

LOXHORE PARISH COUNCIL MEETING

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Minutes

Date: Thursday 5th March 2020

Venue: Loxhore Village Hall

Present: Chris Bryars {Chair}
Mike Young {Vice Chair and Clerk}
Carole Delve {Councillor}
Jane Vanstone {Councillor}
Trevor Batson {Councillor}
Ray Comer {Parishioner}
Michael Batson {Parishioner}

Minutes taken by: Mike Young {Clerk}

The Chair opened the meeting at 17:30

1. Apologies: Received from Andrea Davies and Malcolm Prowse
2. Declarations of interest: None
3. All councillors present agreed that the minutes of the previous meeting held on 7th January 2020 and the special meetings held 17th January and 27th February 2020 were a true and accurate record of that spoken and the Chair signed accordingly.

4.0	<u>Action points from previous meeting dated 7th January 2020</u>	
4.1	<p>Highway Community Enhancement Fund:</p> <p>Council discussed the flood water over road between Oak and Corner cottages. It has been flowing across the road from where the RAM is. Ownership of the RAM and the land associated needs to be verified. CD will seek information and legal documents. CD reported that documents still being sought. (5 March 2020) CD is still searching through archives.</p> <p>(7 Jan 2020) Clerk to do land registry search to see who owns area Council or Hall. (5 March 2020) Free search shows RAM area is unassigned and thus expense will be incurred to approach Land Registry for clarification. Council decided not to proceed on this route at this time.</p> <p>Additional potential flooding is possible and potential road closure due to erosion of edge of road near Oak Cottage. Clerk to log the problem on the DCC interactive reporting system which AD informed the PC goes straight to the contractor. Post meeting the clerk did this and DCC reference is W191274282. Response received as Highways officer visited. No immediate danger but he will seek funds to strengthen the bank. Clerk will monitor. Further erosion has since occurred and all are urged to upgrade the matter on the</p>	<p>CD</p> <p>Closed</p> <p>MY</p>

	<p>Devon Highways website using the reference number above. (5 March 2020) Information on responsibilities for drainage maintenance has been received from Devon Highways and will be promulgated to all parishioners. TB and JV reported that hedges bordering the highway up Cott hill and owned by National Trust have not been trimmed and so the road is being restricted. Clerk to write to NT enclosing responsibility document from Devon CC.</p>	<p>ALL Clerk Clerk</p>
<p>4.2</p>	<p>Parish Paths:</p> <p>(7 Nov 2019) A parishioner had raised a question to Council who asked AD about possible downgrading of two Byways to bridleways to stop motorcycles spoiling the surface (Longpot and Bratton Lanes). Clerk to write to AD with details. Post meeting Clerk did this and the following reply was received from Devon Highways. “We periodically get requests to downgrade Byways Open to All Traffic. The Byways were originally recorded as roads, and were only brought onto the Definitive Map at the time of the review to give them some protection, in line with Devon County Council’s policy at the time. To downgrade them to Bridleways only would require the vehicular rights to be stopped up or extinguished. As such, I think this would have to be done through the Magistrates Court, and any order made by the Council would be subject to public consultation and possible objection too. If this is something you wish to investigate further, please let me know and I can ask my colleagues at County Hall to provide a more detailed picture.” Subsequently information was received as follows “Highway authorities can place various restrictions on traffic within their areas by way of a Traffic Regulation Order (TRO) made under Parts I, II and IV of the Road Traffic Regulation Act 1984, as amended. Section 1(1) states that permanent orders may be made for the following purposes:</p> <p>1) The traffic authority for a road outside Greater London may make an order under this section (referred to in this Act as a “traffic regulation order”) in respect of the road] where it appears to the authority making the order that it is expedient to make it—</p> <p>(a) for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising, or</p> <p>(b) for preventing damage to the road or to any building on or near the road, or</p> <p>(c) for facilitating the passage on the road or any other road of any class of traffic (including pedestrians), or</p> <p>(d) for preventing the use of the road by vehicular traffic of a kind which, or its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of the road or adjoining property, or</p> <p>(e) (without prejudice to the generality of paragraph (d) above) for preserving the character of the road in a case where it is especially suitable for use by persons on horseback or on foot, or</p> <p>(f) for preserving or improving the amenities of the area through which the road runs”</p> <p>(2 Jan) Clerk has written stating that It seems from this that Devon County Highways Authority already has the powers it needs to fix our issue without recourse to magistrates and we would welcome Devon Highways view on this. Reply awaited. Email and report received 28 February “Devon County Council’s policy on the use of Byways is contained within the adopted Rights of Way Improvement Plan (ROWIP). The ROWIP Policy for motorised users includes:</p>	

	<p>MU2C Where use is causing physical or environmental damage to a route, the latest Government guidance will be followed with regard to the implementation of Traffic Regulation Orders.</p> <p>The latest government guidance is 'Making the Best of Byways' attached. This advocates voluntary restraint and maintenance before considering a TRO on a byway. Our approach is normally a positive one, in that we tend to look to maintain the route to a standard which means that conflict does not arise, rather than seeking to ban vehicular users from such routes.</p> <p>I took the opportunity to look again at the routes in question, and I attach a summary of my findings. By far the majority of the issues with the surface are related to surface water, with sections of both lanes acting as drains for the adjacent farmland and farmyard complexes. Whilst we have taken steps to try and repair the sections of lanes, it is an ongoing problem, particularly on Byway 31. The use of the routes by vehicles is having a very minor impact on the situation, and as such I do not think we can justify looking at banning them from these byways by the use of Traffic Regulation Orders, although I appreciate the noise of these motorised users, predominantly at weekends, would be annoying.</p> <p>I hope that helps. With regards any future works to sort out the surface water issue, I would be happy to work with the Parish Council through the P3 scheme, with our P3 coordinator and with the landowners concerned to investigate what can be done." Report attached as annex. Council discussed and decided that no further action regarding closing the byways to vehicles. (5 March 2020) The report on the byways highlighted some problems. Liaison needs to continue with P3, Highways and landowners regarding planning, grips and improving the water run off situation from land. Councillor Vanstone will lead this and liaise accordingly.</p> <p>(2 Jan 2020) The bridge on FP1 by Shirwell farm has been damaged by flooding. The landowner believes it is unsafe for pedestrians. This is to be reported urgently to DCC footpaths. Following the meeting JV did this and the following is logged "Devon Highways - Public Right of Way - W 201289845</p> <p>Thank you for the following report:</p> <p>Problem: Public Right of Way, Public Information Portal, Public Right of Way Location: Loxhore Footpath 1, Loxhore Date Reported: 03 / 01 / 2020 10: 14:00</p> <p>The details have been sent to our team so that an assessment can be carried out. We anticipate that this assessment will be completed by 24 / 01 / 2020." (5 March 2020) Repair done and bridge reopened</p> <p>The signpost at Blackpool bridge has been damaged and needs to be reported to DCC Highways. (5 March 2020) Signpost has been repaired by Chris and Ray Comer.</p> <p>Additionally, the road sign indicating bend at the top of Longpot lane on the paved road has been damaged badly by the hedge trimmer. CB to try and find out from land owners who did the work and get sign replaced under their insurance. Failing that it is to be reported to DCC. (5 March 2020) Council ascertained the work was done by Carl Seggons. CB has written on 7 February to ask for invoice for work done on verges plus to ask if Carl had informed DCC Highways of damaged sign. Text reply received agreeing that damage had been caused but as sign was hidden, he is not responsible. Council asked clerk to write to Devon Highways. This was done post meeting and awaiting outcome.</p>	<p>Closed</p> <p>JV</p> <p>Closed</p> <p>Closed</p> <p>Clerk</p>
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4.3	<p>(7th March §9.2) JM raised the observation about possible unplanned development in the field up the Bridleway at the side of Barton Court. They are still trying to locate the tenants of the other site. Reply received from NDDC: Thank you for your email. I have now managed to access the site and already have evidenced the removal of all but one non-agricultural vehicles and the removal of the UPVC windows from the lean too adjacent to the barn. The owner has therefore partly complied with our request. The site visit showed no signs of residential occupation and the shipping containers had been on site for over 10 years. I have passed on the report to the planning officer to consider and as soon as I have received an instruction, I can update you. We don't, as a rule, update after each site visit; only when a decision and instruction have been received.</p> <p>MM, parishioner, stated that the containers have only been located in the last few years and not more than 10 as stated. Clerk to write to NDDC enforcement appropriately. (5 March 2020) Clerk wrote and reply received with detailed satellite pictures showing containers on site more than 10 years but that they have been relocated. They are compliant.</p>	Closed
5.0	<u>Matters arising from meeting dated 7th January 2020</u>	
5.1	County Council News. Councillor Davis was absent	Closed
5.2	District Council News. Councillor Prowse was absent	Closed
5.3	The other request was that Council consider installing a solar powered light in the box which would illuminate at night. This was voted down by majority. MM stated that there was a light and he will kindly investigate whether a bulb failure or that power has been removed by Western Power. Clerk to liaise with MM. (5 March 2020) Waiting report from MM	Clerk
5.4	<p>(7th November §8.1) CD reported that the shed where the Parish Tools are kept has been found open. It is suggested we buy a sturdy metal box that can be anchored and secured with a good lock. This will cost about £300. CB stated funds were available in the Highway Maintenance fund. CD to further investigate and order provided cost is as stated. CD will also check if items are insured by village hall policy. (2 Jan 2020) Council authorised CD to purchase the box (£258 + VAT). (5 March 2020) Box has been purchased and installed.</p> <p>CD reported that the Village Hall secretary has been unable so far to cast light on the insurance. CD to pursue. (5 March 2020) No further news.</p>	<p>Closed</p> <p>CD</p>
5.5	<p>(7th November §8.5) Devon Climate Emergency: Devon Carbon Plan. Council has been asked to consider endorsement for the County initiatives which the Councillors all agreed to. Further discussion ensued as to what Loxhore could do to help reduce the carbon footprint. MP said one of the things NDC is considering is to cease Green Bin (garden waste) pick up in rural areas as it is illogical to send diesel lorries out to move garden waste that can be composted at home or locally. It was decided that much more discussion is needed and this item will be minuted for the next council meeting at least. We need to see how the Devon plan evolves as well. Council discussed and dismissed for Loxhore a central composting scheme. JV suggested that workshops could be arranged to teach parishioners how to compost easily. This will be arranged as the NDDC plans evolve. An email has been received from the residents of Horseshoe Barn expressing interest in assisting in any Parish initiative. There are also lots of offers of free trees from NDDC. This has been promulgated to the e-newsletter and to village hall chair. The Council is being offered a Landmark tree. Discussion was held about a potential planting spot as it has to be visible to public. CB will approach owners of land identified to see if they agree. If so, the Clerk will apply for a tree. Landowners regrettably could not accommodate and Village Hall committee did not respond to approach so matter of trees</p>	

	is closed. Details of North Devon Climate week 21 st to 28 th March will be promulgated to the Parishioners.	Closed Closed																																																																																																												
5.6	(7th January §7.0) Defibrillator Training CD asked whether more training involving more people is needed or whether continuation training is a requirement. Nobody knew so CD agreed to check with the defibrillator company and report back. (5 March 2020) CD established that the asset belongs to Village Hall and so nothing to do with Parish Council.	Closed																																																																																																												
6.0	Finance																																																																																																													
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	<p>Per Bank Account <u>7,067.73</u></p> <p>Payments since the last report:</p> <p>Clerk's expenses 121.57</p> <p>Fuel for strimmers 6.10</p> <p>Security box for tools 337.20</p> <p>I have cancelled the cheque to Loxhore Parish Broadband CIC but included the £250 in allocated funds.</p>	Closed
7.0	Chair's Business	
7.1	Clerk asked all Councillors for permission to give email addresses to Rural alliance to update contacts. Clerk will notify NDDC accordingly.	Closed
7.2	JV and TB attended recent rural Alliance meeting. There was a good turnout. The meeting was all about the climate change initiative. The feeling was that the emphasis is wrong. Although well intentioned; asking people to solve the problem with promises of Government backing is more than likely to fail. Government need to lead and then the people will, of course, support. Bratton Fleming want all villages to have a baseline carbon footprint done so that any changes./initiatives can be measured in the future, It is felt that though this is applaudable our Parish would spend a lot of time and money doing this knowing that with the large percentage of listed buildings in the parish that cannot be made more efficient that this is not feasible for us.	Closed
7.3	CD reported that John Richmond, the owner of Corner Cottage and field beyond had spoken about the verge clearing that had been carried out and that it had spoilt his verges in places. Highways have to be kept clear. It was suggested tht Cd give him a copy of the guidance documents recoded above as this states the owner should clear the verges.	CD
7.4	Clerk asked if efforts could be made to find a Parish Clerk again as he is due to take the chair in May and cannot do Chair and Clerk.	ALL
7.5	It was asked by Councillors and public whether the meetings could start later to facilitate attendance by those that work. CD will approach the bowlers to see if they would agree to a 30 minute delay every 2 months and then Council could start at 6:30 PM.	CD
8.0	<u>To Consider planning applications 71214 and 71215 at Damson Cottage, Loxhore</u>	
8.1	The Parish Council met on the 5th March and fully support this application for an extension to a listed building. The proposed extension appears to be designed sympathetically with the existing house and will enhance the living area and facilities.	Closed
9.0	<u>Next meeting</u> The Chair closed the meeting at 18:35, thanking everyone for attending. The next meetings (AGM and regular) will be held on Thursday 7 th May 2020 at 18:00 (possibly 1830) in the Village Hall.	Closed

Minutes approved by Chair..... Date