

BREAGE PARISH COUNCIL

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95/12

Parish Rooms
Breage
Helston
TR13 9PD

MINUTES ORDINARY PARISH COUNCIL MEETING HELD IN THE PARISH ROOMS BREAGE ON TUESDAY 2 OCTOBER 2012 AT 7.00 P.M.

Present: Cllr J Keeling (Chairman)
Cllr T Ackland
Cllr Mrs J Anthony
Cllr A J Best
Cllr Mrs T Board
Cllr T Coleman
Cllr Mrs P Darby
Cllr Ms C Rashleigh
Cllr Mrs R Wyvern Batt

Mrs C Macleod (Clerk)
PCSO Ceri Sadler
21 Members of the Public

The Chairman wished everyone a good evening and welcomed them.

1. FIRE EVACUATION PROCEDURE

The Clerk read out the Fire Evacuation Procedure

2. APOLOGIES FOR ABSENCE

There were no apologies at the meeting but an apology, left on the answer-phone by Cllr Caddick was picked up by the Clerk after the meeting.

3. DECLARATIONS OF INTEREST

To note declarations of interest in accordance with LGA 2000 - Members and officers to declare disclosable pecuniary interests and non-pecuniary interests (including details thereof)

Cllr Mrs T Board's permanent declaration of interest in accordance with LGA 2000: My beneficial interest in Breage Parish Council owned land registered V.G.621 Praa Green, is that my adjoining property has gate access.

a) in respect of any items on this agenda

There were none

b) in respect of gifts of a value of more than £25

There were none.

c) Members to give consideration as to whether their Register of Interest forms are fully up to date

Members are asked to note that if they own homes in the Parish, these should be listed on the forms, and to give consideration as to whether their Register of Interest forms are fully up to date.

4. TO CONFIRM THE MINUTES OF THE ORDINARY PARISH COUNCIL MEETING ON 4 SEPTEMBER 2012 MEETING

The minutes were checked for accuracy. **It was proposed by Cllr Keeling, seconded by Cllr Wyvern Batt and unanimously resolved that the minutes of the meeting on 4 September 2012, with two amendments, be signed as a true and correct record.** The amendments were: page 86/12, item 8, line 5, After Cllr Anthony, add: 'expressed reservations about co-opting someone who was not present at the meeting' and remove the remainder of the sentence; page 87/12, item 9, 14th line from the bottom of the page: remove the sentence beginning 'It was noted'.

5. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that he had taken part in the Charity Flowride in support of Cornwall Air Ambulance, adding that even though he had been unable to stand up he had completed the ride and had raised just under £100 thanks to everyone's donations. It had been a good day and good weather.

6. POLICE REPORT

a) To receive and discuss any police report received and other police matters

PCSO Sadler gave the following report:

'There have been eleven crimes reported to the Police for the month of September. This compares to four at the same time as last year.

'In Carleen there have been two cases of Criminal Damage in the village, one again involving the Village Hall and the other the notice board. These are still under investigation.

'In Godolphin Cross there have been two cases of Criminal Damage, which are still under investigation: one to the phone box and the other to a vehicle. There has been a case of Possession of Drugs and a Drink with excess alcohol which has been detected from a Patrol stop check.

'There has been a report of a Common Assault in Breage.

'In Praa Sands there has been a Theft from a Vehicle which is still under investigation. There has also been an Assault and a Case of Criminal Damage to a Dwelling which are linked and being dealt with accordingly.

'There has also been a Theft which is in the process of being dealt with by way of Reparation for the goods.

'Please do not get hesitate to get in touch if you see anything suspicious in your Parish.'

PCSO Sadler was thanked for her report. There were no questions.

- b) Letter received from Commander Crime and Justice re. recent damage to notice boards

7. PUBLIC PARTICIPATION

Members of the public may raise subjects they wish to bring to the attention of the Parish Council. Listeners should note that decisions cannot be made on items not on the agenda.

Public Participation was held here from 7.12 to 7.14 p.m.

8. REPORT FROM CORNWALL COUNCILLOR

'Those of you who have been following events at County Hall will be aware that it has been a tad unsettled lately with the political management of the council subject to review and the rumblings surrounding the "Support Services" debate leading to a motion of "No Confidence" in the leader going forward to an extraordinary meeting of the full council on the 16th of this month. There needed to be in excess of 40 signatures put forward before the Head of Service Legal could accept the motion and it was noted that the majority of member signatures were members of the opposition.

'As Chairman of the Corporate Resources OSC I continue to challenge what has been dubbed the privatisation of council services with a single issue panel led by Cllr David Biggs to scrutinise the emerging business case for support services and this will be based robustly on whether the panel consider that the private sectors bids stack up to a compelling business case that is in the interests of the people of Cornwall.

'Another sticky issue dealt with this month was the matter of discretionary rate relief and a change of guidelines to harmonise the way we distribute rate relief to various organisations and businesses. Discretionary Rate guidelines take into account the original legislation which is to support charities and non-profit making organisations in their work in the local community. However, discretionary rate relief is granted by Cornwall Council is paid for by the Council Tax Payers and the council has a duty to ensure that public funds are spent wisely and there is due transparency and accountability.

'The discretionary rate relief guidelines being recommended to the cabinet will be:

Consistent and fair clear and understandable for both ratepayers and personnel administering rate relief in the best interests of the people of Cornwall

'By far the most interesting and informative meeting last month was on Friday with Local Government Association members meeting at County Hall to address a package of issues affecting local authorities in the southwest. The Local Government Association is the voice of local councils across the country and the three main political parties are represented amongst its membership as well as a growing number of Independents. There were councillors from across the country as well as Cllr Mike Hicks, leader of the Isles of Scilly Council together with a couple of colleagues.

'As well as the ever present global economic crisis and central government's trajectory of draconian cuts; other matters included:

'Waste services are the third biggest area of local authority spending and will continue to increase. Councils need the freedom to make choices about waste services according to local circumstances and resources available to them.

Rural Broadband

'A significant barrier to rural economic growth is the fact that the government does not have the EUs permission to spend the £530 million it wants to allocate to broadband rollout. In the absence of state aid clearance there is no superfast broadband programme and resolving this blockage must be the main focus for government. There were a number of other matters, rising energy bills and access to cheaper, affordable insurance for people and businesses at risk of flooding. However, one matter that raises major concerns for me, at this time, is that the government proposes to increase the scope of the planning inspectorate to allow them to remove affordable housing requirements negotiated through Section S106 agreements. I don't think removing affordable housing requirements will make it easier for developers to sell houses more cheaply, and so will not address the underlying wider economic issues that are stalling development. In this scenario buyers can't buy and sellers can't sell so the number one priority has to be improving access to mortgages and finance for development. S106 agreements fund much needed affordable homes as well as roads, new schools, street lights and other vital facilities needed to support new development.'

Cllr Anthony spoke about the latest Localism Newsletter and the reference to 'voluntary redundancy' – where it was said that some Planning Officers had taken redundancy and others had been moved around. She said that some of Cornwall's Officers are now part-time; listing the days they are available and are also working for Devon Council.

Cllr Keeling said that he would 'find out' about this. Cllr Anthony asked if 12 members have voting rights. Cllr Keeling said that 10 Cabinet members are the ones who have voting rights. She also asked about the talked-about relaxation re, planning applications for conservatories, etc. Cllr Keeling felt that Cornwall Council was trying to encourage development but that things would not be as relaxed as it is being imagined.

Cllr Board asked if, in the light of this relaxation, Building Regulations would be recorded. Cllr Keeling replied that Building Regulations would still apply. She was especially concerned about Areas of Outstanding Natural Beauty. Cllr Keeling said that he would look into this.

9. PLANNING

Cllr Keeling's statement: 'As a member of the Planning West Committee I will not vote on Planning Applications and will not make a final decision on any planning matter until I have heard all the evidence and arguments'.

a) **TO CONSIDER PLANNING APPLICATIONS RECEIVED FROM CORNWALL COUNCIL**

PA12/07560 – Mr R Benney – Land Adj To Sunnyvale Farm, Higher Kenneggy, Rosudgeon, Cornwall

Construction of an extension to existing agricultural building - Time extension granted

It was agreed that this is a very large extension and Councillors could understand the disquiet expressed by the members of the public. The Chairman read out the objections raised by the Kenneggy Action Group:

'Land Adjacent to Sunnyvale Farm. Objection to Application For Extension (PA12/07560)

'The Kenneggy Action Group comprises residents and businesses in the hamlets of Higher Kenneggy, Prussia Cove and Greenbury. We herewith register our objection to the above planning application.

'Background

'The huge structure situated at the above address was erected by Mr Benney in 2011, following the granting of a Certificate of Lawfulness for an illegally built access to the field, which in turn led to the granting of a right of Permitted Development. This right was acquired by the failure of the Planning Department to action an enforcement order issued to Mr Benney requiring him to take up the access road to the site and return the field to its original condition. The order was not actioned within the 4 year time frame, despite planning officers having visited Higher Kenneggy on at least five occasions during this period. (Information obtained through the Freedom of Information Act). It was the Council's inaction which allowed development 'through the back door' for a structure which was the subject of a refused planning application in 2004. (PA04/0083/F).

'The Permitted Development in question was for a structure to store agricultural equipment and seed. This was to be WITHIN the building. No permission was granted for the storage of vehicles on the surrounding land. As the area comes under an Article 4 Direction, conditions were imposed on the granting of the right - among them that no caravans be stationed on the land. On December 6th 2011, concerned parties addressed a meeting of Breage Parish Council to request that they take up the issue of contravention of conditions with the Planning Department - 2 caravans, together with 2 x 40ft articulated trailers (one of which was refrigerated) were being stored on the land and the previous Greenfield site overlooking St Michael's Mount was beginning to resemble a lorry park. Grave concern was raised that it was Mr Benney's intention to transfer his haulage business from his rented premises in Leedstown to the premises he now owns in Higher Kenneggy. This concern is still very real and supported by the fact that Mr Benney approached Mr Stevens of Sunnyvale Farm (the neighbouring property) and requested to lease a building from him with the express purpose of running his haulage business from it. Mr Stevens refused. 2 years later, he told Mr Stevens (in the presence of witnesses) that it was his intention to move his haulage business to his recently acquired field (land adjacent to Sunnyvale Farm). It is as a result of this concern that any activity not specifically allowed for in the granting of the right of Permitted Development and any contravention of the conditions therein must be closely monitored and immediately actioned. Following a visit by a planning officer (Mandy Smith), the 2 caravans were removed. However, there is, once again, a caravan parked on the land.

'OBJECTION

'We strenuously object to this latest application for further development of this site. As previously stated, the structure as it stands was the subject of a refused planning application in 2004. The sound reasons for refusal are still valid and enduring and were it not for the dismal failure of the Council to action its own enforcement order, we would not be considering Mr Benney's latest application. The phrase 'adding insult to injury' appears somewhat of an understatement in this context. Our objection is based upon the Council's 3 grounds for refusal of the original planning application, which were as follows:

'1) The proposed development by reason of its size, would be detrimental to the visual amenities of the area which is designated as being an Area of Outstanding Natural Beauty contrary to policies 1 and 2 of the Cornwall Structure Plan 2004, policy C16 of the Cornwall Structure Plan (First Alteration), and policy 1 of the Cornwall Countryside Local Plan.

In his application, Mr Benney's agent (Stephen Payne Planning) in paragraph 3.3 refers to Policy 1 of the Cornwall Structure Plan 2004, which provides that 'the development should be compatible with the conservation and enhancement of Cornwall's character and distinctiveness.' The application goes on to claim that 'the development will respect the countryside location of the site, which is one considered by the Council in their grant of previous planning permission as appropriate for the type and scale of development proposed.'

'The Council certainly DID NOT consider the structure suitable - nor did they grant planning permission. A right to construct was gained under Permitted Development, as previously outlined.

Reference is made several times to the 'small scale' of the proposed development. The development, which is the subject of this latest application, constitutes in fact 40% of the area of the existing structure - a structure originally REFUSED planning permission on the grounds that its size would be detrimental to the AONB. To now allow an increase in size by 40% would be nonsense.

'2) It has not been demonstrated that the access serving the site - in particular the junction with the A394 is suitable to cater for the additional traffic likely to be generated by the proposed development contrary to policy 28 of the Cornwall Structure Plan

2004, policy T2 of the Cornwall Structure Plan (First Alteration) and policy T10 of the Draft Kerrier District Local Plan 2004.

In Para 4.1 it is claimed that the scale of the proposed development is appropriate, "having regard to ...the amenities enjoyed by the occupiers of nearby dwellings ... and the nature of the roads leading to the area.."

If the access to the site was a ground for refusal of the original planning application, how can increasing the size of the structure (with its attendant increase in machinery and vehicle movements) possibly be considered acceptable? The concerns of the local residents were detailed in their objections to the original planning application in 2004 - namely, the already dangerous junction at the A3 94 - site of several accidents per year and the danger to pedestrian residents and holidaymakers using the lane to access the bus stop at that junction, posed by an increase in large vehicle movements in the lane. The population of Higher Kenneggy burgeons to 300 or so people in the holiday season, when Kenneggy Cove Holiday Park receives its visitors (as it has done since 1952). Their cars/motor homes/caravans, together with those of the residents and the vehicles and machinery of the 2 farmers who operate in the hamlet render the lane extremely busy. The lane is used by many people accessing the coast path and by horse riders. Additional large vehicles using the lane would result in major problems.

'3) It has not been demonstrated that the site is essential to the needs of the agricultural enterprise contrary to policy 11 of the Cornwall Structure Plan 2004 and policy E9 of the Draft Kerrier District Local Plan 2004.

Mention is made several times of the applicant's need for further storage space. It would appear that the facility has only just started to be used as a 'much needed' storage facility, coinciding with this application for an extension.

'Finally, it is noted that on the application form, mention is made of existing permission to store 5 vehicles on the site (Buses or other). We can find no evidence that any such permission was granted. We strongly object to the storage of any vehicles outside the building. The structure itself is detriment enough to the area, without large vehicle storage further degrading an AONB, which is also the subject of an Article 4.

'Direction.

'In voting against this application, the council has the opportunity to halt any further damage to this AONB, of which the Prussia Cove/Higher Kenneggy area is considered by thousands of returning visitors to be an exceptionally fine example. A rejection of the proposed development will constitute an opportunity to halt the perpetuation of a situation brought about by Council inaction. Failure to act has placed us in a situation of damage limitation, and limit the damage we must. We ask that the parish council supports us in our endeavours by voting against this application.

'A full list of all members of the Kenneggy Action Group is available on request.'

Mr Benney had now arrived at the meeting and Councillors voted by 5 votes to 3 that he should be permitted to speak.

Mr Benney insisted that the increase was not 40% although the figures he gave appeared to confirm that it was the building is 75ft long and two new bays were to be added, each bay being 15ft. He said that the extra storage would be for the storing of machinery, seeds and fertiliser. He added that no lorries have been there apart from delivery of seeds. The caravans had just been parked there and had not been lived in. Mr Benney was asked if he could explain exactly what the storage was for but headed nothing to what he had previously said. Cllr Coleman felt that the old history should be left because it would not answer today's questions. Cllr Anthony felt that it was very soon after the original application to be massively extending. **It was proposed by Cllr Anthony, seconded by Cllr Rashleigh and resolved by voting Councillors by 5 votes to 3 to object to the application as they could appreciate the disquiet that many Parishioners attending the meeting had expressed. It was felt that it would have been helpful to have known what exactly was to be stored in the proposed large, 40% extension. It was felt that the needed space had obviously been originally massively underestimated in the application of 2011 and that it is very soon after to be applying for such a large extension in an Area of Outstanding Natural Beauty.**

PA12/08252 – Mr & Mrs T Oliver – Lowenna, Wheal Vor, Breage, HELSTON

Formation of a detached garage - Time extension granted

There were no problems expressed by Councillors. **It was proposed by Cllr Coleman, seconded by Cllr Best and unanimously resolved by voting Councillors that the application be supported.** Cllr Ackland added that after all the troubles about parking that had been expressed in the past, this garage would surely be an asset.

PA12/08337 – Mr Matt Ward, Devon & Cornwall Housing – Land Adjacent To St Breaca Close, Sethnoe Way, Breage, Cornwall

Erection of 24 dwellings – Time extension granted

It was proposed by Cllr Rashleigh, seconded by Cllr Board and unanimously resolved by voting Councillors that the application be supported.

Cllr Best said that he liked the mix of homes. Cllr Keeling said that the homes would be for local people only and that he would be negotiating for an s106 payment. Cllr Rashleigh asked if it could be requested that the developers lorries and machinery do not wreck the Sethnoe Way verge as happened at the previous build. It had taken almost two years to get it repaired.

PA12/08500 – Mr & Mrs Mimms – Andelain, Forth Vean, Godolphin Cross, HELSTON

Construction of a front porch extension

It was proposed by Cllr Ackland, seconded by Cllr Wyvern Batt and unanimously resolved by voting Councillors that the application be supported.

PA12/08459 – Ms K Finch – Silverleat, Praa Sands, PENZANCE TR20 9TL

Proposed conservatory extension to an existing domestic dwelling

It was proposed by Cllr Board, seconded by Cllr Ackland and unanimously resolved by voting Councillors that the application be supported.

b) TO CONSIDER PLANNING APPLICATIONS RECEIVED AFTER PUBLICATION OF THE AGENDA UP TO 12 NOON ON 28 SEPTEMBER 2012

There were none

c) TO RECEIVE ADVICE OF CONDITIONAL PLANNING PERMISSION FROM CORNWALL COUNCIL

PA12/07006 - Mr P Dann, P and J D Property Development Ltd - Land Adjacent Waltham House, Vicarage Row, Breage HELSTON

Erection of a detached dwelling with integral garage and septic tank

Breage Parish Council had been asked by Planning if it would agree to disagree on the above application as the Officer felt it should be approved. The Clerk contacted Councillors, the majority of whom, by 5 to 3, did not wish to agree to disagree and the Planning Officer was informed of this decision.

This will need to be confirmed by resolution

It was proposed by Cllr Anthony, seconded by Cllr Rashleigh and unanimously resolved by voting Councillors to confirm the previously made decision not to agree to disagree.

Cllr Anthony was concerned that this application had received planning permission so quickly. Cllr Keeling said that no Planning reason could be given to overturn the officer's decision. Cllr Anthony asked why the protection of planting had not been carried forward to the conditions of this application. Cllr Keeling said that this was a separate Planning Application. Cllr Anthony insisted that the conditions should have remained the same. Cllr Keeling said that he would look into this.

10. FINANCE

a) Finance Regulations 6.6 Resolution for approval of use of a variable DD for payments to EDF for electricity supply to Parish Rooms

It was proposed by Cllr Keeling, seconded by Cllr Wyvern Batt and unanimously resolved that under Finance Regulations 6.6 approval of use of a variable DD for payments to EDF for electricity supply to Parish Rooms be approved.

b) To receive suggestions for inclusion in 2013/2014 Precept/Budget

There were none.

c) To approve s137 grant of £90 for purchase of wreaths and LGA 1972 s145 grant of £40 towards band payment for Remembrance Day service and to resolve as follows: that in pursuance of the power conferred by sections 137 and 145 of the Local Government Act 1972 and being of the opinion that the expenditure satisfies the requirements of this section and is in the interests of the area or its inhabitants and will benefit them in a manner commensurate with the expenditure, the Council approves the payment for wreaths and band costs for Remembrance Day
It was proposed by Cllr Best, seconded by Cllr Ackland and unanimously resolved that in pursuance of the power conferred by sections 137 and 145 of the Local Government Act 1972 and being of the opinion that the expenditure satisfies the requirements of this section and is in the interests of the area or its inhabitants and will benefit them in a manner commensurate with the expenditure, the Council approves the payment for wreaths and band costs for Remembrance Day as shown in item 66.

d) To approve annual grant, (Parish Councils Act 1957 Ch42 Part 1 s2), of £30 towards maintenance of Village clock, and to resolve as follows: that in pursuance of the power conferred by section 2 of the Parish Councils Act 1957 and being of the opinion that the expenditure satisfies the requirements of this section and is in the interests of the area or its inhabitants and will benefit them in a manner commensurate with the expenditure, the Council approves the payment towards the maintenance of the Village Clock

It was proposed by Cllr Best, seconded by Cllr Wyvern Batt and unanimously resolved that in pursuance of the power conferred by section 2 of the Parish Councils Act 1957 and being of the opinion that the expenditure satisfies the requirements of this section and is in the interests of the area or its inhabitants and will benefit them in a manner commensurate with the expenditure, the Council approves the payment towards the maintenance of the Village Clock as shown in item 65.

e) To resolve to approve October payments

Cllr Best confirmed that he had checked the payments.

61	e-on Mrs C L Macleod	dd	Electricity Streetlights	£232.25	£46.45	£278.70
62	(pchelpsoft)	103123	Help for e-mail crash	£79.95		£79.95
63	R W Beard	103124	2 cuts B&G greens/cemetery/field	£388.00		£388.00
			strim & hoe Cemetery entrance	£40.00		£40.00
			Triangle Praa Green/strim banks	£120.00		£120.00
				£548.00		£548.00

64	R Sanders	103125	Footpaths: 78/1,43/1,21/6,19/1,20/1,18/1, 62/1,61/1,53/1,17/3,37/5,16/5,36/1,51/1,51/1 52/1,61/2,65/2,42/1,34/1,35/1,37/1,57/1,59/1 67/1 Stiles: 42/1,56/1,61/3,63/2		£641.77	£641.77
65	PCC of Breage	103126	grant Parish Councils Act 1957 Ch42 Part 1 s2 towards clock upkeep		£30.00	£30.00
66	Royal British Legion	103127	grant s137 poppy wreaths		£90.00	£90.00
		103128	grant LGA 1972 s145 towards band Rem. day		£40.00	£40.00
					£1,661.97	£46.45 £1,708.42
	Mrs C L Macleod	103121	Salary September			
	PO Ltd (HMR&C)	103122	PAYE		£219.60	£219.60
	PO Ltd (HMR&C)	103122	Employer's NI		£87.73	£87.73
					£307.33	£307.33
	Mrs C L Macleod	103129	Travel 10 mls @53p		£5.30	£5.30
	Mrs C L Macleod	103130	Petty cash reimbursement Sept		£10.30	£10.30
	D R Treloar	103131	Caretaker honorarium		£29.60	£29.60
					£2,014.50	£46.45 £2,060.95

It was proposed by Cllr Best, seconded by Cllr Keeling and unanimously resolved that the remaining payments as listed above be passed for payment.

Cllr Rashleigh queried the state of the grass at Breage Playing Field. Cllr Keeling confirmed that he had personally spoken with the Contractor who had carried out a further cut, cleared the grass and made no charge. Cllr Rashleigh believed that the grass should be cleared up every time but the Clerk confirmed that this is not part of the contract. The Chairman reminded Councillors of the atrocious weather this year and the swampy nature of the Playing Field.

f) To acknowledge receipts

Cemetery fees: £83; Precept: £24,500

These were acknowledged.

g) Clerk to provide Bank balances

Current Account reconciled: £9,661.36; Tracker Account: £34,085.27; Petty cash: £89.70; Total including petty cash reimbursement of £10.30: £43,846.63.

11. FOOTPATHS

a) LMP – the Parish Council now has to invoice Cormac before receiving payment

The Clerk explained that although the LMP claim had been submitted before 31 August she had since been informed that it is now necessary to invoice Cormac before payment will be made. She has therefore submitted an invoice.

12. HIGHWAYS

- a) Cllr Board was very pleased to report that Byway 47 had had its potholes filled all the way to Sea Meads Estate.
- b) Cllr Rashleigh reported that the footway just before Trevenna was now bubbling up like a volcano. She has been pulling out the growing bracken as advised by Cornwall Council but this latest bubbling did not appear to have bracken growing through.
- c) Cllr Coleman reported that the Village Committee had cleared the area at Mrs Firth's home in Ashton. He expressed concern that Cornwall Council had said that the footway from the last house in Ashton was fit for purpose as it is no more than 200ml wide. Cllr Keeling said that he would speak to someone about this.

13. STREET LIGHTING

Cllr Ackland had nothing to report but asked that the Clerk chase up the repairs to Street Lights for which there was budgeted funding.

14. CEMETERY/CLOSED GRAVEYARD

a) Burial of cremated remains took place without the Clerk's knowledge – a cheque was received

The Clerk has informed the Funeral Director that she must have sight of the registrar's green form prior to the interment and that she needs to actually attend the interment.

This interment was in a previously purchased grave but nonetheless the owner's permission should have been sought to re-open the grave.

15. PRAA SANDS

- a) Erosion Praa Green
The notices/footpath arrows are to be erected by the Handyman and Colin Bayes on Thursday 4th October. Cllr Board asked about the chain link fence beneath the hand rail. The Chairman suggested that Cllr Board be present at the time of the notices going up. Cllr Board also asked about the possibility of planting blackthorn.
- b) Cllr Board reported that the large holes near the car parking area are still there. Cllr Keeling will look into this. Cllr Board also reported that the rabbit holes have not yet been filled and the depth of them is now up to her knee. **It was proposed by Cllr Board, seconded by Cllr Keeling and unanimously resolved that the Handyman be asked to fill in the large rabbit holes in the centre of Praa Green.**

16. GODOLPHIN

- a) **Notice board damaged again – reported to Police**
b) **Parishioners' complaints follow-up:**

1. Forth Vean building waste in spinney wood

An enforcement order has been raised for Alleged Unauthorised Chang of Use of Land, OS Field 7416, Forth Vean, Godolphin Cross, for building storage/works.

2. Sewage – John Reynolds Crevet's Farm

The following e-mail from the Environment Officer was read out:

'Cornwall Council EHO Mr Williams has passed to me your ongoing concerns in respect of slurry flowing over the bunding at Crevet's Farm.

'I am aware of the issues at Crevet's farm and have been working to address this particular aspect for some time. In the past the farmer has undertaken some minor works in attempts to stop his effluent escaping onto the road, but each time this has failed. Earlier this year an overflow from the farm resulted in a written warning being issued to the farmer.

'The farm is now subject to the provisions of the Nitrate Pollution Prevention Regulations 2008 (otherwise known as the Nitrate Vulnerable Zone [NVZ] regs). Under these regulations there is a requirement for the provision of increased slurry storage capacity at the farm. It is my intention to revisit the farm in October to establish what works the farmer may have carried out to meet his obligations under these regulations.

'Nationally there have been concerns raised about the over burdensome requirements of these regulations and I am currently awaiting guidance as to how I should address any non-compliance with the regulations.

'I too am extremely disappointed the problem does not yet appear to have been resolved and can assure you of my continued efforts to achieve a successful outcome to this matter.

'Notwithstanding any water pollution concerns, you may wish to raise the issue of farm effluent getting onto the public highway with Cornwall Council highways dept as they may have powers unavailable to the Agency.'

c) Telephone box glass panes smashed

This has been reported to the Police. Cllr Wyvern Batt reported that she took an hour-and-a-half to sweep up the broken glass. The Clerk reported that the Handyman has checked the box for safety and he recommended that the glass not be replaced. It was agreed not to replace the glass.

d) Slats broken from Parish Council bench on the green

The slats had not been broken but had been carved. The Handyman will sand them down.

17. REMEMBRANCE DAY ARRANGEMENTS

- a) **To appoint Councillors to lay wreaths at Breage and Godolphin War Memorials on Remembrance Sunday 11 November 2012**

It was proposed by Cllr Ackland, seconded by Cllr Best and unanimously resolved that Cllr Keeling, as Chairman of Breage Parish Council, represent the Parish and lay the wreath at Breage.

It was proposed by Cllr Best, seconded by Cllr Ackland and unanimously resolved that Cllr Wyvern Batt represent the Parish and lay the wreath at Godolphin.

18. PROPOSED PROCEDURE OF DEVOLUTION AND ASSET TRANSFER FOR LOCAL COUNCILS

The following comments, supplied by Councillors, were forwarded by the Clerk (None received by printing of agenda)

A resolution to confirm this is required.

The Clerk had received one comment: 'This document is loaded with legalise and I fear it would prove to be a minefield of liability.'

Cllr Keeling felt that the procedure looked normal and sound. **It was proposed by Cllr Anthony, seconded by Cllr Wyvern Batt and unanimously resolved to note the Proposed Procedure of Devolution and Asset Transfer for Local Councils.**

19. TRAINING

- a) To receive reports on training held in September
 Cllrs Anthony and Coleman had attended the training on changes to the Licensing Act 2003 in Truro on 20 September. Cllr Anthony reported that it had been a good, positive session. It was confirmed that all applications now have to be advertised on Cornwall Council's website and are updated, sometimes twice a week. Any individual, body or business can now make representations on an application and can now request a review of an existing licence and therefore the Parish Council can now make representations. If the Parish Council makes a representation there will be a right to appeal to the Magistrates' Court against a decision (previously there was no right of appeal by those making representations) and one no longer has to live in the immediate area in order to make representations. It is still the case that only the Police are now consulted on the Temporary Event Notices and these are automatically approved if the Police or Cornwall Council Environment Protection does not object, and the 96 hours limit has now been extended to 168 hours – 7 days! However, there is now the right of appeal to the Magistrates' Court against a Temporary Event Notice. The changes have now introduced the 'Live Music Act 2012' which removes the need for a licence for performing to a live audience of no more than 200 on licensed premises. This is now permitted from 8 a.m. to 11 p.m. 7 days a week, 365 days a year. The potential detrimental aspect of this is that any previous conditions attached to an existing licence, such as having to have windows and doors closed, are now suspended unless added following a licence review, which Cllr Anthony felt was a retrograde step as, if these conditions exist, it is because of a Committee of Cornwall Councillors have already assessed the need for this, against the Licensing Objectives, and deemed it necessary.
 Cllr Coleman added that there was a radio discussion the previous day that reported that some 13,000 venues would now be able to have live music from 8 a.m. to 11 p.m. Cllr Coleman added that the intention may be good and Ashton Village Committee will no longer have to apply for licences but there may well be problems.
It was proposed by Cllr Keeling, seconded by Cllr Ackland and unanimously resolved that Cllrs Anthony and Coleman be thanked for attending and reporting on the training and that their report be noted.

20. REPORT FROM CLERK

- a) The Clerk asked Councillors to please let her know that evening, if they hadn't already done so, if they would be attending the Christmas meal
- b) The Clerk reported that she had contacted the Handyman and asked him to resurface the Breage pump site before April. She had also contacted Mr Wearne as she suspected that the cost of the plaque will have risen by now because it was way back in September 2008 that the original quote of £120 was received – and at that time - included in that amount - Mr Wearne was going to provide the stone at a cheap price.
- c) The Clerk had received further correspondence from Mrs Ayto about the area in Pengersick Lane where the schoolchildren have to stand to wait for the bus.
- d) The Trewithick Road nameplate had been reported as being damaged.
- e) The Clerk had heard from Mr Bradford who agrees that it would be good to be able to speak to the Council re. his application for co-option and who says will see Members at the November meeting.
- f) The Secretary of Breage Field committee has written to Cornwall Council re. the knotweed in the Playing Field. It was agreed that the Parish Council should arrange for the knotweed in the field to be sprayed. Cllr Best advised that Mr Beard has the qualification to use the strong weed killer and recommended that he be asked to treat the knotweed. **It was proposed by Cllr Best, seconded by Cllr Coleman and unanimously resolved that Mr Beard be requested to treat the knotweed in the playing field.** Cllr Rashleigh asked that he be asked to avoid the hawthorn bushes.
- g) The Risk Assessment is due for updating. The Clerk asked if anyone would be willing to sit in with her to do this. She has in the past had help from Pete Shrimpton. Cllr Ackland volunteered to help.
- h) The shed had not been removed from Praa Green so the Clerk has written again. There are now large tree branches there as well as the shed.
- i) The Clerk had received an invitation for Councillors to attend the 1st Town and Parish Council Annual Summit at the Shire House Suite, Bodmin on 3 November 2012, 9.30 a.m. to 4.00 p.m. Cllr Anthony expressed interest in attending. The Clerk will check if there is a limit on numbers.

21. MEMBERS' REPORTS TO THE COUNCIL AND REPORTS FROM OUTSIDE BODIES

Carleen Village Hal

Cllr Darby reported that there will be a Flea Market on Saturday. There is to be a Kneehigh production called 'Rambles' on Sunday 14th and soup, roll, pudding and tea/coffee for £5 from 12 noon to 2 p.m. on Friday 19th Quiz Night is on 20th and on 21st there is the Carne to Cove production of 'Devious Minds'.

Cllr Darby said that there is still no water at the Horsepool Shute. The weeds are growing there. The Clerk was asked to contact the Handyman to get the problem sorted.

She asked if there was any news about the T- junction at Trew. Cllr Keeling said it is on his list.

Cllr Coleman said he was very pleased that all Councillors had voted in support of the new homes at St Breaca Close, Breage. He hoped that local companies would be involved in the building and that the homes would be for local people. Cllr Best echoed this.

Cllr Anthony asked how long it would be before the houses were built. Cllr Keeling said that the previous build had been completed within the year.

Cllr Anthony was experiencing difficulty with her complaint to the Ombudsman about the procedure regarding the decision not to install a generator at the Haulfryn site in Praa Sands. Everything had to be so detailed. She added that she would very much like to speak with Andrew Long and Cllr Keeling agreed to arrange this.

Cllr Board asked Cllr Keeling about the query she had raised at the last meeting about coal mining being shown on the Sea Acres application reports but not tin or copper mining. Cllr Keeling said that these were generic, private reports on the condition of the land. If there had been a problem with tin or copper mining this would have been included.

However, he noted what Cllr Board had said. She asked if the firm was required to have a survey for copper/tin as there was a copper mine and loam underneath Sea Acres.

Cllr Ackland expressed thanks to the Handyman for the repair of Carleen notice board. He said that the bus shelter was looking very grubby. The Clerk will contact Mr Laity.

22. CORRESPONDENCE

SW Ambulance Service – Twentyfourseven edition 15

Clerks and Councils Direct – September 2012

CC – West sub-area Planning Committee – Agenda

Ken Rickard – Cornwall Waste Forum

CRCC – Training Human Rights/Human Lives

rsnonline – 10 September 2012

CRCC – Training Website design for community groups

FIT – newsletter

Helston & Lizard Community Network Panel – next meeting 31 October 2012, Helston One Stop Shop

Cornwall Playing Fields Association – request for a grant

Cornwall Blind Association new contact Clare Greenwood. Debbie Henshaw moving to Cornwall Hospice Care

Stride for Sight walk, Goss Moor, Sunday 7 October 2012, 11.00 a.m.

rsnonline – 17 September 2012

CC – Leader's message

SLCC – Regional Conference, Bristol, Wednesday 28 November 2012, 9.00 a.m. – 4.00 p.m.

FIT – Love your field

CALC – the week issue 26

CAONB – Neighbourhood Plan – free workshops 25 October 2012, 7-9 p.m., Camborne One Stop Shop

rsnonline Seminar: Perceptions of the Urban Fringe, Sheffield 11 October 2012

CC- Leader's message 25 September 2012

MEP – newsletter September 2012

CC – Notice of Election for a Police and Crime Commissioner for the Devon and Cornwall Police Area

To note any correspondence received since the agenda was published

CC – Cornwall Conversations, today.

FiT - Fields in Trust Awards

CRCC – Pubs and community survey

rsnonline – Newsletter 1 October 2012

Localism Newsletter 1 October 2012

Cllr Anthony spoke about the latest Localism Newsletter and the Community Right to Bid. She wondered whether the Parish Council should take a look at this. It was agreed to add it to the next agenda.

There was also a reference to Council Tax Changing. Cllr Board asked for a copy of this.

Cllr Keeling expressed displeasure with some of the amendments. He confirmed that Council Tax on second homes will now be 100%.

Cllr Ackland spoke about a problem he had had with his Council Tax payments, when he had requested that he be permitted to pay in instalments but was denied this option.

CC – West sub-area Planning Committee – agenda 10 October 2012

23. TO RECEIVE ADVANCE NOTICE OF ITEMS FOR NEXT AGENDA

Community Right to Bid.

24. TO CONFIRM THE DATE AND TIME OF NEXT MEETINGS

ORDINARY PARISH COUNCIL MEETING Tuesday 6 November 2012; PARISH COUNCIL MEETING TO SET THE PRECEPT/BUDGET 2013/2014 Tuesday 20 November 2012 – both at 7.00 p.m. in the PARISH ROOMS

These dates and times were confirmed.

The Chairman thanked everyone for their attendance.

There being no further business, the meeting closed at 9.04 p.m.

BREAGE PARISH COUNCIL

MINUTES OF PUBLIC PARTICIPATION DURING THE ORDINARY PARISH COUNCIL MEETING HELD ON TUESDAY 2 OCTOBER 2012 IN THE PARISH ROOMS BREAGE AT 7.00 P.M.

At 7.12 p.m. the Chairman invited members of the public to put forward any concerns they had, or issues they wished to make known to the Parish Council, in regard to any items on the agenda.

Mr Tunstall-Behrens spoke about item 9, Planning, application PA12/07560, expressing continued concern about the future and this development, an apparent enlargement of something that should never have been there. He commented on the lack of enforcement that had now led to this stage of proposed development. He felt that the size of the proposed enlargement, a 40% increase, was disproportionate to the land being farmed. Several Parishioners were all concerned about this application but were asked by the Chairman not to repeat matters as a letter had been received from them and the matter would be dealt with under item 9, Planning.

Ms Reardon had come because she is interested in the proposed new housing development at St Breaca Close as she needs somewhere to live.

Mr Pascoe was here for the same reason.

Ms Hunt too was also interested in the new homes at St Breaca.

The Chairman said that surgeries would be held for people to speak with Devon and Cornwall Housing.

Mr Comebellack was interested in a home for his daughter who also attended the meeting and is at present living in his garage.

Mrs Garthwaite said that the residents and businesses wished to express full objection to and frustration with the proposed enlargement of the barn at Higher Kenneggy.

Public Participation ended at 7.14 p.m.