

Lapford Parish Council Meeting 8th November 2022

Email: clerk@lapfordparishcouncil.org.uk Phone: 07768 829511 Website: www.lapfordparishcouncil.org.uk

There was a meeting of Lapford Parish Council on Wednesday 8th November 2022 at 7.30pm held in the Victory Hall, Lapford

Members Present: Cllrs Peter Heal (Chairman); Roy Andrews; John Parsley; Julie Down; Ivan Hall; Abigail Whittaker; Alex Shapland (from 8.00pm). New Cllrs. Bill Graham; Steven Fletcher; Malcolm Hayes.

Also Present: District Cllr. Clive Eginton

In attendance: Rob Martin (Clerk)

Others: 16 members of the public, including 4 potential new councillors

MINUTES

2223-123 APOLOGIES

No apologies had been received from parish councillors.

County Cllr. Margaret Squires had offered her apologies because she not well.

2223-124 DECLARATIONS OF INTEREST (PECUNIARY AND NON-PECUNIARY)

No declarations of interest were made.

2223-125 COUNCILLOR VACANCIES

a) Void Declaration

The clerk declared the co-option decisions made at the last meeting void, (minute 2223-105), because the parish council co-option policy was not followed properly. There was a need to re-run the election of councillors in line with the policy.

b) Co-Option Procedure

It was **Agreed** that the procedure for filling the vacancies should continue using the policy document as guidance and that, in addition, only those candidates present at this meeting to be considered because of the need to make a presentation and be available to answer questions.

He further explained that the votes for the three vacancies would take place one at a time, with an absolute majority being required each time. If there was not an absolute majority on the first vote then the one, or more, with the lowest number of votes would be struck off the list and a new vote conducted. This process would continue until one candidate had an absolute majority of those voting. Where there was an equality of votes between two candidates, the meeting Chairman would be required to cast a second, deciding vote. The successful candidates would not be invited to be councillors until the whole procedure had been completed with the three vacancies filled. At that time the new people would be asked to complete their Declarations of Acceptance of Office after which they would become councillors and could take part in the meeting.

The clerk stated that the policy document needed to be revised for clarification purposes to

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accommodate matters such as the procedure for multiple vacancies to be filled by multiple candidates, as in this case.

c) Co-Option of Councillors

The Parish Council currently had **three vacancies**, all of which were to be filled by co-option at this meeting.

Five candidates have applied for co-option, of which four were in attendance. Peter Rice was unable to attend this meeting and, as a result, would not be considered this time for co-option.

The four candidates were:-

Connie Buggy
Steven Fletcher
Bill Graham
Malcolm Hayes

On a proposal by the Chairman, it was **Resolved** not to conduct the voting by a show of hands, but to conduct a secret ballot of the councillors present.

Each of the candidates then gave a brief resume of what they could bring to the work of the parish council, following which the vacancies were voted on, one by one.

The following table outlines the results of the voting:

	Connie Buggy	Steven Fletcher	Bill Graham	Malcolm Hayes
Vacancy 1	1	5	0	1
Vacancy 2	1		1	5
Vacancy 3	2		5	

The successful candidates were therefore Steven Fletcher, Malcolm Hayes and Bill Graham. All three new councillors made their declarations of acceptance to the clerk and were invited to take part in the remainder of the meeting, which they all did.

The Chairman to adjourn the meeting to allow public participation

2223-126 PUBLIC PARTICIPATION SESSION & UPDATES FROM LOCAL ORGANISATIONS

The Chairman dealt with this item at the beginning of the meeting, in order to allow the affected public to have their say and leave if they wished to do so.

The main point at issue was **planning application 22/01910/MOUT** for 14 dwellings behind 'Sandhurst' in Eastington Lane, Lapford.

The Chairman made it clear that, as Chairman of the District Council Planning Committee, he would take no part in the considerations of this application. District Councillor Eginton similarly would not talk about this application.

A spokesperson from concerned residents presented a list of reasons why they believed the application should not be given permission. The presentation in full was as follows:

Lapford Parish Council Meeting 8th November 2022

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Thank you for the opportunity to present our group comments on the revised application for the development at Sandhurst, Eastington Lane.

For the sake of efficiency, we do not propose to discuss all the previously raised points for this revised application in detail, as we presented these in the Parish Council meeting in April.

We note that the revised application is little changed from the original proposal, so we feel all the comments and objections made last time are still valid.

For information, there were 51 public objections recorded with Mid Devon DC in relation to the original application, and as of today there are 44 public objections relating to this revised application. In addition, there are other significant objections raised by various public authorities.

This revised application has been slightly tweaked to try to fit the split of dwellings into the unmet housing need provided by Mid Devon DC in May. The revised application includes new documents covering transport and surface drainage. However, it is still flawed and does not cover the main issues already highlighted by both public and local authority comments on the original and revised applications.

This revised application is now presented under policy DM6 as a Rural Exception Site. However, we feel the proposal still fails to satisfy the MDDC Plan criteria under Policy S1 and Policy S13. More importantly, it also fails to satisfy the criteria of Policy DM6 as a Rural Exception Site. The application also continues to fail in certain general planning requirements required of any major development proposal.

Policy DM6 has five main criteria that need to be addressed in order to qualify for approval. Our comments are these.

- a. It is a requirement that the applicant must supply evidence of up to date unmet housing need by way of a housing need survey. This has not been supplied, and there is no evidence that this process has been followed.*
- b. The applicant must provide a plan to ensure that **every** house will be occupied by at least one person with a strong and long term local connection to the Parish. This is again not supplied and there must be a question of whether this particular requirement can be achieved.*
- c. Evidence that the site is in a suitable location and takes account of any visual impact and other relevant planning issues. We would highlight the following deficiencies.*
 - Location. The development is sited off Eastington Lane. The many public objections confirm the local opinion that it is totally unsuitable to carry the additional traffic from the proposed new dwellings or the construction traffic that would be needed to deliver the project. The traffic statement supplied by the applicant is based on flawed and limited data, with opinions that are completely at odds to local historical fact, again evidenced in the many comments made by village residents.*
 - Access. The entrance to the site is both dangerous and non-compliant, as evidenced by the comments from the Highways Authority who will not recommend the design.*
 - Drainage. Despite the provision of a Drainage Survey, the surface and foul drainage issues are not adequately addressed. The drainage survey is based on the original site plan, not the one included in the revised application. The detail supplied has been rejected as inadequate by Devon County Council flood risk management team, who have raised a formal objection. In addition, the local landowner's strong objection*

Lapford Parish Council Meeting 8th November 2022

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highlighting the lack of consultation, despite the flood risk to his adjoining land, highlights how the basic technical requirements of this application have been ignored.

- *Design. There is little design or scale detail provided, both of which are surely basic planning requirements even for outline applications.*
- d. *The application must provide evidence that the type and scale of affordable or low cost housing proposed is appropriate to the proven need. This evidence is completely missing from the application.*
- e. *The applicant must provide proof that the proposed housing will remain affordable for local people in perpetuity. Again, this is completely missing from the application. The inclusion of a high proportion of marketable housing in the application is contrary to policy DM6 criteria. The application proposes that around 50% of the properties will be marketable. Policy DM6 clearly states that this proportion should be significantly lower than the affordable or low cost housing, so this clearly fails the test.*

The application still fails to satisfy many general planning requirements in the areas of:

- *agricultural land retention, the loss of which is against national and local guidelines*
- *ecology concerns as highlighted by CPRE comments*
- *loss of neighbours privacy and amenity, as highlighted by Mid Devon District Council planning department in the original application*
- *Potential crime concerns highlighted by Devon & Cornwall Police comments*
- *visual impact*
- *sustainability*
- *safety and the wider impact on the village, potentially creating a precedent for similar developments outside the parish boundary in the future*

The safety issues connected with Eastington Lane are well documented. The Parish Council is well aware of the problem and currently looking into this issue following a recent near miss between a vehicle and child.

In summary, we believe this revised application is basically the same flawed proposal as the previous one. It continues to fail the requirements and criteria of various Mid Devon District Council and National planning policies.

In the absence of evidence of clear unmet need for additional housing in the village it is hard to make a case for this development. This is especially so given the proposal is in a totally unsuitable location and the adverse impact on the village would be significant.

We would therefore request that the Parish Council confirms its previous objection to the application.

The Chairman made it clear that there would be a minimum of 13 weeks from the date of registration (11th October 2022) and this would mean it would be at least February 2023 before it would make it to the Planning Committee.

Other Public Matters

Concerns were expressed about overgrown hedges hindering access to public footpaths in the parish which would be conveyed to Cllr. Shapland for him to look at.

There had been no warning of the road closure through the centre of the village from South West Water (SWW) which had caused chaos. It was acknowledged that the leak had to be

Lapford Parish Council Meeting 8th November 2022

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fixed but it would have been helpful if prior warning had been given. The clerk would write to SWW to highlight this. The signage was not in places that would have avoided people having to reverse in order to avoid the blockage.

A request was made to correct the minute 23/106 for the location of unsatisfactory roadworks, which the Parish Council would consider when the minutes are considered.

The heaters in the Orchard Centre were not working, indeed one was still on the floor.

The clerk confirmed that he had not yet written to the PROW regarding the damage to a resident's drive (minute 23/106) because he needed photographs of the damage before doing so. Cllr. Andrews would work with the resident to get photographs taken and forward them to the clerk.

A resident had a problem with the development of Skyline (22/01775/FULL) with a proposed footpath meaning that it is going to make access to and from the site even more dangerous than before because of the parked cars on the highway. The Chairman advised the resident to put in his own objection through the planning website.

2223-127 COUNTY AND DISTRICT COUNCILLORS' REPORTS

To receive a verbal report for information.

- a) Devon County Council – County Cllr. Margaret Squires had been unable to be present due to illness.
- b) Mid Devon District Council – District Cllr. Clive Eginton explained that the District Council had to make £1m worth of savings for next year either by reducing expenditure or increasing income.

The Chairman to reconvene the meeting in line with Standing Orders

2223-128 CLERK'S REPORT & CORRESPONDENCE

The clerk had circulated a report with the agenda, reproduced below. He also stated that a number of matters had arisen since this agenda had been circulated a week before. These matters were:

The clerk had received a response to the request for a local **Handyman** which had only just come through. A report would come to the next meeting to consider this.

The **footpath concreting and bench base** was now done – the chairman confirmed that the bench had been fitted.

Village Website a suggestion about the potential use of the dormant website by LP2K, which produces the parish magazine, the Village Archive had been made, to disseminate public information. This was generally thought to be a good idea.

MDDC had sent an email to parish councils on '**Participatory Budgeting**' requesting volunteer parish councils to meet before the District Council budget was set.

The Parish Clerks' pay award for April 2022 had been settled. Result was £1 per hour on

Lapford Parish Council Meeting 8th November 2022

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every Spinal Column Point.

Community Power – community power generation sites are being identified around the county for community power projects. This would be a good example of something to include in a Neighbourhood Plan should the parish council decide to produce one.

Report from the Parish Clerk

I have spent a good deal of time since the last meeting trying to sort out the contents of the Lower Town Place report which is coming together and will be presented to the council following further clarification with the other bodies involved.

Signs in the Car Park

These have now been installed

Section 106

Nick Tucker has contacted me with a summary of the current position:-

‘Lapford football club are still running and as a committee are meeting regularly. We have a 25yr lease on the football pitch which is nearing its end but the land owner has agreed to extend it for another 10yrs. Our plan going forward is to restart the men’s team next season as everything is in place, with hopefully youth and ladies teams to follow as there is interest from the Village. Previously Devon young farmers, the twinning association and other village fund raising groups have used the football club. Any funding received would help to improve the changing and facilities for anyone using the football club’

This information has been passed to Jo Williams at MDDC to see whether the Section 106 money is available for this work.

Calor Gas Fund

The contact at BT seemed to have gone off the radar as her email inbox was reported as being full. Cllr. Graham undertook to identify an alternative contact for this. The clerk also pointed out that whilst the parish council would have to pay BT directly for the two churches, it could pay a grant to the Village Hall directly. It was **Resolved** that this be done.

Church Green Trust

Contact with the Charity Commission has not yet been made by the Clerk in trying to rationalise how this is to operate for the future. Cllr. Parsley believed that the parish council were not, in his opinion, the Management Committee of the Church Green Trust. The clerk undertook to obtain confirmation or not of this from the Charity Commission. The AGM would be held on 23rd November, by which time it was hoped a more conclusive answer could be in hand.

The Footpath Light & Tree work

The District Council properties people have looked at the ownership of the trees and say it is for Mr & Mrs Duddridge to take responsibility for this.

Bridge Cottages Fencing

I have heard nothing further on this.

Vine Cottage Hedging

The clerk through Cllr. Andrews had arranged for the hedge to be cut back under delegated powers on Health & Safety grounds because the householders were not in a position to undertake the work. The cost of this would be £100, borne by the parish council on a one-off basis.

Cleaner’s Contract

Agreed with the cleaner and now signed with effect from 1st November 2022.

Lapford Parish Council Meeting 8th November 2022

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2223-129 MINUTES

Parish Council

It was **Agreed** to incorporate the change suggested in the public session which changed minute number 23/106 for the location of roadworks described as being '...at the top of the village' which should have been '...between Kelland Cottages and Blackaditch'

The minutes were annotated accordingly and, on a proposal by the Chairman it was **Resolved** to receive and adopt the minutes of the Parish Council meeting held on 5th October 2022, and these were signed as such by the Chairman.

2223-130 HEART OF LAPFORD DEVELOPMENT (HOLD) REPORT AND ACCOUNTS

The HOLD Annual Report and Accounts were received and **noted**.

2223-131 2023-2024 BUDGET AND PRECEPT

The clerk had circulated a report and analysis of the first draft of the budgetary requirements for the next year. He went through the analysis line by line. He highlighted the budgets which were seeing the biggest changes over those for the current year and the offsetting reductions that could be made. The main effects of the budget changes are to allow for increases in the clerk's salary, the election in May 2023 and the increase in Orchard Centre Electricity.

The clerk requested that councillors look at this analysis before the next meeting in December 2022 and let him have matters that might have been missed, such as allowing a budget to underwrite potential costs of a celebration of the coronation of King Charles III, for example. Other than this matters such as the repair of signposts and other maintenance tasks might need to be financed.

In addition, the clerk will produce a table showing the increases in band D charges for various levels of precept levied.

2223-132 PLANNING MATTERS

a) APPLICATIONS NOTIFIED

To consider the following Planning Applications and to agree comments:

Reference	Location	Proposal
22/01180/LBC	Former Chapel Bury Barton Lapford	Listed Building Consent to re-thatch roof with wheat reed. Decision: No Comment
22/01910/MOUT	Land at NGR 273411 108426 (Sandhurst) Lapford Devon	Outline for the erection of 14 dwellings to include a footpath link with all matters reserved (Revised Scheme) Decision: Objection on basis of discussion in public session.



Lapford Parish Council Meeting 8th November 2022

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b) APPLICATIONS AFTER THE AGENDA WAS ISSUED

To consider responses to applications notified after the agenda had been set.

c) MDDC DECISIONS

Reference	Location	Proposal	MDDC Decision
None			

2223-133 BANK RECONCILIATION & BUDGET MONITOR

It was **Resolved** that the Bank Reconciliation and Receipts and Payments statement, as at 31st October 2022, were adopted.

2223-134 RECEIPTS & PAYMENTS SCHEDULE

On a proposal from Cllr. Whittaker, seconded by Cllr. Graham, it was **Resolved** the payment of the invoices on the schedule below for the period since the last meeting, be paid.

PAYMENTS

Payment to	Services	Amount £	Payment No.
2022/2023			
HMRC	Tax Deduction	206.02	2223-24
RJ Martin	Salary (Nov 22)	701.59	2223-24
EDF Energy	Electricity	17.00	DD
Everflow Ltd	Water & Sewage	15.87	DD
Sue Hemsworth	Orchard Centre Cleaning (Nov 22)	57.37	SO - £52, 2223-24 - £5.37
BT Group Ltd	Broadband	45.12	DD
IONOS	Village Website Hosting	14.44	DD
Trevor Hills	Hedge Cutting	100.00	2223-25
Adrian Pike	Concreting PROW entrance and seat base.	791.79	2223-25
Lapford Victory Hall	Grant for Broadband Installation	326.25	2223-26

RECEIPTS

Receipt from	Services	Amount £	Method
2022/2023			
None			

Lapford Parish Council Meeting 8th November 2022

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2223-135 MATTERS RAISED BY THE CHAIR

The Chairman suggested that early in 2023, two or three parish councillors get together with LP2K and discuss getting the Village Website up and running. The clerk to get a date in diary in early January to hold such a meeting.

On Saturday the Congregational Church was holding a 'Big Breakfast' event in the hall and hold a car wash in the car park using electricity and water from the Orchard Centre.

The Christmas Lights were trashed last year and needed replacement and the Chairman would be going to B&Q to be buying two new sets later this week.

2223-136 COUNCILLORS' REPORTS AND FUTURE AGENDA ITEMS (FOR INFORMATION ONLY)

Cllr. Fletcher said that the footpath from Popes Lane to the railway track needed to be cleared. All requests for Public Rights of Way work should be passed to Cllr. Shapland who coordinates this.

Cllr. Hayes requested payment for the playing field committee insurance premium. The clerk would send an application form for a grant for the Playing Field Committee.

Cllr. Andrews requested a claim form for the Lunch Club be sent. The clerk would send the form to Cllr. Andrews for him to forward on.

Cllr. Parsley confirmed that an electrician would be PAT testing the equipment in the Orchard Centre and he would request that the heaters were also tested and re-fixed to the wall where this was required.

Cllr. Andrews confirmed that the electrician would also look at the power to the telephone box, which would require input from Western Power.

Cllr. Andrews had attended the joint meeting of HOLD and the village hall committee at which he had requested that the parish council is informed of proposals so that the best can be made of the resources available that way. He was asked to give the clerk and chairman a list of unanswered correspondence that they would like addressed in the near future.

Cllr. Andrews asked the clerk about whether he had any further information on the field lease and Section 106 finance.

Cllr. Down explained a situation where some redundant pipework which had been left for collection by the District Council was stolen by some rogues in the meantime.

Cllr. Graham suggested that the use of the Orchard Centre by the post office could be reflected in a 'grant' to be credited against the Orchard Centre. The clerk would look at the possibility of this.

2223-137 DATE OF NEXT MEETING

Lapford Parish Council Meeting 8th November 2022

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To note the date of the next meeting is scheduled for Tuesday 13th December 2022 at 7.30pm in the Victory Hall. The deadline for agenda items is midday on Tuesday 6th December 2022.

2223-138 EXCLUSION OF PRESS AND PUBLIC
There were no items to be considered in confidence.

2223-139 CLOSE OF MEETING
The meeting closed at 9.53pm

Signed:  Chairman Date: 10-1-23