

# SITHNEY PARISH COUNCIL

Chairman: Ian Paterson

Clerk to the Council  
Mrs. Pauline Williams  
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53/13

## MINUTES OF AN ORDINARY MEETING OF SITHNEY PARISH COUNCIL HELD AT TRANNACK SCHOOL ON TUESDAY 4<sup>TH</sup> MARCH, 2014 AT 7.30PM

### Present:-

Cllr. I Paterson – Chairman      Cllr. P. Elliott  
Cllr. P. Martin                      Cllr. M. Morgans

Cllr. Ms E. Williams

Parish Clerk Mrs. Pauline Williams, Cornwall Councillor John Keeling, PCSO Paul Whitford and 29 members of the public,

**1. APOLOGIES FOR ABSENCE** – were received from Cllr. B. Deacon – illness. Cllr. Mrs. Pascoe – previous commitment. Cllr. Bickford-Smith – due to consideration of Helston railway application.

**2. ACCEPTANCE OF MINUTES** - The Minutes of the Parish Council Meeting held on 10<sup>th</sup> January were proposed by Cllr. Martin, seconded by Cllr. Ms Williams and unanimously agreed as a correct record and were signed by the Chairman.

**3. DECLARATIONS OF INTEREST FOR ITEMS ON THIS AGENDA** – Cllr. Morgans declared a disclosable financial interest in the planning application for Helston Railway and left the room whilst it was considered.

Cllr. Martin declared a non registerable interest in the Helston Railway application as reserve on CC West sub area planning committee; he remained during the discussion but took no part.

**4. TO CONSIDER ANY APPLICATIONS FOR DISPENSATIONS UNDER SECTION 33 OF THE LOCALISM ACT 2011** – None

### **5. MATTERS ARISING FROM PREVIOUS MINUTES**

**Lane Chynhale to Crowntown** – Mr. Glasper had agreed to get a contractor to remove the fallen tree which is resting on Cllr. Bickford-Smith's home. Claire Banks is to look at the surface of the lane shortly and report back.

**Update Wheal Bramble** – Mandy Smith had advised the Clerk that an Enforcement Notice had been served on 19<sup>th</sup> February EN14/00167. The Notice will take effect on the 26 March 2014 unless appealed and the owners have been given 12 months from that date for compliance.

**Little Bosoha, Trenear OS ref SW664318**. – This case has now been handed over to David Tapsell. As no planning application has been submitted, a Planning Contravention Notice will be issued.

**EN13/01276 Alleged stationing of a caravan on land for residential use. Land adjacent to Higher Roseawen, Sithney Green, Sithney TR13 0RT** – David Tapsell is now dealing with this case. The awaited Planning Contravention Notice has not yet been received.

**Footpath 230/5/4** - Hamish Gordon is to meet Mr. Glasper shortly. The previous meeting had been cancelled due to urgent flooding issues.

**Footpath 230/6/1 Mellangoose to Newham Barton and Farm** - Hamish Gordon is awaiting confirmation that funding has been secured to have the surface repaired.

**Footpath 230/9/2** – (West End) Hamish Gordon had met with Mr. Glasper, the existing tenant and the new tenant. Everyone now agrees on the route of the footpath and have agreed to sort out the surface as soon as weather conditions permit. (East End) Hamish Gordon had contacted the landowner advising him of the type of 'furniture' which is permitted. The path will cut through the bund where the sand school is and a kissing gate will be put where it joins the small road. He is sorting out the electric fence problem.

**Footpath 30/1** – Hamish Gordon has inspected the condition of the path. The Bridleway goes behind the property and is very narrow. A boulder, estimated to weigh between 25 and 30 tons, which used to retain the side of the path, has fallen out and is in the house wall, which is now unsafe with the result that the path is also unstable. The property owner is awaiting a visit from the loss adjuster, and as soon as he gets the go ahead, diggers will break up the boulder to remove it and the path will be reinstated. The owner did say that at the same time he may try and widen the path which is very narrow at this point. BW30 is therefore closed to through traffic from 3rd March to 10<sup>th</sup> August or until the property and footpath are made safe. A six month closure is a standard amount of time and does not mean that the path will be closed for that amount of time.

**Flooding at Prospidnick/Chynhale/Penpraze** – The Clerk had received a telephone call from the Environment Agency saying that they were going to visit the sites of the flooding, and would be back in contact with the PC in due course. It is understood that there have been meetings with landowners, but the PC were not invited.

**Blocked drain at Mellangoose Farm** - CC have confirmed that this has been cleared.

**Brambles from Coverack Bridges going towards Trannack** – These problems refer to the first and second field on the right and are arching over the road. The PC had contacted the owners and agents in late 2011 early 2012 but they had taken no action. The Clerk had contacted CC who will carry out an inspection and serve notices on the owners.

**E mail from Coastline Housing re possible building of open market dwelling at Merther Close** – A reply had been received which stated that whilst they appreciated the problems in respect of the 'bedroom tax', the site was not financially viable for the development of affordable homes. There would have to be at least 15 homes to achieve this. However they would be willing to work with the Council if there was a need for smaller homes and would assist in finding an alternative larger site.

The new position for the bench was marked on the plan which was circulated with the e mail. Council felt this location was acceptable.

**6. PUBLIC PARTICIPATION** – The Chairman said he would give one member of the public in favour of the Helston Railway application and one against it 5 minutes each to put their case.

Mr. Ken Wood, President of Helston Heritage Historic Railway said that Organic Trevarno produced high quality skin care products. They had been in business for 15 years at Trevarno Gardens and currently employed 5 full time and 4 part time staff. There are no smells or contamination from the business. They have on site parking, and operate a car share scheme to limit traffic movement. They own the site they are located on as well as the plant and equipment and are financially viable. The buildings are of a modular design and designed for the production of soap etc. The business breaks even due to having no rent or mortgage to pay, otherwise they would go bankrupt. They generate £1m into the local community and ask for support of the planning application for the shared site.

He stated that the railway had modified their application based on the comments made last time. He said the Prospidnick to Truthall section of the line already had approval to operate and it was the extension of the track and buildings that needed approval. The railway is run by a small voluntary charity and receives no grants or public support. It has around 4,500 visitors a year, it is viable and successful and he felt it makes a valuable contribution to the local economy. He said they were tenants in law and had a good relationship with the landowners.

Mr. Adrian Curtis spoke against the application. He said 95% of local residents objected to the application. Supporters were from all over the world, but did not have to put up with the effects of the railway. He felt, if approved the application would seriously affect residents. The railway had been operating unlawfully for over a year, he felt there was nothing 'heritage' about the railway, nor had there ever been. He said the diesel fumes were obnoxious and smelly and the trains were noisy. Steam trains would be even worse. He said the proposed operating days and times were vague and needed to be stipulated. If the trains ran every 15 minutes during the day it would pass local properties 56 times a day. The proposed new road across the fields would make the flooding worse. The road from Coverack Bridges to Chynhale is well used, and is also part of the school run. There are existing problems with water supply and pressure, and any increase in use would exasperate this. The figures produced allege benefit to the economy of £135,000 but last years accounts showed a figure of £10,000. He said he felt moving the railway to Helston would benefit tourism more, increasing visitors to Helston. He felt this was a hobbyist railway not a viable business.

**7 POLICE REPORT** – PCSO Paul Whitford said that there had been no reported crimes in February. The Police computer is being updated and reports in future would have to be in a different format.

**8. CHAIRMAN'S COMMENTS** – The Chairman said he had attended the AGM of CALC. There was also a presentation from Mr. Tony Hogg, Police and Crime Commissioner for Devon and Cornwall.

**9. COUNCILLORS' QUESTIONS AND COMMENTS** – No questions or comments.

**Emergency Planning-** Nothing to report in Councillor Bickford-Smith's absence.

**10. CORNWALL COUNCILLOR'S COMMENTS** – Cornwall Councillor John Keeling said that the main debate was the decision to set the Council Tax when a budget of £505 million for 2014 / 2015 was set. The revenue budget, which was recommended by the Cabinet, last month, is based on a 1.97 % increase in Council Tax – equating to a 47p per week increase (£24.51 a year) for a Band D property. The budget was endorsed by 71 votes to 35 with one abstention. He said he was joining a panel to look into the disparity between Rural and Urban funding and this will mirror the Rural Fair Share Group, a grouping of parliamentarians who have come together to argue for fairer funding for services across rural areas. The Rural Services Network (RSN) report that rural residents earn less, on average, than those in cities, pay council tax which is £100 higher per head, and see urban areas receive government grants 50% higher per head than those in the countryside. This needs to be addressed and there is a pledge from local government minister Brandon Lewis to support rural areas and manage the extra cost of delivering services.

He reported that there was an Informal Planning and Development Group meeting on 24 February 2014 at Liskeard to discuss the protocol for planning pre apps. Some advice will be forthcoming for Parish Councils.

He stated that there are measures being put in place to help home and business owners affected by the storms in the form of council tax/ business rate relief and he would pass further information to Clerks, if they have not already received this information.

He said he was in discussion with local MP's concerning mud and water run-off from fields in the outlying villages and hamlets and what measures can be put in place to mitigate against further damage to property and changes to farming practices to lessen the impact in future. He said he understood there had been a meeting between Mr. Gasper and Natural England. The Clerk reported she had received a telephone call from a lady at the Environment Agency who was going to visit the area, with a view to how they could assist. Nothing further had been heard.

Cllr. Morgans left the meeting at 8.11 and returned at 8.22 after the discussion of the Railway application.

## **11. PLANNING**

**Planning Applications** To consider planning applications received: -- The Chairman, Cllr. Paterson read the report of the PAP meeting.

PA/14/00748 Helston Railway, Prospidnick, Helston TR13 0RY Extension to existing railway and platforms and car park. Construction of temporary platform, change of use of two barns for storage, light maintenance and provision of premises for Organic Trevarno. PAP objected to this application on the following grounds:-

### **Railway**

There are concerns about the proposed road:

Craig House is in close proximity and residents will suffer from the traffic noise, lack of privacy, water runoff and dust in dry weather from the aggregate surface.

Water runoff from the fields and the road down to Chynhale which is already prone to flooding.

Removal of 50m of Cornish Hedge and the proposed road widening will destroy natural habitats and affect the characteristics of the area.

Vehicle usage generated by this development is intrusive in this small rural hamlet, as is the visual impact.

Due to the short length of track the frequency of train rides needs to be stated as this will greatly affect the quality of life for the residents of Prospidnick.

#### **Trevarno Organics**

The current shipping containers are detracting from the rural outlook of the area.

Soap making is an industrial process which is not appropriate to this rural area.

The proposal does not provide for the safe storage of chemicals such as caustic soda in soap making.

There does not appear to be any industrial extractors and the suitability of the containers for soap production is questioned.

The residents of Prospidnick may be exposed to hazardous chemicals and fumes and should there be any expansion of this business then this hazard would increase.

The residents and Sithney Parish Council are unaware of the exact processes being used.

#### **Recommendations**

An officer from the H&S executive should visit the site and ascertain the suitability of the containers and the location of the site for soap manufacture.

An environmental impact survey to be done on the site with regard to both the manufacturing process and the risk of flooding due to runoff from the proposed access road.

#### **Conclusion**

PAP object to this application

Cllr Elliott said he welcomed the changes to the application to allay some resident's fears; however he was concerned about the access road and the effect on Craig House. He felt that there was no reason for the Organic Skin Care part of the application not to go ahead, but as it was a joint application this would cause difficulties.

Cllr. Ms Williams said that the times and frequency of the trains should have been specified.

After discussion, it was agreed, that Cornwall Councillor John Keeling be asked to refer to the planning committee meeting.

Councillor Morgans returned.

#### **CLUED**

PA14/00893 For continued use as a separate dwelling. Guinevere Lodge, Sithney. PAP supported this application.

It was proposed by Cllr. Elliott seconded by Cllr. Ms Williams and carried that these decisions be endorsed by the Parish Council and transmitted to CC as the PC comments.

#### **OTHER PLANNING MATTERS**

##### **Enforcement**

**EN13/02212 Pengoon Farm.** – Mandy Smith, CC, confirmed that she had chased the owner's agent for the CLUED.

**EN13/01276 Alleged stationing of a caravan on land for residential use. Land adjacent to Higher Roseawen, Sithney Green, Sithney TR13 0RT.**- Completion of the planning contravention notice is awaited.

##### **Decisions Approved.**

PA14/00055 Glanneth Farm, Prospidnick, Helston TR13 0RY. Two storey rear extension and single storey side extension. Proposed balcony at first floor level on the north elevation.

**12. PUBLIC RIGHTS OF WAY** – A date for replacement of the missing signs is awaited. Cornwall Councillor John Keeling said he would try and speed this up.

The LMP grant for 2013/14 had still not been received despite frequent chasing. The Clerk said she had been in conversations with Terri Winchester, Cormac Solutions, who want the invoice in another format, despite the fact that the Clerk had resubmitted in the format they had asked for. Cornwall Councillor John Keeling said he would follow this up.

An offer of £1,175 for 2014/15 had been received. It was proposed by Cllr. Ms Williams, seconded by Cllr. Elliott and carried unanimously that the offer be accepted and the Chairman should sign the acceptance form. The Clerk was asked to obtain 3 quotes for the LMP in time for the next PC meeting.

**13. LOCALISM/CODE OF CONDUCT/NEIGHBOURHOOD DEVELOPMENT PLAN** – It was agreed that the meeting with Maxine Hardy would be on Wednesday 23<sup>rd</sup> April at 6.00pm at the One Stop Shop in Helston.

#### **14. REPORT OF THE CLERK & CORRESPONDENCE**

The Clerk thanked Councillors and the public for their patience since both the land line and internet had not been working since 12<sup>th</sup> February due to BT inability to repair the lines. The telephone is diverted to the Clerks personal mobile and she downloads e mails every few days using free wi fi. The predicted re connection date is now 14<sup>th</sup> March.

The Clerk reminded Councillors that she was on leave from Tuesday 11<sup>th</sup> up to and including Tuesday 18<sup>th</sup> March.

Winter Signpost Magazine, training, information and funding news.

Rural Services Network – Spotlight on older people, rural opportunities bulletin February 2014, Rural Vulnerability Service Broadband February, 2014

Rural news 3/2/2014, 10/2/2014, 17/2/2014

Safer Cornwall 28/1/2014

Cornwall AONB – 3 calendars and two hard copies of the AONB Delivery Plan 2011- 2016, and invitation to Annual Forum on 22/3/2014. Hard Copy of Cornwall AONB management plan 2011-2016

Waste Management in Cornwall

Public consultation re how mobile library and one stop shop services are delivered in the community.

CPRE invitation for PC to join

Information Bulletin for Town and Parish Councils 6/2/2014

Council Tax Referendum Principles on Town and Parish Councils

CALC The Week Issue 2

Cornwall Council announces radical shake up of management structure

Affordable Housing Consultation ends 14<sup>th</sup> March

Details of help to residents and businesses as a result of storm damage – copied to all Councillors

#### **Vacancy for Parish Councillor**

CC had confirmed that there had been no request for an election; therefore the vacancy notice for co-option has been produced with a closing date for applicants of 28<sup>th</sup> March. Co-option will take place at the 1<sup>st</sup> April, 2014 PC meeting.

A letter had been received from the Police and Crime Commissioner for Devon and Cornwall advising of a public surgery on Friday 14<sup>th</sup> March between 9.30 and 2pm at New County Hall, Truro. Twenty minute slots bookable by e mail [opcc@devonandcornwall.pnn.police.uk](mailto:opcc@devonandcornwall.pnn.police.uk) are available in advance. Details of the issue you wish to raise must be sent with the application. A poster will be put on the PC notice boards.

**E mail re home to school transport** – Cllr. Pascoe had responded to this document.

#### **15. FINANCE**

##### **a) To consider the following accounts for payment:**

It was proposed by Cllr. Martin, seconded by Cllr. Elliott and carried unanimously that the following accounts be paid:-

Mrs Pauline Williams, Clerk £507.11	Salary	437.96
	Mileage	25.00
	Office Allowance	20.00
	Computer Depreciation	15.00
	Telephone Calls	3.15
	Petty Cash	6.00
Information Commissioner	Data Protection Registration	35.00

**To consider the following applications for donations** – The Clerk reported that £320 remained in S137 and a further £348 under S137 for Churchyard maintenance so a total of £668 could be spent.

An application by Cornwall County Playing Fields Association was not supported.

It was resolved that in pursuance of the power conferred by Section 137 of the Local Government Act 1972, and being of the opinion that the expenditure satisfies the requirements of that section, and is in the interests of the area or its inhabitants and will benefit them in a manner commensurate with the expenditure this Council approves the following payments:-

It was proposed by Cllr. Martin, seconded by Cllr. Ms Williams and carried that a donation of £100 be made to Victim Support.

It was proposed by Cllr. Ms Williams, seconded by Cllr. Morgans and carried unanimously that a donation of £200 be made to Cornwall Air Ambulance.

It was proposed by Cllr. Morgans, seconded by Cllr. Martin and carried unanimously that a donation of £100 be made to Cruse Bereavement Care in Cornwall.

It was proposed by Cllr. Martin, seconded by Cllr. Elliott that a donation of £180 be made to Sithney Christmas Lights. The remaining £88 be carried forward in reserves to 2014/15. It was agreed that the fact that grants are available should be advertised in the area.

**16. Local Audit and Accountability Act 2014.** - Councillor Elliot had kindly produced a paper on these complex changes.

The Local Audit and Accountability Act received Royal Assent on 30 January 2014 and makes provision for:

- The abolition of the Audit Commission;
- The accounts of local and certain other public authorities and the auditing of those accounts;
- The appointment, functions, and regulation of local auditors;
- Data matching;
- Examinations by the Comptroller and Auditor General relating to English local and other public authorities;
- The provision about the publication of information by smaller authorities;
- Compliance with codes of practice on local authority publicity;
- **Access to meetings and documents of local government bodies;**
- Council tax referendums;
- Polls consequent on parish meetings.

Now that the Act is in place there will be a number of further consultations prior to publishing the regulations which will explain how the legislation will be applied. At this time responses are required to the first consultation which is looking at the access to meetings, filming and broadcasting.

• We have been invited to comment to the National Association, for inclusion in the formal response on the **draft Openness of Local Government Bodies Regulations 2014, which covers filming, and the use of social media at council meetings and the recording of decisions taken by officers under delegated powers.**

Section 40 of the Local Audit and Accountability Act 2014 gives the power to the Secretary of State to make regulations about filming and the use of social media at council meetings and the recording of decisions taken by officers under delegated powers. These are:

#### **Admission to and reporting of Meetings of Relevant Local Government Bodies**

The Regulations:

- Allow any person to attend a public meeting of a relevant local government body for the purposes of reporting.
- 'Reporting' is defined in the regulations as:
  - Filming, photographing or audio recording of proceedings;

- Using any other means for enabling persons not present to see or hear proceedings of a meeting as it takes place or later;
- Reporting or providing commentary on proceedings of a meeting, orally or in writing.
- Allow any persons with the aim of reporting to use any communication methods, including the internet, to publish, post or otherwise share the results of their reporting activities, during or after the meeting.
- Do not affect the current circumstances in which a private meeting may be held or a person may be excluded (for example, where exempt information would be disclosed or in the case of disorderly conduct).

#### **Record of Decisions and Access to Documents**

The Regulations also:

- Require a written record to be made of any decision that has been delegated to an officer of the relevant local government body under a specific express authorisation, or under a general authorisation where the effect of the decision is to grant permissions or licences, affect the rights of individuals, award contracts or incur expenditure which materially affects the body's financial position;
- Require that the written records are made available to the public at the relevant body's offices, on their website if they have one, by post if requested and on receipt of payment for copying and postage, and through any other means thought appropriate by the local government body;
- Require the written record to be available for public inspection for at least 6 years, and any supporting documentation for at least 4 years;
- Provide a criminal penalty for non-compliance. A person who has custody of documents which should be available for inspection, will commit an offence if that person refuses to disclose or intentionally obstructs the disclosure of such documents under these Regulations. The penalty for the offences is a fine not exceeding level 1 - that is £200 - on the standard scale. This replicates the existing penalty for failure to disclose or obstructing the disclosure of documents in the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. This part of the Regulations applies to local government bodies, but will not apply to decisions on executive matters in councils operating executive arrangements as there are already equivalent provisions in the 2012 Regulations to cover these decisions.

The Parish Council is asked to formally respond to these draft regulations if it wishes. Council decided they were not concerned about these changes.

**17. Community Orchard** – It was agreed that the Council support the idea in principle. Mr. Trevethen stated that any land with open public access would be eligible. It was agreed that enquiries be made via the newsletter.

**18. Affordable Housing**. - A report had been received from Andrew Wiles of Trand. The planning application will be submitted by 14<sup>th</sup> March. Mr. Wiles asked if a representative of Coastline, the intended housing association partner could attend the May PC meeting to be introduced. This was agreed. He stated that he would get back to the PC once he had an answer to the 'local connection' issue raised.

**19 TIME AND DATE OF NEXT MEETING** - Tuesday 1<sup>st</sup> April, 2014