

Marhamchurch Parish Council

Tuesday 21st July 2015

A meeting of the Parish Council was held in the Methodist Room on the above date at 7.30pm.

Councillors present: Chairman Mr R Hockin, Messrs M Grills, R Blewett, S Colwill, T Edwards, T O'Sullivan T Perry, J Petherick and Mrs F Hunt. Mrs I Waterhouse arrived at 7.50pm

Approximately 6 members of the public were present

Apologies. Cllr N Chopak

Declarations of Interest

15/143 Mr T O'Sullivan Request from CARE, Mrs F Hunt – Horse Chestnut Tree, Mr S Colwill School Governor Vacancy.

Dispensations

15/144 Mr M Grills requested that he be allowed to remain and discuss the situation regarding the Hele Valley Trail. Dispensation was granted by the councillors.

Public Open Session

15/145 Mr M Moore commented that having the session at the beginning of the meeting is restrictive as there may be matters that arise later in the meeting where it may be relevant for the public to speak. The Chairman confirmed that the parish council are usually agreeable take comments and questions from the public during the meeting as appropriate.

Mr J Ward had notified the Clerk of his intention to attend and speak during the open session. He arrived approximately 7.45pm (following Matters Arising) and although the Public Session was over, he was invited to make comments. Mr J Ward spoke in his capacity as a member of CARE and gave a resume of the situation regarding the Appeal made by Good Energy (GE) for 11 Wind Turbines in Week St Mary against Cornwall Council's (CC) refusal decision. CARE, a properly constituted group with an elected management committee was formed as a result of the original planning proposal. CARE has agreed to apply for Rule 6 status which will allow them to have an active role in the Appeal Formal Hearing and the same rights as GE and CC. CARE already have a Barrister assisting them and will call on technical experts, planning experts and advisers. CARE estimate the costs will be in the region of £37,000. CARE feels that if parish councils, in areas that will be affected by the proposal, join the group it will strengthen their prominence. There is no condition that parish councils need to provide funds but a donation of money or a pledge to provide funds will be appreciated. Week St Mary and North Tamerton parish councils have joined CARE Rule 6 group. Six other parish councils have been invited to join.

Mrs Waterhouse arrived while Mr Ward was speaking.

Minutes

15/146 Following an amendment to Para 15/128 requested from Mr T O'Sullivan to include 'No further discussion took place at the meeting', the minutes of the meeting on June 16th 2015 were unanimously approved and signed.

Matters Arising.

15/147a Para 15/124a CC has reaffirmed there are no training sessions arranged for the Bude area. The Clerk has asked if there can be on-line training provided.

15/147b Para 15/125b (xii) Correspondence Staff Pensions.

15/147c Para 15/125c CRHA re 3 bedroom vacancy. The house has been awarded to a family from Bude.

15/147d Para 15/140 Transparency Code – The £30K community benefit fund increases the turnover above £25K. There is not a Code for parish councils with a turnover between £25K -£200K.

Correspondence.

15/148a The following had been circulated beginning 08.07.15

- i) Glasdon Special Offers leaflet.
- ii) Clerks & Councils Direct.

- iii) **Cornwall Rural Housing Association Ltd letter and notes re Right to Buy Policy.**
Future Agenda Item
- iv) **CC Local Council Validation List + 2 letters.** the information did not arrive in time for the June meeting; the deadline was before the July parish council meeting. The Clerk emailed re the reference to Wind Turbines in the report and referred to the statement from the Secretary of State dated 18.06.15.
- v) CC Communities & Devolution Bulletin dd June 2015.
- vi) LCR Summer 2015.
- vii) Vital Venues/CRCC Village Halls Event.
- viii) CALC The Week June 2015.
- ix) Vital Venues – Training opportunities.
- x) House of Commons Secretary of State Statement dd 18.06.15 (HCWS42).
- xi) Lanner Parish Council letter re The Case for Cornwall.
- xii) CALC letter re The Case for Cornwall.
- xiii) Invitation from Neetside Community for their 21st AGM + Agenda + List of Neetside Users.’
- xiv) **CC Change in sending paper copies of planning applications + FAQs.** Many parish councils and Clerks have written against the proposal. Cllr E Hannaford commented at the Bude Community Network meeting on 20.07.15 that she feels it is the right way to go and was voted for by the cabinet. There will be further communication coming out soon and the implementation will be delayed by 6 mths. SLCC and CALC are gathering information also and may challenge the proposal.
- xv) An email from Good Energy inviting councillors to have a look round the Solar Farm at Creathorne.. The Chairman and Clerk had attended.

15/148b Items dealt with at the meeting:

- xvi) A letter from Marhamchurch Pre School requesting support with their fund-raising will be placed on file for the November meeting and advise the Pre School accordingly.
- xvii) The Chairman read a letter from Mr S Rudman’s solicitors (Rundlewalker) which referred to a letter written in 2012 on behalf of the Parish Council to CC relating to a planning application. Mr Rudman is claiming that the letter was misleading and unduly influenced opinion. Mr Rudman is shortly to submit further applications and does not want to see a repeat of the situation. The solicitors give notice that if this happens again their client will consider taking legal action against the Council, Councillors and Clerk to the Parish Council. The solicitors advise that any views/objections made by the Parish Council must be accurate and should only address issues relevant to the planning application and planning procedure. The Clerk will acknowledge receipt of the letter.
- xviii) Email from CC with details of Cornwall Devolution Deal A hard copy will be circulated.

Planning

15/149a

Decision Notices:

- i) PA15/04325 Application for Modification of Planning Obligations of a Section 106 relating to the erection of a local needs dwelling (affordable) - E1/2005/02684 dated 26th April 2006. Little Elm Hobbacott Lane Marhamchurch. Mr & Mrs Adams. CC unable to support the proposal.
- ii) PA15/04722 - Construction of dwelling. Land North of Lane End Sharlands Road Marhamchurch. Mr and Mrs R Heywood. Refused.

15/149b

Applications:

Items (i) & (ii) dealt with together

- i) PA15/05385 - Extension to existing poultry shed. East Titson Tackbear Road Titson Mr Philip Cholwill.
- ii) PA15/05391 - Extension to free range poultry shed to increase capacity by 45%. East Titson Tackbear Road Titson Mr Philip Cholwill. Following examination of the plans and

- the discussion, Mr M Grills recommended no objections to either proposal, seconded by Mr T Perry with unanimous approval.
- iii) PA15/05191- Conversion of Existing Stable Building into 2 holiday Cottages to include for guests stabling provided within part of the existing farm building and use of equestrian menage. Mr Lee Hooker. Following examination of the plans and the discussion, Mr T O'Sullivan recommended no objections, seconded by Mr M Grills with unanimous approval.
 - iv) APPEAL/D0840/W/15/3014917 - PA14/02107 - Wind farm development of up to 11 turbines (up to 125m to blade tip) with attendant equipment & infrastructure including 132kV substation, underground cabling, access tracks, crane pads, temporary construction compound, meteorological mast & off site highways work. Land at & adjoining Creddacott. Good Energy. The Parish Council had recommended refusal of the planning application in 2014. Following a short discussion it was unanimously agreed to write and recommend that the Appeal should be dismissed stating that in addition to the original comments that the Ministerial Statement of 18.06.15 (HCWS42) which came into effect on 18.06.15 should be taken into account. It was agreed not to request to speak at the Hearing.
 - v) PA15/06168 - Conversion of loft including provision of dormers to provide additional living accommodation. Glebelands Pinch Hill Marhamchurch. Mr & Mrs Lawrence. Following examination of the plans and the discussion, Mr R Hockin recommended no objections, seconded by Mr M Grills with unanimous approval.
 - vi) The expected plans for a proposal for development at Village Farm have not been received.

Request from CARE (Communities Against Rural Exploitation) in connection to the Big Field Wind Farm Appeal Formal Hearing.

15/150 The email from Mr J Ward on behalf of CARE had been circulated. CARE requests the parish council's support by joining their Rule 6 group. See above in Public Session for information about Rule 6. A financial contribution towards CARE's fund-raising appeal is requested but is not conditional. The Clerk had circulated information (from CALC & SLCC) in relation to parish councils and Rule 6. These notes do not form part of the minutes but are included at the end. Following the discussion, Mr T Perry recommended that the Parish Council should accept the invitation and join CARE's Rule 6 group, seconded by Mr J Petherick with unanimous approval. Following a further discussion, Mr T Edwards proposed pledging £1,000 to CARE towards their Rule 6 costs, seconded by Mr T Perry with unanimous approval.

Cllr N Chopak.

15/151 Nothing to report.

Discuss the situation re The Bullers Arms Car Park & Consider all aspects of nominating it as an Asset of Community Value

15/152 & 153 The Clerk had circulated an email from Cllr N Chopak and Legal Topic Note 85, The Community Right to Nominate and Bid for Assets of Community Value dd Jan 2013. There was a discussion about the implications of requesting that the car park is listed and whether there was any advantage in doing so. The Chairman read information from the Assets of Community Value Policy Statement. Following the discussion it was agreed there appeared no advantage to requesting that the car park is listed unless the parish council had an intention to bid should it come on the market. Concern was expressed about the untidy state of the car park, the weeds etc. Mr T O'Sullivan stated that he felt that it is important that more time is spent, on trying to investigate if there are any avenues worth following, than just 10 minutes at each month's meeting. Mr O'Sullivan mentioned the possibility of a Public Works Loan. Some options were suggested and it was agreed that Messrs T O'Sullivan and J Petherick will try to arrange to meet with Mr Rudman for an informal discussion to see if there are ways in which a compromise can be reached and the car park or part of it retained as a car park. No definite remit for the discussion was agreed except that Messrs Petherick and O'Sullivan cannot formalise a decision with Mr Rudman but will report back to the parish council.

Referendum re Creathorne Solar Farm Community Benefit Fund.

15/154 Some suggestions were made and it was agreed that the Clerk will prepare a note to be included in the August/September newsletter about the Community Benefit Fund and asking for suggestions on how parishioners think it can be best utilised for the benefit of the parish community.

Parish Council website.

15/155 The website is about to go live - the address is marhamchurch-pc.gov.uk. The Clerk asked the councillors to provide some suitable photographs. The Clerk will prepare a note for the newsletter.

Policies and Protocols.

15/156 Deferred.

Risk Assessment Annual Review.

15/157 The updated version had been circulated and its adoption was unanimously agreed.

Parish Council printer

15/158 Deferred

Weed Treatment.

15/159 The Clerk has requested tenders from three contractors. Two responses had been received but there were also queries raised about whether it was the weeds from the pavement to the edge of the verge/walls or just weeds on the road. Some areas on the map supplied by CC were not included. There was a query whether the CRHA estates were included. The Clerk has contacted CRHA who were unaware of CC not funding the work. It was agreed that it is not possible to pursue the matter further at this stage.

Red Kiosk and future use.

15/160 The decision as to the future use of the kiosk was deferred. The Chairman suggested that the vegetation around the kiosk can now be attended to.

Horse chestnut Tree outside the row of cottages beside The Old School.

15/161 Mrs F Hunt read her previously circulated email expressing concern that there are probably going to be problems with the tree in the future as they can grow up to 118 feet tall and the girth of the crown will be between 50 and 65 feet. The tree is in a Conservation area on land owned by CC so it was agreed the Clerk will contact CC.

Hele Valley Trail - Consider taking on responsibility including covering the costs of keeping it free of vegetation

15/162 Mr T O'Sullivan stated that trail is not being adequately cut and suggested it should be cut twice a year. He added that the amenity is on our doorstep and suggested the parish council should consider paying to keep it clear. The Chairman confirmed that the Trail is not in our parish and is on land owned by Mr M Grills. Mr Grills advised that he is waiting for the right machinery to enable him to access the land. There was a short discussion but no agreement was reached other than to wait for another month.

Marhamchurch Primary School vacancy for a Local Authority Governor.

15/163 Information about the vacancy had been emailed to councillors.

External Auditor report.

15/164 Grant Thornton have returned the approved Audit Report. Section 3 has been authenticated by them with no matters drawn to attention. The required documents were photocopied and displayed on the noticeboard on 14.07.15 and will remain for another 7 days.

Reimbursement towards the cost of the Internal Auditor's costs.

15/165 It was unanimously agreed that £50 should be provided to Mrs L Mason towards her costs as the Internal Auditor.

Increase minimum Playpark petty cash from £100 - £200.

15/166 It was unanimously agreed to increase the limit to £200.

Finance

15/167 a) Payments totalling £696.98 as per schedule plus £333.35 (5 x cheques: R Blewett, Grant Thornton, G A Perry, Peck Trading Ltd, Truscotts (P Jones) P Amos-Yeo (cheque increased to take into account reimbursement for cleaning materials) were unanimously approved

b) Income (June)	Cemetery Memorial M Taylor	£60.00
	WSM PC Admin costs 1 st QTR	£76.10

c) Bank Balances. as at 21.07.15	Int Acc £39,921.07	Current Acc £1,183.63
	Playpark Int Acc £1,201.75	Current Acc £1,572.48

d) Review Bank Accounts: Deferred

Parish Matters

15/187a Public Conveniences – P Amos-Yeo holiday Sat 25 to Wed 29th July and Mon 7th Sept – Fri 11th Sept. He will check the toilets on the morning of each first day and on the afternoon of each last day of his holiday.

The public toilets at Crackington Haven are now run by parish council. They have notices stating that they are funded by the community and they have a donation box. Last year they raised £2k

15/168b Parish Cemetery - Request from a parishioner to reserve cremation plot C25 agreed.

Mr P Jones has purchased a wheelie bin £79.99 including VAT. The Clerk will prepare 2 notices which Mr Jones will laminate and place on the bin.

15/168c The Clerk has notified CC Highways that the overgrown vegetation at the junction from Helebridge to the A39 is overgrown and obstructing visibility; that here has been an accident at Sharlands Bridge and the warning signs have been removed and that the hedges are getting very overgrown and signs are not visible. There has been a traffic checking data strip in Hobbacott Lane.

15/168d Playpark- despite efforts, someone from CORMAC has not been to undertake the safety check.

August meeting

15/169 Due to planning applications it will be necessary to have a meeting on Monday August 10th. It was agreed not to have a full business meeting and to keep the agenda to a minimum.

Urgent Matters raised with the Chairman since the Agenda was published.

15/170 None

These are the circulated notes the Clerk made following the conversations with representatives from SLCC and CALC: about Rule 6.

Good Energy – the appellant are appealing against the decision made by CC to refuse the application. If the appellant succeeds the Planning Inspector could award that costs are paid by CC as they were the decision maker. Therefore CARE would not be responsible for the appeal costs.

The parish councils can join CARE in support but have a proviso that they are not responsible for any costs incurred by CARE.

The parish council can have a mechanism whereby they agree to grant funds towards CARE costs. It would be advisable to decide a finite amount – not a percentage of overall costs. The decision on the amount of the grant can be made at any time. Additional grants can be made in the future.

There have been concerns regarding if the parish council would be liable to cover costs either as a council or as individual councillors. Firstly it is VERY VERY unlikely that the inspector would impose any costs on CARE and this would only occur if the Planning Inspector thought CARE behaved unreasonably and the unreasonable behaviour caused another party to incur unnecessary expense or wasted expense in the appeal process. The planning adviser stated that for this to occur, the level of unreasonableness would have to be severe and consistent.

If the absolute worst scenario possible was to occur and CARE's actions were found to be unreasonable, councillors as an individual **would not be liable**.

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The Planning Adviser from SLCC has followed up our telephone conversation with an email which I have copied below:

Thank you for your email and subsequent telephone conversation concerning the above.

The SLCC understand that the Parish Council is considering bringing together a number of parish councils and other bodies in relation to a planning enquiry following a refusal of planning permission for wind turbines. Also that this umbrella body would be led by CARE, which we understand to be a properly constituted body.

We can confirm that, in principle the Parish Council can enter into such arrangements. There are some advantages in doing so, especially in terms of pooling resources and efforts, and maximising and formalising your role and input into the appeal process.

We can also confirm that in principle, the Parish Council can make a financial contribution to the costs incurred by CARE as part of the planning appeal. My initial view is that the only power that this could be made under is Section 137 of the 1971 Local Government Act, so the Council needs to be mindful of the other aspects of the legislation relating to Section 137. I stress, though, that this is my initial view, and would be happy to consider this, including taking further advice, if helpful.

If the Council is minded to make a financial contribution it may wish to give it in the form of a grant detailing the expected amount to be provided and intended outcomes and milestones, as we discussed.

You also asked about the awarding of costs. Normally the parties in an appeal meet their own expenses. In principle, however, any of the parties – the appellant, the Local Planning Authority, or indeed in some circumstances a third party e.g. neighbours, parish and town councils or a campaign group – can apply for costs; where it can be shown that one of the parties has behaved 'unreasonably', for example, they fall to turn up at the enquiry, and it can be shown that this unreasonable behaviour has caused unnecessary expense to the other parties.

However, it is exceptionally rare for a third party such as a CARE or a Parish Council to have costs awarded against them, or indeed face a claim against them. Generally speaking, if a third party acts reasonably, i.e. they follow the prescribed procedures, they will not face a claim against them.

I hope this is useful

Andrew Towleron MRTPI

National Planning Officer

Society of Local Council Clerks