

# LUXULYAN PARISH COUNCIL

Minutes of the Ordinary Meeting at the Luxulyan Memorial Institute, 6.00 pm,

**THURSDAY 9<sup>TH</sup> NOVEMBER 2017**

**PRESENT:**

Cllr Michaela Linfoot (Chair), Cllr Keith Bilston, Cllr Cath Grey, Cllr Margaret Higman, Cllr Sarah Kemp, Cllr Francis Payne, Cllr Sue Perry, Cllr Justine Rowe, Cllr Bert Rowe.

**ALSO PRESENT:**

Clerk to the Parish, Mrs Christine Wilson, Mr Anthony De Havilland and 23 Members of the Public.

**ABSENT:**

Cllr Andy Cottrill (Vice-chair), PCSO Jamie Ward, and Ward Member Cllr Sally-Anne Saunders.

Abbreviations: Councillors are abbreviated with their initials; Luxulyan Parish Council (LPC), Cornwall Council (CC), Footpath (FP), Local Maintenance Partnership (LMP), Community Land Trust (CLT), Friends of Luxulyan Valley (FOLV), Luxulyan Neighbourhood Plan (LNP). \*\*\* indicates the Consultee Comments submitted to the Planning Authority; the general points are proposed and decided by LPC; formal submission is delegated to the Clerk.

*The meeting began at 6.00 PM and the Chairman welcomed all and apologised for the lack of space and chairs which left many people standing. The Chair was very pleased to comply with a request to begin the meeting with a minute's silence in Remembrance. In Remembrance of those fallen, past and present, a minute's silence was observed.*

**17/147 Apologies**

Apologies were received from AC and the ward councillor.

**17/148 Declarations of interest or requests for dispensation.**

CG declared an interest in the Item during the public session about Tregarrick Farm as she is in the immediate family of the applicant. She explained that, in accordance with the Code of Conduct, she would remain in the chamber, ~~but would not speak.~~

**17/149 Public Session**

A Tregarrick Farm pre-application consultation for a housing development. Mr A De Havilland (Mr DH) was present to explain the pre-application because he was asked to review it by a pension fund in Edinburgh that he works for. He specialises in Planning and Property Law.

He has had some conversation with an architect, but before anything is planned, he has come to see what the parish thinks and see what its needs are.

The previous pre-application was for 60 houses that Mr DH believes is far too many for the village. With three photos he showed his vision for the development with approximately 30 houses.

He would consider it a failure if he met with objections from the parish and from the local authority and had to go to appeal. He wants to move forward with support. Mr DH stopped speaking to let the public speak.

The Chair said the houses below that flooded regularly and had trouble getting house insurance. As the development would involve concrete and tarmac, where would the run-off go?

A member of the public pointed out that the insurance for all houses in his postcode near around the development are affected because it is a noted flood plain.

<p>R Smith précised his letter to the parish council regarding the present proposal. He also said that he was concerned that Mr DH mentioned the 5-year housing supply as his first form of leverage, because Cornwall Council now has a Local Plan and Cornwall has moved to Plan-led development. Also, Mr DH's company boasts of taking a robust approach with Local Authorities on behalf of their clients, even though the local authority does represent the democratic will of the people. His letter showed that this development would be against the Local Plan, the emerging Neighbourhood Development Plan and the wishes of local people. He received a round of applause from the parishioners in the chamber.</p>
<p>Mr DH replied that 'like it or not' Cornwall has a housing deficit. Flooding should be dealt with by the Environment Agency, not the Planning Authority. It was pointed out that the Environment Agency has worked at Bridges. MR DH went on to say that if the flooding could be improved by a Section 106 or 278 agreement, that would be a material planning consideration for the proposed housing.</p>
<p>It was asked if the developers had the power to improve the drainage and make a safer entrance to the proposed development. Mr DH said it was not about powers, but 'empowerment'. <del>Community</del></p>
<p>It was pointed out that the school does not have the capacity to handle many more students, the roads are in poor condition, the traffic is busy and 65 more cars from a housing estate of 30 houses would exacerbate the problems.</p>
<p>Mr DH said his plan was '20-30 houses, a mix of affordable and private'.</p>
<p>It was queried why they are using a green field site outside the village boundary. Cornwall Council has designated 22 new houses for the parish before 2030 and the Luxulyan Neighbourhood Plan sees that quota being filled by 'windfall' sites and small developments, not one or two large developments because small developments do not have the negative impact of a 20 house development. RS pointed out that Cornwall's Local Plan and the emerging Neighbourhood Plan are now the relevant documents, not the parish's supposed housing need extrapolated from a number for housing development imposed on Cornwall as a whole. These local plans are better adapted to the local need and take local situations into consideration.</p>
<p>Mr DH explained that he employs a flood risk consultant when needed to assess the houses that are proposed. He did not explain whether the consultant looks at the effect the proposed development would have on existing houses.</p>
<p>It was pointed out that there is probably granite very close to the surface of that field as there have been problems for builders on houses nearby. Mr DH said that is probably why there is such a lot of run-off.</p>
<p>Mr DH said that planning applications usually take 3-6 months for a development of this size.</p>
<p>He explained that the previous Pre-planning application for 60 homes with no affordable homes (PA17/00660/PREAPP) had an overwhelmingly negative response from CC Planning.</p>
<p>CG requested to ask questions and the Chair explained that LPC's Code of Conduct prohibits someone with an interest from participating in any way.</p>
<p>When told by a parishioner that Luxulyan parish was 'dead against' the 30 home development as well, Mr DH said "And whilst villages and towns sometimes say that, and whilst people talk about 'the Local Plan, our Local Plan should be the deciding</p>

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factor', we have the NPPF and the NPPF outranks it." The NPPF is the National Planning Policy Framework.

It was pointed out that neither the Local Plan nor the emerging Neighbourhood Plan say 'no' to development. The Neighbourhood Plan has identified sites which would be favourable to development, but the field in question for this development is unsuitable. This is a speculative development designed to make money for the Pension Fund that Mr DH represents. It goes against the democratically constructed Local Plan and Neighbourhood Plan. The room gave the speaker a round of applause.

FP read from the Pre-application Protocol Agreement and said that if Mr DH does return to the Parish Council for more consultation, the Council expects him, following the Agreement, to share the guidance given his company by the Planning Authority before meeting with the public again in Luxulyan, *and Mr DH agreed to this.*

It was asked if the Pension Fund would accept a development of fewer houses than those 30 or so proposed. Mr DH said that he was authorised to negotiate to a maximum of 50% affordable houses.

When asked if there were other sites in the village that they are looking at, Mr DH replied that it requires land to be available and a willing landowner. Small applications like this are much more complicated than developments of 200-300 houses. Which is why he is here to listen to the issues.

The Chair pointed out that, if his company were to pursue this planning proposal, he should not consider this preliminary talk as having fulfilled his duty for public consultation. This is merely a public session at a normal parish council meeting. In future, a public consultation would be required with all the relevant notification within the parish. And a larger venue!

*The Chair thanked Mr De Havilland for attending and he left the meeting.  
10 members of the public left the meeting.*

B Traffic issues. A resident of St Cyriac reported that the industrial estate is getting bigger, but the original planning never meant for the industrial traffic to go through St Cyriac, which passes a pre-school and residential parking on both sides of the road. Last week an articulated lorry reversed out that way. The previous entrance to the industrial estate is blocked with granite boulders because they have permission to build new units there. Perhaps a number of safety measures can be put in place, for example, a zebra crossing by the pre-school, a mirror on the 90 degree bend, speed bumps. The Chair will send dates to the Clerk to request a meeting with Highways.

The resident also mentioned the problems with people following their Sat-Nav from Lockingate to the Eden Project. SK explained that LPC had had a negative response from Highways about a sign there.

**ACTION: ML, Clerk**

C The planning application decided at 17/166.E(i). Two owners of the property explained their application with detailed photographs. The chair brought the discussion and vote forward to this point in the meeting. See the decision at that item.

*The couple left the room for the short discussion and vote, and then 3 members of the public left the meeting.*

D LNP – Luxulyan Neighbourhood Plan update. Item 17/155 was moved forward to the public session. N Legard explained that they had had an excellent response to the LNP questionnaire: 160 respondents, when they expected less than 100. It is taking longer than expected to compile the results because of the high number of respondents, but a full report will be published by the committee. Before then however, general results

include: no large developments; maximum of 22 houses in the whole parish – mainly for young families and elderly; decrease the speed of traffic in the village with more vehicular signage to counteract Sat-Navs and speeding.

*N Legard left the chamber.*

E Skate Park proposals. Item 17/156 was brought forward for the benefit of the parishioners in the chamber. CG had three quotes from three different companies. She explained that these were guidelines and not definitive. The item was **DEFERRED** in order to look at the quotes in detail and to consult further with the community.

A member of the public wished to know where the original skate board grind rails and things were. The basketball court area has a history of donations to the village, from the concrete itself to the previous skate board equipment.

F Welcome Packs. The interested member of the public did not attend. CG reported that content for the welcome packs had not progressed as much as originally thought. LPC does not have the time at the moment, but if one or more parishioner would like to offer their ideas and time for the project, LPC could be interested in supporting the scheme.

#### 17/150 Review of action points

A member of the public said they had never received a reply to the letter they sent LPC. CG was concerned that this had not been done. The clerk explained that she understood that members of the parish council were going to speak to the parishioner personally, and that a letter was not required. ML and CG said they had spoken to the parishioner about the council's thoughts on the topic.

#### 17/151 Meetings and governance

A The practice of listing the councillors as Present and Absent and those as those that sent Apologies (the first item of business) was queried and explained. The clerk asked whether the council approved of the custom of abbreviating councillors with their initials and it was **RESOLVED** to continue with initials and current practices of listing absences (proposed ML; 2<sup>nd</sup> KB).

B LPC changed the wording (in italics) of the following draft minutes for the meeting held on 14 September 2017:

17/102. (proposed SK, 2<sup>nd</sup> CG) KB took the chair. KB read two nominations. ~~Following reference to a sample of the citations~~ It was **RESOLVED** that Ralph Oliver is awarded the Good Citizen Award.

[NB: Pip Champion and Ralph Oliver were jointly awarded the Good Citizen Award at the 9<sup>th</sup> October meeting.]

17/104. (proposed KB, 2<sup>nd</sup> CG) "... In addition, it was **RESOLVED** that the search for a suitable place include the existing hard surfaced area *as a preferred site*, which should be professionally assessed for its suitability as a site for this facility (proposed KB, 2<sup>nd</sup> CG)."

17/108B. (proposed ML, 2<sup>nd</sup> SP) "Road between A391 and Lanivet. As discussed in the Public Session and commented on by the Ward Councillor. ~~It was~~ **RESOLVED** that CG, JR, and ML ~~will~~ wished to join the proposed working party."

17/109. (proposed SK, 2<sup>nd</sup> ML) "On consideration of the time, the Chair suggested that the meeting should close. ~~and that~~ All items under agenda 17/110 to 17/112 are deferred to next meeting; this was **RESOLVED** unanimously.

With the above amendments, the council **RESOLVED** that the minutes of the meeting held on 14 September 2017 were a true and correct record (proposed CG, 2<sup>nd</sup> FP) and they were duly signed.

- C LPC changed the wording of the following draft minute for the meeting held on 9 October 2017:  
17/119. (proposed ML, 2<sup>nd</sup> SP) "...CG requested that it be NOTED that it was poor practice to leave only two signatories for such a long time." ~~when a minimum of two are required for all payments.~~  
The council **RESOLVED** that the minutes, as read, of the meeting held on 9 October 2017 were a true and correct record (proposed CG, 2<sup>nd</sup> FP) and they were duly signed.
- D The council **RESOLVED** that the minutes, as read, of the meeting held on 12 October 2017 were a true and correct record (proposed CG, 2<sup>nd</sup> FP) and they were duly signed.
- E Boundary Review. Following a verbal report by the clerk on the CALC Boundary Review Conference and on the CC public meeting about the Boundary Review on 6 November in St Austell, it was decided that FP and SP would bring the issues to the Luxulyan Neighbourhood Plan Committee and then bring recommendations to be considered at the next meeting. It was generally agreed that the parish of Luxulyan has more ties with the parishes to the west, Treverbyn and Roche, and also Lanlivery to the east, rather than being included in the currently proposed division which is made up of six other parishes to the east.  
**ACTION: FP, SP**
- F It was **RESOLVED** (proposed SK, 2<sup>nd</sup> FP) that the clerk and SP would coordinate to send in a response to the government consultation: Disqualification criteria for Councillors and Mayors.  
**ACTION: SP, Clerk**
- G It was **RESOLVED** to request a review of the Clerk's job description and pay scale through CALC at the cost of approximately £100.  
**ACTION: Clerk**

#### 17/152 Finance

- A Clerk's reports *Payments against Budget, Cash Flow, and Bank Rec* for October 2017, month-end were **NOTED** and there were no queries.
- B Consideration of the Budget was **DEFERRED** until the December meeting.
- C Consideration of the Precept was **DEFERRED** until the December meeting.
- D The council **AUTHORISED** payments for November totalling £1,574.94 (proposed ML, 2<sup>nd</sup> KB). The last column is recoverable VAT.
- |          |  |        |   |        |          |          |
|----------|--|--------|---|--------|----------|----------|
| 9 Nov 17 | <i>Clerk's salary and expenses</i>           | 167    | £ | 833.14 |          | 1.33     |
| 9 Nov 17 | <i>Clerk's HMRC</i>                          | faster | £ | 165.80 |          |          |
| 9 Nov 17 | <i>C4 Envelopes</i>                          | 168    | £ | 16.95  |          | 2.83     |
| 9 Nov 17 | <i>Public Conveniences, water, estimated</i> | 169    | £ | 51.81  |          |          |
| 9 Nov 17 | <i>Public Conveniences, electricity</i>      | DD     |   | TBD    |          |          |
| 9 Nov 17 | <i>LNP Broadband Nov17</i>                   | DD     |   | TBD    |          |          |
| 9 Nov 17 | <i>Printer toner</i>                         | faster | £ | 67.19  |          | 11.20    |
| 9 Nov 17 | <i>Boundary Conference attendance</i>        | 170    | £ | 12.00  |          | 2.00     |
| 9 Nov 17 | <i>Public Conveniences, cleaning Sept17</i>  | 171    | £ | 357.05 |          | 59.51    |
| 9 Nov 17 | <i>Friends oLV corporate membership</i>      | 172    | £ | 25.00  |          |          |
| 9 Nov 17 | <i>Playground inspections - 4 weeks</i>      | 173    | £ | 46.00  | November |          |
|          |  |        |   |        |          | 1,574.94 |

#### 17/153 Crime & Prevention. PCSO report

No report was received this month.

17/154 Cllr Saunders' report to the Parish

No report this month. Cllr Saunders was not able to attend and sent apologies.

17/155 Neighbourhood Plan steering group report

N Legard reported during the Public Session. See Item 17/149D.

17/156 Skate Park proposals.

This Item was brought forward to the public session. See Item 17/149E.

17/157 Playing Field Inspections

The requirements of the insurance company, recommendations of the insurance broker and the RPII (Register of Play Inspectors International) were reviewed and it was **RESOLVED** (proposed KB, 2<sup>nd</sup> ML, carried with 6 votes in favour; 2 opposed; 1 abstention) to contract a local person, qualified as an RPII operational inspector, to make weekly inspections.

17/158 Guidelines for the Citizen of the Year Award

A working party was formed: JR, SK, CG and ML. They will review and make recommendations to full council regarding any changes.

17/159 Complaints Procedure

It was **RESOLVED** (proposed SK, 2<sup>nd</sup> CG) to add: A formal complaint must be in writing and contain the name and address of the complainant.

17/160 Welcome Packs

This was not considered. See the public session 17/149F.

17/161 Public Conveniences

The opening times of the village toilets were reviewed. In the past, only the wheelchair accessible toilet was open during the winter; however, LPC decided to leave them open the entire year as they are used almost as much in the winter as the summer. It was **RESOLVED** (proposed ML; 2<sup>nd</sup> KB) to carry on the year 'round opening times.

17/162 LPC Facebook page

Discussion about a parish council Facebook page was **DEFERRED**. The clerk gave CG and SP a copy of the notes she took during the Social Media talk at the Regional SLCC conference in September.

17/163 Playing Field Goal Posts

SK brought a suggestion to the council that the replacement goals be a smaller size than before. This was discussed and it was **RESOLVED** (proposed ML, 2<sup>nd</sup> KB) to replace the old posts with the same, full size 24' x 8' goal posts as these can be used by everyone. The clerk had quotes for a number of types of goal post which she gave to KB so he could advise which type and quality is best suited to the field's conditions.  
**ACTION: KB, Clerk**

*SK gave her apologies and left the meeting.*

17/164 Contingency Protocol

The clerk distributed a contingency protocol for a reciprocal arrangement with a clerk of nearby parishes so that the clerks could replace each other if an emergency arose due to illness or other reasons. This item was **DEFERRED**.

17/165 Christmas Tree

It was **RESOLVED** (proposed CG, 2<sup>nd</sup> JR) that LPC would erect a Christmas tree with lights at the Memorial Institute over the Christmas period. The tree would be paid for by the council, with a cost of around £25, and the lights might be donated by a parishioner.  
**ACTION: JR**

17/166 Planning

A The review of planning protocol for applications and pre-applications was **DEFERRED**.

B There was no planning correspondence.

C Enforcements – (listed in *Clerk's Notes*).

i. EN17/01862 | COURSE OF ACTION AGREED | Alleged works not been carried out in accordance with approved plans PA13/06904 - holiday unit built higher than approved | Rock Mill Prideaux St Blazey Par PL24 2SS.

This was discussed and **NOTED**. Unfortunately, the public receives no further details about these enforcements. Some of the works may be encroaching upon a World Heritage Site. ML will contact Lanlivery Parish Council and report back to the next meeting.

**ACTION: ML**

D Planning decisions are also reported in *Clerk's Notes* and on the website. No planning decisions were discussed.

E Applications for consultee comments.

i. **PA17/09036** | Ground floor extension to rear of property. | El-Carim Bridges Luxulyan Bodmin Cornwall PL30 5EF. After considering the applicants' comments during the public session along with photographs of the current property, and after considering the plans, the council **RESOLVED** the following consultee comments (proposed SK, 2nd FP):

\*\*\* Luxulyan Parish Council **SUPPORTS** this application. It appreciates that the applicants have adjusted their plans after input from a neighbour and it appears that there is no significant impact on the neighbouring property.

17/167 Highways & Flooding

A Mud on road past Greadow Farm because of poor drainage. Clerk will advise Highways.

**ACTION: Clerk**

B Fly-tipping. Someone has dumped a mattress and two other bundles near the road past the quarry.

17/168 Assets – reports and maintenance

A Playing Field. The clerk gave the operational inspector's report on the playing field. The toddler multi-play bridge is slightly slippery and will be cleaned when he can get hold of a pressure washer with the electricity supply from the Village Hall.

There was a report earlier in the month from a member of the public that the

basketball court was untidy and that younger children were unable to play there. However, the operational inspector confirms that this is no longer a problem.

Also, the court has slippery places that need to be scrubbed. It was suggested that salt might help control the slippery areas. The clerk will contact the contractor.

**ACTION: Clerk**

B Cemetery. Nothing to report.

C Footpaths. The council received a report of slippery step from St Julitta down to Bridges and the clerk will contact our contractors to clean the steps very well as this has probably never been done. FP11 bridleway is quite overgrown and the council hopes the landowners will clip their hedges as required for riders. FP15 needs to be cleaned right away because the mild weather has made the moss very slippery. On FP6 the hedges are very overgrown. The clerk will contact the landowner by telephone. Work continues of FP10.

**ACTION: Clerk**

D Village toilets.

i. FP reported that he had successfully reported to South West Water the drain that did not seem to be at the correct level, which sometimes clogged. Because the drain is situated where it is, it is a joint drain and is the responsibility of South West Water. They have replied saying they will be monitoring it once a month.

ii. The metal barrier in front of the Ladies' loo has been hit by a Warburton lorry. FP witnessed it and he will email the details to the clerk who will write to Warburtons.  
**ACTION: FP, Clerk**

iii. Since the lightening storm this month, the lights in the toilets have been constantly on. They are on sensors and should turn off when no one is using the toilets. The clerk tried to get hold of one electrician who didn't reply and MH recommended another electrician.  
**ACTION: Clerk**

E Weed Control on pavements. The 9<sup>th</sup> October spray was not very effective. The clerk will write to the contractor. It was done on a misty evening; it was almost dark, and it appeared that he was driving too quickly.

**ACTION: Clerk**

#### 17/169 Parish Matters – reports

A Community Networks: St Blazey; China Clay

B Luxulyan CLT. There will be a meeting soon.

C Luxulyan Parish Community Fund. Meeting in December.

D Luxulyan Valley Partnership. Meeting in December.

E Knotweed. The knotweed in the Playing Field has seeded and it will be much worse next year. The clerk to report.

**ACTION: Clerk**

F Village Hall Committee. BR has not heard anything about the meetings. The clerk will contract the chair. ML will send the clerk his details.

**ACTION: ML, Clerk**



17/170 Correspondence & Invitations

A There was a request from the Cornwall Autistic Partnership to put signs up in the toilets to warn against the noise of hand dryers. The council **RESOLVED** not to use the signs as there are no hand dryers and it is unlikely there will be (proposed ML, 2<sup>nd</sup> CG).

B The complete list of Correspondence can be found each month in *Clerk's Notes*.

17/171 Business for the next meeting

Traffic calming for St Cyriac. Arrange a date for a public meeting to discuss financial matters in the parish. Skate Park.

17/172 Dates of next meetings

Planning if needed 23 November, 6.00 pm and the Ordinary Meeting 14 December, 6.00pm, both at the Luxulyan Memorial Institute.

*The Chairman thanked everyone and the meeting closed at 9.50 pm.*

*Mrs C Wilson ~ Parish Clerk ~ 28 November 2017*

14/12/2017

ML

ML [Signature]