

KINGSWEAR PARISH COUNCIL
Minutes of the Council Meeting held remotely via Zoom
on Wednesday 10th February 2021 at 7.00pm

Present: Cllrs L Maurer (Chairman), B Longland, J Hawkins, G Webber, P Burnell, E Jones, P Pudduck, H Newcombe, B Lowe, J Hacking, District Cllr H Bastone, District Cllr R Rowe.

In Attendance: Miss Sue Balsdon – Clerk to the Council.

15 members of public present.

C/140/20 – Welcome from the Chairman

The Chairman welcomed everyone to the meeting.

C/141/20 – To receive any apologies for absence from the Meeting.

None.

C/142/20 - To receive any Declaration of Interest. [Councillors are also reminded that they must register any new interest or change in any interest already registered within 28 days of that new interest or change].

None.

The Council Meeting was suspended to allow members of the public to ask questions and make representations to the Council:

A resident spoke of his support and appreciation for the efforts of the Council lengthsmen throughout the Parish and most recently the work carried out on Higher Contour Road, which has greatly improved the approach to the village.

Ash trees adjacent to the Council allotments were recently felled, as recommended in a recent survey report. A resident asked if these were to be replanted.

Cllr Hacking joined the meeting at 7.10pm.

The following points were raised by residents, in respect of the strip of land on Higher Contour Road:

- i) This week considerable work was carried out on the verge, a fence was erected and natural habitats destroyed. The verge is a village asset and how it is managed is not up to individuals, but the whole community. Can the Parish Council assure residents that they are continuing to keep a watchful brief on the land and that this includes protecting the boundaries.
- ii) There was advice received from solicitors in 2018 that clearly showed that the boundary does not include the verge, so I'm not sure why the fence was put up and I'm not sure if it is legal.
- iii) Evidence has been produced by Wollen Michelmores that the strip of land is unregistered and does not belong to the resident whose land adjoins it. Two hundred and sixty residents have signed a petition asking the Council to acquire the land for parking and to stop people dumping their rubbish on it. If this resident is allowed to continue to register the land and access to the verge for parking is blocked, a precedent will be set. If this happened further along Higher Contour Road and access for parking was blocked, this would be a disaster. The village needs to secure as many parking spaces as possible, so I request that the Council defend the interests of the residents and continue to pursue ownership of the strip of land.
- iv) A concern was raised regarding the 'tidying' of the verge. It is well recognised ecologically, that tidying up something can remove wildlife habitat and wild flowers are not being encouraged to grow. It is on this basis that I am against the installation of the fence, on environmental and ecological grounds.

Thanks was given to the Council regarding the work that has already been carried out, on the proposed residents parking scheme with Devon County Council and it was hoped that the scheme is successful and can go ahead this year. It was also hoped that the Parish Council's response to the Devon Carbon Plan consultation would be supportive as this is an item of extreme importance.

Galmpton Residents Association raised an enquiry regarding Planning Application 3759/20/VAR. It was noted that the application was objected to by Kingswear Parish Council, but that this had now subsequently been approved by SHDC. The resident association are concerned that because the planning permission significantly amended the original provision, that this will now permit the owner to sell the lodges as permanent homes. It was agreed that the Council would liaise with the residents association regarding this matter.

The Council will receive the following reports if available:

i) Devon County Councillor - Jonathan Hawkins:

Please see Kingswear Parish Council website (Full Council Minutes) for County/District Councillor reports.

ii) South Hams District Councillors:

Please see Kingswear Parish Council website (Full Council Minutes) for District Councillor reports.

iii) Police: None.

Residents Parking Working Group: Councillors and members of the Residents Parking Working Group, met with Chris Rook from the Devon County Council Traffic Management Team, to discuss their concerns regarding the proposed residents parking scheme. The Council are awaiting clarification from DCC, as to whether eligibility to the scheme can be extended to residents living on the outskirts of the village and outlying settlements.

v) Neighbourhood Plan: None.

The Council will reconvene to discuss the following items:

C/143/20 - To consider the installation of the wooden fence on the strip of land, Higher Contour Road and correspondence received from CPRE and agree future actions (Peter).

Cllr Jones chaired agenda item C/143/20. Cllrs Maurer and Pudduck declared an interest regarding the strip of land and opted not to take part in the discussion.

Cllr Newcombe advised of a letter received by the Council in November 18, from Wollen Michelmore solicitors regarding the unregistered title deeds of Lower Boohay. They advised that their research on behalf of the trustees of Boohay, did not reveal any evidence which might lead to the view that the embankment is within the title to Boohay. Conveyance plans of Lower Boohay clearly show the boundaries as adjoining the embankment area rather than including it. Cllr Newcombe said, that the resident who had installed the fence should be asked to provide documentation to prove that he owns the land and that if he is unable to, he should be asked to remove the fence.

Cllr Burnell said, that his personal opinion is that the recent works to the verge are an improvement, but that the Council need to determine whether the fence has been installed legally or not. Cllr Webber reiterated this and said that he thought the installation of the fence is an improvement, but that clarification should be sought, to confirm whether the resident in question, legally owns the land.

Cllr Hawkins, at the request of residents, has contacted the South Hams District Council Enforcement team regarding the installation of the fence and is awaiting a reply.

Cllr Jones noted that in the public session, points were raised regarding re-wilding the verge but also that the verge could be used to create additional parking spaces, but that we couldn't have both. He advised that there were quite a few ash trees on the verge, all of which will die and need removing in the next few years, which will destabilize the bank. If the resident, who has installed the fence wishes to take on that responsibility, it will save the Council in time and resources.

Cllr Newcombe proposed that the Council write a letter to the resident, to ask him to produce evidence of his ownership of the land and if he cannot do this then the fence should be taken down.

The Clerk, having previously sought advice from the NALC solicitor, said the Council cannot legally ask for the fence to be removed, as they do not own the land. The caution against first registration, which the Council placed on the land, only gives the requester the right to be notified if an application is made to register the land. It confers no other rights. Councillors therefore did not vote on Cllr Newcombe's motion.

C/144/20 - To resolve to approve the following minutes subject to any amendments [Amendments to the Confidential Minutes to be noted and documented in Part II:]

- i) Full Council Meeting 13th January 2020
- ii) Full Council Meeting 9th December 2020 (Confidential)

It was resolved to approve the minutes, subject to the inclusion of the following information in the Full Council minutes 13th January 2020: C/129/20 - Chaired by Cllr Newcombe.

C/145/20 - To make comment to the Planning Authority with regards to the following planning applications:

C/145/20 – Chaired by Cllr Newcombe

i) Ref: 4230/20/HHO Proposal: Householder application for proposed lift enclosure and entrance extension Site Address: Meadfoot House, Lower Contour Road, Kingswear, TQ6 0AL
SUPPORT

ii) Ref: 4274/20/TPO Proposal: Copper Beech – Removal of all epicormic growth to 3m from ground level to improve form Site Address: Cross Trees, Beacon Road, Kingswear, TQ6 0BS
SUPPORT

iii) Ref: 4241/20/LBC Proposal: Listed Building Consent to cover parapet wall and coping stones with a lead cover to stop water ingress Site Address: Greenway House, Greenway, TQ5 0ES
SUPPORT

iii) Ref: 4155/20/HHO Proposal: Householder application for ground floor extension and increase of glazed doors. Enlargement of dormer to front and rear of extended wing Site Address: Green Gables, Hillhead, TQ5 0EX

SUPPORT

iii) Ref: 0263/21/ARC Proposal: Application for approval of details reserved by condition 3 for planning application 3272/20/LBC Site Address: Kingswear Castle, Castle Road, Kingswear, TQ6 0DX

NO COMMENT – Councillors felt unable to comment due to the technical nature of the application.

Cllr Hawkins did not participate in discussion or voting, in regard of the above planning applications.

C/146/20 - Financial Matters (Clerk).

i) To resolve to approve the expenditure of the Council for the period 01/1/21 – 31/1/21.

It was resolved to approve the expenditure of the Council for the period 1st to 31st January 21.

ii) To present for review the month end finance report and bank reconciliation as at 31/1/22.

The income and expenditure report and bank reconciliation for month ending 31st January 2021 was reviewed by Councillors.

C/147/20 - To receive the Chairman's report.

Cllrs Hawkins and myself met with the owner of the field opposite the campsite and with Toby Russell from Devon Air Ambulance, with a view to gauging the field's suitability as a landing site. Mr Russell felt that the field was probably not suitable, so the previous suggestion of using the dog exercise field on the campsite itself, will be pursued.

The new hedging has finally been planted along the churchyard wall. Bulbs and flowers will also be planted to enhance the visual aspect.

A very many thanks to the Council's volunteers who are still helping our residents through lockdown, when required.

C/148/20 - To consider and agree the Council's response to the Devon Carbon Plan Consultation (Jonathan).

It was agreed for Councillors to send to the Clerk, their responses to the consultation. Cllrs Maurer and Hawkins will meet with the Clerk via Zoom, to collate the responses received and submit a response on behalf of the Council.

C/149/20 - To review the Cemetery Lodge fire safety report and agree future actions (Clerk).

A recent fire safety risk assessment carried out at Cemetery Lodge, recommended the following works:

- i) Install a ten (10) year mains lithium battery heat detector in the kitchen.
- ii) Replace the smoke detector on the landing with a ten (10) year mains lithium battery smoke detector.
- iii) Provide a fire blanket with appropriate signage within the kitchen area.

The Clerk to obtain quotes for the work, for approval at the March Full Council meeting.

C/150/20 - With regards to the surrender of the Gent's toilets (Clerk):

i) To approve the client care letter received from Kitsons Solicitors.

The terms included within Kitsons Solicitor's client care letter were considered and approved.

The letter advised of additional costs of £52 in relation to the registration of the deed and for obtaining copies of the relevant title and these were approved by Councillors.

ii) To resolve to execute the Deed of Surrender of Part and Deed of Variation.

It was resolved to execute the Deed of Surrender of Part and Deed of Variation. It was agreed for Cllrs Maurer and Hawkins to sign on behalf of the Parish Council.

C/151/20 - To consider response from FCC in relation to the 21/22 cleaning contract for the Lower Ferry toilets and agree future actions (Clerk).

At a previous Council meeting, it was agreed for the toilets to remain open from Easter to the end of October. Unfortunately, South Hams District Council have advised that FCC, the cleaning contractors, are unable to reduce the contract cost to reflect the reduced opening times, as they would still need to employ the same number of staff.

It was agreed, that as there will be no change to the annual cleaning cost, that the disabled toilet will remain open during the Winter months.

C/152/20 - To consider and approve the following, in relation to the Housing Needs Survey (Jonathan):

i) Template survey and covering letter.

ii) Publicity.

ii) Survey quote.

It was agreed that Cllrs Hawkins, Maurer, Longland and Hacking would meet via Zoom, to review the draft survey and covering letter and that their recommendations would be brought back to the March Full Council meeting.

C/153/20 - To consider and approve quote received for mooring permits (Clerk).

A quote in the sum of £68 + VAT, received from Abbey Signs for the printing of the mooring permits, was approved by Councillors.

C/154/20 - To consider entry to the Britain in Bloom 2021 'It's Your Neighbourhood' initiative and agree future actions (Jonathan).

The Royal Horticultural Society's 'It's Your Neighbourhood' campaign is part of the wider Britain in Bloom initiative, providing an opportunity for smaller community groups to get involved. It is a unique scheme for volunteered led community gardening projects/groups who are focused on improving their local environment through community gardening. All entries will be assessed by an RHS assessor between 1st and 31st July 2020. It was agreed that the initiative will be discussed at the next A&E meeting to consider how best to progress.

C/155/20 - To consider an annual inspection of the allotments, in relation to clause 7 of the Allotment Agreement (Clerk).

Clause 7 of the allotment tenancy agreement states 'a) keep the Allotment clean, rubbish free, well cultivated and fertile with good weed control.'

It was agreed for the Clerk, to advise tenants of an allotment inspection in June, when the allotment renewal forms are sent in March.

C/156/20 - To approve the 'Devon Communities Together' membership renewal 21/22 (Clerk).

The 21/22 membership of 'Devon Communities Together' was approved by the Council. The 12 month membership fee for is £50.00.

C/157/20 - To consider local policing provision within the Parish (Paul).

Cllr Burnell raised his concerns regarding a lack of police presence throughout the Parish. Cllr Hacking to liaise with the Office of the Police and Crime Commissioner, in her role as Councillor Advocate Representative, regarding this matter.

C/158/20 - To review and update the Lengthsman's Contract (Peter).

The lengthsman is reviewing the current schedule work and the Chairman will meet with him when the current lockdown restrictions are lifted.

Cllr Pudduck left the meeting at 8.30pm.

C/159/20 - To consider preparations for a return to face to face meetings post 7th May (Clerk).

The Clerk advised that legislation permitting councils to meet remotely, will come to an end on 6th May 2021. As it currently stands, all council meetings held on or after the 7th May, must therefore return to a face-to-face format. The SLCC are working with lawyers in Local Government to hopefully give councils the option of holding remote meetings beyond 7th May and Councillors therefore opted to await the outcome of this, before considering preparations for a return to face to face meetings.

C/160/20 - To propose agenda items for the March 21 Full Council meeting.

To set up a working party – Queen's Platinum Jubilee Celebrations; Strip of land adjacent to Kingswear Wood

C/161/20 - Urgent Items – For information.

None.

By Order of the Council

Sue Balsdon

Sue Balsdon
Clerk to the Council

The Meeting ended at 8.45 pm.

Minutes Approved: Councillor L Maurer – Chairman