

**MINUTES of the ORDINARY MEETING of
The DEVIOCK PARISH COUNCIL held at The CHURCH HALL,
HESSENFORD at 7.30pm on Thursday,
9th July 2009.**

PRESENT: Parish Cllrs. R.J. Daniel, Chair, Downderry Ward
M. E. Temlett, Vice-Chair, Downderry Ward
G.K. Berncastle, Hessenford Ward
J.P. Candy, Downderry Ward
D. L. G. Elliott, Downderry Ward
Mrs. G.E. Hartland, Seaton Ward
C. J. Hazel, Seaton Ward
P. McClung, Downderry Ward
A. Robinson, Hessenford Ward
Cornwall Council Councillor Mr. R. Pugh
Mr T. Pullin, Parish Clerk

1. DECLARATION OF INTEREST IN ITEMS ON THE AGENDA:

Cllr. D. L. G. Elliott declared a prejudicial interest in relation to item 7.2.1. being the applicant for planning permission on Land adjacent to 40 Buttlegate.
Cllr. J.P. Candy declared a prejudicial interest in relation to item 12.1. being the tenant farmer of the Axe field.

2. 10 MINUTE PUBLIC PARTICIPATION PERIOD for public comment on the items below:

A member of the public asked the Chairman why he and Cllr. Mrs G.E. Hartland had not declared a prejudicial interest in relation to an item at the Deviock Parish Council, Planning Committee meeting on 25th June 2009, when they had both done so at the last full Council meeting on 11th June 2009. The item concerned grant funding for events to Village Ideas for People. The Chairman stated that at the time of the Council meeting on 11th June 2009 there had been a possibility that the Downderry Working Mens Club could be financially involved in this grant funding from the Council. The activities proposed by V.I.P. could deflect from the carnival fund raising events planned by the Downderry Working Mens Club. Because of holding official office at the Downderry Working Mens Club, both he and Cllr. Mrs. Hartland had decided to declare a prejudicial interest in the matter. By the time of the Planning Committee meeting it was clear that there would be no financial involvement with, or disadvantage to, the Working Mens Club and therefore it was not necessary to declare any further interests.

A member of the public gave support to the Council for its action so far in relation to traffic issues at Church Hill, Hessenford and stated that there were serious safety issues.

A member of the public spoke in objection to the current planning application for 14 Buttlegate, Downderry.

A member of the public spoke in objection to the current planning applications for Land Adjacent to 40 Buttlegate, Downderry.

A member of the public asked when speed monitoring of traffic at Church Hill, Hessenford would take place and what information would be recorded? Cllr. J.P. Candy stated that the equipment would record the speed and time of every vehicle. Another member of the public requested that this monitoring would need to be in 24-hour operation.

In response to a question requesting whether the Parish Council would contribute financially to possible changes in the road layout / closure of Church Hill, Hessenford, the Chairman stated that the process of effecting any changes would take some time and that the Parish Council could consider its possible financial involvement once the Cornwall Highways Dept. had been

ORDINARY MEETING OF 9th July 2009 (Continued)

2. 10 MINUTE PUBLIC PARTICIPATION (Continued)

convinced of the need for these changes and a planning application for works had been submitted.

A representative from the Duchy of Cornwall addressed that Council on the subject of local woodland management and why there appeared to be so much current tree felling. The tree felling was part of an ongoing forestry strategy for local Duchy woodlands. Many of the plantations had been neglected over the past years and it was now necessary to carry out felling and thinning of trees in order to provide for the future. Roadside trees bordering Duchy land had been inspected and those showing signs of disease or at the end of their natural life had been felled for reasons of health and safety.

The Chairman closed the Public Participation period at 20.15 hrs.

3. APOLOGIES: Apologies for absence were received from Cllr. S. J. Parry and P.C. Libby. The Chairman informed the Meeting that Cllr. S.J. Parry had tendered his resignation from the Council because of his wife's recently diagnosed illness. The Chairman stated that he had not accepted this resignation but had suggested that Cllr. Parry consider taking a six-month leave of absence and reassess his position after that. Cllr. J.P. Candy expressed support for the Chairman's action and this was reiterated by other members.

4. MINUTES:

4.1. Minutes of the Ordinary Meeting of 11th June 2009

Subject to minor amendments it was **proposed** by Cllr. J. P. Candy **seconded** by Cllr. D.L.G. Elliott and **AGREED** by the Meeting to accept the minutes, as a correct record. (One abstention)

5. REPORTS ON MATTERS ARISING FROM THE MINUTES:

Cllr. J.P. Candy raised the issue of local traffic / parking enforcement issues.

Cornwall Cllr. R. Pugh stated that, in response to the request at the last meeting for him to advise the Council on two matters he had informed the Chairman that:-

- a) The crane erected on Buttlegate, Donderry did not require planning permission. If the crane was left inactive for a long period of time then action to remove it might be possible.
- b) A list of Tree Preservation Orders for Deviock Parish had been given

6. POLICE MATTERS:

6.1. POLICE MATTERS FOR THE COUNCIL

P.C. Libby had given his apologies and sent the monthly Crime Report, copies of which were available at the meeting. (See Appendix A). Councillors noted this report.

6.2. COUNCIL MATTERS FOR THE POLICE:

Cllr. G.K. Berncastle expressed a wish that police representatives be better briefed on local issues when attending the Council meeting. Details of recent incidents at Bake had been unknown to the representative who attended the previous meeting. Cllr. Berncastle acknowledged that last minute changes to officers attending the meeting partly accounted for this.

7. PLANNING:

7.1. Minutes of the Meeting of 25th June 2009

It was **proposed** by the Chairman, **seconded** by Cllr. Mrs. M.Y. Byles and **AGREED** by the Meeting.

7.1.2. Matters arising from the minutes of the Planning Committee

Cllr. J. P. Candy stated that the Chairman had not acted in an impartial manner by using his chairman's casting vote in order to reach a committee decision when a compromise solution could have been arrived at, in relation grant funding for Village Ideas for People. The Chairman stated that

ORDINARY MEETING OF 9th July 2009 (Continued)

7.1.2. Matters arising from the minutes of the Planning Committee (continued)

the proposal to grant £1,100.00 had been a compromise as proposals for different amounts had already been discussed.

7.2. PLANNING APPLICATIONS:

7.2.1. 09/00978/FUL Mr. and Mrs. D.L.G. Elliott PLOT 1, LAND ADJACENT 40 BUTTLEGATE, DOWNDERRY Construction of dwelling

Cllr. D.L.G. Elliott declared a prejudicial interest. The Chairman stated that as he was going to advise the Council that a site meeting should be held, in line with standing orders, and that therefore no decision on the application would be made at this meeting, he allowed Cllr. Elliott to remain in the meeting.

The Chairman reported that an application for PLOT 2, LAND ADJACENT 40 BUTTLEGATE, DOWNDERRY, has also been received but this application was supplied attached to the back of the other application and was therefore not seen by the Clerk and has not therefore been advertised in the normal way. As the two applications should be considered together and because the applications had been lodged by a member of the Council the Chairman **proposed** that a decision on this application should be deferred to the next Planning Committee meeting and that a site inspection meeting should be held at 18.00 hrs on the day of that meeting; this was **seconded** by Cllr. J. P. Candy and **agreed** unanimously by the Meeting.

7.2.2. 08/01954/FUL Mr. Colin Hutton 14 BUTTLEGATE, DOWNDERRY

Construction of detached, split level dwelling, and formation of new vehicular/pedestrian access (*revised design to application number 05/00243/FUL dated 21.06.2005*)

After discussion Cllr. J.P. Candy **proposed objection** to this application for the following reasons:-

- a) Out of keeping with the street scene
- b) Inappropriate design
- c) Inappropriate roofing material for coastal location
- d) Possible sun glare from proposed roofing material
- e) Negative impact on near neighbouring properties

This was **seconded** by Cllr. G. K. Berncastle and **agreed** by the Meeting. (one abstention)

7.2.3. 09/00928/FUL Mr. Michael Kodicek THE CRAG, LOOE HILL, SEATON

Construction of replacement garage and provision of parking bay. Alteration of existing vehicular access.

Cllr. Mrs. G.E. Hartland **proposed support** of this application; this was seconded by Cllr. G. K. Berncastle and agreed by the Meeting. (one abstention)

7.3. PLANNING APPLICATIONS RECEIVED AFTER PUBLICATION OF THE AGENDA:

There were none.

7.4. PLANNING APPEALS:

The Clerk reported that no Planning Appeals had been received.

8. PLANNING DECISIONS:

8.1. PERMISSIONS FOR DEVELOPMENT:

8.1.1. 09/00711/FUL: N. & E. Jones

THE GUNDECK, TOP ROAD, DOWNDERRY

Construction of conservatory

Cornwall C. Permission Granted 16th June 2009

Main condition: *Three-year commencement rule*

ORDINARY MEETING OF 9th July 2009 (Continued)

8. PLANNING DECISIONS (Continued):

8.1. PERMISSIONS FOR DEVELOPMENT (Continued):

8.1.2. 09/00248/FUL: Mr. & Mrs. Berncastle THE OLD SHOP, HESSENFORD

Conversion of dwelling to provide two cottage style dwellings

Cornwall C. Permission Granted 17th June 2009

Main conditions:-

- 1) Three-year commencement rule
- 2) Phased contaminated land site investigation to be submitted and approved
- 3) Scheme to minimise flood damage to the proposed development required
- 4) Details of a scheme for surface water run-off and sewage disposal/drainage to be submitted and approved
- 5) No works of the types described in Classes A,B,C & E of Schedule 2 (Part 1) of Article 3 Town and Country Planning Order 1995, to be carried out.
- 6) Two parking spaces to be available prior to occupation

8.1.3. 09/00598/FUL: Mrs Lindsey Fear DOWDERRY PRIMARY SCHOOL, MAIN ROAD, DOWDERRY

Construction of extension to existing staff room with toilet facilities

Cornwall C. Permission Granted 22nd June 2009

Main condition: Three-year commencement rule

8.1.4. 09/00632/FUL: Mr. & Mrs. A. Fernbach DOWDERRY LODGE, DOWDERRY

Conversion of and extension to workshop / coach house to provide artist studio / workshop / office.

Cornwall C. Permission Granted 1st July 2009

Main conditions:-

- 1) Three-year commencement rule
- 2) Stone facings to works to be of granite or other natural stone, laid on its natural bed and completed before the building is brought into first use
- 3) Natural slate to match that of existing roof
- 4) Details of cedar timber cladding to be submitted and approved

9. PLANNING CORRESPONDENCE:

9.1. Correspondence received by the date of the Meeting

None had been received. The Chairman stated that in order for the Council to make informed decisions on planning applications, it would be best if letters from the public to Cornwall Council Planning Department regarding current applications be also copied to the Parish Council.

9.2. MATTERS RAISED BY MEMBERS

There were none.

10. FINANCE:

10.1. Income & Expenditure.

10.1.1. INCOME MAY & JUNE 2009

Dowderry & Seaton WI – contribution towards new bench at Broads Yard, Dowderry	147.00
Cornwall Council – Dowderry Public Toilets Agency Agreement 2009/10	6,421.52
Bank Interest (Barclays up to 8 th June 2009)	10.10
Total £	6,578.62

ORDINARY MEETING OF 9th July 2009 (Continued)**10. FINANCE (Continued):****10.1.2. EXPENDITURE MAY & JUNE 2009**

BT Bill No. Q020JA 23/04/09 - Parish Office telephone and broadband	15.32	106.62	121.94
Ken Abraham – Parish Council Accounts 2008/9 Internal Audit	-	170.00	170.00
SLCC Membership Subscription 2009	-	133.00	133.00
S.W. Water Bill No. 0063288876 - Downderry W.C. (21/01/09 – 24/04/09)	-	224.60	224.60
Cornwall Council – Clerk's Salary April 2009	0.75	1,056.92	1,057.67
Cornwall Council – Downderry W.C. Cleaning supplies	7.21	48.07	55.28
Cornwall Council – Nut Tree Newsletter – April 2009 (50% contribution)	-	114.45	114.45
Cornwall Council – Clerk's Salary – May 2009	0.75	1,056.92	1,057.67
CPRE – Annual Subscription	-	29.00	29.00
G.K. Berncastle – 2008/9 Attendance Allowance + 2009/10 Printer Expenses	-	191.00	191.00
M.Y. Byles – 2008/9 Attendance Allowance + 2009/10 Printer Expenses	-	191.00	191.00
J.P. Candy - 2009/10 Printer Expenses	-	25.00	25.00
R.J. Daniel – Attendance Allowance 2008/9 + Printer Expenses 2009/10 + 2009/10 Contribution towards Nut Tree Newsletter Editor's Printer Expenses	-	241.00	241.00
D.L.G. Elliott – 2008/9 Chairman's Attendance Allowance + 2009/10 Printer Expenses	-	274.00	274.00
C.J. Hazel - 2008/9 Attendance Allowance + 2009/10 Printer Expenses	-	108.00	108.00
P. McClung - 2009/10 Printer Expenses	-	25.00	25.00
S.J. Parry - 2008/9 Attendance Allowance + 2009/10 Printer Expenses	-	191.00	191.00
A. Robinson - 2009/10 Printer Expenses	-	25.00	25.00
M.E. Temlett - 2008/9 Attendance Allowance + 2009/10 Printer Expenses	-	191.00	191.00
May & June 2009 Cheque Payments C/F £	24.03	4,401.58	4,425.61

Standing Order Payments:

MR. J. BIRD – May 2009 Cleansing Contract Payment	-	217.91	217.91
MR. J. BIRD – June 2009 Cleansing Contract Payment	-	217.91	217.91
MAY & JUNE 09 EXPENDITURE TOTALS	£ 24.03	4,837.40	4,861.43

Ratification of this expenditure was **proposed** by Cllr. J.P. Candy, **seconded** by Cllr. D.L.G. Elliott and **approved** unanimously by the Meeting.

10.2. BANK STATEMENTS & BANK ACCOUNT / INTEREST MANAGEMENT

Date	Account	Balance £	
29 May 09	Community	1,000.00	
29 June 09	Business Premium	33,838.32	Interest for period 2/3/09 - 7/6/09 = £4.26
29 June 09	Step Saver	5,825.99	Interest for period until 5/6/09 = £1.32
30 June 09	Rocknose BPA	18,954.04	Interest for period 2/3/09 - 7/6/09 = £2.65
29 June 09	Sports & Rec BPA	13,415.87	Interest for period 2/3/09 - 7/6/09 = £1.87
09 April 09	Barclays Treasury Deposit	61,639.73	Matures on 25 th Sept. 2009 Interest at 1.5% = £428.10
23 April 09	Lloyds TSB Fixed Term Deposit (Re-invested from previous Lloyds TSB Fixed Term Deposit)	60,310.68	Matures on 23 rd July 2009 Interest at 1.2% = £180.44

ORDINARY MEETING OF 9th July 2009 (Continued)

10. FINANCE (Continued):

10.2.1. Ethical Banking:

The Clerk presented the Council with a report making recommendations for the reinvestment of Council funds in banks with known ethical credentials. After discussion a consensus view emerged that the Council had a duty to invest funds where the best returns of interest were given. Cllr. D. L. G. Elliott **proposed** that the Chairman and Clerk be granted **delegated authority** to make the decision on the re-investment of funds; this was **seconded** by Cllr. J. P. Candy and **agreed** unanimously by the Meeting.

10.3. LETTERS OF THANKS

None had been received.

10.4. REQUESTS FOR FUNDING

10.4.1. Request by Clerk for office copy of the new 8th edition of Local Council Administration (Charles Arnold-Baker) at £53.60

The Clerk explained that this book was an essential item in order to keep the Council up to date with current legislation etc. The price given was a discounted price through the SLCC, the normal retail price being £67.00

A **proposal to approve** this expenditure was made by the Chairman, **seconded** by Cllr. P. McClung and **approved** unanimously by the Meeting.

10.4.2. Request by Clerk to attend an SLCC training day at Bodmin on the subject of burial ground management £95.00

The Clerk stated that with the probability that the Parish would soon be responsible for the administration of a burial ground it would seem sensible that the Clerk was trained for this work.

A **proposal to approve** this expenditure was made by Cllr. J. P. Candy, **seconded** by Cllr. P. McClung and **approved** unanimously by the Meeting.

10.4.3. Parish Office – Notification of increase in rental charges

The Clerk informed the Meeting of a notification from St. Nicolas Church, Downton that rental charges for the Parish Office would rise from £15.00 per week to £20.00 per week from September 2009 with a second increase to £25.00 per week from April 2010. The Clerk continued that this was the first increase in rental charges since the Parish took over the office some 5 years ago. New terms and conditions had also been drawn up to which the Council had been asked to agree.

A **proposal to approve** payment of these increased charges, subject to scrutiny of the new terms and conditions, was made by Cllr. J. P. Candy, **seconded** by Cllr. P. McClung and **approved** unanimously by the Meeting.

10.5. ACCOUNTS TO BE PAID

	<u>VAT</u> <u>£</u>	Nett £	<u>TOTAL £</u>
Galvins of Liskeard Ltd. Photocopier toner cartridge & A4 paper	16.62	110.83	127.45
John Grimes Partnership Ltd - Deviock Burial Ground Report <i>Desktop Review with limited ground investigation</i>	325.20	2,168.00	2,493.20
AXA Insurance UK plc – Public Liability Insurance for Mr. John Bird in connection with the Parish Cleansing Contract for 2009/10	-	118.66	118.66
Cornwall Council – Clerk's Salary June 2009	0.75	1,056.92	1,057.67
Total £	342.57	3,454.41	3,796.98

It was **proposed** by Cllr. J.P. Candy **seconded** by Cllr. Mrs. M. Y. Byles and **RESOLVED** by the Meeting to ratify the above expenditure.

ORDINARY MEETING OF 9th July 2009 (Continued)

10.6. FINANCIAL CORRESPONDENCE

There was no financial correspondence to consider.

10.7. FINANCIAL BUSINESS RECEIVED AFTER THE PUBLICATION OF THE AGENDA

There was no business to consider.

11. HIGHWAY MATTERS:

11.1. TRAFFIC & PARKING ISSUES: DOWDERRY, SEATON & HESSENFORD

11.1.1. Church Hill, Hessenford; Dowderry & Seaton, highway safety issues

Cllr. D.L.G. Elliott drew that attention of councillors to the report he had prepared concerning possible road signage to deter "Sat Nav" drivers from using unsuitable roads in the Parish. The details of wording on the signs needed to be firmed up. The Chairman stated that he had been in contact with a Highways officer from Devon, who happens to live in Dowderry, and had offered to help with this.

Cllr. G. K. Berncastle stated that the possible closure of Church Hill, Hessenford to through traffic could have a bearing on the future use of the Hessenford Graveyard, Extension Strip, and that this should be noted in the minutes.

11.1.2. Sewage leakage onto Looe Hill, Seaton. Update by the Clerk

The Clerk reported that a letter had been sent to SW Water reporting this matter. No written reply had yet been received. It had been stated on the telephone that repairs would be carried out in the autumn, after the holiday season. A manhole needed to be repaired before a camera investigation of the sewer could be carried out and this will entail closing the road.

11.2. PUBLIC TRANSPORT ISSUES

No matters were raised.

12. CURRENT / ONGOING BUSINESS:-

12.1. PARISH PROJECTS – THE AXE

Cllr. J.P. Candy declared a prejudicial interest. Being given permission to speak by the Chairman, Cllr Candy stated that the provision of an additional fence between the woodland and car parking areas should be incorporated because of the steep bank between the two areas.

Cllr. Candy left the meeting.

Cllr. D.L.G. Elliott stated that he had received quotations from Roger Prowse regarding work as on this project. An estimate for creating a track to allow separate entry and exit vehicle access to the field would cost an additional £14,000.00 on top of the £4,000.00 for the parking area as already agreed. The cost of fencing the "woodland area", above the parking area, would be £500.00.

A proposal to approve proceeding with fencing of the "woodland area" for the sum of £500.00 was made by Cllr. Mrs. M.Y. Byles, **seconded** by Cllr. Mrs. A. Robinson and **approved** by the Meeting with three abstentions.

Cllr. D.L.G. Elliott stated that he would obtain a quotation for the creation of a fence between the woodland and car parking areas and this was agreed by the Meeting.

Cllr Candy rejoined the meeting.

12.2. BURIAL GROUND FOR DEVIOCK – Consideration of a report by the John Grimes Partnership

Cllr. D.L.G. Elliott distributed a short form of the report to members. The Clerk stated that he had e-mailed an electronic copy of the report to members that morning (excluding Appendix 4).

Cllr. Elliott stated that the conclusion of the report was that of the two sites investigated, the site at Narkurs was recommended, although neither site was seen as totally suitable by the report.

ORDINARY MEETING OF 9th July 2009 (Continued)

12.2. BURIAL GROUND FOR DEVIOCK – Consideration of a report by the John Grimes Partnership (continued)

Cllr. C. J. Hazel asked how long the report had been in the possession of the Council. Cllr. Elliott stated that he had received the report during the previous week. A hard copy of the full report would be held at the Parish Office. The Chairman stated that the purpose of this agenda item was to ensure that the information was available and that no decision on the issue would be made at this time. Cllr. P. McClung stated that there was huge local support for development of the Hessenford site.

12.2. BURIAL GROUND FOR DEVIOCK – Consideration of a report by the John Grimes Partnership (continued)

Cllr. Mrs. M.Y. Byles stated that a factor in arriving at a decision of the site would be cost of development. Cllr. Mrs. A. Robinson suggested that costs for the development of both sites were necessary.

Cllr. J.P. Candy asked what the time scale for progress on this issue was. As no decision would be made at this meeting he suggested that delegated authority be given to the next Planning Committee meeting to make a decision on this matter. This was agreed by the Meeting.

12.3. PARISH PLAN REVISION

The Chairman stated that this project group had met earlier in the week and had agreed the following:-

- a) that an article in the Nut Tree Newsletter asking for amendments / additions from the public, should be produced
- b) That a public display of Parish Plan information be set up
- c) The a flyer incorporating all new proposals and amendments to the Plan be circulated throughout the Parish.

13. NEW BUSINESS:-

13.1. CORNWALL COUNCIL / NALC / CALC, ETC DOCUMENTS

None had been received

13.2. NEWSLETTERS / REPORTS / BROCHURES, ETC:

None had been received

13.3. CORRESPONDENCE RECEIVED BY DATE OF MEETING

13.3.1. Mr. Dave Stewart – Request for a copy of the report to the Parish from the John Grimes Partnership (Letter dated 8th July 2009)

The Clerk was instructed to provide a copy of the report for Mr. Stewart.

13.4. NEW BUSINESS RECEIVED AFTER PUBLICATION OF THE AGENDA:

13.4.1. Management of the local Duchy woodlands and its impact on Deviock Parish.

It was agreed that this item had been considered during the Public Participation Period and that no further discussion was required.

13.4.2. Request by the Donderry and Seaton Residents Association

The Clerk informed the Meeting that he had received an e-mail from the secretary of the Association requesting that the Parish Council take action on three matters:-

- 1) Donderry Bus Shelter – the removal of ivy
- 2) Donderry Public Conveniences Garden – weeding and tidying required
- 3) Coastal Footpath (Donderry to Craffhole) pare back undergrowth

The Clerk stated that he would deal with these issues and suggested that the public conveniences gardens would benefit from more plants.

ORDINARY MEETING OF 9th July 2009 (Continued)**13.4. NEW BUSINESS RECEIVED AFTER PUBLICATION OF THE AGENDA:
(Continued)****13.4.3. Public Telephone Kiosk, Narkurs**

The Clerk informed the Meeting that he had received notification that payment for the electric supply to the kiosk had now been transferred to the Parish Council. This was the final stage in the progress of adoption of the kiosk and the next step would be to consider how best to convert it into an information centre for Narkurs.

13.5. MATTERS RAISED BY MEMBERS FOR POSSIBLE INCLUSION ON THE NEXT AGENDA

13.5.1. Cllr. G. K. Berncastle stated that the Seaton Valley footpath was overgrown in parts.

13.5.2. Cllr. P. McClung drew attention to the poor state of repair of Tregunnick Lane.

13.5.3. C. Cllr. Pugh requested that he be given a space on the agenda in order to be able to inform councillors of current issues relating to Cornwall Council. A **proposal** that Cllr. Pugh be given a regular agenda item slot as made by Cllr. P. McClung; **seconded** by Cllr. Mrs. G.E. Hartland and **agreed** unanimously by the Meeting.

C.Cllr. Pugh informed the meeting that Mr. Colin Cresswell had been appointed as the Area Network Manager for the Liskeard / Looe area.

13.5.4. Cllr. Mrs. M.Y. Byles expressed concern over the high charges for water used in connection with the Downderry Public Conveniences.

There being no further business, the Chairman closed the meeting at 21.57 hrs