation of PVCU conservatory to rear of property |

Cllr. Evans proposed that the Council support this application, seconded by Cllr. Welch-Thornton, all in favour.

- b) **23/0594/FUL – Firs Farm, Northgate Lane, Offwell Ex14 9UZ**

Covering of silage clamp/ manure storage area.

Cllr. Welch-Thornton proposed that the Council support this application, seconded by Cllr. Norfolk, all in favour.

c) 21/1798/FUL - Land On The East Side Of Tower Road Offwell Honiton

Change of use of an existing agricultural building and associated works for use as a Livestock Collection Centre.

The Clerk reported that he had spoken to the Planning Officer but they had not yet received the Planning Enforcement Officer's report in respect of the planning conditions breaches.

d) 23/0688/FUL | Sunnyside, Wilmington EX14 9SF

Proposed single storey rear extension to detached house.

Cllr. Norfolk proposed that the Council support this application, seconded by Cllr. Evans, all in favour.

4. Issue of persons being stopped by the new owners of a large section of Offwell Woods from using the six tracks and paths that go through that section of the Woods.

a) Report by Clerk

The Clerk firstly explained that ownership of Offwell Woods was now split into three areas, each under different ownership and displayed a Map showing the 3 areas.

He showed the area on the map that is the section of Woods where the above issue has arisen. It had recently been purchased by Your Advantage Consultants (Andy & Tina Bricknell).

They had made a landowner statement to Devon County Council (DCC) on the 7th December 2022 that there were no public rights of way in that section of the woods and that they had no intention of dedicating or encouraging any more public rights of ways or highways of any type.

The Clerk went on to explain that the two previous owners of that section of the woods had also made similar landowner statements in 1997 and in 2011 and had also erected signs that it was a private area with no public access.

He had spoken to the DCC Public Rights of Way officer who had advised that if the Villagers wished to dispute these landowners' statements they would have to provide substantial written evidence that the paths in that section had been regularly walked by them without being challenged by oral challenge or by signage that there was no public access. This written evidence would have to be for a full 20 year period prior to 1997. (i.e from 1977 to 1997), if the villagers were to proceed to dispute the statements and submit the required written evidence

The Clerk said that even if the villagers were to pursue this course of action the matter would not be considered by DCC for some years. Even then if they did consider that there was sufficient evidence, they would not make a decision but refer it for a Public enquiry to be held at some future date.

He said that the new owners Andy & Tina Bricknell had approached him on Monday to say that they wished to reach an understanding with the villagers in the spirit of being neighbourly. He had met with them the day before to discuss the matter and listen to their proposals. He believed that their proposals are reasonable, fair and a generous way of resolving this contentious issue in an amiable and neighbourly manner. He recommended that the villagers listen to their proposals and give them serious consideration.

Cllr. Tristram then invited Andy Bricknell to speak.

Andy Bricknell spoke and explained why they had purchased that section of the woods

and their future plans for it. His family had an historical family connection to Offwell and he had been drawn to re-establishing that connection with the purchase of the woods. They had researched the history of that section of the woods and its ownership over the last thirty years. This showed that there were no footpaths or any other public rights of way in that section of the woods. The previous owners since 1985 had taken repeated and continual steps from the mid-1990s onwards to challenge any attempted public access in that section by oral challenge and also by signage. In addition, the previous owners had lodged landowner statement deposits in 1997 and 2011 with DCC that there were no footpaths or any other public rights of way and no intention to dedicate any public rights of way. He had as a prudent landowner renewed that landowner deposit with DCC in December after the purchase.

He said his wife and himself had only just become aware of the recent flyer which had been circulated around the village and that this had greatly upset them. Whilst there are no public rights of way/ footpaths in their section of the woods and they would strongly oppose any application to DCC for new public rights/footpaths, they are on a without prejudice basis and in the spirit of being neighbourly prepared to reach an amicable understanding with the villagers.

He said that if individual local residents wish to seek written permission to walk in that Section of the woods, they would be prepared to issue individual permission under a 5 year licence scheme with a plan showing the route, to be signed by each licensee. This would enable them to know who is using the woodland and be able to contact them should there be a need to close the wood or and tracks for woodland management or heath and safety issues.

In this way, people who are prepared to sign-up to the licence scheme will have the facility of walking the track in that section of the woods by permission and not as of right, and at their own risk. There will be no fee payable for the licence. The intention is that there will only be access for Offwell Parishioners under licence and not for the general public.

The existing signs "Private Land, no public Right of Way CCTV in Operation" will remain in place to deter the general public from walking through that section of the woods.

Users must keep to the route and tracks and not walk elsewhere in the Woods; must not bring bikes into the Woods; must keep their dogs under close control, clean up after their dogs and take all dog waste and litter home. Respect signage and follow any woodland management notices. Licensees would use the Paths at their own risk.

He felt that this would be a fair and reasonable solution to the issue, giving the Parishioners use of that section of the woods whilst protecting their own interests as the landowners too. The offer of a licence was in return for cooperation from the Parishioners that they would not lodge any claims of PRow (Public Rights of Way).

They are very excited for the future of their woodland and hope to spend as much time as they can there and look forward to meeting those parishioners who have applied for a licence.

b) Open Session No.2 (Public Forum) Questions & representations from parishioners relating to this matter.

A number of persons asked questions about how the licence scheme would operate but there was favourable response to Mr & Mrs Bricknells generous offer of the licence scheme.

c) Councillors consideration of the matter.

Councillors spoke in favour of the proposed Licence scheme and thanked Mr & Mrs Bricknell for their kind consideration and pragmatic solution which had defused the situation. They wished them well with their future plans for the woodland.

Mr Bricknell said that he would contact his solicitor in the coming days to draft the licence and then liaise with the Clerk on the operation of the scheme, how to notify parishioners about the scheme and how they may apply.

The meeting closed at 8.22pm

Signed *J. Tristram*

Date *19/04/2023*