

Mrs. Ann Matthews,
Brickwalls,
Alkington,
Whitchurch,
Shropshire.
SY13 3NJ

Mr. K. Hartley

KH/WP2

29 March 2000

Dear Mrs. Matthews,

99.201 WHIXALL OLD BURIAL GROUND

The Chancellor has now given his judgement in this case and I enclose a copy. You will note that in the last but one paragraph he comments that Whixall Parish Council seem to have delegated control of this piece of land to the Social Centre Management Committee. Since the original agreement was made, as it had to be, with the Parish Council, he wishes to be assured that the Council does retain ultimate responsibility. He therefore requires you to lodge a copy of the Constitution of the Committee with the Registry within 28 days. Provided that he is satisfied with the document he will then direct me to issue a Faculty.

A copy of the Judgement is being sent to the other parties in this matter.

Yours sincerely,

K. Hartley

ENC: Copy Judgement

Whixall Parish Council

Chair : Martin Trow

03 May 2000

Mr. K. J. Hartley,
Registry Assistant, Diocese of Lichfield
Registry Office & Legal Secretariat
1 St. Leonard's Close
BRIDGNORTH
SHROPSHIRE WV16 4EL



Whixall Old Burial Ground
Matter No. 99.2017

Dear Mr. Hartley,

Thank you for your letter of 29th March 2000 in which you enclosed a copy of the Chancellor's judgement. I apologise for the delay in replying and enclose a copy of the Social Centre Constitution as requested.

The formation of the Social Centre Committee pre-dates the transfer of care of the Old Burial Ground to the Parish Council, and I therefore assume is of no help in clarifying the matter of concern.

An additional meeting of the Parish Council was called last week to discuss the matter and I enclose a copy of the minutes. It was resolved at the meeting to form a new committee to consider applications for the hiring of the Old Burial Ground in conjunction with the hiring of the Social Centre, and the procedure to be followed in such cases by the Booking's Secretary is explained.

A letter explaining the process has been sent to the Chair of the Social Centre Committee, and a copy of it and his initial reply is enclosed.

The Council wishes to apologise for the confusion caused and hopes that the formation of this Old Burial Ground Committee will serve to allay the concerns of the Chancellor, and assure him that the Parish Council does retain control and the right of veto over the Old Burial Ground, and that this is understood by the Social Centre Committee. The Council was endeavouring to ensure that it was understood that the Old Burial Ground was not intended to be used as a general recreation field, but only when hiring the Social Centre for a function.

Yours sincerely,

A handwritten signature in cursive script that reads "Ann Matthews".

A. F. Matthews
Clerk to the Parish Council

Whixall Parish Council

Chair: Martin Trow

**Minutes of an additional meeting of the Parish Council held on
Tuesday 25th April 2000 at Whixall Social Centre starting at 7:30 p.m.**

Present:

Chair: Martin Trow
Councillors: Freda Bradbury, Phoebe Mills, Gerald Reeves,
Vin Hall, Austin Dudley, John Lester
Clerk: Ann Matthews

33/00 Apologies

David Astbury - previous engagement
Jack Hopwood - ill

34/00 Old Burial Ground

The judgement from the Chancellor of the Diocese of Lichfield was received. Cllrs. were pleased to note that all the Changes of Use requested had been granted.

Cllrs. discussed the concerns of the Chancellor regarding the hiring of the Old Burial Ground for the permitted uses. From the wording of the petition it appeared that the Parish Council had delegated responsibility for the Old Burial ground to the Social Centre Management Committee. This had not been the intention of the petitioners.

Proposed by Cllr. John Lester, Seconded by Cllr. Phoebe Mills and Resolved unanimously to form an Old Burial Ground Committee, and delegate decision-making powers to that committee regarding the hiring of the Old Burial Ground. The Parish Council would of course retain responsibility for any decisions taken.

Resolved that Cllr. Vin Hall should chair the committee, and that Cllrs. John Lester and Austin Dudley should be members of the committee.

The mechanism for hiring the Old Burial Ground would work as follows: Bookings are made with the Bookings Secretary, Mrs. Beryl Trow. On receipt of a request to hire the Old Burial Ground in conjunction with the hiring of the Social Centre, Mrs. Trow would contact Cllr. Vin Hall. Cllr. Vin Hall would then call a committee meeting of the Old Burial Ground Committee. Mrs. Trow would await the response of the Committee before confirming the booking with the hirer.

It was never the intention of the petitioners that the Old Burial Ground should be used in isolation from the hiring of the Social Centre, and any such request would be refused.

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Resolved to write to the Social Centre Management Committee explaining this procedure and requesting their concurrence.

Resolved to enclose a copy of these minutes when writing to the Chancellor.

35/00 Countryside Bill

Cllrs. received a letter from Owen Paterson MP requesting comments on the letter which he had received from Mr. David Arnold-Forster, Chief Executive English Nature, following his recent speech on the new Countryside Bill in the House of Commons.

- The reference to the purpose of the Consultation Zone being to reduce the number of applications which are referred to English Nature is inaccurate in its effect because in practice NSDC refer all applications from within the zone.
- Mr. Arnold-Forster's information was inaccurate regarding the lack of early contact with local staff by the applicants in the case of the Free Range Poultry Unit. In this case, Mr. Vin Hall, one of the applicants, had consulted Mr. Chris Hogarth, English Nature at a public meeting held in Whixall in May 1999 on this issue:
Mr. Hogarth had replied that he would simply check that the drains from any proposed poultry unit ran away from the catchment area of the Moss, and, if they did so, then he would have no comment to make on any such application.
- Cllrs. thought that consulting with the Institute for Terrestrial Ecology was adopting too clinical approach.
- Cllr. Vin Hall reported that he had been required to produce data proving the direction of the prevailing wind. This would have proved costly had not the nearby Aluminium works at Fenns Bank fortunately been able to supply him with the data. This was required by English Nature to ensure that the delicate eco-balance of the Moss would not be disturbed by high levels of nitrogen in the atmosphere being blown across it as the chicken manure decomposed.
- Cllrs. were concerned to note that the points Mr. Paterson made in his speech about the application of cow manure to the land by dairy farmers were ignored in Mr. Arnold-Forster's reply. They wish to request clarification on that point, because Whixall is a dairying area and any restrictions could put already threatened livelihoods at risk.
- Cllrs. felt that it would be important to negotiate a clear system of compensation for any restrictions that may be imposed. At present compensation to farmers within the SSSI appears to be very much on an ad hoc basis. There is no system for compensation for loss of value to property.

Resolved to reply to Mr. Paterson

36/00 Planning Applications

N/00/239/WX/170 Erection of a single storey extension to rear of existing dwelling to provide granny flat - Rose Cottage, 9 Canal Side, Whixall

Resolved - no objections

Meeting closed at 8:30 p.m.