

LUXULYAN PARISH COUNCIL

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

THURSDAY 11 JULY 2019

PRESENT:

Cllr Michaela Linfoot (Chair), Cllr Keith Bilston (Vice-chair), Cllr Michael Grindley, Cllr Bob Hatton, Cllr Margaret Higman, Cllr Michele Latham, Cllr Francis Payne.

ALSO PRESENT:

Clerk to the Parish, Mrs Christine Wilson, Ward Member Cllr Sally-Anne Saunders, and 5 Members of the Public.

ABSENT:

Cllr Kay Baker, Cllr Sarah Kemp, Cllr Tina Windsor.

Abbreviations: Councillors are abbreviated with their initials; Luxulyan Parish Council (LPC), Cornwall Council (CC), Cornwall Assoc. of Local Councils (CALC), Footpath (FP), Local Maintenance Partnership (LMP), Community Network Panel (CNP), Friends of Luxulyan Valley (FOLV), General Data Protection Regulations (GDPR), 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 Chair welcomed all.

19/53 Apologies

Apologies were received from KBa, SK, TW.

19/54 Declarations of interest or requests for dispensation.

A FP declared an interest in 19/61.A.ii because he is an immediate neighbour. MH declared an interest in 19/61.A.iii because it is her property.

B There were no requests for dispensations.

19/55 Public Session

A A representative for the Friends of Luxulyan Valley spoke.

- Firstly, to inform the parish council that an incident of river pollution was reported today in the River Par and the Environment Agency is investigating, but no further details are available now.
- Secondly, he wished to let the Parish Council know about FoLV's concerns about the gates that have been put up at each end of a well-used track that runs beside the railway connecting Footpath 408/16/2 and the road south of Rock Mill (SX 05569 56869 to SX 05755 56811). FoLV thought that kissing gates would be more appropriate.
- MH is the farmer of Trevanney Farm and she explained that this is private land and they have recently had serious problems with mountain & motor bikers using the track.
- Thirdly, the FoLV representative brought the council's attention to the group's comments on planning application **PA19/05232**. You can see the council's comments at Item 19/61.A.i.

The Chair thanked them for the helpful information and brought Item 19/61.A.i forward (see the decision at that item), after which the FoLV representative left the meeting.

B Seán O'Hea from Cornwall Wildlife Trust came to explain the Trust's reasoning behind their opposition to Lowertown (Trevellion) Moor becoming common land. The land is centered on grid reference SX 048 615 and CWT has been the owner since about 2005. Open Spaces has submitted the request. As previously minuted, the Planning Inspectorate will be holding a hearing on the issue in October. Seán O'Hea explained in detail the work being done in order to join up the various SSSI areas (which will help

the Marsh Fritillary butterfly) and return some woodland on previously drained land to its former wetland state (to allow rare plants to flourish again in the area). The CWT opposes Lowertown Moor becoming common land because it means much more bureaucracy and paperwork for a very limited staff at CWT. CWT sees no advantage to the Moor becoming common land. The planned works will not be cancelled, but possibly delayed and bureaucratic time and costs will increase.

Helman Tor Car Park. LPC is aware that the car park is in Lanlivery parish; however, Luxulyan residents do use it and it is in a terrible state. Seán O’Hea admitted that it is in a terrible state and he hopes that when funding is found for various works on Helman Tor that the money can be stretched to grade the car park. We mustn’t hold our breath, but it is in the pipeline.

The council thanked the CWT representative for his presentation and he left the meeting.

C The applicants for **PA19/05005** brought ‘before and after’ photographs and explained the works in progress.

The Chair brought Item 19/61.A.ii forward (see the decision at that item) and two members of the public left the meeting.

D In response to feedback from the councillors at a site visit and from neighbours, Mr Coney showed the council his revised plans with a repositioning of the proposed house at Treskilling. His formal planning application will be submitted shortly.

One member of the public left the meeting.

19/56 Review of action points

The clerk reviewed previous action points highlighting those in progress and those as yet incomplete.

19/57 Meetings and governance

A The council **RESOLVED** that the minutes, as read, of the meeting held on 13 June 2019 were a true and correct record (proposed KBi, 2nd FP) and they were duly signed.

B Polling districts and polling places. It was **NOTED** by LPC that the northern border of the parish is north of the A30 and that the current parish borders were agreed many moons before the new A30 and its modern roundabouts were built. For example, the Luxulyan/ Lanivet border splits, not only properties, but one house in half. It would be interesting to know in which district the residents vote! Parish borders, of course, have implications for the Community Governance Review, and it was **NOTED** that the parish council does not have time before 17 July to consult with the residents above the A30 as to whether they would prefer to be in Luxulyan or Lanivet parish. It was **NOTED** that Luxulyan has a precept of £52.31 for a Band D property and Lanivet has a precept of £61.56.

It was **RESOLVED** (proposed MLi, 2nd MH) to respond to the consultation that the two polling districts and two polling places, in Luxulyan Village Hall and in Danish Crown car park, are adequate for current needs and also for future elections from 2021 when the Ward Member districts will expand dramatically and Luxulyan will have two wards, coinciding with the two polling districts.

It was further **RESOLVED** (proposed MLi, 2nd MH) that **1)** the Community Governance Review response (due on 17 July) will be revised to suggest a change of northern border, bringing Luxulyan’s border down to the A30, and **2)** that LPC will emphasise that this should NOT be considered by the Electoral Review Panel if residents above the A30 are opposed to the idea. This suggestion of a border change by LPC is just a first step in the process. Formal consultation with all affected residents in the next few

months is part of the CGR process.

It was, therefore, further **RESOLVED** that the clerk will write to the affected properties, explaining the suggested change, explaining the difference in precept, and asking for their views on possibly moving to Lanivet parish.

ACTION: Clerk

C Code of Conduct training. MLi and FP requested the free training by Cornwall Council and the clerk will book them in.

ACTION: Clerk

D No one is able to attend the free training for the new CC online tool to tackle littering, fly tipping and dog fouling.

E The Parish Walks Policy was reviewed, and it was **RESOLVED** (proposed MLi, 2nd FP) that it is satisfactory.

F It was **RESOLVED** (proposed BH, 2nd KBi) that the September ordinary meeting will move from the regular date of the 12th to Wednesday, 4th September so that the clerk can take leave in the second week of September.

G Carbon Neutrality. Cornwall Council has pledged to be 'carbon neutral' by 2030 and now needs to work out how to accomplish this. CC has asked town and parish councils to follow suit. It was **RESOLVED** (proposed BH, 2nd FP) to send a letter to CALC and Cornwall Council requesting a partnership committee be formed between Cornwall Council, Local Councils and pertinent experts to explore the issues, solutions and impact those solutions would have on local council procedures, community economies and the county economy. On a regular basis this committee could send all local councils a report of its findings and recommendations for action. Individual councils could consider each recommendation and adapt it to local needs, abilities and capacities.

ACTION: Clerk

19/58 Finance

A KBi reported that Audit Panel had met that day before the ordinary meeting. The internal control check was completed for the first quarter and all is correct.

B There were no questions about the accounts and it was **RESOLVED** to receive the Clerk's reports *Budget Comparison and Bank Reconciliation* as a correct record (proposed KBi, 2nd FP).

C The Clerk reported that LPC's eligibility for the Financial Services Compensation Scheme has been confirmed with Unity Trust Bank, as it must be confirmed each year.

D As of April 2019, the Clerk is enrolled in the NEST pension scheme.

E The council **AUTHORISED** payments for July 2019 totalling £2,985.94 (proposed KBi, 2nd MLi). The last column is recoverable VAT.

Mrs C Wilson *2004	11 Jul 19	Clerk's salary and expenses		£	880.15		6.35
HMRC-PAYE *2004	11 Jul 19	Clerk's HMRC		£	49.26		
NEST Pensions	11 Jul 19	Clerk's Pension	DD	£	29.46		
XLN Business Services	11 Jul 19	LMI broadband Jul19	DD	£	40.73		
British Gas	11 Jul 19	Public Conveniences, electricity	DD	TBA			
Andy Inglefield, inv404	11 Jul 19	Playground inspections - 4 weeks		£	46.00		
Cormac Cleaning	11 Jul 19	Public Conven. cleaning Apr&May19	faster	£	783.34		130.56
Broxap	11 Jul 19	Broxap (authorised in May) £280.80					
A&A Garden INV890	11 Jul 19	Grass cutting	faster	£	945.00		
A&A Garden INV891	11 Jul 19	Grass cutting	faster	£	140.00		
SLCC	11 Jul 19	Clerk's Social Media Webinar	faster	£	72.00		12.00

A Chair's Report.

- Luxulyan had a good Carnival and Feast Week.
- Because of Feast Week, it was urgent to get the toilet cubicles functioning again (see Item 19/63.E). MLI and FP were able to get the locks installed so that all cubicles in the Ladies and Gents toilets were available.
- The locks on the emergency Sand Bins at the Institute have been changed to combination locks and all the councillors were given the code.

B Crime & Prevention. Nothing to report.

C Cllr Saunders' report to the Parish.

Since the last LPC meeting which I attended on the 13 June, I have been occupied in many and varied ways.

- The first of my meetings this month was a Peer Review session to discuss Digital Cornwall. I signed up to be a Digital Advocate some time ago now and am finding it extremely interesting to consider technology and the many ways in which it can enable the Council to not only communicate with its residents better but also potentially, be used to enhance the lives of residents - particularly those that for a multitude of reasons may be socially isolated.

- I was happy to sit in on a series of meetings with several of my residents/landowners and the Council Officers responsible for the StARR project to hear what was being planned and how it was likely to effect them. Many concerns were raised and I shall be following up with Officers over the coming weeks and months to ensure that all questions and concerns are answered. I also attended on one of the two Public Exhibition days that StARR held at the St Blazey Football Club, and have since his meeting with the Officers been pleased to visit the site of one of the landowners concerned in order to better understand his issues.

- Having had a change of personnel at the end of April, I have been happy that my efforts to cajole the new team running the A30 Link Road Project into getting meetings underway again has borne fruit - I will now be meeting with Officers on the team once a month to discuss progress. In addition, and most importantly, the residents advocate meetings to discuss the complimentary measures are also now underway again. We have had a meeting of the B3274 group in recent days, with the Bugle group mtg to come next month.

- As part of the additional duties that I have committed to, I have substituted on the Misc Licensing Committee as well as sitting on this months Appeals panel. And of course we have just this week had our bi-monthly Full Council meeting.

- And, as well as attending the two Treverbyn Parish Council meetings which I do every month, I have been to the Luxulyan Valley Partnership and the Treverbyn Community Hall Trustee's meetings as well.

- I regularly receive requests from residents for my assistance with a range of issues. This month I have had a handful of new casework, which I am now following up with the likes of Ocean Housing, Highways, Licensing Enforcement and the NHS in respect of access to dental treatment. A Members Briefing that I attended earlier in the month that informed Councillor's about "Dentistry in Cornwall" has proved useful very quickly.

- It hasn't all been about meetings and casework though, I have had a walk out along the valley at Pontsmill to view the reinforcement work to the river bank which is underway there and was really honoured to have been invited by a local company Partech of Higher Bugle, to attend the ceremony, at which the Lord Lieutenant presented them with a Queens award for Industry. On a more personal note, I was also excited to attend the Cornwall Business Awards with St Blazey Recycle Reuse Resale CIC, where we were amongst the 33 finalists.

- Leats. Here is an email received from an officer at Cornwall Council regarding the blocked leat at Bridges:

I have spoken to Network Rail who have acknowledged that their section of the leat is silted and higher than other parts of the system and they are going to put this into their work bank for attention. However this is unlikely to be this year. I have explained to them that as riparian owner they have responsibility to maintain their section and that should the flood risk here increase we may be in a position to take further action if necessary. If you notice/are made aware of a change to the silt and water levels in the area again please let us know and we will investigate again.

D CIL (Community Infrastructure Levy). FP and the Ward Member gave a brief explanation of the CIL and its potential for parish. Any planning application since 1st January will pay a CIL and 15% will come to Luxulyan Parish Council. If the Neighbourhood Development Plan passes at **Referendum on 8th August 2019** the parish council will receive a 25% share of the CIL for each development in Luxulyan parish. Cornwall Council receives the other portion of the CIL, which will form a special fund. The scope of the fund has not been entirely decided.

E Neighbourhood Plan steering group. **The Referendum is on 8th August 2019.** It's very important to vote. The Steering Group cannot be seen to promote the Luxulyan Neighbourhood Development Plan itself, but it should encourage everyone to **VOTE**.

19/60 Considerations

A It was **RESOLVED** (proposed MLI, 2nd FP) that the parish council would fund the promotion of the Referendum. Initially, 300 A4 flyers will be printed by the clerk using the wording already sent to Granite Towers. FP and others will deliver them through the letterboxes around the most isolated areas. The clerk will investigate prices and banners will be printed promoting the **Referendum on 8th August 2019** encouraging people to **VOTE**. Depending on price, 3 to 6 banners will be ordered and put up throughout the parish.
ACTION: Clerk, FP and councillors.

B It was **RESOLVED** (proposed MLa, 2nd MLI) that the Bodwen Solar Park Fund would be used to purchase two signs for Bodwen: "BODWEN Please drive slowly through our hamlet" at a cost of £695.66 exc. VAT and 'SLOW' markings on the road at the entrance and exit from the hamlet at a cost of £130 + VAT. And a new 40mph repeater sign in Bodwen, cost of £40 + VAT.
ACTION: Clerk

C Consideration of the Agency Agreement was **DEFERRED**. After discussion with the contractors and a member of the public, 5 more areas were added to the possible maintenance list and sent to Cormac. The Cormac officer has promised to look at the additional cutting areas next week and come back with a revised offer.

D Grant. After consideration of a grant from the Cornwall Heritage Trust, requesting an 'interpretation' or information board for a Crib Hut which will be cleared by volunteers, it was **RESOLVED** (proposed MLI, 2nd KBI) that the Luxulyan Parish Community Fund was better suited to grant it. The CHT has also submitted an application to that Fund.

E After consideration of further information provided by the Cornwall Wildlife Trust and Open Spaces in its correspondence and the presentation during the Public Session, it was **RESOLVED** (proposed MLI, 2nd KBI) to continue supporting Open Spaces in its bid to designate Lowertown (Trevellion) Moor as common land, Notice 2960 (Item 18/102.A Oct'18).

19/61 Planning

A Planning decisions are listed in *Clerk's Notes* and on the website.

B Applications of note which LPC has chosen to comment upon.

- i. Lanlivery Parish. **PA19/05232** | The provision of rooflights, solar panels and photovoltaic panels on the roof of the holiday unit and the retention of the battery store adjacent to the holiday unit | Land North East Of Rock Mill Prideaux St Blazey PL24 2SS

The council discussed the application and considered its lengthy planning history including: **PA13/06904**, **PA17/03363/PREAPP**, and **PA18/01771**. The council also noted the OBJECTION and detailed comments submitted by the Cornish Mining World Heritage Site. Considering 1) the proposals put forth in this application, 2) the site's planning history and 3) many parishioners' concerns about the applicant's recalcitrant non-compliance with the conditions previously placed on the development, the council unanimously **RESOLVED** (proposed MLi, 2nd KBi) to submit the following consultee comments:

*** Luxulyan Parish Council has always taken an interest in the development of this property because of its solitary setting which makes a unique impact on the Luxulyan Valley, its historic significance and its natural beauty. Luxulyan Parish Council **OBJECTS** to this application. It agrees that the roof design, along with the rather large battery house and the large massing effect visible from the public road and pathways degrades rather than enhances the Valley's historic and natural setting. The roof, photovoltaic panels and battery store are not compatible with Cornwall Council's Local Plan policies which seek preserve the character of historic areas. The introduction of photovoltaic panels cannot be considered a 'minor' alteration to the original plans. They are incongruous in this wooded valley and cannot be shielded from Valley visitors if they are to function as they are designed. The council believes that a practical, energy efficient and yet harmonious development can be achieved if the conditions of PA18/01771 are respected. The parish council is extremely concerned about the incremental extensions and modifications to this property, as seen by its extensive planning history. **Rock Mill** is quite unusual in that it sits as a lone property in an otherwise undeveloped area. The council would like the case officer to weigh heavily the unique impact that this solitary residence and new holiday development has on the historic environment and natural setting surrounding it. Luxulyan Parish Council asks that the local planning authority uphold the conditions of PA18/01771 relating to the development's footprint, roof angles and materials.

FP left the chamber for the discussion and vote on the following item.

- ii. **PA19/05005** | Discharge of Condition 3 of decision notice PA19/02696 dated 06/06/2019 regarding Boundary fencing details | Trelowen Luxulyan Bodmin Cornwall PL30 5DW. [LUXULYAN decision. PA19/02696 | GRANTED (CAADs, PIPs and LUs only) | Technical Details Consent following the Permission in Principle for one dwelling dated 29/10/2018. [No consultee comments have been requested.] After seeing the presentation of photos from the applicants, the council **RESOLVED** (proposed MLi, 2nd MLa) that the clerk should send an email to the case officer stating that: Luxulyan Parish Council has discussed the fencing work with the applicants and seen 'before and after' photos. The council considers the new fence a vast improvement on the tall and wide conifer border that was there before.

MH left the chamber for the discussion and vote on the following item.

- iii. **PA19/05625** | Prior notification for the excavation of 75m x 70m of unused top soil and to increase the height by 2m by means of compacted sub soil to create a flat hard surface for the storage of bales | Trevanney Farm St Blazey Par PL24 2SU. [No consultee comments have been requested.] The council discussed the application and **RESOLVED** (proposed BH, 2nd FP) to

submit the following comments to the case officer:

*** Luxulyan Parish Council has studied this development and has no concerns.

C There were no applications for consultee comments.

19/62 Highways & Flooding

The clerk distributed a Briefing Note concerning the reports Martin Clemo of Cornwall Council and Gregg Kerry of the Environment Agency on the Weir, Leats and Abstraction Licence. LPC would like clarity as to why the sluice gates (penstocks) are shut. If the banks around the weir are to be preserved for the possibility of a future functioning water turbine, the sluice gates that bypass the weir should be opened – but not the gate to the viaduct. The clerk will try to find out the details of the current abstraction licence that prevents any sluice gates being opened.

ACTION: Clerk

19/63 Assets – reports and maintenance

A Playing Field. Playing Field inspections for the previous 4 weeks were received and **NOTED**. It was **RESOLVED** (proposed MLI, 2nd KBi) that the inspector would fix the broken bench.

B Knotweed. FP reported that the knotweed at the playing field is looking ‘sick’. The clerk reported that the contractor, K Perks, has sprayed it once and will treat it again when appropriate.

C Cemetery. Nothing to report.

D Footpaths. See Item 19/55.A about the track from FP16/2.

E Luxulyan Memorial Institute. The clerk reported that the Institute Secretary has been informed of the council’s decision not to pay for broadband in the institute. A meeting of the Institute committee will be held next week.

F Village Toilets.

i. FP reported a blocked drain and when he rang South West Water, they came on Sunday to fix it.

ii. Vandalism of the cubicle locks and some broken tiles were reported by the clerk and she has sent a notice to be published in Granite Towers about the vandalism. The cubicles were fixed (see Item 19/59.A).

iii. The clerk will get quotes for fixing tiles that appear to have been kicked.
ACTION: Clerk

iv. Cleaning Contract. In accordance with the Public Bodies (Admission to Meetings) Act 1960, it was **RESOLVED** to close the meeting to the press and public because of the confidential nature of the business to be conducted. After discussion, it was **RESOLVED** (proposed MLI, 2nd MLa) that all councillors will monitor the cleanliness of the toilets over the next two months and will report to the September meeting.
ACTION: Councillors

19/64 Parish Matters – reports

A Luxulyan Valley Partnership. There is nothing to report.

B Village Hall Committee. MH was unable to make the recent meeting and there is no report.

19/65 Correspondence & Invitations (complete list in Clerk's Notes)

A LPC received a letter from a parishioner complaining about the state of Helman Tor Car Park. The clerk sent an email to Lanlivery Parish Council requesting that they send a representation to the Cornwall Wildlife Trust about the state of the car park. (See item 19/B).

B LPC was copied into a letter to Granite Towers and **NOTED** the suggestion that the magazine be distributed electronically to those that wish to receive it that way, which would help the environment and the cost of postage.

19/66 Business for the next meeting

To decide whether to continue support of the St Blazey police office at a cost of £400/yr.

19/67 Dates of next meetings

A Planning if needed 25th July, 6.00 pm and the Ordinary Meeting 8 August, 6.00pm, both at the Luxulyan Memorial Institute.

B The September ordinary meeting will move from the second Thursday to the first **Wednesday, 4th September**, because of the clerk's request for leave.

C Planning Inspectorate hearing for the appeals concerning the Land South East of Minorca Lane Bugle PL26 8QN. Date, time, place to be confirmed.

D 30th October 2019. Planning Inspectorate hearing regarding Common Land Application No. 2960. Cornwall Council to provide a suitable local venue.

The Chair thanked everyone and closed the meeting at 8.50 pm.

Mrs C Wilson ~ Parish Clerk ~ 1 August 2019