

**Minutes of the Meeting of the Council held on 24th September 2019, Knowstone Parish Hall**

**Present:** Cllr J Filmer-Bennett (Vice Chairman), Cllr R Howe, Cllr D Maidment, Cllr T Moore (Chairman), Cllr J Pomfret, Cllr J Stanbury

**In attendance:** W Sweet (clerk), 1 x member of the public, C/Cllr J Yabsley (part)

Before formally opening the meeting Cllr Moore invited Cllr Howe say a few words about Cath Morgans who had died suddenly on 16th September. He had first met Cath he when he joined the church. She had been lovely to work with in her role as Church Secretary and will be greatly missed. Her funeral will take place on Saturday 12th October at 12.30 p.m. in Knowstone Church. A minute's silence was observed.

**MINUTES**

**19/77 Apologies for absence** – Cllr D Barrett, away on holiday, D/Cllr E Ley

**19/78 Co-option of additional member**

(i) Consider Co-option of additional member – John Stanbury made a brief statement about himself. It was RESOLVED to co-opt John Stanbury onto the Council, Cllr Moore proposed, Cllr Howe seconded, all agreed.

(ii) Co-option and acceptance of office forms were signed by Cllr Stanbury.

(iii) It was AGREED that the Cllr Stanbury would attend refresher councillor training, details of which will be supplied to him by the Clerk.

**19/79 Declarations of Interest** (re. matters appearing on this agenda) - None

**19/80 Approve Minutes** It was RESOLVED to accept the minutes of the meeting held on 27th August 2019, Cllr Moore proposed, Cllr Howe seconded, all agreed. The minutes were signed by Cllr Moore.

**19/81 Correspondence** (not covered elsewhere on the agenda)

- North Devon Council weekly newsletters dated 9.09.19 and 16.09.19
- Email from CPRE dated 29.08.19 Priority Member's Invitation. Planning Workshop for Town & Parish Councils, 15th October 2019, Hatherleigh
- ICO Advice dated 3.09.19
- Email dated 4.09.19 from OPCC re. Councillor Advocate seminar Wrap Up
- Emails dated 5.09.19 and 7.09.19 from Jane Faust re. Batsworthy Wind Turbines
- Email dated 5.09.19 - Update from Extinction Rebellion North Devon
- Email dated 9.09.19 Invitation to Devon County Council, Highways Parish & Town Council Conference 2019 (various dates & locations). Cllr Filmer-Bennett said that this was a helpful event to attend for anyone interested in highway matters and it was AGREED to book him on it. Any other councillor interested in attending should let the clerk know.
- Email dated 9.09.19 from OPCC attaching September councillor advocate update report
- DALC Newsletter#18 dated 12.09.19
- CPRE Campaigns Update September 2019;

**Note any correspondence received after the preparation of the agenda:**

- Email dated 19.09.19 from NDC re. Climate action plan workshop invite for Saturday 26th October;
- NDC weekly information sheet dated 20.09.19.

**19/82 Public Questions** (*limited to 20 minutes*)

- (i) Mrs Newton read out a couple of extracts from old minutes - in 1946 the parish council thought it time more attention was given to the parish roads, in 1956 the council agreed to appoint the clerk at a salary of £5 per year. There was also a reference to creating a war memorial.
- (ii) Mrs Newton said she had paperwork regarding the ownership of the land opposite the pub which belongs to the church. It was believed that it was given to them in 1919 by the Molland estate.

She passed the paperwork to Cllr Howe to read before he hands it on to the Knowstone archive. In the past the church used to have a disclaimer sign on the wall and she felt that this was something the church may wish to consider.

**19/83 HMS Eggesford** – Mrs Rosemary Newton gave an update on her research regarding HMS Eggesford towards the building of which the residents of Knowstone had donated £2,300 in 1942 (equivalent to approximately £90,000 in 2017). She had been in contact with the Admiralty, the Ministry of Defence, North Molton Parish Council, South Molton Town Council, Barnstaple public records office and South Molton Museum. She showed the meeting a copy of a photo of stokers on HMS Eggesford and the bell from the ship, both of which are currently on display in South Molton Museum. She plans to get all the information she has gathered typed up for display in the hall if possible. She has purchased a picture of HMS Eggesford to give to the parish. Where it will be displayed will have to be agreed with the Parish Hall committee. It was RESOLVED that the Council would pay for the picture to be framed, Cllr Howe proposed, Cllr Moore seconded, all agreed. Mrs Newton was thanked for gathering and presenting the information and it was RESOLVED to buy a gift for her, Cllr Filmer-Bennett, seconded Cllr Moore, all agreed.

#### **19/84 Finance**

a) Financial Report - It was RESOLVED to agree accounts and bank reconciliation to date, previously circulated and to approve expenditure to date against budget, Cllr Moore proposed, Cllr Pomfret seconded, all agreed.

b) Accounts to settle:

- Wendy Sweet – pay (£170.17) & expenses (£18.60) £188.77
- Wendy Vigus – website updating £51.00

It was RESOLVED to settle the above accounts, Cllr Moore proposed, Cllr Howe seconded, all agreed

#### **19/85 Planning**

a) Applications notified since last meeting

(i) Ref. 70424 – Rakino, Road From Roachill Cross To Wiston Cross, Roachill EX36 4EB – Erection of timber garage. Cllr Howe reported that he had looked at the position of the proposed garage – it will be behind a tall hedge at front of the house. It will not affect the neighbours. Cllr Howe proposed that the council supports the application because it is not overlooked and it will be a useful addition for the resident, Cllr Filmer-Bennett seconded, all agreed.

(ii) Ref.70434 - West Bowden, Knowstone EX36 4RP - Change of roof finish from sheeting to natural slate. Cllr Howe reported that he had made a site visit. The proposed change is at the back of the house. Cllr Howe proposed that the council supports the application for the following reasons – a) the current roof leaks, b) the frameworks underneath the roof are rotting, c) change to slate roof would be in keeping with the rest of the properties on the farm, Cllr Stanbury seconded, all agreed.

b) Applications determined since last meeting – 1. Ref. 70190 - Manège for private use at West Hill has been turned down because there is no house there; 2. Ref 66449 - Conversion of stone and cob barn at West Hill has also been turned down. Cllr Howe read out the refusal notice and stated that he was appalled by the situation and saddened by the wording of the notice. The applicant will be reviewing and re-submitting an application.

c) Applications received after preparation of the agenda – none

d) Agree attendance at Planning Training by councillors – 15th October - CPRE free workshop in Hatherleigh 10.00 a.m. – 1.00 p.m., 21st November DALC planning course at Cheriton Bishop, 6.30 p.m. – 8.30 p.m., £40 plus VAT. It was RESOLVED that Cllr Moore and Cllr Filmer-Bennett will attend the workshop in Hatherleigh, Cllr Stanbury proposed, Cllr Maidment seconded, all agreed. Cllr Howe would check his diary and may be able to attend the course on 21st November.

**19/86 East Hill Farm Working Group report** – Cllr Moore circulated notes of a meeting on 17th September which had been attended by Cllr Howe, Timothy Browse, Cllr Moore and the Clerk (copy attached to these minutes). The group had started by looking at the S106 document which outlines the agreement between the developer, NDC and DCC. The Council needs to appoint a solicitor to look after its interests. Cllr Moore stated that he assumes the solicitor's bill will be higher than the £750 allowed for in the S106 agreement. It was RESOLVED that Cllr Moore would approach the four solicitors listed in the notes to obtain a quote re. transfer of S106 land to the Parish Council, Cllr Moore proposed, Cllr Pomfret seconded, all agreed. One of the issues KPC needs to get advice on from the solicitor will be whether the council is given the land freehold or leasehold and the implications of the two options. The Council had previously understood it would be freehold. It is hoped that at October's council meeting a solicitor can be appointed. Access arrangements also need to be ascertained and agreed with Kingstons.

As the developer has not started building the affordable homes or converting either of the barns yet, Cllr Moore was of the opinion that he has not actually started commencement of the development yet which is a key date in the S106 agreement as the Council has 12 months from the commencement of the development in which to apply for the land to be transferred to it. If the barns are sold, the new owners will have to accept the planning conditions that were previously agreed. KPC needs to keep an eye on things. Any usage of the land by residents has to be FOC. The Council will receive the £10,000 once it has received the land and it can only and exclusively be used in relation to the land.

Cllr Filmer-Bennett asked whether there will be consultation with the public about what to do with the land. The May Annual meeting of the parish would be a good time to do that but if the development was deemed to have started in April/May 2019 then that meeting would be too late.

**19/87 Third Party Reports** (if present):

- a) District Councillor – not present
- b) County Councillor – C/Cllr Yabsley reported on a recent conversation with the Highways officer who suggested that the parish rejuvenates the existing traffic calming measure in Roachill, ie the chicane. He would be happy to support it using his grant if the Parish Council re-submits an application.

In response to questions about when work deemed to have started at East Hill, he said that was a question for the District Councillor.

C/Cllr Yabsley said there was a lot going on relating to Highways. Money for patching is being allocated out of this year's budget. Officers are keeping a tight hand on contingency funding with winter coming. More patching is waiting to be done when/if money becomes available.

**19/88 Members Reports**

- a) **Highways** – Cllr Filmer-Bennett
  - (i) Traffic problems in Roachill - HGVs are driving through every 10 minutes. As agreed at the last meeting the Council has written to the hauliers concerned and a copy circulated to all councillors. No response received from any of them to date. Cllr Filmer-Bennett circulated an email from Richard Sables regarding the speed tests he had carried out which showed an average of 31mph in one direction and 29mph in the other. He had also checked the collision data and there had only one in recent times and that had not been serious. In view of this he is not happy to put forward a recommendation to SCARF to consider the council's request to erect temporary flashing speed signs. Cllr Filmer-Bennett suggested that the council uses the political route rather than contacting the officer again. He reported that he had contacted the Environment Agency as he could not find a licence number on its database which is accessible via its website; he had also had a look at the site which covers a massive area. He said the next step was to ask the EA for an information request which when received they would have to instruct the local EA office to inspect the site. It was RESOLVED that Cllr Filmer-Bennett and the clerk drafts a request to the Environment Agency, asking who holds the licence etc, Cllr Filmer-Bennett proposed, Cllr Stanbury seconded, all agreed. Cllr Pomfret reported a conversation he had had with a resident on the other side of the B road who had complained to Highways about the state of the roads and when getting

*Draft to be agreed at next scheduled meeting*

no action from them had filed a complaint to the police which had resulted in the road being cleaned. Regarding the speed signs as there is a precedent in Devon it was AGREED that Cllr Filmer-Bennett would contact the supplying company to establish which parish they had supplied these signs to.

(ii) With regard to the East Knowstone signs, Cllr Filmer-Bennett said he would draft in conjunction with the clerk a formal complaint about the lack of action to put to the Council for approval at the next meeting.

b) **Footpaths & Beaples Stone** – Cllr J Pomfret reported that he had met with Ros Davis who had brought him up to date on pathways issues. He had spoken to her about the Two Moors Way sign which is damaged and she will pass it up the line. He will be walking all the footpaths again soon in order to produce the annual report for DCC. **Beaples Stone** – Cllr Pomfret has spoken to Richard Grant memorials in Tiverton and next time they are out this way they will have a look at the stone and give the council a quote for re-doing the lettering. He had investigated doing it himself and hand filling with paint which would be quite an involved process.

c) **Police** – Cllr Moore – read out brief list of local crimes from the Police Blog which included dangerous driving. There had been an increase in vehicle crime and there was advice on how to keep cars safe. There had also been an increase in fraud. Cllr Howe reported that at the Parish Forum which he had attended the previous week one of the speakers had been the Area Commander for North Devon who had said that the main challenges are drugs and domestic abuse. In response to a question about specials they now have 100 which will help with manpower. They will also be introducing a volunteer scheme. The shortage of police is hitting rural areas disproportionately but there is rural crime team, some members of which Cllr Moore had recently met. They are going after poachers in a big way but training is needed to understand what poaching is all about. Game dealers will be made more responsible about where their meat supplies are coming from.

d) **Moors Management** – Cllr Moore reported on the recent meeting at which dog waste bins had been discussed. He suggested that KPC puts it back on its agenda to consider having bins around the parish and he will research the cost of having them emptied. Moors Management were concerned about the look of overflowing unemptied bins. The district council is now providing an emptying service. Moors Management is looking at the possibility of putting in a new cattle grid just to the right from the top of Traceys Hill to stop cattle getting into the stone store layby and are in the process of getting quotes. They will be consulting the Highways Department once quotes have been received.

e) **Parish Hall** – Cllr Howe reported that there were problems with the newish lights in the hall. The dance last Saturday to support prostate cancer had raised a good amount of money. The AGM will take place on 3rd October. There are currently two film nights planned – 7th November and 5th December in conjunction with the meal deal at the Masons Arms.

f) **PCC** – The harvest supper had been a very successful and enjoyable event which raised approximately £1150. Geoff Clapp ran a very efficient and successful auction. An amazing job had been done dressing the church with fantastic flowers and lovely arrangements which were sold in the auction. The next events will be the Christmas Fair and Carol service. The PCC is forging ahead with plans to install under pew heating and an application has gone into the Batsworthy fund and a faculty application has been submitted. Devon Historic Trusts will be supplying funding to finish woodwork in choir stalls.

#### **19/89 Business at the Chairman's discretion**

It was AGREED that the Council would send a condolence card to David Morgans.

Cllr Howe brought to the meeting's attention the Community Councillor Grants.

**19/90 To confirm date & time of the next meeting** – 22nd October 2019 at 7.30 p.m.

The meeting closed at 21.19.

**Notes from meeting of East Hill Working Group – 17<sup>th</sup> September 2019**

**Cllr Tony Moore, Cllr Reg Howe, Parish Clerk Wendy Sweet and Mr Timothy Browse**

**1. Solicitors**

Possible solicitors to approach, subject to KPC's agreement, for advice and quotation:

- Crosse Wyatt, South Molton
- Harding Brewer Rowe, Barnstaple (Ian Budge)
- Ashfords, Tiverton or Exeter (they don't have a branch in Barnstaple)
- Slee Blackwell, South Molton

Or alternative if any councillor has a solicitor they would recommend

Copy of S106 to be sent to each quoting solicitor

Question to ask solicitor:

1. Implications of having the land transferred to KPC or being granted a lease & who decides which option is implemented. It was felt preferable that KPC would own the land freehold
2. Access issues to be resolved: ie can KPC decide the best entrance place
3. Normal searches etc prior to transfer of ownership
4. Transfer paperwork

Aim for KPC to be in a position to appoint a solicitor at its October meeting

**2. Questions that need answering (to D/Cllr Ley or C/Cllr Yabsley?)**

- Has the development officially started in accordance with '*commencement of the development*' defined on page 4
- Is S106 in jeopardy due to the unconverted barns now being on the market? For sale as two lots so how is that likely to work?
- If the two unconverted barns are sold who is responsible for fulfilling the planning permission conditions, ie building the track to transport materials to site
- Need confirmation of when affordable houses are going to be built? Or will they also be part of the transferred liability when the barns are sold on for development. Is there a deadline by which they have to be completed?
- Who will own the affordable houses once built? (Up to the developer and the district council?)

- What would happen if no-one eg a housing association wants to buy the affordable houses? (Sold at a discount per the S106 agreement).
- Should KPC contact Devon Home Choice and Help to Buy South West to find out more about their role regarding the affordable housing and how it would work?
- Query re. access to Public Open Space

### **3. General observations**

- Within 12 months of commencement the transfer must be agreed and completed within 5 years or it will be lost
- The land must be for the community and no charge can be levied for anything done on site
- The £10000 will be due to KPC on the date of transfer or lease and can only be used towards the '*On Site Public Open Space*'