

LYDFORD PARISH COUNCIL

MINUTES OF THE MEETING

Held in the Nicholls Hall on Tuesday 16th December 2008

135-2008 Present:

Ms L Ellicott (Chairman): Ms J Gannon (Vice-Chairman); Mrs L Cole: Mrs S Holland: Mrs K Boyd
Ms C Moriarty: Mr I Hammerton: Mrs A Martin (Clerk)

Parishioners and others in attendance: Four Parishioners were in attendance.

136-2008 Apologies for Absence:

Cllr I McPhie, Cllr A Hosking and CPSO Chapple were accepted.

137-2008 Declaration of Interests:

There were none.

138-2008 Parishioners and Visitors Time:

138.1 Some tea towel sellers have been around in the village, and were quite unpleasant to at least one resident. This will be reported to our CPSO.

138.2 Several parishioners have complained about horses using the granite way. Highways have been contacted about this in the past, and have not been at all helpful on the issue. In spite of the fact that at a time when there is a strongly positive move to inclusion in community open spaces, this section of the Granite Way, which lends itself readily to use by wheelchair users and other mobility-impaired users, is becoming unusable by them because of the amount of horse manure and the fear of being trampled. The Clerk will follow the issue up with highways once again, although that point had already been made.

138.3 A parishioner asked about the Community Land Trust. Ms Gannon explained how that any land being put forward for development in the next ten years in the National Park would have to have been registered under the recent SHLAA, which closed in November. It is expected that some local landowners may have registered their land, but this does not mean that it will have been considered as meeting the strict criteria applied by the DNPA. It is not known when the results of the SHLAA will be published. The land about which the Council was consulted as recorded in the September minutes may well have been registered – the Clerk explained that it is now Government policy that there should be pre-application discussions with parish councils with the aim of ironing out as many difficulties as possible before the application is submitted. This has caused concerns among parish councillors nationwide that they may then appear to be showing bias in considering the subsequent application, and in this awareness they are very careful in their use of language to ensure that they are seen to take a neutral stance at the pre-application stage.

138.4 A number of parishioners have encountered problems when walking on the track by Hartswood in that the new owners appear to think that there is no right of way and are seeking to stop them using the track. The Clerk will check the definitive map.

138.5 Police Report: CPSO Chapple was in the village earlier in the day, and had stated that there was nothing to report in Lydford this month.

139-2008 To approve the minutes of the previous meeting:

The minutes of the meeting held on Tuesday 18th November 2008 were signed by the Chairman as a true and accurate record.

140-2008 Matters Arising:

140.1 Highways, Parking and Traffic Issues: It is believed that the meeting with the Road Safety Officer had taken place (from the original promised date), but no update had yet been received.

Regarding the missing Lydford sign outside her property, Mrs Boyd had brought in a photo of the similar sign from the other end of the village as highways were apparently at a loss to know what it looked like. The Clerk will scan it and send them a copy.

It is some time since the Council received an update regarding the compulsory purchase order for the completion of the missing link at the Granite Way and the Clerk will ask for an update before the next meeting.

Much of the surface of Ingo Lane was washed away by the recent storms and the Clerk will draw the attention of the Highways department to this.

140.2 Parish Plan update – The Council is still chasing Devon County Council for the draft plan, but without success at present. This is being done by the Parish Plan Secretary.

140.3 Progress re: Ancient Spring and Opening Ceremony – The Council had been contacted by ING to the effect that they would like to change the proposed date. Saturday 7th March is now a possibility, dependant on the availability of the Mayor.

140.4 Progress re: Emergency Plan – A fresh appeal for volunteers will go out in the New Year.

140.5 Beating of the Bounds – The Chairman reported that she is facilitating a meeting between the two leaders, who will decide between them how they will apportion the leadership. At least one of them is believed to be planning to walk the entire distance. The Nicholls Hall is not available, but is not normally used for this event.

140.6 Community Land Trust Update There was no update to report.

140.7 Proposed Sewage Treatment Works The council had checked with the independent scrutineer regarding the copyright on his report, and he is happy for it to be freely published including on the internet. Printed copies were given out to parishioners at the meeting, and a copy will be appended to these minutes.

The Clerk reported having perceived that some parishioners seem to believe that the Council has far more powers than is actually the case, and outlined some information that she had prepared in an attempt to clarify the situation. The information sheet is also appended to the minutes.

The Chairman reported that she understood that there had been a delay in progress on the project due to a bereavement, and so there was no further progress for the Council to report. Some correspondence had been received from a parishioner requesting the Council to answer some points. This was not received in time for it to go out in the briefing notes for the meeting, and had therefore not been seen by councillors not on e-mail. The Chairman noted that it would therefore be deferred to the next meeting.

At this point the Chairman suspended the meeting to allow Parishioners to speak.

Regarding the scrutineer's report a parishioner asked what information had been made available to the scrutineer and was informed that he had no project specific information given to him beyond the completed comment sheets as his brief was simply to ensure that any summary of their contents was unbiased.

Another parishioner wanted the council to forward specific questions to SWW and the Clerk wrote these down. Members felt that some of the information had already been included in the information sheet provided as an appendix to the November minutes. The questions will, nevertheless, be forwarded to SWW on the parishioner's behalf.

The formal meeting recommenced.

140.8 Christmas Tree Festival The Council had received a letter of thanks from the Church for decorating a tree in the festival. The Chairman thanked Mrs Holland for organizing the decoration on the Council's behalf. A number of members were involved in carrying out the work.

141-2008 Receive Reports from Councillors on respective outside bodies:

141.1 DNPA Consultative Forum Mr Hammerton attended the recent meeting and gave a report. There was an interesting item on the restoration of blanket bogs, important for the environment as when they are in a healthy state they actually absorb carbon from the atmosphere. There was also an item about the current plight of upland farmers, including a short film that has been made with the intention of better informing more remote tiers of governance about local problems. At the meeting he had suggested to Mr Bishop that in parishes like Lydford, which are awash with tourists during the summer months, a slightly more tourist-oriented film show, putting over the same message, could be shown at local events to further the spread of information, and that the idea had been favourably received. Mrs Holland thought that the local commoners might also want to be involved in such a project.

Mr Hammerton drew members' attention to the new Dartmoor brand, which is now marketing meat boxes nationwide via the internet. The meeting had been both interesting and informative.

141.2 Police Authority No meeting this month.

141.3 Southern Parishes Link Committee Mrs Boyd attended the meeting earlier in the month and gave a report. The police had stated that violent crimes are reported even if there is no prosecution, and this can affect the statistics. There is a new ASB officer for West Devon. It is hoped to set up a social space for young people so that they will have somewhere to congregate.

Mr G Greenaway (Principal EHO for WDBC) gave a presentation on the Clean Neighbourhood Act. Parish Councils can adopt powers to give fines for dog-fouling, graffiti and littering but to do so would involve costs for which no funding is on offer.

Mrs Boyd was impressed with a question put forward by Peter Tavy PC regarding the lengthsman service, and reminded members that the Council can put forward questions for the meetings.

Information was given on the Tavy Community Forum which is aimed at fostering projects for improving the life of people in the area. A list of projects was given at the meeting, including Lydford's recent work on upgrading the WI Room at the Nicholls Hall. Information was also given on the Sustainable Communities Act, and there was a helpful handout listing agencies who provide support and guidance that may be of particular need during the recession. The next meeting will take place in January.

141.4 Nicholls Hall Committee At the recent AGM one new member joined the committee, and there were additionally several new Friends of the Hall. The Cabaret Night was well received, and the Christmas Bistro was also well supported. Work to refurbish the cloakroom and storeroom has been completed with work on the outside planned for the New Year. The Nicholls Hall took part in the Christmas Tree Festival, and has provided the tree outside the hall. She thanked a number of individuals and organisations who had given support either financially or by donating their skills and time.

141.5 WDBC There was no report at this meeting.

142-2008 Finance:

142.1 The Clerk, as Responsible Financial Officer, gave a report detailing the following points:

- i) The Audit Return had been received from the Audit Commission and the required paperwork was already on the Parish Notice Board in accordance with the statutory requirements.
- ii) The contractor who cut the grass this year had indicated that there would be no price rise for the service next year. It was agreed that he should be asked to continue.
- iii) With a view to future expenditure the question of burials in the village was raised, as there is a perception that the Churchyard is close to capacity. When it is full it will be the Council's responsibility to provide a cemetery including the purchase of suitable land.
- iv) Provision for elections was also discussed as the amount of £500 currently held in provision will not meet the projected cost. A neighbouring parish council puts aside £200 per annum. It was RESOLVED that an amount of £200 should be included in next year's budget for elections provision.

142.2 The following balances were reported:

Current account – £519.37

Deposit account - £6478.90

Parish Plan - £1204.23

Ancient Spring - £3597.61

The following cheques were authorised from the general budget: Clerk salary & expenses £275.72: HMRC (via Post Office Ltd) £55.26: CAB £50: Hepworth Workshops (website) £156.09: Audit Commission £138.00: SLCC (subscription 2009) £80.00. The sum of £140 had been received from DCC in respect of grasscutting. A transfer of £600.00 from the deposit account to the current account was authorised. Provisions held as shown on the sheet circulated to members and attached to the master set of minutes.

142.3 The Precept Request needed to be agreed at this meeting, and a provisional budget had been circulated among the members. After some discussion it was unanimously RESOLVED that the precept for 2009/10 should be set at £6150.00, the same as for 2008/09.

143-2008 Correspondence

143.1 Correspondence requiring action or decision:

1 The Council was informed by the Information Commissioners Office that approval for all existing publication schemes under the Freedom of Information Act 2005 will expire on 31 December 2008 and that it is obliged under the Act to adopt a new approved Publication Scheme. This, along with a sheaf of guidance from the ICO website had been circulated in the Councillors' briefing pack for the meeting. A Model Publication Scheme was included and it was UNANIMOUSLY RESOLVED that Lydford Parish Council will adopt the Model Publication Scheme for Local Councils (Core Classes Only) from 1st January 2009.

2. A letter had been received from the Rural Services Community offering the Council free membership. As it is free the Council will return the pro-forma with its own contact details.

143.2 Correspondence for Information Only

1. West Devon e-connect
2. The lengthsman winter programme 2008, from Peter Tavy PC.
- 3 Lydford Boundary Stones – some new information from Mrs J Marchand at DNPA Archaeology regarding a new stone which has been unearthed. She was hoping that some local information might be found, but the council has made enquiries of the older residents and no-one has been able to help as yet.
- 4 DNPA Spring/Summer What's On for publicity for events. Community events can be publicised at no cost through this publication.
- 5 DAPC Newsletter with training dates appended
- 6 DNPA Agenda, Minutes and Reports of the Authority
- 7 The new Electoral Register has been received from WDBC. The Clerk noted that she has strict confidentiality instructions from WDBC regarding this document. Mrs Boyd commented that many commercial organisations seem to have access to the contents and the Clerk drew her attention to the option to request, when filling in the statutory reply to WDBC, to request names to be kept off the published register, and that any parishioner is entitled to select this option.
- 8 Information regarding Devon Community Foundation grassroots grants
- 9 South Devon and Dartmoor Community Safety newsletter
- 10 Information from RD&E Hospital including the Annual Report
- 11 From DCC re: Commons Registration – Nurston Farm in the Parish of Dean Prior
- 12 From WDBC re: Boundary Committee Review of Devon update – the date of the Review has been put back.
- 13 From Digital UK – information regarding the digital switchover in 2009. The switchover has already taken place in the Scottish Borders.
- 14 From WDBC Planning Enforcement – information re the siting of caravans. This gives much fuller information than that given by the Clerk in Parishioners Time during the November meeting, and corrects the statement that caravans must roll on their wheels. They can, in addition to being towed, be transported on a motor vehicle or trailer, and were established as a "chattel" by the Wealden case. The rules change if a caravan is adapted to make it a permanent structure by being fixed to the ground in some way. The relevant legislation is the Caravan Sites and Control of Development Act 1960.
- 15 Village Green newsletter
- 16 Recycling over Christmas information for the Notice Board.

144-2008 Planning Applications

144.1 Decisions Received

1. **Application for tree works at Barnhayes:** No preservation order has been placed on the trees.
2. **Application for Construction of detached garage adjacent to dwelling at the Paddock (0672/08)**

This application was withdrawn as it now comes under permitted development.

144.2 Applications Received

1. **Application for amendment to existing permission at the Builder's Office (0973/07):** The time limit on amendments is only 14 days. Members looked at the amended plans submitted and were unhappy about some new rooflights; the Council was also unsure whether

neighbouring properties had been informed. The Clerk was instructed to check against the original drawings and to reply accordingly under her delegated powers. She was also asked to check with the neighbours that they were aware of the application.

2. Application for replacement porch, side extension and garden room and alterations to bay windows at Hartswood (0761/08)

There was some doubt whether this application required permission or came under permitted development, resting on the technicality of which elevation was legally regarded as "the front". Members studied the plans, which mainly involved the replacement of existing parts of the structure with better quality construction. It seemed that there was nothing contentious about this application, and the Clerk was instructed to respond accordingly.

145-2008 Items raised at the previous meeting for inclusion on this agenda:

There were none.

146-2008 Items raised for inclusion on the next Agenda

The Granite Way. The Clerk was requested to obtain an update from highways before the meeting.

147-2008 To agree the date of the next meeting:

The date of **Tuesday 20th January 2009** was agreed commencing at 7.00 pm.

A provisional diary will be produced for 2009, with the Annual Parish Meeting to take place on Tuesday 7th April 2009. All regular meetings will continue to take place on the third Tuesday (no August meeting) unless changed by a resolution of the council.

There being no further business the meeting was formally closed by the Chairman at 8.15 pm.

Annie Martin
Clerk to the Parish Council

21st December 2008

Signed as a true and accurate record..... (Chairman) Date.....

Appendix 1 : Report on the Parishioner Consultation on the Proposed New Sewage Treatment Works in Lydford

At the request of the Lydford Parish Council, I am reporting the results of a public consultation on the proposal by South West Water to resite and renew the Lydford Sewage Treatment Works. A public exhibition and consultation was held by South West Water at Lydford on 7th October between 3p.m. and 7 p.m. Forms were made available on the day by the Council for those attending to respond confidentially to the Clerk. Subsequently further forms were circulated with the Parish Magazine as it was felt that some parishioners and others with responsibilities within the parish may have been unable to attend but wished to make their feelings known. The closing date for submission of all completed forms was, Friday November 7th 2008. Forty three forms, **representing the views of fifty two parishioners were received.**

No direct questions were included in the consultation. A few respondents wrote on the wider need for better sewage services and the role of South West Water who had proposed a completely new Sewage Treatment Works and were seeking a site that would be acceptable locally. Many consulted felt too little information was being offered. This was particularly the case for those who wished to know why the present Works could not be 'brought up to date' on the current site. Regretfully it was not always clear from the responses which sites were acceptable and which were being opposed. It seemed probable that more than one map had been displayed with the sites variously identified on one as Sites 1,2,or3 and Sites A,B,C on the other.

Thirty five parishioners (35) agree with SWW proposal to build a new Sewage Treatment Works; fourteen (14) parishioners disagree. Three (3) gave no opinion

Five (5) of those who disagree consider that no case has been made for failure to offer an upgrade to the present Works on the present site.

Only Fifteen (15) parishioners express clear preferences for or against a particular site, Five (5) for site A. Six (6) for site B. One (1) against site C.

Two (2) for site 1. One (1) against site 2.

Seven (7) having no preferences. The remaining thirty (30) have received insufficient information or otherwise feel unable to answer.

A majority of the inhabitants of Lydford village have suffered a recurring 'smell' in the village, particularly in the summer, for some years. The role of the increased summer population associated with tourist trade and the 'Campsite' are believed in several replies, to contribute to this smell through inadequate or inappropriate sewage facilities.

It would appear that the SWW proposal to provide a new 'Sewage Treatment Works' is acceptable to a majority. The numbers are small and there is no significant majority for a particular site. There is a definite need to explain why the present 'Works' cannot be modernised and remain on the present site. One respondent, apparently with technical knowledge, claims that a modern plant based on modern methods would be small enough to fit on that site.

It is felt that the disruption and damage to architectural, rural and archaeological factors have not been fully considered. In particular, attention is drawn to possible damage to older buildings in and around the village from laying the infrastructure of new piping and sewers. The need to upgrade small lanes for heavier traffic is also mentioned.

R.Ll.Meyrick.

Clerk's note: Dr Meyrick is the Independent Chairman of the West Devon Standards Committee, and it is in that capacity that he was asked to carry out the scrutiny on the Council's behalf.

Appendix 2: Parish Councils – Powers and Procedures

The following has been compiled as helpful guidance and is not intended to be taken as a legal document.

1. There is no statutory requirement for any individual or organisation to consult with the PC regarding any development plans until formal planning consent is applied for, at which point there is a statutory duty for the planning authority to consult the PC, though not necessarily to agree with or act on its comments. Any consultation which takes part outside this framework is on a goodwill basis only and has no legal standing.
2. It is not in the remit of a Parish Council to become involved in any negotiations to sell or purchase, lease or rent property within the parish except if the Council were directly involved on its own behalf. (Lydford Parish Council currently owns no property at all, and its assets are limited to a single filing cabinet.)
3. It is not in the remit of a Parish Council to have knowledge of any application by any individual or organisation to be connected to the sewerage system, and although sometimes that knowledge comes as part of a planning application any subsequent change is not reported to the Parish Council.
4. No individual councillor (including the Chairman) can speak on behalf of the Parish Council unless specifically authorised to do so in a particular situation with the majority agreement of a quorum of the council in an open meeting.
The Council itself is a statutory body which can speak only through a resolution passed in an open meeting. The Clerk never speaks on behalf of the council, but can refer enquiries to existing minuted items, and can also give guidance on points of procedure as these are laid down by the laws of governance under which the Council operates.
5. Any communication which requires the council to speak on a topic must be considered to be in the public domain, as this is the only way that the council can form a decision. Exceptions to this only occur where other Statutes are in force, for example in employment matters. Even then although discussions may take place in a closed meeting any decisions reached must ultimately be put into the public domain.
6. In the particular case of the proposed sewage treatment works the council has been consulted by SWW on a purely goodwill basis, and has taken the following steps:
 - i) Helped SWW to arrange its own Public Exhibition, at which qualified engineers were present to provide information and answer questions from parishioners.
 - ii) Invited parishioners to voice their opinions to the PC either in conversation, in Parishioners and Visitors time at meetings and through the confidential consultation slips that were available at the Public Exhibition, were sent out with the Parish Magazine and were additionally accepted when sent by e-mail.
 - iii) Consulted with its own independent expert to verify the technical veracity of the information given.
 - iv) Endeavoured at all times to ensure that questions that parishioners may wish to ask of SWW were put forward by the council if requested, and that a reply was received from SWW.NB Councillors have never claimed to have any specialist technical knowledge on the subject of sewage treatment, and would therefore not attempt to answer any questions themselves, nor to comment on the technical veracity of any replies received.