

**MINUTES OF THE PARISH COUNCIL MEETING OF NEWTON & NOSS PARISH COUNCIL**

Held on 26 November 2015

**PRESENT MRS ANSELL  
MS. ADAMS**

**CLLR GREEN  
MR CARTER**

**MR LYNDON  
MS. COVE**

**MR. HUSSELL  
MS. LONGWORTH**

**ALSO PRESENT;** No parishioners

**Mrs McDonough (Clerk)**

**OPEN FORUM**

No matters were raised.

**248/15 VARIATION OF AGENDA** –

RESOLVED: The District Councillor's report should be brought forward on the Agenda to be heard first. (*Vote; Unanimous.*)

**249/15 DISTRICT COUNCIL-** Cllr. Baldry gave the following report;

**i) Proposed solar farm at Newton Downs Farm-** Cllr. Baldry was expecting the report from the planning officer Mr. Jones shortly.

**ii) 1 The Point, Noss Mayo 37/2515/15/F** - it was agreed the Clerk would notify Cllr. Baldry of the Council's response.

**iii) Wright's Lane-** the Chairman advised that she had spoken with the owner of "Rosemount". It was understood there were ongoing communications regarding responsibility for the repairs between insurance companies. Devon County Council Highways had advised that the matter was in the hands of SHDC Building Control who had been trying to contact the owner for an update. Cllr. Baldry would speak to Building Control for an update.

**250/15 APOLOGIES FOR ABSENCE-** there were apologies from Cllr. Hosking, Cllr. Blackler, the Vice Chairman and Mr. Tubb.

**251/15 INTERESTS TO BE DECLARED** - members were invited to declare interests in the items for discussion during the course of the Meeting. None were declared.

**252/15 DISPENSATION REQUESTS-**none.

**253/15 MINUTES** – the Minutes of the 22 October Meeting were confirmed and signed as a correct record.

**254/15 VARIATION OF AGENDA** –RESOLVED: Matters relating to consideration of pre planning applications/planning enforcement should be considered in committee. (*Vote; Unanimous.*)

**255/15 PLANNING**

**Planning decisions**

**255.1 Aberford, Stoke Road 37/2225/15/F-**householder application for two storey rear extension (resubmission of planning consent 37/1445/15/F). SHDC; Granted.

**255.27 Munro Avenue 37/2087/15/F** -householder application to convert existing garage into granny annex. Affected the setting of a Listed Building. SHDC: Granted.

**255.3 Co-operative Retail Services Ltd, 1 Newton Hill, 37/1960/15/AD-**advertisement consent for 1no. illuminated fascia sign and 1no. illuminated hanging sign. SHDC: Granted.

**255.4 The Poolhouse, West Park, Netton Farm, 37/1015/15/F-**conversion of pool house to ancillary accommodation/annexe with garaging. SHDC: Granted

**255.5 3, Beacon Hill, 37/1621/15/F** -householder application for proposed erection of a garage and boat store. SHDC: Granted.

**255.6 Holy Cross Church, 37/1880/15/tw-**South Hams District Council (Parish of Newton & Noss) (no.28) Tree Preservation Order 2004- work to Tree Preservation Order trees. SHDC: Granted. Fell; T5 Judas and Conifer-Refused.

**255.7 Butts Park Playing Field, Butts Park, 37/2356/15/F-**erection of rugby posts. SHDC; Granted.

**Planning applications received including;**

**255.8 1 The Point Noss Mayo 37/2515/15/F-**householder application for repair to quay to include increase in height, with remedial repairs to cliff face. Some concerns were raised about the proposals having a larger footprint on the estuary than the existing quay, and included a slipway. The Harbour Master and Mr. Carter had paid a site visit in their capacity as members of the RYHA. Mr. Carter advised that the RYHA did not have a problem with the proposals and did not think the enlarged footprint would present a navigation hazard. They also thought it would improve stability of the bank. The Harbour Master would be in contact with Crown Estates.DECISION: No objection. (*Vote; 6 in favour, 1 objection.*)

1/26November2015.....Chairman

**255.8 Newton & Noss Neighbourhood Plan** – the Chairman provided an update following the meeting of the Steering Group, which had also been attended by the Vice Chairman, Ms. Adams and Cllr. Green. A representative from Devon Communities Together (DCT) had attended.

A suggestion had been made, subsequent to the meeting, that in addition to affordable housing, other issues should be raised within the Housing Needs Survey (HNS) including downsizing. Mr. Peter Pritchard had advised that he would be arranging an appointment with DCT the following week to discuss. The existing template for the survey had been circulated to the Council. An HNS would last five years. It had been suggested the HNS take place over the 2016 Easter holiday period when there was likely to be maximum occupation of homes. The results would be received in May.

The quotation for the HNS had been in excess of £3000. The proposal was to fund the survey by making an application for Locality Funding. Timings for the Locality Funding would need to be investigated further if the HNS was likely to span two financial years. If the application was unsuccessful then funding would be available from the RYDA, Revelstoke Trust and Parish Council as a contingency.

No one from the community had volunteered to lead the Neighbourhood Plan. Discussions took place about funding to employ a part time professional co-ordinator. DCT had offered to be available for consultation.

RESOLVED:

1. The Housing Need survey should go ahead irrespective of whether the Neighbourhood Plan completed.
2. The Neighbourhood Plan Steering Committee should decide the appropriate template for the Housing Needs Survey but final approval would lie with the Parish Council.
3. The meeting with Devon Communities Together and Mr. Pritchard would be helpful. The final decision as to format and questions to be asked within the Housing Needs Survey would lie with the Parish Council.
4. The quotation for the Housing Needs Survey must be approved by the Parish Council and any invoice addressed to Parish Council.
5. Funding applications should be authorised by the Parish Council and be made in the name of the Parish Council. All funds would be paid to the Parish Council who would act as the Responsible Financial Body.
6. Investigations should be undertaken into funding and the identity of a potential independent professional co-ordinator who could act as lead to take the Neighbourhood Plan forward. It was suggested Devon Communities Together may be able to make recommendations. *(Vote; Unanimous)*

**255.10 Collaton Development proposals-** The Chairman had provided a report of the meeting with Mr. Jones the SHDC planning officer which she and the Vice Chairman had attended on 13 November.

i) There would be no money for Butts Park Play Park. He noted the Parish Council's requirements and said he would press for this should another potential development go ahead.

ii) Mr. Jones had been asked about the 35 affordable homes promised and expressed concerns that this could be reduced as had happened with developments in nearby villages. It was stressed to him that this needed stringent examination to ensure they were actually affordable given that the mix of rented, shared-equity and self-build homes only included 11 rented. The Chairman and Vice Chairman had also questioned what would happen if the site was sold on to a developer. Mr. Jones said that a new developer would have to adhere to the 106 agreement otherwise the 'exceptional' element of a planning permission in an AONB would not have been met and a new application would be required.

iii) Mr. Jones was asked why this housing was required, given the other projects in surrounding villages and the new town on the Parish doorstep at Sherford. He advised that the SHDC had to provide a five-year land bank and the government would not allow the Sherford new town to be included. This appeared to be the main reason why the Collaton development was approved despite the lack of an up-to-date housing needs survey.

iv) Mr. Jones was unable to answer a question regarding the allocation of affordable homes regarding people living in sub-standard rented accommodation who, not being homeless, apparently did not qualify for one of them. He suggested the Parish Council contact the Affordable Housing Officer Cassandra Harrison.

v) Mr. Jones was asked about the Parish 'Village Initiative' affordable housing scheme on Parsonage Road. He said this would go ahead with a start next spring.

vi) The Chairman and Vice Chairman asked how the Parish fledgling Neighbourhood Plan would be affected by the 100 homes now in the pipeline for Newton Ferrers and whether this would satisfy the needs of SHDC. He was asked whether a Neighbourhood Plan would open the door to even more development given the assumption of approval and the requirement to offer up suitable sites. They did not receive a clear answer.

Details of the Section 106 Heads of Terms were subsequently provided by SHDC and circulated to the Members-

**1. Affordable Housing-** 50% of the residential units to be delivered in accordance with SHDC affordable housing policy and the Devon Home Choice Policy, affordable in perpetuity.

Tenure: 30% rented homes and 70% intermediate housing.

Unit size / mix: 5 x 2 bed, 6 x 3 bed (to be let at affordable rents) and 7 x 2 bed, 17 x 3 bed (intermediate affordable for discounted open market sale or shared ownership or affordable self-build).

All intermediate units to be retained as intermediate affordable dwellings in perpetuity.

Affordability of units: rents to be restricted to a maximum rent of 80% of market rents (inclusive of any service charges), intermediate sale to be restricted to 60% of open market value in perpetuity.

Delivery of the affordable housing prior to final occupancy of open market housing.

**2. Allotments-** 20 allotments for residents of the development / residents of the local area.

Prior to final occupancy of open market housing

**3. Site for Outdoor Community Use-** 1000m<sup>2</sup> area of land for the purposes of holding outdoor community events (including farmers' markets and similar type events.)

**4. Public Open Space and Play Provision-** areas of land within the development will be provided as Public Open Space / community woodland / community orchard. This area to be a minimum of 10,000m<sup>2</sup> in association with local planning authority's Public Open Space requirement. Play space / equipment to be provided on site within the development. The developer will submit plans to the Local Planning Authority for the management and maintenance of the Play and Public Open Space. The owner will secure public access to the Play and Public Space.

Partly prior to final occupancy of open market housing

**5. On Site Sport/Community Facility Provision-** 5000m<sup>2</sup> of land which could be used to accommodate a leisure / community facility / activity for the benefit of the local community subject to a community group coming forward with the funds to build and a viable strategy to maintain the facility.

**6. Employment Element-** to provide within the development a minimum of 750m<sup>2</sup> of business units for B1 / B2 and B8 (as considered appropriate by the LPA).

Prior to final occupancy of open market housing

**7. Education Contribution-** contribution towards secondary school education of £191,530.50. Contribution towards the cost of transportation to school (Ivybridge) for secondary school aged children living at the development of £33,335.50. £500 towards Devon County Council legal costs

**8. Sustainable Transport Contribution-** contribution towards the retention of the number 94 bus. Total contribution £125,000 to be provided over a 5 year period (£25,000 per annum.)

**9. Boat Storage (Community Use) -** covered storage within the development for the storage of boats for the use of the residents of the development / local community (to be used to store the regatta boats and gig boats owned by the regatta committee and gig club).

**10. Cycle path and footpath upgrade-** including safe crossing of A379.

Prior to occupancy of any housing.

**11. Barn Owls-** new barn owl habitat and accommodation to a specification agreed with the Barn Owl Trust.

**12. Landscape and Ecological Management Plan-** including retention and management of semi-improved grassland.

(It was suggested items 4, 10 and 11 could more appropriately be listed under conditions.)

Members expressed disappointment that money had been allocated to the diminished bus service and questioned what would happen after the five year period.

## **256/15 COUNTY and DISTRICT COUNCILS**

**256.1 County Council-Cllr.** Hosking had sent apologies.

### **256.2 Highways/Transport**

**i) Yealm Road-** Mr. Carter advised that there had been a water mains burst along Yealm Road.

**ii) Widey-** a parishioner had enquired into the missing wooden finger arm signpost which had been at Widey. DCC Highways had advised a replacement would cost £400-£500. It was agreed the Clerk would make enquiries with DCC as to the location of the original signpost which had been removed.

**iii) "Rosemount", Wrights Lane-** the Clerk would ask for an update regarding wall repairs from both DCC and SHDC.

**256.3 TAP Funding 2016-** SHDC had confirmed parishes could make or support more than one TAP Fund application. RESOLVED: The Parish Council would not join with the TAP Fund application for a mobile flashing speed sign with Yealmpton Parish Council. The Parish Council wished to prioritise its own application for TAP Funding for Butts Park Play Park improvements. (*Vote; 6 in favour, 1 objection.*)

**256.4 National Non Domestic Business Rates-** Cllr. Green gave a report of his conversation with head of SHDC Assets. Cllr. Green had been advised that SHDC was subject to a legal requirement to advise the Valuation Office of its assets. In respect of the land assets at Newton & Noss, this had only been undertaken earlier this year. SHDC had been charged £5000 for Noss Mayo car park going back to 2010. SHDC held that the Parish Council should be liable for the charges from the date of transfer. As the rateable value was £2250 and fell below £12000, and the Parish Council was not paying business rates elsewhere, it appeared the whole charge from 11 June 2015-31 March 2016 of £870.49 would be subject to a 100% discount. This discount policy was likely to apply for the current and next financial year.

SHDC had advised during the transfer negotiations in March 2015 that none of the land assets were currently rated but that SHDC could not guarantee that this would not change in the future as it was a matter for the District Valuer of the Valuation Office. Members queried when SHDC became aware that the car park would be subject to charges and whether it had been during the course of the land transfer negotiations. If so, this could have had an impact on the Council's decision to accept the land transfer of the car park.

The Clerk suggested in addition requesting an Informal Valuation Enquiry through the Valuation Office Agency on the basis that the car park formed part of Noss Recreation Area and should therefore be exempt from rating. RESOLVED: To authorise the Clerk to submit an application for Small Business Rate Relief to SHDC on the basis

that the Parish Council was considering its position and would be asking the Valuation Office for an Informal Valuation Enquiry. To apply to the Valuation Office Agency for an Informal Valuation Enquiry. (Vote; Unanimous.)

**257/15 ADMINISTRATION**

**257.1 Events applications**-none

**257.2 Councillor responsibilities**- it was agreed the following Councillors would replace Mrs Evans on the following working groups

**i) Clerk's employment**- the Vice Chairman.

**ii) Legislation**- Cllr. Green.

**iii) Website**- Ms. Longworth.

**iv) Budget**- it was agreed the remaining four members sufficed.

**v) Play parks**- it was agreed the existing members sufficed.

**vi) Neighbourhood Plan**- Ms. Adams.

**257.3 Pension enrolment**- following Mrs Evans resignation, it was agreed to accept an offer from Mrs. Susan Hinchliffe to assist in automatic pension enrolment arrangements for the Parish Council. The Clerk had sought preliminary advice from an Independent Financial Adviser regarding potential pension schemes.

**257.4 Village Green Registration-RESOLVED**; to authorise the submission of an application to register Noss Green as a Village Green. (Vote; Unanimous)

**257.5 Budget**- the quarterly accounts inspection had been completed by Cllr. Green and Mr. Carter. The quarterly budget review had been circulated to Members. It was agreed to arrange a further budget working group meeting. It was anticipated the draft budget for 2016-2017 would be circulated to Members prior to the next Meeting.

**258/15 AUTHORISATION OF PAYMENTS** –Cheque payments were authorised and signed in accordance with the schedule prepared by the Clerk, checked by Mr. Hussell and listed in Minute 259/15.

**259/15 FINANCIAL SUMMARY**

The following cheques were authorised totalling:

**£668.83**

Chq No	PAYEE		AMOUNT
2019	Newton & Noss Village Hall	Grant donation; Christmas tree & lights	£25.00
2020	WI Community Hall	Grant donation; Christmas tree & lights	£25.00
2021	P. Burrige	Butts Park play park repairs	£419.40
2022	The Society of Local Council Clerks	Membership renewal	£167.00
2023	South West Water	Water; Sports Pavilion 14/8/15- 10/11/15	£14.87
2024	South West Water	Water charges; Public Tap Pillory Hill 14/8/15- 16/11/15	£17.56
		<b>Total</b>	<b>£668.83</b>
	*Section 137 Local Government Act 1972 payments:£50 total to date;£250		
SO	Spectrum Housing Group Ltd	Bishops Court rent November 2015	<b>£363.62</b>

**260/15. CORRESPONDENCE**

**260.1 Public footpaths**- a parishioner had contacted the Council concerning an article in The Times, regarding Health and Safety Executive advice to farmers that cattle should never be kept in fields with public footpaths. The parishioner queried what steps the Parish Council was taking to see if this advice was being heeded by local farmers. He had referred to the Bridgend to Rowden footpath which passed through formerly cultivated arable land, and which had been turned over to grazing for cattle since the recent sale of the land to a new owner. Also, on two occasions during the summer he advised the footpath had been blocked by an electric fence, which had been removed by SHDC.

DCC Public Rights of Way Department had been contacted and advised that a landowner had every right to have cattle on his land even if the land contained a public footpath. The landowner also had every right to change farming practices. There were particular rules about bulls but very little about any other cattle. The only direct reference was the health and safety law which prevented a landowner from knowingly placing a dangerous animal on a public footpath. If a farmer has prior knowledge that an animal is dangerous, then he would be breaking the law placing it in a field with a public footpath. It was on this basis that the Health and Safety Executive had been issuing new guidance to farmers and owners. This guidance had also been backed up by the NFU recently. There was also guidance about the behaviour of the public if they encountered livestock, especially when there was cow with calf and they had a dog.

There was nothing to stop a landowner putting cows with calves on a public right of way but the landowner was responsible for the safety of the public when they were in the presence of the livestock.

4/26November2015.....Chairman

**260.2 Body Movement Assessment Clinics-** correspondence had been received from the Newton and Noss Network who were setting up some assessment and exercise classes in Newton Ferrers. A room was needed for the individual assessments, prior to the individual exercises being prescribed. It was felt this activity could benefit many people in the Parish and could prevent some accidents and falls. The Network was enquiring into the availability of the consulting room at Bishops Court. **RESOLVED;** The Parish Council agreed the request from Newton & Noss Network for the proposed use of the Bishops Court Consulting room for assessments for exercise classes until June 2016. The Council's agreement was subject to;

1. Newton & Noss Network liaising with Yealm Medical Centre as to their surgery times, any use of their equipment and its security. In this respect the person using the room must ensure it was locked before leaving.
2. Newton & Noss Network making arrangements with Spectrum as to access.
3. No charge would be made for the use of the room on the basis that the project was not being undertaken for commercial gain. *(Vote; Unanimous)*

The Members understood that the Network wished to make investigations into a similar project in Yealmpton and suggested the Network made contact with Yealmpton Parish Council/Yealm Medical Centre on a direct basis.

**260.3 Grant applications-** **RESOLVED:** To make a grant of £55 to the River Yealm District Association towards the insurance costs for the 2015 annual RYDA Harbour Clean Up. *(Vote; Unanimous.)*

**260.4 Devon Senior Voice-** no Members were available to attend the AGM 4 December 2015.

**260.5 Prince of Wales Award 2016** discussions took place regarding nominations for the award open to community organisations, schools etc. which had, through their own initiative, brought about improvements to the lives of the rural population in a sustainable manner. The closing date for submissions was 14 March 2016. It was agreed to nominate Newton & Noss Market. Miss Cove would complete the application.

## **261/15 MAINTENANCE**

### **261.1 Maintenance working groups-**

**i) Sports Pavilion-** the Clerk had spoken with Mr. Barrie Furzeland regarding the condition of the cricket nets. Mr. Furzeland had advised that he would inspect the nets and if necessary arrange for their removal. There was concern about the cost of replacement, the Clerk advising Mr. Furzeland that there may be funding sources available to assist. Members expressed concern about the timetable for removal of the cricket nets and public safety. It was agreed to ask the Vice Chairman to liaise with the Cricket Club. The Clerk had not heard further from the fire safety contractor and would look to purchase a fire extinguisher from an alternative source. It was agreed to authorise purchase of a First Aid Kit for the Sports Pavilion subject to the costs not exceeding £20 plus VAT.

The Clerk had had the opportunity of reviewing the papers relating to the Pavilion from Mr. Tubb. The Clerk had arranged for transfer of the water and electricity utilities to the Parish Council. Discussions took place regarding the discounts offered for a three/four year tie in arrangement and to pay by Direct Debit.

**RESOLVED;** to authorise the Clerk to enter into a four year tie- in arrangement with EDF and for the invoices to be paid by Direct Debit. *(Vote; Unanimous)*

It was agreed to discuss fees to be charged to the Football Club/Cricket Club for 2015 at the next meeting. Mr. Tubb had been asked to arrange to close the Pavilion bank account and to arrange for transfer of the funds to the Parish Council. The Licences with the Cricket and Football Clubs were awaited as were their insurance details and inspections schedules. Details of the working group inspections were awaited.

**ii) Noss Recreation Areas-** the Chairman advised that there had been no further update from the Boules Club as to whether they would enter into Licence arrangements for use of the pitch. It was hoped progress would be made with the Tennis Club. It was anticipated to hear from the RYDA shortly regarding the Licence for the entrance to Brookings Down Wood.

**iii) Play Parks-** Ms. Cove gave a report of her meeting with Play Quest, a play equipment contractor, and circulated their brochure. Plans from Wicksteed and Sovereign were awaited. Ms. Longworth advised that grant funding applications had been allocated to members of the working group. Inspections had been taking place. It had been agreed inspections of Noss play park would take place once every two weeks as the equipment was newer. Ms. Longworth would be looking at some maintenance work which may need to be carried out at the Noss play park and would report back.

**iv) The Green/Dillon's Green-** Ms. Adams advised that the risk assessments were to be completed.

**261.2 The Green-** South West Highways had advised that the work was to be completed shortly.

**261.3 South West Water-** it was understood South West Highways had resolved the recent problems reported by a parishioner. It was agreed no further action would be taken.

**261.4 Collaton footpath repairs-** Ms. Cove had been provided with a map and would make a site inspection regarding potential further repairs.

**261.5 Other areas for consideration-** members were asked to check the work that had been undertaken by the contractor under the Annual Maintenance schedule.

### **In committee**

## **262/15. PLANNING ENFORCEMENT/PRE APPLICATIONS**

Planning enforcement matters were considered.

*The Meeting closed at 9.05pm*

5/26 November 2015.....Chairman