

# **WARBOYS PARISH COUNCIL**

Minutes of a virtual meeting of **Warboys Parish Council** held remotely on 25th February 2021.

## **PRESENT**

Councillor Dr S C Withams, Chairman

Councillors Mrs J M Cole, R J Dykstra, D W England, Ms L A Gifford, S J Green, Mrs M H Harlock, J A Parker, R A Payne, P S Potts, Mrs S C Wilcox, G C M Willis and Mrs A R Wyatt

## **APOLOGIES**

Apologies for absence were received on behalf of Councillor Mrs C Evans and District Councillor G J Bull.

## **178/20 CHAIRMAN'S ANNOUNCEMENTS**

The Chairman reported the sad death of Councillor Mrs J E Tavener which had occurred earlier in the month. Members were informed that Mrs Tavener had been a Member of the Parish Council since May 2008 and had been elected to represent the Ward on Huntingdonshire District Council in May 2016. She had been actively engaged in a number of village organisations on behalf of both authorities.

The Chairman reported that she had sent a condolence card to the family on behalf of the Council and that she planned to attend the funeral on 2nd March if this was permissible, either in person or electronically if a link was available.

Members and the members of the public attending the meeting observed a minute's silence in memory of Councillor Mrs Tavener.

## **179/20 MEMBERS' INTERESTS**

Councillor England declared a disclosable pecuniary interest in Minute Nos. 180/20 and 182/20 as he farmed land adjoining the land that was the subject of discussion. He had been granted a dispensation by the Council in October for six months enabling him to speak but not vote on the matter.

## **180/20 PURCHASE OF LAND ADJOINING A141**

Further to Minute No. 156/20, a report was submitted by the Clerk, together with a risk assessment and method statement in respect of the possible purchase of land adjoining the A141. Copies of the report had been circulated to all Members and had been posted on the Council's website in view of the level of public interest in the matter.

The land extended to 2.485 or 6.14 acres of grassland to the east of the A141 opposite Wilthorne. The land was crossed by public footpath 6 which formed part of the Pathfinder Long Distance Walk and the Rothschild Way. The land was predominantly laid to permanent pasture, interspersed with tree plantations and a large pond. The owner had permitted members of the public to have access for many years without

objection but now had decided that he wished to dispose of the land. His intention was to sell the land by auction but had expressed a preference for this to be retained for public access.

The Clerk explained the statutory powers that permitted the Parish Council to acquire land for open space purposes and the report drew attention to the importance attached to open space provision in various policies adopted by the County and District Councils. Reference was made to the fact that almost all of the open space available in Warboys was maintained formally and situated in playgrounds or housing estates, with the only natural or semi-natural green space with public access being Pingle Cutting. As this was in private ownership, access could be withdrawn at any time.

To achieve the level of semi-natural green space specified in District Council policies would require an amount of 1.15 hectares given the recent growth in development in the village. Members were reminded of the impact of the pandemic restrictions during the past 12 months which had resulted in the public making much greater use of access to the countryside and the footpath network for their physical and mental well-being.

The report drew attention to the difficulty in obtaining additional open space in Warboys with land to the north and south of the village either being allocated for development in the Huntingdonshire Local Plan to 2036 or retained by landowners in the hope of allocation in future revisions of the Plan. While land to the west and east of the village was not allocated for development, access involved crossing the B1040 or A141 respectively.

The Clerk reported that a total of 118 messages had been received from members of the public with regard to the land. A summary of the views expressed had been circulated to Members. With one exception, all of the messages had urged the Council to acquire the land. A variety of reasons had been given, including retention of the land for public exercise and relaxation, creation of public open space, providing a contribution towards reducing carbon emissions and climate change, tree planting and wildlife enhancement.

The Clerk reported that meetings had been held with County Council Highway Officers concerning the safety of the crossing from Wilthorne via footpath 6 and a possible diversion of the footpath via the Fenton Road roundabout. However a series of obstacles had been raised by the officers both in terms of the route and the crossing at the roundabout. This option therefore had not been pursued.

As access from the village involved crossing the A141 where the national speed limit of 60 mph applied, the Clerk reported that Traffic Management & Safety Ltd t/a TMS Consultancy had been engaged to undertake a safety audit of the crossings at Wilthorne, via the Fenton Road roundabout and from Heath Road.

Due to the overall risk of collisions involving pedestrians, the consultants had assessed the risk of the crossing from Wilthorne as being Medium to High in the Risk Assessment Matrix. The consultants had advised that due to the inherent dangers associated with crossing high-speed A class roads, it would be difficult to reduce the risk to within the Low region. However various recommendations were itemised in the report to reduce the risk level, including improving the sight lines by cutting back the boundary hedging, advance warning signs for motorists, warning signs for pedestrians, hard surfacing of the verges at the crossing and the installation of steps and a handrail from Wilthorne.

With regard to the alternative crossings, the route involving the Fenton Road roundabout would involve a long detour and visibility to the south when crossing from

the village was obscured by a high hedge on private land. The consultants also had advised of the risks of crossing at a roundabout so that not all risks could be eliminated.

The consultants had drawn attention to additional problems with the crossing at Heath Road due to its proximity with the junction, the greater width of the carriageway, the fact that pedestrians might be tempted to stand on the cross-hatching in the centre of carriageway when there was oncoming traffic and the lack of a footway in Heath Road.

The brokers who acted for the Council had provided advice in terms of the insurance policy with Royal Sun and Alliance Insurance plc. Information in the report summarised the Council's public liability, employee and council member indemnity and officials liability cover. Provided that the Council did not alter the character of the land or the access points, had a risk assessment and inspection regime in place and addressed the issue of fast-moving traffic, it was the broker's opinion that the Council could not be held liable if a third party was injured when crossing the road to access the land.

Legal advice had been secured from Greenwoods GRM LLP which also had been summarised in the report. The advice explained the legislation relating to the Council's duty of care to individuals using the land and the levels of management failure that could be constituted as a gross breach of that duty of care and gross negligence leading to action through the courts. The Solicitors had drawn attention to the practical steps that could be taken to reduce the risk of adverse incidents and potential prosecution which included suitable insurance cover and acting on any mitigation measures recommended by the traffic consultants.

In terms of future maintenance, the Clerk reported that a number of offers had been made by members of the public to assist. Advice and assistance had offered by Green Willows Associates based in Warboys, free of charge, and by the Bedfordshire, Cambridgeshire and Northamptonshire Wildlife Trust. Members were informed that those members of the public who had expressed support for the purchase of the land wished to see it retained in a semi-natural state. It was pointed out that the introduction of any play equipment or similar should be avoided as this might encourage unaccompanied children to visit the land by crossing the A141.

The Clerk suggested that the question of future maintenance was a matter for consideration at a later date if the Council wished to proceed with the purchase the land. While the purchase price could not be discussed while the public were present, the Clerk listed a series of measures that he recommended should be undertaken by the Council to ensure compliance with the duty of care to users of the land. These, together with the professional advice required, were estimated to cost £18,295.

The Chairman then invited members of the public present at the meeting to express any views that they might have or to ask questions of Members and the Clerk. A number of individuals then addressed the Council expressing their support for the purchase of the land or querying various aspects of the report and advice submitted.

The Chairman thanked everyone for their views and explained that it would be necessary for them to be placed in the meeting waiting room while the Council discussed the confidential negotiations with the landowner. They were informed that they would be re-admitted to the meeting after a decision had been taken to be advised of the Council's decision.

## **181/20 EXCLUSION OF PUBLIC**

### **RESOLVED**

that the public be excluded from the meeting for consideration of the following item, on the grounds that it contained information relating to the potential sale price of land.

## **182/20 PURCHASE OF LAND ADJOINING A141**

Pursuant to Minute No. 180/20, the Clerk submitted a further report on the possible purchase of the land, summarising the costs involved and the funding available to the Council..

### **RESOLVED**

- (a) that the land be purchased under the powers contained in the Open Spaces Act 1906; and
- (b) that the measures contained in the risk assessment attached to the report submitted and summarised in the table in section 3.1 of the report be approved and undertaken at an estimated cost of £18,295 including professional fees.

(Having declared a disclosable pecuniary interest, Councillor England did not vote on the above matter.)

## **183/20 RE-ADMISSION OF THE PUBLIC**

Members of the public were then re-admitted to the meeting and advised of the Council's decision with the exception of the purchase price of the land.

There being no further business, the Chairman declared the meeting closed.

Chairman.