

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

**Held on 14 March 2013**

PRESENT Cllr. Cooper Mr. Cooper Mr. Taylor Mr. Carter Mr. Gough Mr. Lyndon

Mr. Hussell Mrs. Ansell Mr. Matthews  
ALSO  
PRESENT

Mrs. McDonough  
(Clerk)

2 parishioners were present for part of the Meeting

**OPEN FORUM**

**Police Report-**PCSO Potter made the following report for February;

Noss Mayo - no reported crime

Newton Ferrers

Jl/13/121- between 31<sup>st</sup> Jan and 14<sup>th</sup> Feb oil was stolen from a storage tank on the outskirts of Newton Ferrers.

Jl/13/122-overnight 19<sup>th</sup> / 20<sup>th</sup> Feb burglary to a property under refurbishment. Power tools were stolen.

Butts Park Parking Issues- PCSO Potter made a report in respect of the problem of cars parking partially on the pavement at Butts Park along the B3186, which caused an obstruction for pedestrians using the pavement .The majority of the vehicles belonged to the residents of Butts Park who resided in the properties adjacent to the main road. This was not a new problem, and that vehicles had been parking at the location partially on the pavement for many years.

In an attempt to address the problem warning notices had been placed on the vehicles during December 2012 requesting owners not to park on the pavement. Whilst on patrol in the area PCSO Potter had noted that some vehicle owners had ignored the notices and that cars were still being parked on the pavement.

During February he had received a further complaint via the Parish Council requesting law enforcement, as the warning notices had been ignored. Enforcement would entail issuing non endorsable fixed penalty tickets which would result in a £30 fine provided the owner accepted responsibility. If they wished to argue, their case would be heard and be dealt with at a magistrate's court.

Whilst it was illegal to park on the pavement in a way that caused an obstruction, there was an element of discretion.

PCSO Potter did not feel it appropriate to start issuing fines to those residents who parked partially on the pavement.His rational for the decision was:

1. Vehicles had been parking at the location for years. The issuing of tickets would not stop it completely, and it would merely aggravate and upset the local residents.
2. He was aware of cars being parked partially on the pavement in other roads in Newton Ferrers, and in the other villages he covered. He knew some of those who received a fine would feel aggrieved if the same rule was not applied to others who parked in a similar way.
3. Vehicles parked at the location acted as a traffic calming measure, slowing traffic down.
4. PCSO Potter had walked the pavement along Butts Park at various times on different days and had had no problems with cars obstructing his progress. He believed there was enough room for prams to be pushed along the pavement without obstruction.
5. Pedestrian usage of the pavement was not great. There was countryside next to number 1 Butts Park and no dwellings, so the area was not pedestrian thoroughfare.
6. The actual area of path that was situated outside number 17 Butts Park [path was set between the front garden perimeter fence and the grass bank area that is adjacent to the main road] was narrow. It had a width 42 inches. The pavement adjacent to the actual main road measured 72 inches- a difference of 30 inches. Therefore in many instances the width of the pavement available to pedestrians even when cars were parked on the pavement was greater than the width of the pathway adjacent to the front garden perimeter fence of number 17.
7. The actual residents that this directly involved mainly affected those in numbers 1 to 15 Butts Park. He had managed to canvass all but one of the residents of nos. 1 to 15. Only one resident had stated parking on the pavement caused problems to them, all of the others were happy with the situation. All stated they parked partially on the pavement as it afforded their vehicles more protection from damage ,many had either lost or damaged their door and wing mirrors and they stated they always tried to leave enough room for pedestrians, pushchairs etc.  
Two residents did point out there was in any case very little pedestrian traffic along the pavement. Two of the residents suggested moving the bus stop from its current location towards the water tower.

With regard to the complaint about cars parking in the bus stop bay [which was included in with the parking on the pavement complaint], he recalled a red vehicle had been parked in the bus stop bay on Sunday 3<sup>rd</sup> March. He had subsequently confirmed that there was no bus service on a Sunday.

If however vehicles were causing an obstruction/ parked in the bus bay on school days and problems were caused, he asked that details be passed to him including the time of day, registration number, make, and model and he would visit and advise the owner of the vehicle or by telephoning 101.

**Court Road flooding-** a parishioner advised that her house on Court Road had been flooded twice last year- once in November and again shortly before Christmas. She had reported blocked drains outside Court Farm to Devon County Council but nothing happened. She had read that £60,000 had been made available for flood schemes for Modbury,

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Ivybridge, Buckland Monachorum and Ivybridge. She requested help and suggested a survey be undertaken as to how drainage could be improved from Court Road to The Brook.

Cllr. Suzie Cooper said she would speak to the person responsible at SHDC for flood prevention to see what could be done with respect to future flood prevention.

Cllr. William Mumford advised that Devon County Council was the Strategic Flood Authority and its Highways Department also had responsibilities. After a flooding event in January Cllr Mumford had visited Court Farm and had compiled a list of suggestions/flood prevention measures which he outlined;

- i) There had been a blocked drain under Court Farmhouse which the owner had confirmed he would clear.
- ii) There was a natural channel between "Court Orchard" and Old Court Farm with a large hole in the wall which had become blocked and needed to be kept clear. He would be taking it up with the nearby landowners.
- iii) In Decembers flood event the sheer volume of water from the granite trough by the Vicarage had run down the road and then appeared to join the stream by Old Court Farmhouse.
- iv) People who kept horses at the top of Court Lane may have used wood chippings to assist access into the field. This may have led to blockages as the wood chippings had been swept down by water.
- v) There had been changes in the way the field at the top of The Fairway had been ploughed causing run off from the field.

Netton Farm had experienced flooding difficulties also.

Cllr. Mumford advised that the £60,000 funding to which the parishioner referred had been spent. Devon County Council had put the cost of flood damage in the County at £8 million. Cllr Mumford would speak to the local landowners and would report back to the parishioner. DCC and SHDC as surface drainage authority should work together.

**Broken Way-** a letter from two parishioners was read out at their request as they had been unable to attend the Meeting. The parishioners referred to concerns that some neighbouring residents had erected a fence and "private signs" opposite their property when they were short of the 12 year requirement for Adverse Possession. Subsequent to the Parish Council meeting on 28th February, additional 'private' signs had been placed on the land along with a bench. The parishioners referred to good access to the outhauls via the steps down to the pumping station. The land was along a stretch of Highway that had always been used as additional parking within the village. They hoped the Parish Council would be in support of the 'private' labelling of the land being removed and that any claim for adverse possession would not be supported unless there was clear evidence of no future intention to development on the land and a firm undertaking that covenants would be placed on the land.

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**51/13 APOLOGIES FOR ABSENCE-** there were apologies for absence from Mr. Tubb, Mr.Stitson and Mr. Barnett.

**52/13 MINUTES** –the Minutes of the 14 February Meeting were confirmed and signed as a correct record.

**53/13 INTERESTS TO BE DECLARED** - Members were invited to declare interests in the items for discussion during the course of the Meeting.Mr. Matthews declared a pecuniary interest in potential legal advice being sought in respect of Broken Way and a non pecuniary interest in Twinning matters.

**54/13 DISPENSATION REQUESTS-** none were made.

**55/13PROPOSAL TO VARY THE AGENDA-** RESOLVED: To vary the Agenda such that quotes relating to legal advice in respect of Broken Way and for resurfacing Noss Hard be heard in Committee. (*Vote; Unanimous*)

**56/13 Mrs Jeanifer Woodcock-** Mr. Taylor led the Parish Council in paying their respects in memory of the late Mrs Woodcock who had been a past Chairman and a Member of the Parish Council from the 1960-1990s.

## **57/13 COUNTY and DISTRICT COUNCILS**

### **57.1 County Councillor's Report.**

**i) Grass cutting-**Yealmpton and Modbury Parish Councils were wishing to take over grass cutting responsibilities subject to what Devon County Council would have otherwise spent. Cllr. Mumford suggested this may be something the Council wished to consider either on the basis of the present cuts per annum or to perhaps augment the number of cuts. The alternative would be for the Council to ask Devon County Council for the funds that it would have otherwise spent on the contractor (South West Highways) and to take on responsibility in house. Cllr. Mumford had asked for the costs for urban cutting i.e. highway verges. Members suggested that this could be looked at in conjunction with the transfer of SHDC land assets to the Parish Council in due course.

**ii) Bishops Court-** the trees issue had not yet been resolved. The vast majority of other maintenance work had been undertaken.

**iii) Speed Data-** Cllr Mumford's report had been circulated to Members. The last speed data had been obtained using a temporary counter: - East bound mean speed 32.8mph.Average 24 hour vehicle flow 1170. West bound mean speed 31.5mph.Average 24 hour vehicle flow 1169. The road was also looked at using the SCARF process prior to the data above.

Previously, Cllr. Mumford and a highways officer had spent some time in the lay by above Parsonage Farm with a hand held gun. They were not wearing Hi Visibility jackets and so the results were as fair as could be expected. Cllr

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Mumford's recollection was that the speeds were slightly lower than this. The vast majority of those speeding were locals and not, as was being suggested at the Parish Council Meetings, white vans streaming in and out of the village to building sites. A subsequent police speed check that was done by the PCSO at the time, Sid Lawrence, supported this. Using the last accident data there was one slight injury accident recorded between 2009 and 2011 in the area near St. Catherine's Park.

Cllr. Mumford suggested the need for greater publicity in the Parish Magazine/ the Nose and asking the Police if they could do a speed awareness session. Whilst no fines or penalties would be levied warning notes would be sent to the registered keepers of the vehicles. This could also be done in conjunction with the School. It was understood PCSO Potter had placed an instruction to collect updated speed data. A hand held speed data gun could be borrowed from Devon County Council. The temporary VAS signs would be located there at regular intervals in the future. Mr. Hussell requested an update in respect of trimming back the hedges to display the "S" on the "Slow" sign on the road upon entering the village.

#### **57.2 Highways/Transport**

**i) Snow Warden-** Devon County Council Highways had confirmed orders had been placed for the locations agreed.

**ii) Butts Park-** min 57.1 and Open Forum refers.

**57.3 District Councillor's Report-** Cllr Cooper advised that SHDC had increased Council Tax by 3.5%. A member expressed disappointment at the increase with no explanation being given to electors.

**57.4 SHDC Asset Transfer/Parish Asset Land Registration-** a report from Trobridges was awaited. Apologies had been offered for the delay which had been caused by annual holiday and illness. The Members of the Working Group agreed to arrange a meeting to discuss future management.

**57.5 Village Housing Initiative-** the development manager for Tor Homes had reported at the end of February that they had had a positive meeting with the landowner and his legal representative. They had agreed the further steps that needed to be undertaken and both parties were working through the detail.

**57.6 SHDC Public Conveniences-** SHDC had agreed cost savings measures such that under utilised public WC's would be subject to a 4 months seasonal closure for implementation in October 2014. Where agreement was reached with Town or Parish Councils, some WC's could be closed in Autumn 2013. This was to achieve a costs saving of £80,000. Parish Councils could consider keeping WC's open during the 4 month period, by being responsible for the costs.

**57.7 March SHDC Community Housing Surgery-** it was not considered necessary to attend.

#### **58/13 PLANNING**

##### **Applications received-**

**58.1 25 The Fairway 37/0386/13/F-**householder application for amendments to approved planning application 37/1579/12/F (amendments to decking height and design.) DECISION: No objection. (*Vote: 6 in favour, 3 abstentions*)

**58.2 91 Yealm Road 37/0388/13/F-**demolish an existing dwelling and rebuild a replacement new dwelling. The site adjoined/affected a public right of way. DECISION: No objection subject to:

1. The Leas footpath being kept open.
2. Structural engineers satisfying themselves as to the stability of the bank. (*Vote: 8 in favour, 1 abstention*)

**58.3 Battery Cottage, Noss Mayo 37/0441/13/F-**householder application for conversion and extension of porch to conservatory at rear of property. The site adjoined/affected a public right of way. DECISION: No objection. (*Vote: 8 in favour, 1 abstention*)

**58.4 Point View, Noss Mayo 37/0494/13/F-**re-instatement of riverbank and steps to existing quay and provision of hardstanding for car parking space and associated landscaping. Application affected a Conservation Area. The site adjoined/affected a public right of way. DECISION: Objection

1. The Parish Council objected to a "flying car park" being constructed over the Creek.
2. The proposed car park would affect visual amenity and in particular the public's view from Pope's Quay.
3. The applicants were proposing constructing over more area than was purchased.
4. Overbearing.
5. Design and appearance of materials.
6. Nature conservation.
7. The applicants should abide by their original plans. (*Vote: 8 in favour of objecting, 1 abstention*)

**58.5 Design Panel.** Land south of 80 Court Road, Newton Ferrers - pre-application enquiry for erection of new three-storey dwelling with integral basement garage. The proposed plans had been received. Mrs. Ansell and the Chairman would be attending the meeting 19 March.

#### **59/13. ADMINISTRATION**

**Assets Register-** a draft schedule was considered. As benefactors had to date replaced public benches in memory of loved ones, it was agreed that they should remain uninsured. Mr. Barnett was presently requesting a quote for the replacement value of the granite cross at the bottom of Newton Hill. Remaining asset values would remain unchanged subject to the routine updating carried out by the insurance company upon renewal in June 2012.

**60/13. TWINNING-** the River Yealm Harbour Authority had agreed to the proposal to place a plaque in commemoration of the Twinning of the Parish with Trebeurden. The proposal was still within the consultation period, details having been

provided on the Parish Council noticeboards, in the "Nose" and for the Parish Magazine for April. The Parish Council unanimously agreed in principle to the request for funding for the plaque.

### **61/13. CONSULTATION/CORRESPONDENCE**

**61.1 Broken Way-** correspondence from concerned parishioners regarding "private signs", fencing and a bench having been placed on an area of the land by a neighbouring landowner had been circulated to Parish Council Members and was discussed. There had been history of the Parish Council having an interest in the land since the 1970's. It was agreed that a letter would be sent to the person who had placed the items on the land at Broken Way advising him that the Parish Council had received objections from neighbours to the actions which had been undertaken. The Parish Council would request that the bench, the fencing and all "Private" signs be removed forthwith given that he did not have legal ownership of the land which formed part of the foreshore.

The Clerk was waiting to hear from Devon County Council with respect to liability for repair costs to the highway in the event of a land slip or similar event affecting the stability of the adjacent highway.

The Meeting was advised that in the absence of an express grant, it was unlikely that the land would satisfy the requirements to form "Common Land" under the Commons Act 2006. The Parish Council could consider lodging a Caution against First Registration to ensure that it would be notified of any registration application and would then have an opportunity to contest it. The Parish Council would need to seek legal advice regarding the strength of the case and in respect of any application it may wish to consider for a claim for Possessory Title in its own right.

**In committee.** *Mr. Matthews left the Meeting.*

Members were advised that a costs estimate had been sought from Trobridges, who were undertaking the existing legal work in respect of SHDC land Transfer/ Parish Asset Registration, to conduct potential legal work in respect of Broken Way. Further quotes from other legal firms could be obtained. Trobridges had given a band into which costs could fall provided matters went smoothly of £1500-£5000 plus VAT and disbursements. **RESOLVED;** to instruct Trobridges to

1. Advise upon and if necessary register a Caution against First Registration.
2. To advise upon potential liability for the maintenance and repair of the adjacent highway should there be a land slip or other event affecting road stability.
3. To advise upon and if appropriate register Possessory title of the land.

This would be subject to a maximum initial sum of £1000 plus VAT towards the matter. If costs/disbursements looked likely to exceed that sum, the Parish Council required to be advised in advance before incurring any further costs. *(Vote: Unanimous).* *Mr Matthews returned to the Meeting*

#### **Out of Committee**

Mr. John Allen offered to contribute £1000 towards the legal costs on the basis that the Parish Council proceeded.

**61.2 Yealm United Football Club-** the newly formed Club had written to the Parish Council wishing to register interest in using Butts Park Playing Field for home fixtures during 2013/2014 season. It was agreed a letter would be written in response welcoming the interest and suggesting the Club liaise with Mr. Cooper.

**61.3 Yealm Cricket Club-**Members considered a letter from the Secretary regarding grass cutting arrangements at Butts Park playing field and expressing concern about dog fouling. It was agreed to contact SHDC to confirm the designation of the playing field and to enquire whether it would be possible to ban dogs from the playing field. If it was possible, it was agreed to ask SHDC to ban dogs. The Council would write to Yealm Cricket club to confirm its agreement with the concerns raised and that the Club should liaise with Mr Cooper regarding grass cutting arrangements.

**61.4 Devon & Somerset Fire & Rescue Service (DSFRS) Draft Plan (2013/14 - 2014/15) -** the Fire Service had a projected reduction in budget of £11 million over the next four years. Savings had already been made through savings/income generation, targeted fire safety and the use of smaller fire engines. Their Integrated Approach Concept involved a tiered response- the level of fire engine and equipment would escalate in level dependent upon the type of incident. There were 85 stations in Devon & Somerset. There were no plans to close any within the timescale of the plan but rather to reform the use of their resources. In Plymouth there were currently 5 wholtime fire stations with seven fire engines. There would be no reduction in fire engines but there would be a change in the way they were crewed and located. Plympton/Plymstock would be changing from wholtime to on call fire fighters. Response time would be lengthened. It was agreed no further response to the consultation was needed and that it was not necessary to attend the consultation event.

**62/13 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 62/13.

### **62/13 FINANCIAL SUMMARY**

<b>Santander Current Account</b> :	Total balance at 1.03.13	<b>£60032.66</b>
<b>The balance includes: Hedge Cutting Bond</b>		<b>£3000</b>
<b>Monies held on completion of Newton &amp; Noss Play Park Improvement Project</b>		<b>£36.02</b>

**The following cheques were authorised totalling:** **£2309.69**

<b>Chq No</b>	<b>PAYEE</b>	<b>AMOUNT</b>
1619	WI Community Hall Hire- NNPC Meeting 14March 13 4/14March2013.....Chairman	£22.00

1620	WI Community Hall	Hire- NNPC Meeting 28 March 13	£22.00
1621	J Allen	Cleaning: Noss Voss & Popes Quay February 2013	£50.00
1622	S.McDonough	Net salary-February	£1,082.36
1623	HM Revenue & Customs	Clerks quarterly Tax & National Insurance	£1,051.33
1624	M.Hingston	Newton Voss & steps cleaning February 2013	£82.00
<b>Total</b>			<b>£2,309.69</b>

\*Section 137 Local Government Act 1972 payments:£0 Total to date;£2969.54

**62/13. MEETINGS ATTENDED:**

**62.1 Harbour Authority-** Mr. Carter advised that work had started on the Wembury Ferry Step repairs the preceding day. The RYHA accounts had been prepared. There would be a meeting with the Port Authority. Boats had been very slow to launch this year.

**62.2 Halls-** Mrs. Ansell advised there had been no meetings of the Newton & Noss Village Hall committee. Mr. Cooper advised that the WI Hall Committee had asked Cllr. Suzie cooper for funding for a projector for the hall to attract more potential hirers.

**62.3 Dementia Friendly Parishes around the Yealm-** Mrs. Ansell reported that she had been to the launch event with the other five parishes. Newton & Noss Carers Support Group had also been there. It was felt the initiative was a very good idea in light of the ageing population and its aim to help both sufferers and their carers. The organisation appeared to have sufficient funding to maintain it for 2 years. Mrs. Ansell had put her name down as a contact for the Parish Council.

**62.4 Ivybridge & District Association of Local Councils-** Mr. Cooper reported that Graham Swiss from SHDC had advised that SHDC would no longer be carrying out highway verge grass cutting under contract to DCC. Under utilised public conveniences would be subject to a 4 month seasonal closure to save £80,000. Complaints had been raised that SHDC had changed their website without advising in advance. Brixton Parish Council now had a Facebook presence. Wembury Parish Council had advised that they had had a 28 housing build allocation under the LDF. Taylor Wimpey had put in a planning application for a further 48 houses outside the planning area. Neighbourhood Plans under the National Planning Policy Framework had come under the title Growth Agenda. It was felt by many Councils at the meeting that the plan could be used to stop development but this did not appear to be the case.

**62.5 South Devon AONB- Food, Farming and Produce Workshop-** the meeting had been cancelled due to low interest.

**63/13 MAINTENANCE**

**63.1 Invoices** - none received.

**63.2 SWW** –it was thought work had been completed.

**63.3 Noss Voss Steps-**Mr. Stitson had advised that the issue of the tree would be resolved by the following week.

**63.4 Leas/Cinder Path-** an update from Devon County Council had been requested. It was thought it may have been inspected by DCC two weeks before.

**63.5 Other areas for consideration-**

**i) Bridgend Wall** the Chairman advised that Devon County Council had provided a costs estimate of £6000 to carry out remedial work to the Newton side of the wall. The Chairman was to speak with Cllr. Mumford.

**ii) Collaton Bus Shelter-** the Perspex on one side of the shelter had been knocked out. Mr. Stitson had removed the broken pieces. It was agreed quotes would be obtained to replace the side with both Perspex/ treated pine planking/hardboard. Mr. Carter advised that he would look at the shelter.

**In committee**

**63.6 Noss Hard resurfacing-** quotes received for chippings to resurface the area by the gigs to facilitate launching were considered together with a verbal quote given to Mr. Stitson to resurface using concrete.

RESOLVED: Mr.Carter, Mr. Hussell, Mr. Stitson and Mr. Taylor would undertake a site visit. Costs of up to £500 plus VAT would be authorised for the purchase of gravel if the working group considered it appropriate. (Vote: Unanimous)

*The Meeting closed at 9.15pm*