



STONEHOUSE
TOWN COUNCIL

Members of the Town Environment Committee

You are hereby summoned to attend a meeting of the Town Environment Committee to be held on Tuesday 11th April, 7pm at Stonehouse Library, High Street, Stonehouse, GL10 2NG.

Committee Members:

Councillors: Rachel Armstrong, Deborah Curtis, Marcus Dixon, Neil Gibbs (Committee Chair), Carol Kambites (Vice Chair of Town Council/ Deputy Mayor), Gary Powell (Chair/Town Mayor), Val Randell, Keith Terry (Committee Vice Chair).

A period of up to 15 minutes will be set aside at the beginning of the meeting for members of the public to raise questions.

Carlos Novoth
Town Clerk
4th April 2023

Attendees are reminded that the Proceedings of this meeting may be filmed, photographed or recorded.

A G E N D A

E/615 To receive apologies.

E/616 Declarations of Interest

E/617 To approve the minutes of the Town Environment Committee meeting held on Monday 20th March 2023.

E/618 To receive the latest updated Environment Budget.

E/619 To receive an update on recent events at Verney Fields.

E/620 To recommend a response to the second round of Stroud District Council's Community Governance Review.

E/621 To approve funding from Climate Change budget.

E/622 To approve the purchase of materials to build small scale canal boat planters

E/623 To approve a proposed footpath diversion EEA 13 at Brunel Way, Stonehouse.

E/624 To comment on planning applications.

E/625 To receive any reports from Working Groups. Members may wish to note any reports from the following: Comms, Stroudwater (Bristol Road) Station, Canal Rejuvenation, Transport and Highways, Public Rights of Way and Recreation.

E/626 To receive a report on planning decisions received from Stroud District Council.

E/627 Date of next Environment Committee meeting: Tuesday 9th May 2023



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Minutes (subject to agreement at the next Committee meeting) of a meeting of the Town Environment Committee on Monday 20th March 7pm at Stonehouse Library, High Street, Stonehouse, GL10 2NG.

Present:

Councillors: Rachel Armstrong Marcus Dixon, Neil Gibbs (Committee Chair), Carol Kambites, Gary Powell, Val Randell, Keith Terry (Committee Vice Chair),

Also present:

Jacqui Sanders (Deputy Town Clerk)

Two members of the public attended the meeting to observe.

Attendees are reminded that the Proceedings of this meeting may be filmed, photographed, or recorded.

E/604 To receive apologies.

Cllr Deborah Curtis

E/605 Declarations of Interest

There were no declarations of interest.

Standing Orders were suspended to propose allocation of £350.00 for Circus Skills entertainment for the Coronation Picnic in the Park event. Committee **APPROVED** the proposal.

Standing Orders reinstated.

E/606 To approve the minutes of the Town Environment Committee meeting held on Monday 20th February 2023.

Committee **APPROVED** the Minutes as a true and accurate record of the meeting.

E/607 To receive the latest updated Environment Budget.

Committee **RECEIVED** and **NOTED** the latest Budget position.

Committee noted the intention to apply for funding from the Climate Change budget to produce leaflets to discourage engine idling.

Total Actual Net Income £17,724.64

Total Actual Net Expenditure £52,891.01

Total Reserve £14,900.00

E/608 To make a decision on the drainage proposal for Gloucester Road put forward by GCC.



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Following the recommendation from TEC meeting on 20th February (item E/599), Officers and Councillors arranged a Teams meeting on Thursday 16th February with the Highways Design Engineers, who were able to explain the proposal in more detail. Committee noted the drainage proposal, approval not necessary.

E/609 Update on Town Green status for Verney Fields.

Following on from the decision taken in the TEC meeting in January - item E/584, to approve the maps and questionnaires and undertake to consult with residents, over 100 questionnaires have been completed. These were taken to GCC on Monday 27th February, along with a signed statutory declaration which was witnessed by Council's solicitor.

S.21/3004/NEWTPO Tree Preservation Order has been granted by SDC to protect certain trees on Verney Fields for six months. TPO No - TPO/0585 - 2 Woodland areas, 2 groups of trees and 3 individual trees.

E/610 To make a decision to register Doverow Woods with Fields in Trust.

Registering the land with Fields in Trust will provide a Deed Of Dedication which is tailored to individual pieces of land. Having this in place will protect the land in perpetuity, ensuring the land cannot be sold or built upon in the future. There is a cost implication of approximately £75.00. Committee **APPROVED** decision to register Doverow Woods with Fields in Trust.

E/611 To comment on planning applications

- **S.23/0480/FUL** 24 Oldends Lanes, Stonehouse.
Demolition of existing outbuilding/canopy and erection of single storey bungalow.
Comment: No objections as long as none from neighbours.
- **S.23/0457/FUL** 147, 149, 151, 153, 155 Midland Road, Stonehouse
Roof replacement & external wall installation render system.
Comment: No objections.
- **S.23/0379/FUL** 4, 6, 8, 11, 14, 16, 18, 20, 22, 24, 26, 28 Willow Road
Roof replacement, external wall render system, UPVC windows.
Comment: No objections.
- **S.23/0426/TCA** Land Opposite, Avenue Terrace, Stonehouse.
Fell Elder trees at Ocean Meadows.



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Comment: Committee objects to the felling of the Elder trees, as they are mature trees and felt was not necessary to fell them.

- **S.23/0330/TCA** The Gatehouse, Bonds Mill, Bristol Road, Stonehouse.
Re-pollarding 9 Willows on the northern bank of the canal. Trimming of the low-hanging branches to permit navigation along the canal. Removal of the furthest west tree as it has a split trunk & 2 large branches have fallen into the canal. The adjacent tree has a branch taking root in the canal & is growing into a new tree, 2 metres out from the bank which requires removing.
Comment: No objections to the pollarding of the 9 Willows and of the trimming of the hanging branches to permit navigation along the canal. However, Committee suggests consulting a tree specialist to see if the tree with the split trunk can be saved.
- **S.23/0336/FUL** Schlumberger (Building A), Brunel Way, Stonehouse.
Proposed single storey meeting space & technical room for ground source heat pump equipment.
Comment: Committee has no objection and support the ground source heat pump on an environmental basis.
- **S.23/0309/FUL** Dairy partners, Brunel Way, Stonehouse.
Boundary signage on entrance & high level signage.
Comment: No objections.
- **S.23/0310/ADV** Dairy Partners Ltd, Brunel Way, Stonehouse.
Advertisement Application. Boundary signage on entrance & high level signage.
Comment: No comments.

E/612 To receive any reports from Working Groups

Comms - not yet met.

Stroudwater (Bristol Road Station) - CK and TW met with RR to encourage the local MP to push publicity for the station. The working group are trying to engage GCC in the project. Charfield has been given the go ahead for a station, so now need the new Stonehouse Station to link up.

Canals - not met, although some members have been talking to Hitchins in regards to Wyatts Field. There will be a walk with Cotswold Canals Connected this weekend. Reminder of the Canal Spring Festival on 13th and 14th May.

Transport & Highways - Last meeting was 6th February, this was reported at the previous TEC meeting on 20th February.



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Recreation - Stagholt - The draft consultation document has been finalised. It will be published in A3 size and will be delivered to all houses in Little Australia, Arrowsmith and Gloucester Road. When ready, it will be presented to Full Council for approval.

Ian Pople of Cotswold Vale Planning has been commissioned to do the preparation for the planning application to ensure it is ready to submit.

Community 'buy in' is needed to ensure the ongoing success of the land.

Public Rights of Way - see Verney Fields update above.

E/613 To receive a report on planning decisions received from Stroud District Council.

- **S.23/0184/TPO** Regent Street, Stonehouse.
Fell 2 sycamore trees.
Application refused.
- **S.23/0073/P3E** 32 Bath Road, Stonehouse
Change of use from office space to dwelling.
Application withdrawn.
- **S.23/0213/TCA** Stonehouse Court Hotel, Stonehouse. Carry out tree works to 3 Yew trees.
No objection.
- **S.23/0321/TCA** Upper Mills Trading Estate, Bristol road, Stonehouse.
Sever and remove ivy and deadwood from Alder tree.
Application withdrawn.
- **S.23/0247/TCA** Stonehouse Park, Sperry Way, Stonehouse.
Tree works to Ash trees.
No objection.
- **S.23/0111/TCA** Voltalia UK Ltd, Bonds Mill, Bristol Road, Stonehouse.
Tree works in a Conservation Area.
No objection.

Committee **NOTED** all decisions.

E/614 Date of next Environment Committee meeting: Monday 11th April 2023

E/618

Financial Budget Comparison

for Town Environment Committee

Comparison between 01/04/22 and 31/03/23 inclusive. Includes due and unpaid transactions.

Excludes transactions with an invoice date prior to 01/04/22

	2022/2023	Reserve	Actual Net	Balance	Bal %age
INCOME					
Town Environment Committee					
200	£1,500.00	£0.00	£250.00	£-1,250.00	-83.33%
Stonehouse in Bloom					
205	£1,200.00	£0.00	£934.00	£-266.00	-22.17%
Event Income/Donations					
205/1					
Events					
205/2	£0.00	£0.00	£0.00	£0.00	0.00%
Donations					
205	£1,200.00	£0.00	£934.00	£-266.00	-22.17%
Total					
210	£800.00	£0.00	£1,538.24	£738.24	92.28%
Planting Sponsorship					
215	£0.00	£0.00	£15,027.40	£15,027.40	100.00%
Grants					
Total Town Environment Committee	£3,500.00	£0.00	£17,749.64	£14,249.64	407.13%
EXPENDITURE					
Town Environment Committee					
1190					
Amenity Areas					
1190/1	£21,500.00	£14,900.00	£38,096.57	£-1,696.57	-7.89%
Grounds Maintenance (contract)					
1190/2	£1,000.00	£0.00	£956.42	£43.58	4.36%
Grounds Maintenance (in-house)					
1190/3	£2,500.00	£0.00	£2,928.62	£-428.62	-17.14%
Play Equipment maint/repairs/insp					
1190/4	£2,000.00	£0.00	£1,357.31	£642.69	32.13%
Furniture (benches etc)					
1190/5	£6,500.00	£0.00	£0.00	£6,500.00	100.00%
Tree & Hedge/boundary maintenance					
1190/6	£5,000.00	£0.00	£3,900.00	£1,100.00	22.00%
Waste Collection					
1190	£38,500.00	£14,900.00	£47,238.92	£6,161.08	16.00%
Total					
2000	£5,000.00	£0.00	£1,313.30	£3,686.70	73.73%
Christmas Lights					
2005	£2,000.00	£0.00	£1,480.00	£520.00	26.00%
Climate Change					

Financial Budget Comparison

for Town Environment Committee

Comparison between 01/04/22 and 31/03/23 inclusive. Includes due and unpaid transactions.

Excludes transactions with an invoice date prior to 01/04/22

	2022/2023	Reserve	Actual Net	Balance	Bal %age
2010 In Bloom					
2010/1 Contract Planting	£5,000.00	£0.00	-£6,109.26	£11,109.26	222.19%
2010/2 Non-Contract Planting	£1,000.00	£0.00	£462.56	£537.44	53.74%
2010/3 Watering Services	£500.00	£0.00	£0.00	£500.00	100.00%
2010/4 Other	£500.00	£0.00	£3,802.58	-£3,302.58	-660.52%
2010 Total	£7,000.00	£0.00	-£1,844.12	£8,844.12	126.34%
2020 Street Furniture/Bus Shelters	£3,000.00	£0.00	£128.39	£2,871.61	95.72%
2030 Traffic Calming/Transport Studies	£1,000.00	£0.00	£0.00	£1,000.00	100.00%
2040 Town Greens Maintenance	£0.00	£0.00	£199.20	-£199.20	100.00%
2050 Cultural Events & Studies					
2050/1 Goodwill	£4,000.00	£0.00	£5,775.71	-£1,775.71	-44.39%
2050/2 Civic Awards	£300.00	£0.00	£0.00	£300.00	100.00%
2050/3 Other	£1,700.00	£0.00	£2,816.27	-£1,116.27	-65.66%
2050/4 Communications	£1,000.00	£0.00	£0.00	£1,000.00	100.00%
2050 Total	£7,000.00	£0.00	£8,591.98	-£1,591.98	-22.74%
2060 Signage	£300.00	£0.00	£0.00	£300.00	100.00%
2070 Town Centre Partnership	£0.00	£0.00	£0.00	£0.00	0.00%
2080 Neighbourhood Plan Review	£0.00	£0.00	£0.00	£0.00	0.00%
2090 Planning Specialist Advice					
2090/1	£0.00	£0.00	£0.00	£0.00	0.00%
2090/2	£0.00	£0.00	£0.00	£0.00	0.00%
2090 Total	£0.00	£0.00	£0.00	£0.00	0.00%
Total Town Environment Committee	£63,800.00	£14,900.00	£57,107.67	£21,592.33	33.84%

Notes on Agenda items, Environment Committee, Tuesday 11th April 2023

E/- Minutes	Minutes attached																												
E/618 - Budget	To approve funds of approximately £2000 to Midland Forestry to undertake the tree works identified in the Glendale report.																												
E/619 – Verney Fields	Update																												
E/620 – SDC Community Governance Review	See Supporting Papers																												
E/621 Budget	To approve funding of approximately £200 from Climate Change budget to print leaflets to request no engine idling outside schools etc.																												
E/622	<p>Stonehouse in Bloom (SIB) have included in their design for the new In Bloom planting arrangement in the town, the installation of two new canal boat planters outside Pizza Planet. SIB are willing to build the planters and are looking for financial support for the materials totalling a cost of £930.06; the planters will be built by a local volunteer. The most expensive element to the planters will be the cost of the timber at £443.06. SIB have compared prices between three suppliers with Wickes builders' merchants providing the cheapest price. The remaining In Bloom budget for 2022/23 allows for this additional cost. Please see breakdown of costs below</p> <p>Recommendation: To provide SIB with funding to purchase the required materials</p> <table border="1"> <thead> <tr> <th>SIZE</th> <th>WICKES</th> <th>NICKS & CO TIMBER</th> <th>BUILDBASE</th> </tr> </thead> <tbody> <tr> <td>22MM X 100MM</td> <td>£165.06</td> <td>248.18</td> <td>127.05</td> </tr> <tr> <td>95mm x 45mm</td> <td>£93.00</td> <td>£131.88</td> <td>£117.00</td> </tr> <tr> <td>100mm x 100mm</td> <td>£90.00</td> <td>£103.29</td> <td>£114.72</td> </tr> <tr> <td>47mm x 47mm</td> <td>£35.00</td> <td>£25.72</td> <td>£24.20</td> </tr> <tr> <td>8' x 4' sheets OSB</td> <td>£60.00</td> <td>£83.88</td> <td>£91.72</td> </tr> <tr> <td>TOTAL</td> <td>£443.06</td> <td>£592.95</td> <td>£474.69</td> </tr> </tbody> </table> <p><u>Plastic storage boxes for reservoirs in new planters</u> Amazon £108.00 approx</p> <p><u>Pipe fittings to connect boxes</u> B&Q £29.00 approx All the labour is being done by a volunteer</p> <p><u>Compost – 20 bags</u> Sylvagrow peat free £200.00</p> <p><u>Plants - £150.00</u></p> <p><u>Total using Wickes timber quote £930.06</u></p>	SIZE	WICKES	NICKS & CO TIMBER	BUILDBASE	22MM X 100MM	£165.06	248.18	127.05	95mm x 45mm	£93.00	£131.88	£117.00	100mm x 100mm	£90.00	£103.29	£114.72	47mm x 47mm	£35.00	£25.72	£24.20	8' x 4' sheets OSB	£60.00	£83.88	£91.72	TOTAL	£443.06	£592.95	£474.69
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E/623 – Footpath diversion	See Supporting Papers																												
E/624 – Planning Applications	<p>S.23/0576/HHOLD 36 Rosedale Avenue, Stonehouse Proposed single storey extension. Respond by 13th April. Click here.</p> <p>S.23/0575/HHOLD 32 Kings Road, Stonehouse</p>																												

	<p>Proposed extension to front porch and single storey side extension. Respond by 13th April. Click here.</p> <p>S.23/0671/LBC Stonehouse Court Hotel, Stonehouse Replacement roof coverings and installation of solar panels. Respond by 22nd April. Click here.</p> <p>S.23/0548 Town Hall, 1 Queens Road, Stonehouse. Proposed public information LCD screen. Respond by 19th April. Click here.</p> <p>S.23/0691/HHOLD 4 Paddock Rise, Stonehouse. Construction of front porch. Respond by 28th April. Click here.</p> <p>S.23/0728/TPO Bristol Road, Stonehouse. Willow x 2 – pollard to 5m. Ash – remove. Sycamore – crown raise all limbs over highway to 5m. Sever Ivy throughout plot. Respond by 29th April. Click here.</p>
<p>E/625 – Reports from Working Groups</p>	
<p>E/626 – Report on Planning Decisions</p>	<p>S.23/0330/TCA The Gatehouse, Bonds Mill, Bristol Road, Stonehouse Re-pollarding 9 Willows. Trimming of low-hanging branches. Removal of tree with split trunk. No objection.</p> <p>S.23/0425/MINAM Dairy Partners Ltd, Brunel Way, Stonehouse Non-material amendment to S.22/0903/FUL. Update to the upgraded mechanical equipment and alterations to materials, earth bund, boundary fencing and surface treatment. Application withdrawn.</p> <p>S.23/0261/HHOLD 24 Arrowsmith Drive, Stonehouse. Single storey rear extension. PERMITTED</p> <p>S.23/0424/DISCON Dairy Partners Ltd, Brunel Way, Stonehouse. Discharge of Condition 11 (Illuminance Levels) of permitted application S.22/0903/FUL CONFIRMS COMPLIANCE WITH EXISTING CONDITIONS.</p> <p>S.22/2584/FUL Grendar Ltd, Storrington Road, Stonehouse. Conversion of existing workshop to a single dwelling. PERMITTED.</p> <p>S.23/0137/FUL The Wheelhouse West Ground (Café), Bonds Mill, Stonehouse. Replacement of x2 non-opening windows with opening windows. PERMITTED.</p> <p>S.23/0138/FUL Maidenhill House, Horsemarling Lane, Standish, Stonehouse. Change of use from a domestic dwelling to sui generis holiday let. Application withdrawn.</p>

	<p>S.23/0426/TCA Land West of Ocean Canal Railway Bridge, Bristol Road, Stonehouse. Fell Elder trees at Ocean Meadows. NO OBJECTION.</p> <p>S.22/2115/DISCON Stonehouse Court Hotel, Bristol Road, Stonehouse. Discharge of conditions 3 (Drainage Pre-commence and 4 (Severn Trent Pre-commence) from application S.22/0096/VAR. CONFIRMS COMPLINCE WITH EXISTING CONDITONS.</p>
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Contracting
Tree surgery
Site clearance
Health & safety
Veteran tree works
Local authority



A division of Midland Forestry Limited

Consultancy
Planning
TPO
Safety
Subsidence
Management



Rear of Eastcote Hall Farm, Barston Lane, Hampton in Arden,
Solihull, West Midlands, B92 0HR
Tel: 01675 443400 / Fax: 01675 443480
Email: enquiries@midlandforestry.co.uk www.midlandforestry.co.uk
Bristol depot: Bristol, BS35 4AJ
Email: bristol@midlandforestry.co.uk

Our Ref: MF/TN/BQ84139

4th April 2023

**Carlos Novoth
Stonehouse Town Council**

Dear Carlos

Re: Quote from Tree Survey

I have pleasure in forwarding our quotation for the following tree surgery.

Quote

T1 Oldends Lane Car Park	Ash to fell to ground level	£68.00 SB49
0184 Doverow Hill Woods	Ash to fell to ground level	£168.00 SB50
0216 Doverow Hill Woods	Beech to monolith @4m	£320.00 SB52
0217 Doverow Hill Woods	Beech to fell to ground level	£380.00 SB52
Stagholt Brook	Willow to re-pollard	£110 SO35
Stagholt Brook	Willow to re-pollard	£110 SO35
Stagholt Brook	Willow to re-pollard	£110 SO35
Stagholt Brook	Elm to fell to ground level	£54 SO43
Stagholt Brook	Elm to fell to ground level	£54 SO43
Stagholt Brook	Failed Hawthorn to remove from Brook	£54 SO43
Stagholt Brook	Ash to remove limb from over neighbouring property	£44 SO56
Stagholt Brook	Willow to re-pollard	£170 SO36

N.B If access though neighbouring farm can be arranged arisings to be chipped to waste at Doverow Hill Woods, if this isn't possible all arisings shall be stacked as eco piles. Timber to be left neatly on site.

Net Total : £1642.00
VAT @ 20%: £ 328.40
Total inc VAT: £1970.40

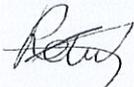
***Payment is due within 30 days of completion of work
Quotation is valid for 6 months from date as above.***

If you require any further information regarding this quotation, please do not hesitate to contact me.

- ❖ Midland Forestry is covered by £10,000,000 insurance in all aspects of tree surgery.
- ❖ All tree work carried out to BS3998:2010 and BS5837:2012 in relation to construction by
- ❖ qualified, professional arborists.
- ❖ Midland Forestry complies with LOLER, RIDDOR, COSHH, PUWER and Chapter 8 of the Traffic Regulations.
- ❖ We are a registered contractor for Constructionline & hold the CHAS accreditation
- ❖ (Contractors Health & Safety Assessment Scheme)

Thank you for contacting West Country Forestry Limited. We look forward to hearing from you.

Yours sincerely



Mark Rowles
West Country Forestry

Town Clerk

From: _WEB_Elections <Elections@stroud.gov.uk>
Sent: 07 March 2023 16:51
To: Town Clerk
Subject: Community Governance Review - Draft Recommendations - Stonehouse
Attachments: CGR Draft Recommendations Poster.pdf

Good afternoon,

As you are aware Stroud District Council is currently conducting a Community Governance Review for a small number of Parishes within the Stroud District. The review started in in October 2022 and a public consultation was launched asking Parish Councils and residents to consider any changes to the governance arrangements of their Parish should be made. The consultation closed on the 29 January 2023 and the submissions received during the consultation period were considered by a Community Governance Review Working Group which comprised of Officers and Councillors of Stroud District Council.

The Working Group have now made their initial proposals and published their Draft Recommendations. The Draft Recommendations include a summary of the issues discussed and the submissions received during the initial consultation. These recommendations can be found on our website via the link below.

[Community Governance Review – Draft Recommendations](#)

The publication of these recommendations launches our second public consultation which is open until **Wednesday 26 April 2023**. This stage of the consultation where we are seeking the views of residents, community groups and Parish/Town Councils on the draft recommendations to ensure they reflect governance that is effective and convenient for the residents within the Parish.

The Working Group reviewed the proposals relating to Stonehouse which included submissions from Stonehouse Town Council, Keeping Eastington Rural and the Great Oldbury Community Group for Great Oldbury to become its own Parish. The Working Group supported this decision and included the residential areas of the development which are currently within Stonehouse Town Council within the proposed Great Oldbury Parish Boundary. The residents within the proposed Great Oldbury Parish will be written to directly to ensure adequate consultation.

Secondly the Working Group discussed the warding arrangements for Stonehouse which the Town Council had suggested do not currently work. The working Group have proposed 3 wards instead of the current arrangements which would allow a more equal split across the Town Council area. Maps have been included within the draft recommendations.

Please let us know what you think of the draft recommendations by responding to the online survey or by any other method as laid out below. It is important for us to gain as much feedback as possible on the draft recommendations so please ensure that you advertise the CGR as widely as possible. We have included a poster that you can use to advertise if you wish.

Please could I ask that you respond to the consultation. You can respond in the following methods:

- Online - <https://www.smartsurvey.co.uk/s/CGR-SDC23/>
- Phone – 01453 754886
- Email – elections@stroud.gov.uk
- Write – Community Governance Review, Electoral Services, Stroud District Council, Ebley Mill, Ebley Wharf, Stroud, GL5 4UB

All responses will be considered by the working group before drawing up the final recommendations which will be published by Wednesday 12th July 2023 and considered by Full Council.

If you have any further questions or would like to discuss the draft recommendations further please do not hesitate to contact me.

Kind regards



Jenna Malpass

Senior Democratic Services and Elections Officer
Stroud District Council

Ebley Mill, Ebley Wharf
Stroud, Gloucestershire. GL5 4UB

T 01453 766321
W www.stroud.gov.uk

Working together to make Stroud district a better place to live, work and visit



STROUD DISTRICT COUNCIL COMMUNITY GOVERNANCE REVIEW - DRAFT RECOMMENDATIONS

A review of Parish electoral arrangements under the
Local Government Public Involvement in Health Act 2007

Published 1 March 2023

You are invited to comment on these proposals, and/or
suggest alternative options by Wednesday 26 April 2023

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1. INTRODUCTION

In October 2022, Stroud District Council made the decision to undertake a Community Governance Review (CGR) for the following Town and Parish Council areas:

- Cam
- Dursley
- Eastington
- Frampton
- Horsley
- Hunts Grove
- Minchinhampton
- Nailsworth
- Standish
- Stonehouse
- Woodchester

When conducting a CGR, Councils are required to have regard to guidance issued by the Secretary of State and the Local Government Boundary Commission for England (LGBCE). The guidance suggests that it is good practice for a principal council to consider conducting a review every 10-15 years. A full CGR took place across the whole of the Stroud district in 2019 and several changes were implemented across a number of Parish and Town Council areas.

When approving the final recommendations of the 2019 review, Council resolved for a further CGR to be undertaken for the parishes that contain the Great Oldbury development (Eastington, Standish and Stonehouse) by the end of 2023. The reasoning for this was that at the time of the last review, Great Oldbury was a new development and any decisions made may not reflect the identity of a community which was yet to have established.

Ahead of commencing this CGR, all Parish and Town Councils were asked if there had been any significant changes to their electoral arrangements since 2019 and whether their Parish or Town Council areas should be considered for a CGR. Representations were received from Cam, Dursley, Frampton-on-Severn, Hunts Grove and Nailsworth Parish/Town Councils, all of which were included as part of the review.

1.1 What is a Community Governance Review?

A CGR is the process used to consider whether existing parish arrangements under the jurisdiction of the local authority should be changed in any way. CGR's can address the following:

- Altering the boundaries of existing boundaries
- Changing the names of existing parishes
- Creating or abolishing parish councils
- The electoral arrangements for parish councils (including the number of councillors and arrangements for parish warding)

- The grouping or de-grouping of parish councils
- The “style” of a new parish

The aim of the review is to bring about improved and stronger community engagement, more cohesive communities, better local democracy and more effective and convenient delivery of local services; ensuring electors across are treated equitably and fairly.

At a meeting of Full Council on 20 October 2022, the Council approved the Terms of Reference for the review and agreed to establish a Working Group to oversee the process and produce the draft recommendations following a period of consultation. The period for initial submissions closed on the 29 January 2023. The Council now publishes these draft recommendations and identifies proposals for parish arrangements (including both changes to, and retention of, existing arrangements) in response to the consultation comments received.

The CGR Working Group was made up of District Ward Councillors from the parish areas under review. The following Members attended the Working Group meetings:

Date of Meeting	Areas under consideration	Councillors in attendance
06/02/2023	Dursley Frampton-on-Severn Horsley Nailsworth Woodchester	Cllr Mattie Ross (Chair) Cllr Doina Cornell Cllr Stephen Davies Cllr Christopher Evans Cllr Nick Hurst Cllr Loraine Patrick
15/02/2023	Cam Hunts Grove Minchinhampton	Cllr Mattie Ross (Chair) Cllr Beki Aldam Cllr Doina Cornell Cllr Christopher Evans Cllr Nick Hurst Cllr Loraine Patrick Cllr Mark Ryder Cllr Chloe Turner
21/02/2023	Eastington Standish Stonehouse	Cllr Mattie Ross (Chair) Cllr Doina Cornell Cllr Stephen Davies Cllr John Jones Cllr Loraine Patrick Cllr Chloe Turner

1.2 What is the purpose of the draft recommendations?

The cross-party Member-led CGR Working Group, appointed for the purposes of formulating the review’s Draft and Final Recommendations, reviewed all submissions

received and met three times to consider the consultation responses. In preparing draft proposals the Council has been mindful of the initial submissions received, which are referred to in this document and attached as an appendix to these draft recommendations. The Council also has the role of balancing the submissions against the wider requirements and duties which are placed upon it by the Local Government Public Involvement in Health Act 2007. In particular the Council has a duty to ensure that community governance in its area:

- Reflects the identities and interests of the community in that area;
- Is effective and convenient, and;
- Takes into account any other, non-Parish, arrangements for the purposes of community representation or community engagement in the area.

The review offers two opportunities for residents to have their say. The first period of consultation has been undertaken, which forms the basis of these draft recommendations for consideration. Publication of these draft recommendations launches a second stage of consultation regarding the Council's proposals for the future of parish electoral arrangements and we welcome views from all stakeholders.

The deadline for responses is **Wednesday 26 April 2023** after which the final proposals will be prepared and presented to the CGR Member Working Group responsible for overseeing the CGR process followed by consideration by full Council in July 2023.

1.3 Consideration of submissions

Fifty-Seven consultation submissions were received as part of the first consultation period which indicated that there are strongly held views across the areas included as for review. Appendix 1 contains the details of the consultation submissions received since the publication of the Terms of Reference.

A third of consultation submissions were largely supportive of the current electoral arrangements.

The submissions received were reviewed and considered by the CGR Working Group. The draft recommendations were then formulated on the basis of the evidence submitted having regard to the extent to which the submissions received met the statutory criteria.

There were also some cases where the CGR Working Group considered that insufficient evidence had been submitted at this early stage to justify the changes requested. The Working Group would be interested in receiving further information at the next consultation stage in order to ensure that it is able to make decisions that will reflect the identities and interests of the community in that area and help to ensure governance is effective and convenient.

1.4 Councillor allocations – effectiveness of current Parish/Town Councils in representing their communities

The number of elected members on each Parish and Town Council was established in 1974 by the arrangements made under the Local Government Act 1972. Parish and Town Councils must have a minimum of five members, although most have more than this. There is no limit to the number of Councillors a Parish and Town Council may have and there are no strict guidelines in terms of the number of councillors per elector.

As there is no definitive number of Councillors per electorate, the CGR Working Group adopted the guidelines proposed by Aston Business Schools review published in 1992 of average Council sizes. The following table sets out the respective position for electorate of each Parish or Town Council:

Electorate	Number of Councillors
0 – 500	5 – 8
501 – 2500	6 - 12
2501 – 10,000	9 – 16
10,001 – 20,000	13 - 27

This approach was chosen to allow maximum flexibility and to ensure that each area could be considered on its own merits whilst taking into consideration the broad pattern of existing council sizes. The Working Group also had access to the Council and electorate sizes for all Parish and Town Councils in the Stroud District to help draw comparisons. Consideration was also given to the average number of electors represented by each elected member to identify any areas of relative over-or-under representation.

Whilst consistency across Councils is important, local circumstances are key in any decision and each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. The Council has therefore needed to pay particular attention to existing levels of representation, the broad pattern of existing Council size which have stood the test of time, the take-up of seats at elections and the number of vacant seats in its consideration of this matter; as well as the existing number of local government electors for a parish and any change in that number which is likely to occur in the period of five years from the start of the Review.

1.5 The role of the Local Government Boundary Commission for England

Whilst Stroud District Council is the principal Council responsible for undertaking the CGR we are required to seek permission from the Local Government Boundary Commission for

England (LGBCE) to agree and sanction any proposed changes prior to their implementation.

We are required to seek consent as changes in parish boundaries that affect the boundaries of District wards and or County Council electoral divisions will be referred to the LGBCE with a recommendation that the appropriate changes be made to those boundaries. Any changes made will also be considered in the polling district and polling place review, as required under the Representation of the Peoples Act 1983.

1.6 Next steps of the Review

Before finalising the recommendations on the CGR we invite views on these draft recommendations. The District Council has not sought to initiate changes but clearly reflect the views of the community and the submissions received at this stage. We welcome all comments relating to the proposed changes to parish boundaries and Warding arrangements. We will consider all new evidence and comments regarding these prior to formulation of the final recommendations. As the final recommendations will be made in response to the outcome of the next consultation there is the possibility that they will significantly change these draft proposals.

If changes to the existing structure of community governance in the affected areas are being recommended, the Review will be completed when the Council adopts a Reorganisation of Community Governance Order, and any alterations will come into effect on the 1 April 2024.

1.7 How to contact us or make a representation

If you have an interest in this review or are impacted by its outcome as a resident, Parish Council, local business or organisation the Council would like to hear your views and we invite submissions and comments by **Wednesday 26 April 2023**.

Comments should be submitted to Electoral Services (CGR) They can be submitted either online in response to the survey, by letter, by email or by phone.

You can send your comments to:

Online: Using the online submission form at
www.stroud.gov.uk/elections

By Email: elections@stroud.gov.uk

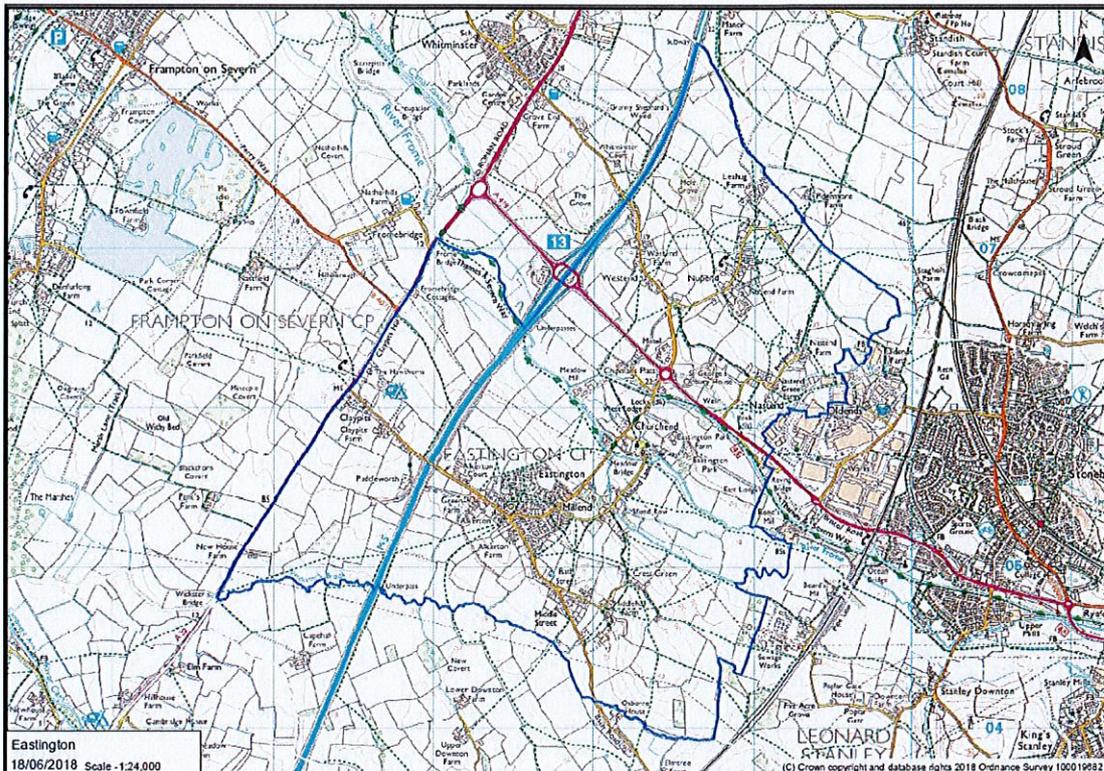
By post: Electoral Services (CGR)
Stroud District Council
Ebley Mill
Ebley Wharf
Stroud
GL5 4UB

The deadline for receipt of comments is midnight on Wednesday 26 April 2023.

2.3 EASTINGTON PARISH COUNCIL

The Parish of Eastington has an electorate of 2073 and is currently represented by eleven Councillors and has no Parish Wards.

Electorate growth is expected in the Parish by 2027, the projected 5 year electorate forecast is 3114. The scale of representation indicates that Eastington should have between 6 and 12 Councillors, the current arrangements are within the scale of representation.



Summary of submissions received

The consultation produced some strong responses and lengthy submissions from Eastington Parish, Keep Eastington Rural Community Group and the Great Oldbury Community Group.

Options for boundary amendments to address the development of Great Oldbury were also proposed by Eastington Parish Council. These were:

1. Great Oldbury absorbed entirely by Stonehouse Town, excluding the hamlets of Westend, Nastend and Nupend;
2. Great Oldbury stays split between three parishes (no change to the existing arrangement)
3. Share Great Oldbury between Stonehouse; and
4. Great Oldbury becomes a new Parish;

Eastington Parish Council supported Great Oldbury becoming its own Parish however wished for the residents within Great Oldbury to be consulted with directly before any changes were agreed. They recognised the differing character of the Great Oldbury

Development with the historic Parish and wished to ensure that the rural hamlets of Nastend, Westend and Nupend remained within the boundary of Eastington.

Keep Eastington Rural's (KER) submission was informative and proposed that the urban development of Great Oldbury should be separated from Eastington Parish and should become its own independent Parish. It is proposed that the historic hamlets of Westend, Nastend and Nupend be retained in Eastington Parish.

Stonehouse Town Council submitted a response accepting that it is reasonable for Great Oldbury to become it's own Parish.

Great Oldbury Community Group outlined the case for a separate Parish to serve a distinct community. The development of Great Oldbury currently straddles Eastington, Stonehouse and Standish of which the character of the Town and Parishes are significantly different. The area of Great Oldbury has its own identity and with the established Community Group it had already had a positive impact on issues within the development area.

Draft recommendations

Eastington will experience major growth in residential properties which will increase the electorate in this area significantly. At the last CGR it was considered that the creation of Great Oldbury would eventually create a new community which may benefit from its own lower tier authority Council. The Working Group considered in great detail whether Great Oldbury had established its community identity whether it would benefit from the creation of a Parish Council. A new Parish Council would give the electorate an independent voice and a structure for taking community action for its environment and facilities and also independence in its own tax raising powers.

The options put forward were considered carefully by the CGR Working Group. The submission from Eastington Parish Council was a positive response to the review and attempted to address the needs of the Great Oldbury community whilst retaining the feel of the historic Eastington Parish. The response from the Great Oldbury Community Group was well thought out and highlighted the community cohesion that now existed.

The Working Group did not consider it appropriate for the whole of Great Oldbury to be transferred into Eastington or Stonehouse as the Great Oldbury Community Group had indicated their individuality and differences with their neighbouring parishes and had expressed a strong wish to create their own parish. Furthermore, due to the strong community ties between residents of Great Oldbury it was not considered good governance to split the development across more than one parish boundary.

The creation of a Parish Council will offer strong and accountable local government and community leadership, with the opportunity to take the lead locally on specific issues and represent the local community. It will also enable the local representatives to be responsive to challenges and opportunities in the area in a co-ordinated way.

Section 93 of the 2007 Act identified three 'tests' which would need to apply when considering the creation of a new Parish Council.

1. Community identity – the detailed submissions, a well-established community group and support from the District Ward Councillors indicate there is strong community identity within the area and support for a new Parish Council.
2. Effective and convenient local government – The development area of Great Oldbury currently straddles Eastington, Stonehouse and to a lesser degree Standish, the creation of a single parish using clear boundaries will provide for effective and convenient local government. There is also a Parish Councillor from the Great Oldbury area on Eastington Parish Council indicating a level of democratic engagement. The creation of a new parish does alter the District Ward boundaries and as such a request would need to be made to the LGBCE.
3. Adequate infrastructure or meeting points – Great Oldbury has begun to develop new infrastructure, there is currently a Primary School, playing fields and a small play area and there are plans for a community building.

The Working Group discussed the boundary of the Great Oldbury development and considered the residents of the hamlets of Westend, Nastend and Nupend. It was agreed that the recommendation would not include these hamlets however consultation will be carried out directly with the residents so that an informed decision can be made at the next stage of the review.

Additionally, the Working Group considered the section of the Great Oldbury development site that was included within Standish Parish, as this had been identified as an employment site rather than residential properties the Working Group felt that it should remain in Standish to avoid unnecessary alteration of the parish boundaries.

The balance of evidence indicates that the community has sufficient grounds to progress to formally proposing that Great Oldbury form a new Parish Council. This recommendation is made to ensure community governance is reflective of the identities and interests of the community in that area. The Working Group recommend that the new Parish be named 'Great Oldbury Parish Council'

The Working Group considered the number of Parish Councillors that should be allocated to the New Parish of Great Oldbury, they considered the electorate and forecast electorate for the area and considered seven to be an appropriate number of Councillors to allow good governance and adequate representation.

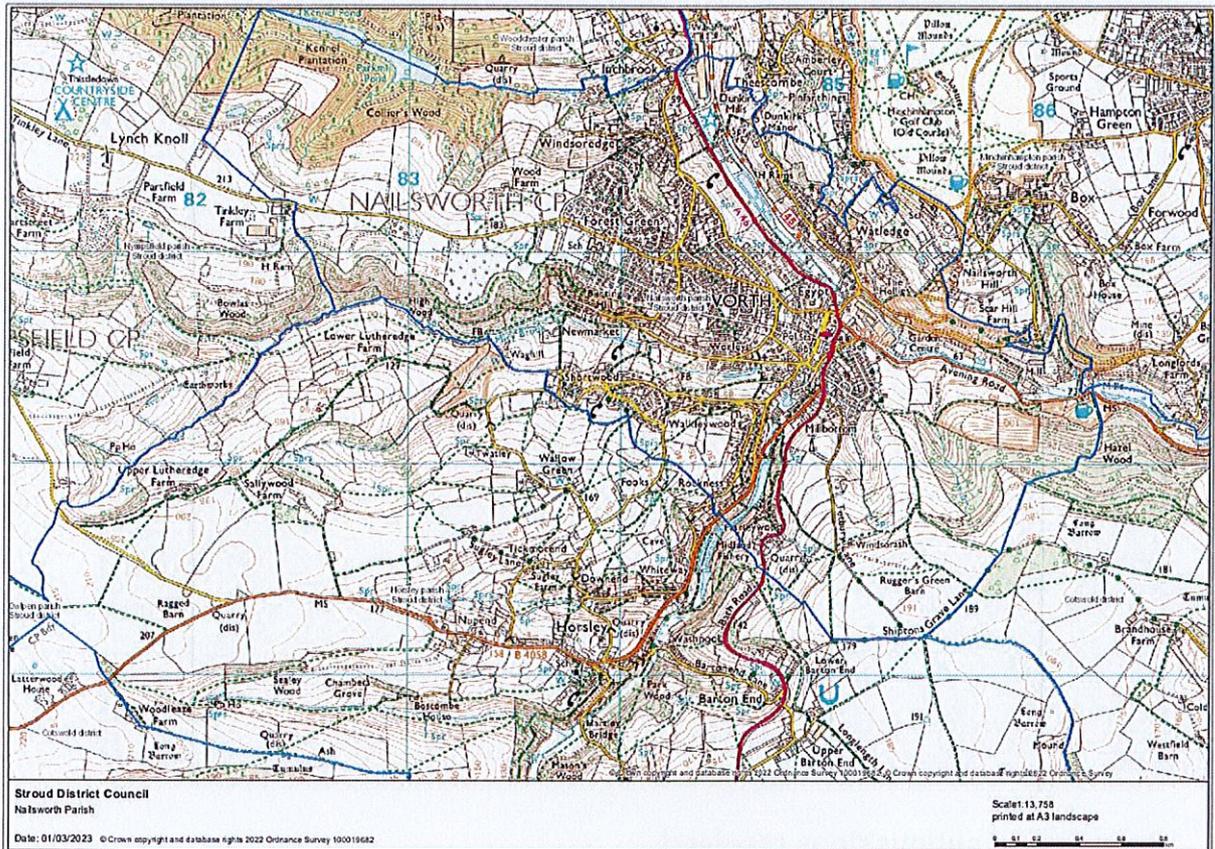
The Working Group also discussed the request to reduce the number of Councillors allocated to Eastington Parish Council. The number of Councillors was increased during the previous CGR to ensure effective governance whilst the Great Oldbury Development was increasing rapidly in size. With the recommendation for Great Oldbury to become its own Parish the Working Group agreed that the number of Parish Councillors should be reduced to the previous allocation of nine.

- a. A new Parish of Great Oldbury should be established (as shown in map 1) and the Parish should be called Great Oldbury Parish Council; and**
- b. The effective date for the new Parish Council will be 1 April 2024, with elections for the new Parish Council to take place in May 2024; and**

2.8 NAILSWORTH TOWN COUNCIL

The Town of Nailsworth has an electorate of 4470 and is currently represented by eleven Councillors and has no Parish Wards.

Small scale electorate growth is expected in the Town, by 2027 the projected electorate is 4599. The scale of representation indicates that Nailsworth should have between 9 and 16 Councillors, the current arrangements are within the scale of representation.



Summary of submissions received

Nailsworth Town Council had originally requested that their northern and southern boundaries were reviewed however withdrew this submission at the beginning of the initial consultation stage. Two further submissions were received but no suggestions were received for any alterations to the current arrangements.

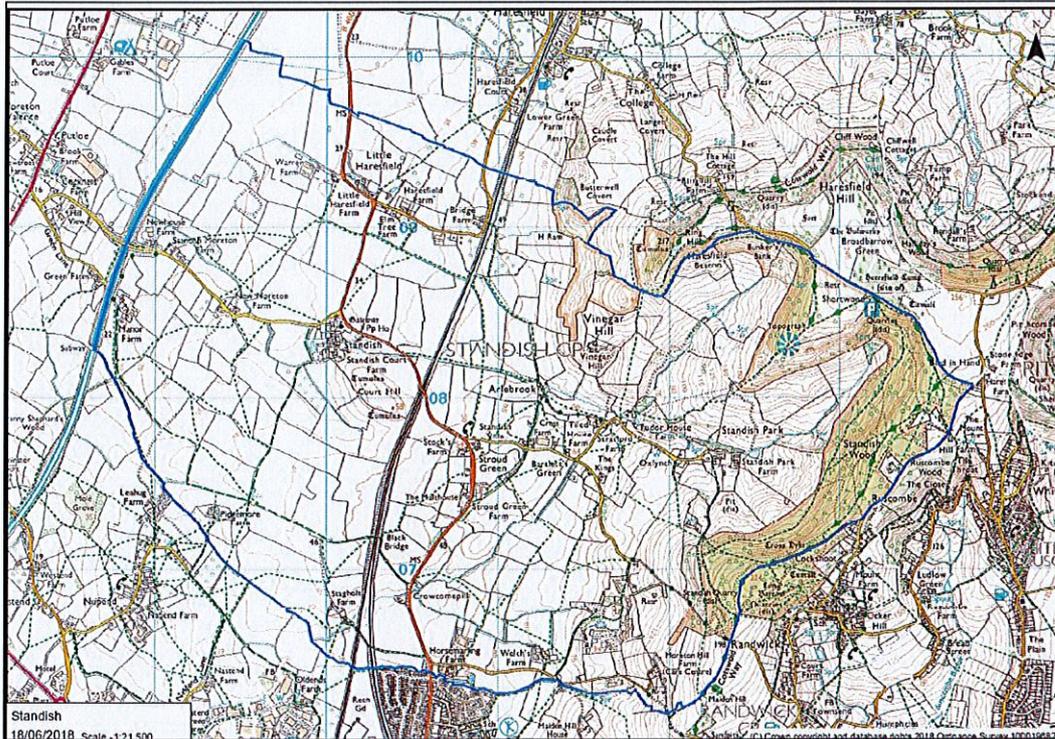
Draft recommendations

It is recommended that there is no change to the current arrangements.

2.9 STANDISH PARISH COUNCIL

The Parish of Standish has an electorate of 286 and is currently represented by five Councillors and has no Parish Wards.

Significant elector growth is predicted before 2027 within Standish Parish Council, the projected five year electorate forecast is 475. The scale of representation indicates that Standish should have between 5 and 8 Councillors, the current arrangements are within the scale of representation.



Summary of submissions received

One submission was received relating directly to Standish from Standish Parish Council. The submission was supportive of the current arrangements but suggested that a further CGR would be required if the parcel of land named PS19a in the Emerging Local Plan was granted planning permission.

Further submissions were received which refer to Standish however as these refer to the Great Oldbury development, they have been outlined under Eastington Parish Councils summary in section 2.3.

Draft recommendations

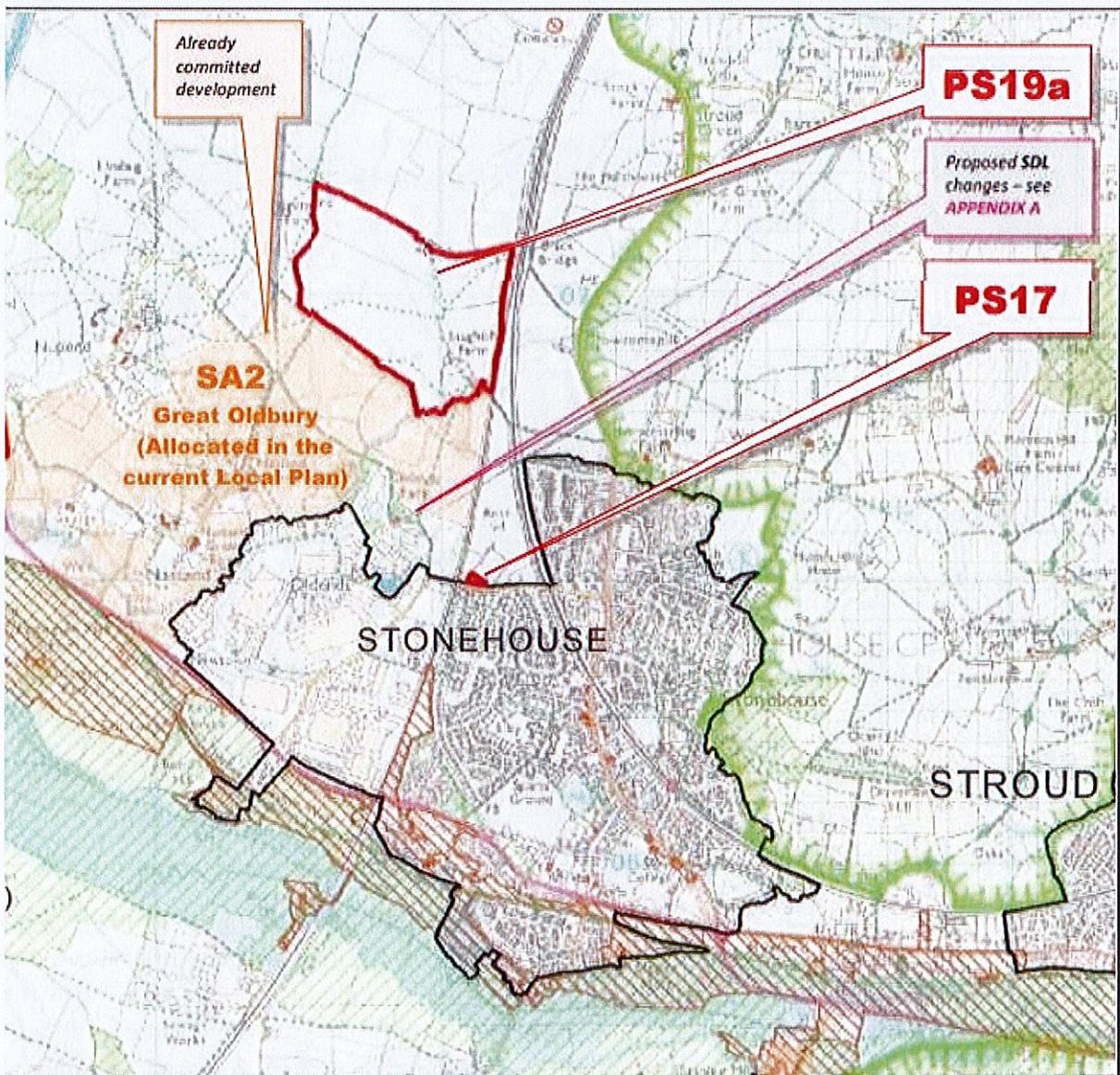
The majority of the Great Oldbury development is within Eastington Parish and therefore all proposals concerning Great Oldbury were considered within 2.3 Eastington Parish Council.

The Working Group discussed the Local Plan site PS19a at great length and consideration was given as to whether it should be within the proposed Great Oldbury

Parish Council area. The Working Group believed that it was important that the residents of any new development should be consulted. As there was not any planning permission in place for the site and no residents to consult with, it was decided that it was too early to make any suggested changes to the governance arrangements. The Working Group however agreed that a CGR would need to be undertaken following any future development and would need to consult with both the residents of the development and Standish Parish Council.

It is recommended that there is no change to the current arrangements.

Map 2: Map to show the Emerging Local Plan PS19a site outlined in red.



Kilometres

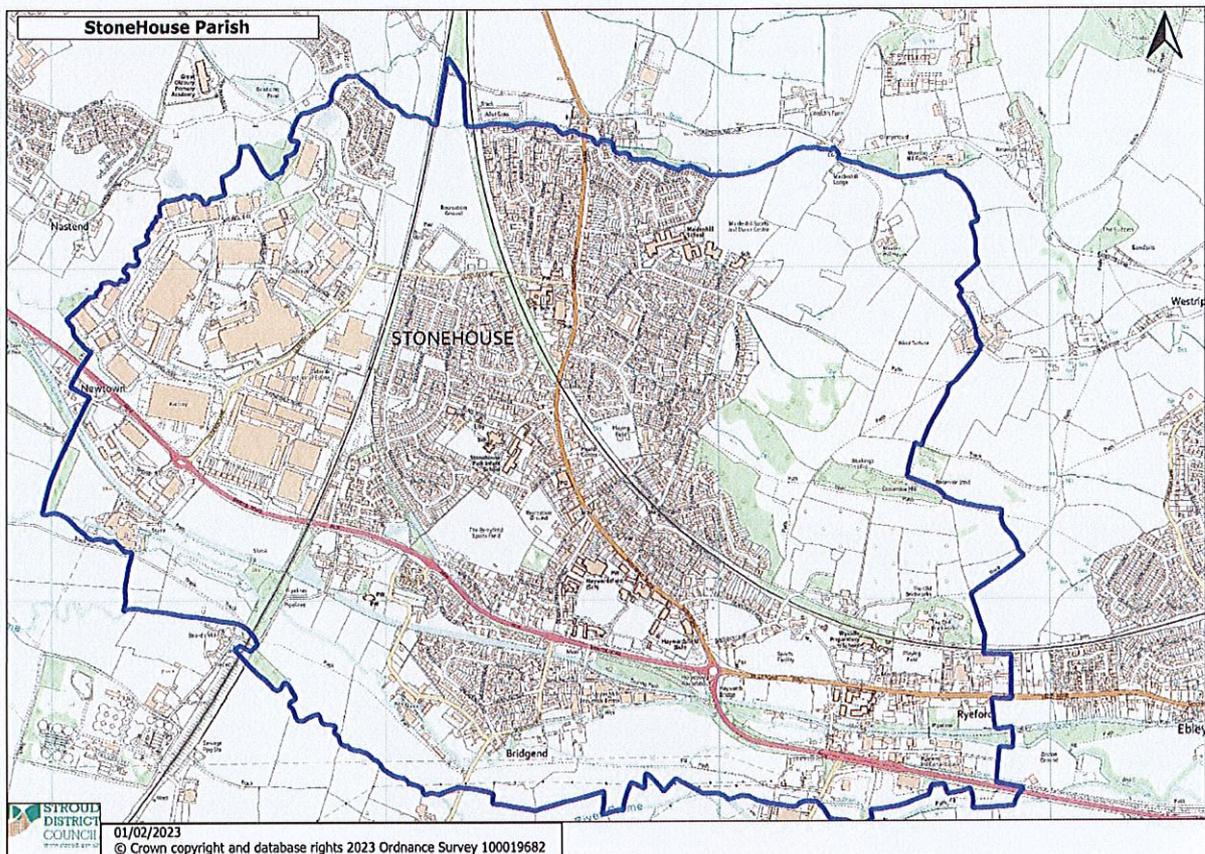
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2.10 STONEHOUSE TOWN COUNCIL

The Town of Stonehouse has an electorate of 5889 and is currently represented by fourteen Councillors and has two Parish Wards.

Current Wards	No. Of Cllrs	Electorate
Ryeford Ward	1 Councillor	104
Stonehouse Ward	13 Councillors	5785

Small scale electorate growth is expected in the Town and by 2027 the projected electorate is 5997. The scale of representation indicates that Stonehouse should have between 9 and 16 Councillors, the current arrangements are within the scale of representation.



Summary of submissions received

A submission from Stonehouse Town Council supported the creation of a new Parish for the community at Great Oldbury. In addition, the Town Council suggested that the current parish warding arrangements for Stonehouse were not suitable and would prefer for the warding arrangements to be removed. Two further submissions were received, the first requested multiple changes to areas within Stonehouse including transferring the land between the A419 and the Canal to Stonehouse Town Council, transferring Foxes Field to Cainscross and transferring the allotments, playing field and development opposite horsemarling lane to Stonehouse. The submission however did not provide much supporting evidence. The second submission wanted to reverse the changes made to the

boundary between Cainscross Town Council and Stonehouse Town Council which were made at the CGR undertaken in 2019.

Further submissions were received which refer to Stonehouse however as these refer to the Great Oldbury development, they have been addressed under Eastington Parish Councils summary in section 2.3.

Draft recommendations

The majority of the Great Oldbury development is within Eastington Parish and therefore all proposals concerning Great Oldbury are considered within section 2.3 Eastington Parish Council.

The Working Group discussed the request to reverse the boundary change between Cainscross and Stonehouse. As only one request had been received, the Working Group did not feel there was strong enough evidence or justification to consider amending the boundary at this time. Furthermore, any amendments to the Cainscross/Stonehouse Town boundary would impact the District boundaries. This would result in a request to the LGBCE to alter these boundaries. The Working Group were aware that the LGBCE could reject this request and strong evidence would need to be provided to justify an amendment to a boundary that has only recently been introduced.

The consultation response has been passed to Cainscross Town Council for the Town Council to consider if there is any more it can do to make sure residents of Cainscross Ebley Ward receive more frequent communication and feel more included in the community. The Working Group welcomes further views from residents within the Cainscross Ebley Ward regarding the governance arrangements.

The Working Group also considered the warding arrangements for Stonehouse Town Council and, consideration was given to the request to remove the current ward boundary for Stonehouse Ryeford Ward.

The Working Group felt that removing the warding arrangements entirely would not lead to more effective and convenient community governance and instead proposed the creation of three wards similar to the arrangements that were in place before 2016.

Parish/Town warding is the division of a parish into wards for the purpose of electing Councillors. This includes the number and boundaries of any wards, the number of Councillors to be elected for any ward and the names of wards.

In considering whether a parish should be divided into wards, the 2007 Act requires that consideration be given to whether:

- a) The number, or distribution of the local government electors for the parish would make a single election of Councillors impracticable or inconvenient; and
- b) It is desirable that any area of the parish should be separately represented.

There is a strong case for the warding of urban parishes as community identity tends to focus on a locality such as a housing estate or community facilities. Typically, most large

Town Councils have warding arrangements in place to ensure that there is equal representation across the area.

When determining the boundaries of the wards, community identity and interests in the area should be taken into account including whether any particular ties or linkages might be broken by the drawing of particular ward boundaries. The Working Group felt that the warding arrangements which were previously in place before 2016 should be reintroduced although they recommend a minor change between the boundary of Central and South Wards. This amendment would move the properties on the northern edge of Bath Road originally in South Ward into Central Ward. The names of the wards should be the same as they were in 2016 (Central, North and South).

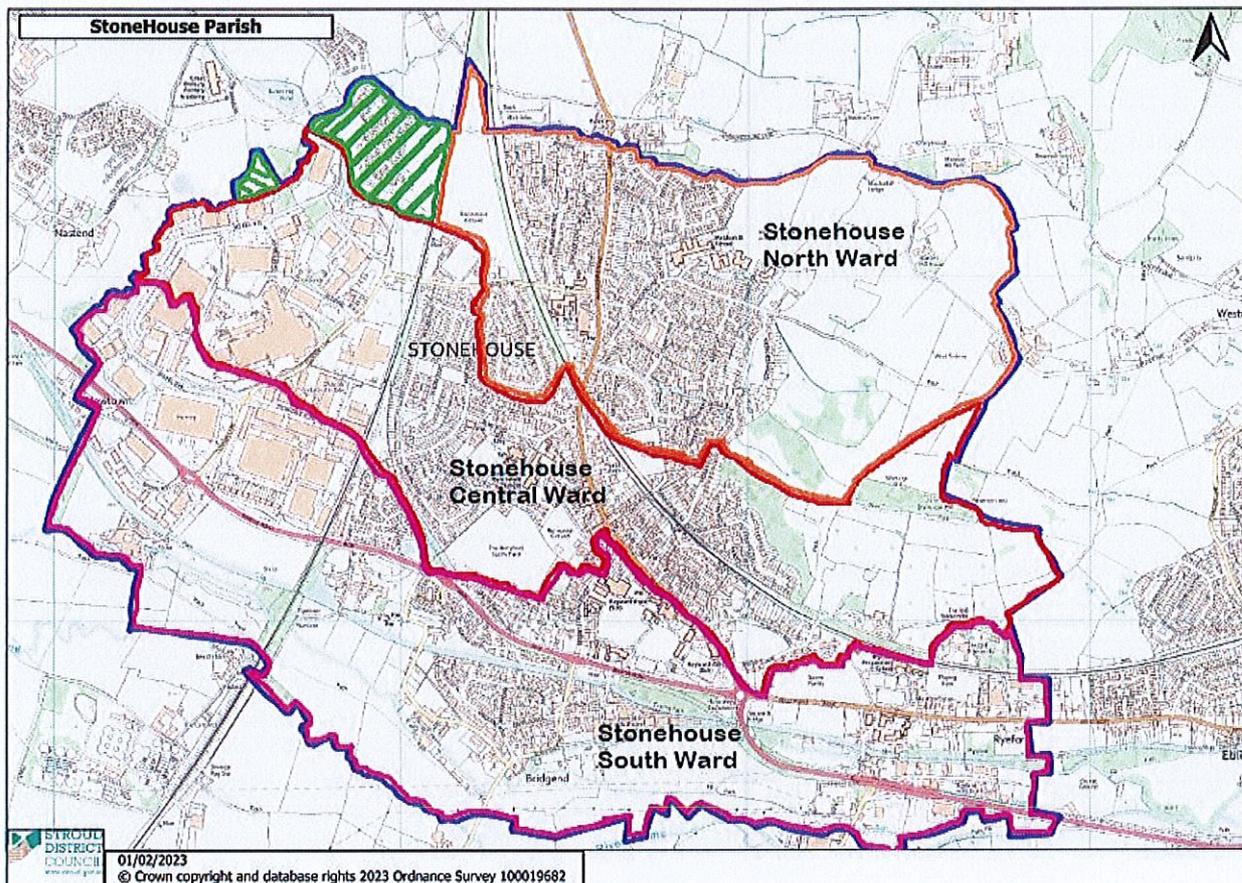
The Working Group also noted the number of vacancies and by-elections that have taken place since 2021 for Stonehouse Town Council. Warding arrangements reduce costs incurred by the Town Council during election periods as the election is held on a smaller scale.

With regard to the Councillor allocation, the Working Group recommend that the number of Councillors for each ward is proportionately based on the number of electors within each ward:

- Stonehouse North Ward – 6 Councillors
- Stonehouse South Ward – 4 Councillors
- Stonehouse Central Ward – 4 Councillors

- a. **The ward boundaries of the Town of Stonehouse are redrawn to create three Wards, North, Central and South Ward (as shown in map 3).**
- b. **The allocation of Councillors is redistributed across the wards with an allocation of 6 Councillors for North Ward, an allocation of 4 Councillors for South Ward and an allocation of 4 Councillors for Central Ward.**

Map 3: Map to show the proposed Stonehouse Town Council Ward Boundaries. Stonehouse Central Ward in red outline, Stonehouse North Ward in orange outline, Stonehouse South Ward in pink outline and green shaded area transferred to the new Great Oldbury Parish.



**HIGHWAYS ACT 1980 - SECTION 119
PUBLIC PATH DIVERSION ORDER
WILDLIFE & COUNTRYSIDE ACT 1981 - SECTION 53A(2)
GLOUCESTERSHIRE COUNTY COUNCIL
DIVERSION OF PUBLIC FOOTPATH EEA 13 AT BRUNEL WAY
(TOWN OF STONEHOUSE and PARISH OF EASTINGTON)**

Proposed Public Path Diversion Order

**Gloucestershire County Council's Statement of Reasons for processing
a Public Path Diversion Order.**

BACKGROUND

1. This statement of reasons relates to an application made by Lister Shearing Equipment Limited under section 119 of the Highways Act 1980 ("HA80") and the Wildlife and Countryside Act 1981 section 53A(2) to divert part of footpath EEA 13 in the town of Stonehouse and the parish of Eastington.

The application is made in the interest of the owners of the land crossed by the footpath, EEA 13, to move the footpath as shown on the Definitive Map away from its route at the rear of industrial units owned by Lister Shearing Equipment Limited to a route on the northern side of the watercourse where a new development is planned. A section of the definitive path EEA 13 behind the industrial units is obstructed by trees and dense undergrowth, and some walkers coming from the fields and new housing development to the north, after crossing the footbridge at point B, follow alternative routes running east or west from the rear of the industrial units to reach Brunel Way. The alternative route to the west of the units crosses a working yard owned by the applicant, which raises safety issues for walkers because lorries and forklifts operate in this area. Employees crossing the yard are required to wear high visibility personal protective equipment (PPE) and the applicant is concerned that walkers are not clearly visible to vehicle operators in the yard. The definitive path is further obstructed by a car park where it proceeds in a southerly direction from the rear of the industrial units to the junction with the class 4 road known as Brunel Way.

The proposed footpath will follow the northern side of the watercourse, alongside an area designated by the developer as public open space, before crossing the watercourse via a new footbridge and following the existing tarmac footway adjacent to the car park, re-joining Brunel Way at point E.

DESCRIPTION OF DIVERSION ORDER ROUTE

2. The definitive path EEA 13 to be stopped up starts at point A on the attached map, see annex 1, and proceeds in a south southeasterly direction for 3 metres before crossing the watercourse via a footbridge at point B and continuing along the rear of the industrial units for 15 metres. The area behind the units is overgrown with trees and thick vegetation and the existing path cannot currently be used. The path continues behind the units in a southeasterly direction for 19 metres then a northeasterly direction for 29 metres then an east northeasterly direction for 45 metres before turning in a southerly direction and proceeding for 73 metres across a tarmac car park belonging to an adjacent unit, crossing a grass verge and the road known as Brunel Way and joining footpath EEA 28 at point C on the footway at the southern side of Brunel Way.

The proposed new path starts at point A on the map and proceeds across a grassy field in an easterly direction for 11 metres and then a southeasterly direction for 22 metres alongside the watercourse, to the south of an area that has been designated by the property developer as public open space. The path continues alongside the watercourse in a northeasterly direction for 17 metres then an east northeasterly direction for 37 metres before turning in a southerly direction for 6 metres and crossing the watercourse via a new footbridge to be installed at point D. The path then continues in a southerly direction for a further 69 metres across an area of mown grass between two industrial units, and along the existing tarmac footway adjacent to the car park to point E where there is a junction with Brunel Way.

WIDTH AND LIMITATIONS

3. The new path will be unenclosed and will have a recorded width of 2 metres. The path will start a minimum of 3 metres from the bank of the watercourse. There will be no limitations recorded.

STATUTORY PROVISIONS

4. Section 119 of the Highways Act 1980 sets out as follows:
 - (1) Where it appears to a council as respects a footpath, bridleway or restricted byway in their area (other than one that is a trunk road or a special road) that, in the interests of the owner, lessee or occupier of land crossed by the path or way or of the public, it is expedient that the line of the path or way, or part of that line, should be diverted (whether on to land of the same or of another owner, lessee or occupier), the council may, subject to subsection (2) below, by order made by them and submitted to and confirmed by the Secretary of State, or confirmed as an unopposed order,—
 - (a) create, as from such date as may be specified in the order, any such new footpath, bridleway or restricted byway as appears to the council requisite for effecting the diversion, and
 - (b) extinguish, as from such date as may be specified in the order or determined in accordance with the provisions of subsection (3) below, the public right of way over so much of the path or way as appears to the council requisite as aforesaid.

An order under this section is referred to in this Act as a “public path diversion order”.

- (2) A public path diversion order shall not alter a point of termination of the path or way—
 - (a) if that point is not on a highway, or
 - (b) (where it is on a highway) otherwise than to another point which is on the same highway, or a highway connected with it, and which is substantially as convenient to the public.

- (3) Where it appears to the council that work requires to be done to bring the new site of the footpath or bridleway into a fit condition for use by the public, the council shall—
 - (a) specify a date under subsection (1)(a) above, and
 - (b) provide that so much of the order as extinguishes (in accordance with subsection (1)(b) above) a public right of way is not to come into force until the local highway authority for the new path or way certify that the work has been carried out.

- (4) A right of way created by a public path diversion order may be either unconditional or (whether or not the right of way extinguished by the order was subject to limitations or conditions of any description) subject to such limitations or conditions as may be specified in the order.

- (5) Before determining to make a public path diversion order on the representations of an owner, lessee or occupier of land crossed by the path or way, the council may require him to enter into an agreement with them to defray, or to make such contribution as may be specified in the agreement towards,—
 - (a) any compensation which may become payable under section 28 above as applied by section 121(2) below, or
 - (b) where the council are the highway authority for the path or way in question, any expenses which they may incur in bringing the new site of the path or way into fit condition for use for the public, or
 - (c) where the council are not the highway authority, any expenses which may become recoverable from them by the highway authority under the provisions of section 27(2) above as applied by subsection (9) below.

- (6) The Secretary of State shall not confirm a public path diversion order, and a council shall not confirm such an order as an unopposed order, unless he or, as the case may be, they are satisfied that the diversion to be effected by it is expedient as mentioned in subsection (1) above, and further that the path or way will not be substantially less convenient to the public in consequence of the

diversion and that it is expedient to confirm the order having regard to the effect which—

- (a) the diversion would have on public enjoyment of the path or way as a whole,
- (b) the coming into operation of the order would have as respects other land served by the existing public right of way, and
- (c) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it,

so, however, that for the purposes of paragraphs (b) and (c) above the Secretary of State or, as the case may be, the council shall take into account the provisions as to compensation referred to in subsection (5)(a) above.

(6A) The considerations to which—

- (a) the Secretary of State is to have regard in determining whether or not to confirm a public path diversion order, and
- (b) a council are to have regard in determining whether or not to confirm such an order as an unopposed order,

include any material provision of a rights of way improvement plan prepared by any local highway authority whose area includes land over which the order would create or extinguish a public right of way.

5. Section 53A (2) of the Wildlife and Countryside Act 1981 sets out as follows:

An Order made by the Authority to modify the definitive Map and Statement of Public Rights of Way in consequence of the occurrence of an event specified in Section 53(3) (a) (1) of the 1981 Act, namely the stopping up, diverting, widening or extending (as authorised by the order) of a highway shown or required to be shown in the map and statement.

6. GCC also has a duty under section 29 of the HA80 to have due regard to—

- (a) the needs of agriculture and forestry, and
- (b) the desirability of conserving flora, fauna and geological and physiographical features.

Section 29 holds that “agriculture” includes the breeding or keeping of horses.

7. GCC also has a duty to consider its obligations under the Equality Act 2010.

REASONS FOR MAKING A DIVERSION ORDER

'Making' Tests to be satisfied.

Is it expedient to divert the route in the interest of the landowner?

8. It is expedient to divert footpath EEA 13 interests of the owners of the land. The existing footpath, EEA 13, passes behind some industrial units before crossing a car park. Part of the definitive path is blocked by trees and undergrowth, and walkers currently use an alternative route to the east behind the units, or to the west through a yard at the applicant's premises where lorries and forklift trucks operate. This raises serious health and safety concerns for the applicant and there have been near misses where walkers using this alternative route through the yard were not visible to vehicle operators. Diverting this footpath would enable the landowners to improve the safety and security of their premises and would increase safety for walkers by providing a suitable route away from the industrial units and parked cars.

Is it expedient to divert footpath EEA 13 having regard to the points of termination and whether these are substantially as convenient to the public?

9. The start point A is the same for the definitive path and the diversion route, and the termination points of both paths end on Brunel Way only 11 metres apart so this order would satisfy the termination points test.

Agreement made under section 119(5) of the HA80

10. The landowner has agreed to defray –
- (a) any compensation which may become payable under section 28 as applied by section 121(2)

- (b) any expenses which they may incur in bringing the new site of the path into a fit condition for use for the public.

The applicant will install at their expense a bridge across the watercourse at point D. All works will be inspected and certified before the order is confirmed.

GCC's obligations under section 29 HA80

11. There are no agricultural obligations, and the proposed diversion does not impact on flora, fauna and geological and physiographical features; there are no disbenefits to the public.

GCC's obligations under the Equality Act 2010

12. There are no additional obligations to consider; both the definitive and the proposed paths are similar in nature and gradient and there are no limitations on the new route.

REASONS FOR CONFIRMING A DIVERSION ORDER

13. The legal tests for the confirmation of a diversion order, by either a highway authority or the Secretary of State, are set out in section 119(6) of the HA80 set out above in paragraphs 4(6) and (6A). The interpretation of section 119(6) was considered in the case of *R (on the application of Young) v The Secretary of State for the Environment, Food and Rural Affairs* [2002] EWHC 844. Paragraph 26 of the PINS Advice Note 9, commenting on the above case, states that subsection 119(6) has three separate tests to it.
- (i) Firstly, the order is expedient in terms of section 119(1), i.e. that in the interests of the owner, lessee or occupier of land crossed by the path or of the public, it is expedient that the line of the path be diverted but not so as to alter the point of termination if not on to a highway or to a point on the same highway not substantially as convenient to the public. These are dealt with in paragraphs 8 and 9 above.
- (ii) Secondly, that the diverted path will not be substantially less convenient to the public in terms of, for example, features which readily fall within the natural and

ordinary meaning of the word “convenient” such as the length of the diverted path, the difficulty of walking it and its purpose.

- (iii) Thirdly, that it is expedient to confirm the order having regard to the effect:
- (a) the diversion would have on the public enjoyment of the path or way as a whole;
 - (b) of the order on other land served by the existing public right of way; and
 - (c) of the new path or way on the land over which it is to be created and any land held with it.

14. Paragraphs 8 and 9 above address the test of expediency and the termination points. As to the second test, the diversion being not substantially less convenient to the public, the length of the new route is 162 metres, which is 22 metres shorter than the definitive route. The definitive and proposed paths both start at the same point and the termination points, on Brunel Way, are only 11 metres apart. Both paths are level and no steps or changes in gradient are being introduced. The existing and proposed paths both have a surface that is part grass and part tarmac, although the new route will follow an existing tarmac footway for part of its length and will avoid the need for walkers to encounter moving industrial vehicles and parked cars.

15. The third test is addressed as follows:

Public enjoyment will be increased by the diversion of this path because the proposed route will take walkers away from the car park and the rear of the industrial units with their restricted views and busy vehicular movements. The new path will provide an easier and safer route for walkers and is a pleasant walk on a grassy surface following the course of the stream and along an existing tarmac footway. The area to the north of the diversion route has been designated by the developer to become public open space when the land is developed, and the proposed path will remain as an open grassy path when the development is complete. The new path will start a minimum of 3 metres away from the stream to allow for trees and vegetation growing along the bank, and will provide walkers with a more enjoyable connection between Brunel Way and the new housing development to the north

There are no adverse effects in respects of neither other land served by the existing or the new public right of way nor the land over which the path is created.

Is the Diversion Order affected by a Rights of Way Improvement Plan?

16. There are limited elements of the Rights of Way Improvement Plan relevant to this order, see

Annex D - Priority guidelines for public path orders

Part A – Landowner Interest

The following factors may be taken into consideration:

- Applications that are intended to overcome health and safety problems for the applicant, for example, diversion of a path out of a farmyard;
- Applications that are fully paid for by the applicant;
- Applications that offer sizeable benefits to the applicant.

See the full Rights of Way Improvement Plan on the County Council webpages https://www.gloucestershire.gov.uk/media/3278/rowip_2011_to_2026-45038.pdf

