

Minutes of the Council Meeting held 08/12/21, 19:30 at Cruwys Morchard Parish Hall**PRESENT:**

Cllr Harvey Chairman

Cllr Searles

Cllr J Yabsley

Cllr Northam

Cllr Tait

In Attendance:

District & County Cllr J Yabsley

3 Members of the public

P G Dunn - Clerk

1. Public Session (maximum 3 mins per subject overall max. 15 minutes).

None.

2. To Approve Apologies for Absence.**RESOLVED:** Apologies approved from Cllrs Dorow [Clerk's note: email afternoon of meeting], Martin, Smith and Wells.**RESOLVED:** The Chairman proposed and all were in favour bring forward item 8.5.

Item 8.5 taken at this point in the meeting.

3. To receive the following Reports (strictly maximum 15 minutes – long reports should be submitted in advance to the clerk to circulate to councillors prior to the meeting):-**3.1. Police update.**

- None.

3.2. District and County.

Item taken after 8.5 and minuted here.

Cllr Yabsley reported:-

- Projects requiring funding should be forward to North Devon Council Project, Procurement & Open Space Officer.
- The Primary School were in discussions with the Education Department in respect of funding the increase in pupils associated with development proposal application number 73742.
- North Devon Council Building Control did oversee the sewerage connection for Willow Rise and it was connected in accordance with the planning application. The next step will be to raise the sewage and foul odour issues in Butts Close with South West Water.
- Arrangements being made for a site visit* with Devon County Council Highways Department pertaining to 73742.
- Works in respect of Willow Rise Highways improvements should be started within the next few months however no completion date provided.
- Medical Centre in talks with the Planners concerning their needs in respect of 73742

The Willow Rise road width inadequacy was raised, given traffic turning into Willow Rise are unable to do so if any vehicles are queuing to exit; this is leading to traffic queuing on the main road. It was also raised there are no paths through Willow Rise necessitating wheelchair users and children to walk in the road. Cllr Yabsley stated he would raise the matter during the site visit to include the parish councillors*.

Cllr Yabsley left.

4. Minutes.**4.1. 04/11/21.** To sign if approved, minutes of the Council.

Cllr Northam proposed, Cllr Searles seconded and all were in favour approval.

5. To consider Code of Conduct Matters:-**5.1. Written councillor dispensation requests arising.**

None.

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5.2. Declarations of Interests not declared in the Register of Interests.

| Agenda | Councillor | Type | Reason | Dispensation |
|--------|-------------|----------|-----------|--------------|
| 7.2.1 | Cllr Harvey | Personal | Recipient | n/a |

6. To consider the following Planning Matters.**6.1. Planning list (appended).**

See planning report appended.

6.2. Planning applications received following agenda publication.

See planning report appended.

6.3. Enforcement Issues Arising.

None.

7. To consider the following Finance & Policy matters:-**7.1. Finance update circulated to councillors' for review.**

RESOLVED: Cllr Tait proposed, Cllr Northam seconded and all were in favour to note 04/12/21 Report and Bank Reconciliation including online banking payments raised reviewed with no issues.

7.2. Sanction payment schedule appended & instruct cheque signatories.

RESOLVED: Cllr Searles proposed, Cllr Northam seconded and all were in favour settlement accounts 7.2.1 through 7.2.19, clerk to setup online payments, Cllr Harvey to authorise. **Cllr Smith and clerk to action.**

7.3. Ratify Finance & General Purposes Committee Recommendations and set a Precept for 2022/23.

RESOLVED: Cllr Harvey proposed, Cllr Searles seconded and all were in favour ratification.

RESOLVED: Cllr Harvey proposed, Cllr Northam seconded and all were in favour setting a precept of £36,000 for 2022/23. **Clerk to action.**

7.4. Public Toilet Block Electricity Supply Price Increase.

Noted.

8. To consider the following Property/Environment matters:-**8.1. Highways, Drainage & Public Rights of Ways Issues.**

<https://devon.roadworks.org/> | <https://www.devon.gov.uk/roadsandtransport/report-a-problem/>

No additional issues.

8.2. Vehicular Weight Restriction on Mill Lane update (raised 03/12/20 Council).

It was agreed to follow-up the matter with Highways. **Clerk to action.**

8.3. Cannington Road Open Space Maintenance.

The clerk reported correspondence dated 02/11/21 from North Devon Council (NDC) Planning Department addressed to a Cannington Road resident advising:-

"Thank you for including me in your communication with Greenbelt.

In planning enforcement terms this case was closed in May 2021 as part of a review conducted by the senior planning enforcement officer who noted:

'I have reviewed this investigation and established that condition 10 refers to replacement replanting within 5 years of the development being substantially complete. It appears to me that the dwelling were largely built out by 2011 and so we no longer have control over this condition.'

It is my understanding this site was subject to a deed of covenant (attached) for which the planning compliance team do not enforce as it is a legal document.

I am sorry that this team cannot help you at this time and will no longer be investigating this case".

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The clerk reported the Deed of Covenant referenced pertained to the Broomhouse Park development yet the resident's queries related to the open space in Cannington Road to the rear of Drayford Lane. The clerk reported responding to the Planning Enforcement officer raising the query as to how the Deed of Covenant for the previous phase of development at Broomhouse Park applied to the later phase of Cannington Rd development where the failure in grounds maintenance arises; was NDC stating the Deed when drafted for Broomhouse Park also applied to the then agricultural field which is now Cannington Road ?

The clerk reported receiving a response 06/12/21 advising they would "need to gain some advice on how to proceed with this case and therefore I will not be able to provide you with an immediate answer".

Councillors noted the correspondence and requested the clerk follow the matter up with the NDC Service Manager (Development Management), Strategic Development & Planning | Place Services.

Clerk to action.

8.4. Parish Clock Maintenance / Replacement.

Defer. **Clerk to re-agenda.**

8.5. Adventure Playground Refurbishment.

Taken after item 2 but minuted here.

Members of the Working Group confirmed receipt of an update on funding position date 25/11/21 appended, and thanked the council for its support of the project.

The clerk confirmed following the meeting of NDC Strategy & Resources Committee 06/12/21 subject to ratification by NDC Section 106 monies had been secured for the project and Funding Agreement documentation received for review and signing.

The clerk advised the drafting of the tender would now proceed, and it was agreed Cllr Searles and the clerk would progress a first draft and then arrange a meeting with the Working Group to review in the new year. **Cllr Searles and clerk to action. Clerk to agenda Funding Agreement review.**

It was confirmed subject to achieving matched funding[#] of monies set aside by the parish council for the skatepark and BMX track this project would also be progressed.

Discussions as to additionally leveraging the Section 106 funding as part of the matched funding[#], concluded progressing on these terms with any funders would have to be undertaken with full transparency with all parties.

Cllr Yabsley arrived 19:50.

Concerns were expressed that the graded land on the open space to be adopted by the parish council was made up of sub-soil, the council agreed to take this into consideration before accepting any transfer. Cllr Searles confirmed the Section 106 criteria in relation to the transfer of the Northern Public Open Space to the parish council (see appended).

Item 3.2 taken at this point in the meeting.

8.6. Village – Litter Pick Risk Assessment.

Noted. Cllr Northam requested and agenda item to appoint a new Lead/1st Aider. **Clerk to agenda.**

8.7. Square – Litter Bin Provision.

The Chairman and clerk reported a meeting with Mr Bronzite in the Square to review potential locations. **Clerk to review identified locations with Devon County Council Highways Department.**

8.8. Appointment of solicitor to register parish council land interests with Land Registry.

RESOLVED: Cllr Searles proposed, Cllr Northam seconded and all were in favour appointing North Devon Council Legal Department for this purpose and additionally to act for the parish council in connection with the transfer of the Northern Public Open Space freehold at Willow Rise to the parish council per Section 106. **Clerk to action.**

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Councillors considered provision of Jubilee coins and declined.

10. Correspondence / Consultations Received for consideration:-**10.1. Residents – issue with sewerage main in Butts Close.**

Update under 3.2.

10.2. Witheridge in Bloom – grant thanks.

Noted.

10.3. Mid Devon Mobility - funding request & presentation.

RESOLVED: Cllr Northam proposed, Cllr Tait seconded and all were in favour a grant as per 2020/21 [£200]. **Clerk to action.**

11. Dates of Next meetings recommended.

The clerk reported following lobbying from residents the Parish Hall Committee Chairman had offered the hall for parish council meetings in 2022. Councillors agreed to accept the offer and given the workload would schedule a second monthly meeting for the first quarter. **Clerk to action.**

11.1. Parish Council - 06/01/22 – agenda deadline noon 24/12/21.

Noted. It was agreed given this meeting would be finalising the council's response to 73742 a second meeting would be required to conduct other business; to this end a further meeting would be scheduled 13/01/22.

[Clerk note: Discussed with Chairman following the meeting, in hindsight having two meetings in two weeks in succession does not allow time to process other work matters leading to three weeks passing without addressing much other work than that associated with meeting arrangements – therefore 13/01/22 moved to 20/01/22].

11.2. Parish Council - 27/01/22.

Given the relocation of the first meeting monthly to Witheridge Parish Hall (hall) this date would revert to 03/02/22.

11.3. Agenda Items for consideration by the next meeting.

Nothing further.

Closed 21:45.

WITHERIDGE PARISH COUNCIL

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Planning List (Cllrs can access the Local Plan [here](#) , applications [here](#))

| Application No. | Description |
|-----------------|--|
| 74305 | Replacement of barn and change of use from agriculture to use as a workshop with associated works and alterations at Broadridge Farm Witheridge Tiverton Devon EX16 8QB Grid Ref: 279923; 116956 Recommended: No Objection. |
| 74266 | Change of use from light industrial unit to dog day care unit. Associated works to include provision of new window to rear of building and erection of fencing around grassed area to rear of building at Unit 5 Witheridge Tiverton Devon EX16 8TA Grid Ref: 280174; 114690 Recommended: The parish council object given:- <ul style="list-style-type: none"> Insufficient information related to maximum proposed dog numbers to be boarded daily. Concern as to disposal of dog foul waste and related daily cleaning down of outside spaces. No detail as to conversion of outside grass area to hard surfaces. No noise assessment provided, concerns as to impact on neighbouring businesses and residents. Loss of a light industrial unit from a limited supply at the same time as residential development and associated population growth and need for local associated jobs in the village (Willow Rise 65 dwellings just completed and Phase two proposal for a further 155). |

Payment Schedule

| Item | Chq Ref | Payee | Purpose | £ |
|--|---------|-------------------------------------|---|--------|
| 7.2.1. | OB | J Harvey | Mileage – Christmas Tree Purchase 61 @45ppm | 27.45 |
| 7.2.2. | OB | South West Water Business | Public Toilet Block Water and Sewerage Charges 12/08/21-11/11/21 | 171.72 |
| 7.2.3. | OB | South West Heritage Trust | Records Office Funding Grant | 250.00 |
| 7.2.4. | OB | Dart Electrics Ltd | Repair faulty Magloc public toilet | 33.00 |
| 7.2.5. | OB | S Sandland | Toilet Management & Cleaning Contract | 300.00 |
| 7.2.6. | CC | Office Depot International (UK) Ltd | Viking Stationary 2 reams A4 + 2 packets NICE punched clear pockets | 21.58 |
| 7.2.7. | CC | Easily Ltd | Domain Name Annual Renewal **352 | 18.00 |
| 7.2.8. | CC | iNet Telecoms | Council number mthly charge ***5921 | 3.60 |
| ** Staff Salaries & Expenses ** | | | | |
| 7.2.9. | | Redacted under GDPR | Total:- | 860.20 |
| 7.2.10. | | | | |
| 7.2.11. | | | | |
| 7.2.12. | | | | |
| To Ratify:- | | | | |
| 7.2.13. | OB | Hooper Services (South West) Ltd | Grounds Maint 5944 | 648.00 |
| 7.2.14. | 2683 | The Poppy Appeal | Poppy Wreath | 17.50 |
| 7.2.15. | OB | Cruwys Morchard Parish Hall | Nov 4 th PC Meeting | 36.00 |

Invoices Received after Agenda compilation - To Be Ratified

| | | | | |
|---------|----|----------------------------------|--|--------|
| 7.2.16. | OB | Cruwys Morchard Parish Hall | Nov 18 th FGP Meeting | 36.00 |
| 7.2.17. | OB | Cruwys Morchard Parish Hall | Dec 8 th Extraordinary PC Meeting | 36.00 |
| 7.2.18. | DD | EDF Energy Customers Ltd | Electricity Charges 29/11/21 | 163.53 |
| 7.2.19. | OB | Hooper Services (South West) Ltd | Grounds Maint 5987 | 876.00 |

Receipts

| | | |
|--------|------|--------|
| Tenant | Rent | 173.33 |
|--------|------|--------|

Initialled:

Chairman.

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- Late spring the Parish Council finalised and submitted the S106 Expression of Interest.
- The Parish Council were made aware back in the summer North Devon Council (NDC) have now received the Developer Open Space financial contribution.
- October Parish Council Cllr Yabsley reported the Expression of Interest had been reviewed and a recommendation for funding allocation included in the report to NDC Strategy & Resources Committee which it was established would be 01/11/21. Following review of the Officer's report and NDC T&Cs attached to all S106 awards, the recommendation to the Committee was as follows:-

Officer Report

5.7 Witheridge Parish Council - Refurbishment of the Adventure Playground

Financial: The total project cost is £250,000

That £130,000 be funded from the S106 capital budget from the following sources:

Development Description Application Number 62777 Land South of Butts Close, Witheridge £130,000

Total £130,000

The remaining balance be funded by match funding. Any overspend be met by Witheridge Parish Council.

Contractual Terms & Conditions:-**3.2 No Grant Funding shall be paid unless and until NDDC is satisfied that:**

- (a) such payment will be used for proper expenditure in respect of the Project;
- (b) the Recipient has obtained any necessary planning and statutory consents to carry out the Project;
- (c) the Recipient has obtained match funding to be able to complete the Project, where this is applicable; and
- (d) the Recipient has complied with any further requirements set out in the Offer Letter.

If this had progressed, until all funding sources were in place no monies could have been drawn to get the project underway. It was agreed by District Cllr Yabsley and supported by parish councillors to pull the item from the November Committee to give time for the Parish Council to review the structure of the funding application at its meeting 04/11/21. It was decided 04/11/21 to "dis-aggregate" the project submitted in the Expression of Interest as following discussions with NDC Officer NDC would then not be obliged to condition matched funding for the whole project to be in place prior to release of any funds to commence project.

Given this information the Parish Council decided to revise the Expression of Interest to seek £130000 against a Project to fully fund refurbishment of the children's playground only and this will be submitted to NDC Strategy & Resources Committee scheduled 06/12/21. Once approved it will go to the next NDC Full Council to be ratified scheduled 12/01/22. Once ratified the Parish Council will be able to apply to draw down (subject to compliance with NDC Funding Terms, WPC Standing Orders & Financial Regs, sufficient funds against the awarded tender to get the project started.

Further the Parish Council agreed to use Parish Council funds as seed funding to attract match funding from other sources to undertake the skate park & bike track project.

Willow Rise Section 106 – Northern Public Open Space conditions

12. Where the Managing Body is a Public Body the Developer shall enter into a contract with the Public Body to Transfer that part of the Public Open Space to be managed by the Public Body to the Public Body in accordance with the provisions of Paragraph 13 of this Schedule within 12 months of the completion of the Public Open Space.
13. Prior to the sale or Occupation of the final Dwelling on the Development to be occupied for residential purposes the Developer shall Transfer that part of the freehold of the Public Open Space to be managed by the Public Body to the Public Body for £1.00 consideration (if demanded), subject to a covenant by the Public Body to maintain that part of the Public Open Space and where applicable the SUDS so as to comply with the provisions of this Part. The Developer shall not sell, occupy or permit Occupation of that final Dwelling for residential purposes until that part of the Public Open Space has been transferred to the Public Body