

# **KILMINGTON PARISH COUNCIL**

## **MINUTES OF THE REMOTELY HELD PARISH COUNCIL ORDINARY MEETING ON TUESDAY 8<sup>th</sup> SEPTEMBER 2020 AT 7.30PM**

**via Zoom platform as per legislation contained within section 79 of the Coronavirus Act 2020**

**Present:** Cllrs B. Trott (Chair), M. Collier, S. Huscroft,  
M. Jones, S. Seward, P. Ball, E. Styles

**In Attendance:** A Jenkins (Clerk/RFO)

**Members of Public:** 1

Chair welcomed all Councillors, to the Council's Zoom virtual remote meeting, made necessary by the current Covid-19 situation which requires social distancing measures. He advised Councillors that the meeting is being recorded but that the recording will be deleted once the minutes are approved at the next meeting.

### **OPEN SESSION**

David Vickers said that he had asked Highways England for an update as to the present position on the A35 speed safety Project but was still awaiting the update. Council agreed that if the update was not received in the next few weeks, that the Parish Council would write a formal letter to Highways England pressing for the update. Councillors to agree beforehand the wording of the letter and of any information bulletin put on the website/facebook.

### **COUNCIL BUSINESS**

1. **Apologies**  
Cllrs.J. Mear and A. Dare
2. **Declarations of Interest**  
Cllr. Collier declared an interest In Item 10.  
Cllr. Jones declared a pecuniary interest in Item 6c  
Cllr. Seward declared an interest in item 9 c4.
3. a) **Minutes of the Meeting held on 10<sup>th</sup> March 2020**  
This item was deferred until the next meeting.

**b) Minutes of the Meeting held on 25<sup>th</sup> August 2020**

The minutes were declared a true record of the proceedings, proposed by Cllr. Ball, seconded by Cllr. Seward, all in favour.

**4. Matters Arising from the Minutes 25<sup>th</sup> August 2020**

The Clerk reported that Highways were due to investigate the two bridges he had reported to them. The Clerk advised that the locality budget application had been submitted to DCC Cllr. Chubb.

**5. Reports**

**a) Police**

The Clerk advised that he had received a report from PCSO Bolsover for the period 1<sup>st</sup> August 2020 to 31<sup>st</sup> August 2020 which showed that there had been 1 reported crime of Violence with Injury, 1 of Shoplifting, 1 of Other Theft, 1 of Criminal Damage, 2 of Possession of Weapons and 1 of Possession of Drugs.

**b) District and County Councillors:**

No report received

**c) Clerk**

Nothing to report

**d) Kilmington Neighbourhood Support Group**

Cllrs. Ball, Cllr. Huscroft and Cllr. Seward reported that requests for support had decreased but that they were still continuing to provide support to some parishioners.

**e) Highways Matters**

Cllr. Collier raised two matters:-

Brambles causing a hazard opposite Whiteways. It was agreed to request C S Garden Services to cut these back.

There was a missing Passing Bay -No Parking sign at the passing bays in George Lane.

Cars were parking in the passing bay and causing a traffic problem. Agreed that the Clerk request Highways to replace the missing sign.

Cllr. Ball said that "The Street" road sign at the bottom of Whitford Road was also missing. The Clerk to report the matter to Highways.

The Clerk advised that he had applied for the TTRO road closure for the Remembrance Service in November but had not yet received the TTRO and had reminded Highways.

**f) Neighbourhood Plan**

Cllr. Ball advised that he was still working on the Neighbourhood Plan and hoped to circulate details of the draft Neighbourhood Plan to Councillors in the next week. He would then request the Clerk to convene a Zoom meeting to discuss the draft plan.

**g) Any Other Reports**

None

**6. To consider matters pertaining to Coronavirus and Kilmington Parish**

**Playpark**

**a) RoSPA Report, Work required & inspections**

Cllr. Mear had submitted a report that the present position was:

-  
Obtained a quote £80.39 plus VAT from Proludic for the new bearings on the Hip Hop and after consulting with the Clerk, had proceeded to place the order. Was awaiting a quote from HAGS on the caps for the HIPPO rocker (the minimum order is £25 so she will order some spares to make up the order)

Has asked two companies to quote us for new flooring under the swing areas, Hip Hop rocker and the Multiplay area, to replace all the tiles and mesh flooring. This would mean we won't need any wooden edging replaced and no more gaps or raised tiles to worry about.

That Cllr. Dare and Nigel Cross were attending to the other issues

**b) Risk assessment and Measures necessary for Covid 19 Secure reopening.**

Cllrs. agreed for the playpark to remain closed for the time being until the above safety issues had been resolved.

Cllr. Jones left the meeting at this point and was put into the waiting room while the next item was discussed as he had a declared pecuniary interest.

**c) Consider quotations received and resolve decision on new Perimeter Fence.**

The Clerk firstly advised that the new fencing and gates would have to comply with the requirements of BS EN1176, BS1744, the Disability Discrimination Act and the gates would have to open outwards and the pedestrian gate be fitted with an adjustable self closure. RoSPA also recommend that the gates be painted a different colour to the fencing in order that the entrance/exit point is easily visible.

The Clerk advised that the three quotations received last year were still applicable and correct and that he had also received another indicated costing from Wicksteed.Play equipment.

Quotations received :-

- 1) Wicksteed - £10,000 plus VAT but subject to a site visit to confirm
- 2) M W Fencing - £9,000
- 3) M J White - £7,750 plus VAT
- 4) M. Jones - £7,150 plus VAT

Quotation 2.3 & 4 included costs for the removal and disposal of the existing fence/gates but quotation 1 did not.

Quotation 4 also included replacement of the timber infill which currently fills a hollow under the fence at the S/E corner.

Councillors discussed the quotes and resolved to accept the quotation from M. Jones. Proposed by Cllr. Trott, seconded by Cllr. Ball, all in favour.

The Clerk said that M. Jones had confirmed that the fencing and gates would comply with all the above requirements and that he held the appropriate £5M Public and Products Liability Insurance. The quotation was for galvanised fencing and gates but the Clerk would ask him to advise what costing difference would be involved if the Council wished to have the gates painted a different colour.

Cllr. Jones was then readmitted into the meeting from the waiting room and advised of the Council decision

## **Telephone Box Library**

### **Risk assessment and Measures necessary for Covid 19 secure reopening**

Cllr. Ball had conducted a risk assessment which had been circularised to all Councillors and following introduction of the necessary measures, the library had reopened.

### **Public areas**

Cllr. Seward and the Clerk to carry out a Covid 19 secure risk assessment

### **Allotments**

**Nothing further to report.**

## **7. Tree Safety & Survey**

The Clerk advised that earlier that afternoon he had received the Tree Safety Survey Report and had emailed it to all Councillors. Cllr. Seward said that he wasn't able to open the attachment and asked the Clerk to forward a hard copy.

The Clerk and Cllr. Jones said that they had not yet been able to fully read the report but noticed a few trees on the Common had been identified as requiring work and one Oak in particular which overhung over a car parking area as a Medium Risk. Cllr Jones said that he would contact Treeline Arboriculture and ask them to inspect asap and assess the work required and give a quotation. If it was advised that the work on the Oak should be carried out as quickly as possible, The Clerk to be asked to call an extraordinary Zoom meeting to make a decision.

Council to fully consider the findings of the Survey Report at the next meeting.

## **8. Correspondence**

The Clerk advised that Cllr. Huscroft had forwarded on complaints received from a few residents about EDDC not collecting their recycling for a number of weeks. Cllr. Huscroft advised that the matter had been resolved and that EDDC had now collected the recycling and had apologised to the residents for the previous non collection.

Cllr. Ball had forwarded on to the Clerk an email received from Mrs Gordon- Kerr, the editor of the Postscript enquiring about the donation request she had submitted to the Council in March. The Clerk said that this request had been received just before the Covid lockdown and had unfortunately been overlooked at the time. The request was for a donation towards the printing costs of the Postscript magazine. Cllr. Collier proposed a donation of £250 be given as in previous years, seconded by Cllr. Huscroft, all in favour.

## **9. Finance**

### **a) Current Financial Position**

The Clerk reported that the present bank balances were as follows:-

Lloyds Bank Account	- £ 13,585.26
Santander Bank Account	- £ 1,095.66
NS&I Account	- £57,217.44

### **b) Expenditure to be approved for which bills have been received**

- 1) Payment of £318.72 for the Clerk's salary for the 22<sup>nd</sup> August to 19<sup>th</sup> September.
- 3) Payment of £50.00 to M Lawson for Website Maintenance in August 2020
- 4) Payment of £495.00 to CS Garden Services SW Ltd for works carried out 03/08, 17/08 & 31/08

Payments 1 to 3 proposed by Cllr. Jones , seconded by Cllr. Huscroft , all in favour except for Cllr. Seward who took no part.

### **d) Forthcoming expenditure to approve**

The Clerk advised that the Council had been invoiced by Advanced Arboriculture for the

full cost of the Tree survey including the two Hitchcock Trust areas and the Playing Fields area which had also been included in the survey. The total invoice cost of the survey was £1,044.00 incl. VAT. Cllr. Styles proposed that the Council pay this amount and cross charge the Hitchcock Trust and the Playing Fields £ 210.00 each for their elements of the Survey. Seconded by Cllr. Huscroft, all in favour.

Cllr. Collier left the meeting at this point and was put in the waiting room due to the declared interest in the following item.

## **10. Planning applications**

### **20/1802/FUL - Land And Buildings North Side Of Road From War Memorial To Gapemouth Corner Kilmington**

Cllr. Ball had spoken to EDDC and written to the Forestry Commission about the proposed Application in view of the terms and conditions of the Felling Licence issued by the Forestry Commission. He had circularised to Councillors copies of the correspondence Councillors had viewed the application documents online and following discussion, it was proposed by Cllr. Ball, seconded by Cllr. Seward, all in favour that the Council strongly object to the planning application and that in addition, the Parish Council has also been informed that the entire site for which this planning application refers is subject to a Felling Licence agreement. This agreement commits the landowner to restocking and, for a period of ten years from restocking, to the management and maintenance of the woodland. Therefore any building development on the site would contravene this agreement. Written clarification from the Forestry Commission is included in our following comments.

The Parish Council strongly object to the whole Planning Application 20/1802/FUL and wish to make the following points:

#### **1. Site Location**

The woodland plot at Gapemouth Corner, Kilmington, EX13 7RY is located in the countryside, outside of the Kilmington Built Up Area and in the East Devon Area of Outstanding Natural Beauty. The surrounding area is entirely residential and the proposed development of commercial buildings at this site is wholly out of place.

#### **2. Conflicts with emerging Neighbourhood Plan ' Woodland Community Asset**

This area of woodland has been highlighted as an important asset to the community during the ongoing preparation of the Kilmington Neighbourhood Plan. It is located between the central densely populated part of Kilmington Village and the very busy Honiton to Dorchester A35, running alongside the highway. Through its position it provides an important and valuable 'buffer' for local residents between residential housing and the road. The trees reduce noise from traffic, intercept dust and harmful particulates from exhaust smoke and adsorb pollutants. In so doing they improve the wellbeing of residents and reduce mental fatigue and stress. Reducing the present area or width of the woodland would reduce the effectiveness of this natural 'buffer' which reduces carbon and generates oxygen for our environment. In addition any development would result in loss of biodiversity and the benefit the woodland habitat provides for wildlife.

#### **3. Increased Traffic in a Residential Area**

A traffic assessment has not been provided but it is clear that any visiting cars, vans and trucks will have to use The Hill and possibly Shute Road to access the site. Both roads are fronted by residential housing, have no street lighting and are used as access by the school buses. Shute Road has no pavement so pedestrians, including school children are forced to share the road. Therefore residents would not wish to see the additional commercial traffic from these units on these roads.

It is likely that most site traffic will be entering/leaving the A35 a very busy 50mph trunk road, especially during rush hours and throughout holiday periods. The A35 between the junction with The

Hill to the west and the War Memorial to the east has a high number of recorded Road Traffic Accidents (RTAs). An increase in traffic, particularly slower commercial vehicles, generated by the site, entering a very busy highway which is traveling at up to 50 mph, is likely to be detrimental to the safe and satisfactory operation of the A35: an additional reason for the refusal of this planning application.

#### 4. Parking

The plans submitted allocate only 10 parking places in total for all 8 units: 1 for each workshop and its office above, with 2 parking places for all other site visitors, deliveries, collections and service vehicles. Therefore all overflow parking for staff, delivery, visitor and service vehicles will inevitably be on road parking along The Hill and Shute Road, in competition for the limited space with residents.

#### 5. Principle of Development

The entire site as specified in the planning application has existed as woodland for over 130 years, clearly shown on the OS25 map surveyed in 1887 and since on later maps and aerial photographs. However, the planning statement 6.1 Principle of Development makes confusing reference to 'a wider site used as a coach park and workshops'. The area once used for a coach workshop and parking, which was converted to residential use in 1999, is a separate area some distance from the planning application site. We therefore feel it has no relevance to 'Principle of Development'.

#### 6. Felling Licence

We understand that the granting of planning permission does not mandate that development is carried out rather it simply gives the applicant the option to do so. However, we wish to bring to the attention of the Planning Office that:

A felling licence was granted for this site and we understand by commencing felling on 7th Jan 2020 the conditions of this agreement have therefore been accepted. The Forestry Commission have confirmed to us that the felling licence for Gapemouth Corner places a legally binding duty upon the licence holder to comply with the conditions of the licence. Please see below the questions KPC asked The Forestry Commission to clarify the license situation and their written responses.

Condition C of the license requires (amongst other conditions) restocking by natural regeneration or coppice 'with 80% native broadleaves and 20% open ground to achieve not less than 1100 stems per hectare evenly distributed over the site by 100% natural regeneration'.

The Planning Application 6.4.6 states that 'the proposed development would occupy no more than 20% of the overall application site area. The remaining 80% of the site would be left to regenerate naturally, as per the requirements of the Felling Licence.'

The planned development would clearly not allow the required '1100 stems per hectare evenly distributed over the whole of the 0.56Ha site'.

Also, The Forestry Commission has confirmed to us they would not accept buildings and vehicle parking as 'open ground'.

Therefore the development requested in the planning application would contravene the conditions of the Felling Licence which run for a period of ten years from restocking.

Comments received on 07/08/2020 from The Forestry Commission in response to Kilmington Parish Council questions regarding the planning application 20/1802/FUL and the associated felling license 018/3120/2019:

1. What are the views of The Forestry Commission and do you have any influence over such applications in view of the regeneration/replanting clause in the felling order?

I can confirm that the felling licence for Gapemouth Corner places a legally binding duty upon the licence holder to comply with the conditions of the licence.

Planning permission on the other hand places no such duty on an individual. The granting of planning

permission does not mandate that development is carried out; rather it simply gives the applicant the option to do so. Moreover, there is nothing in statute, either in planning or forestry legislation, which states that the granting of planning permission overrides the duty to comply with the conditions of a felling licence.'

2. Will The Forestry Commission pursue enforcement / what are the sanctions available for someone who breaches a licence agreement?

Failure to comply with the conditions of a felling licence may result in the Commission serving a section 24 Enforcement Notice. This provides a further 15 months to restock the land with trees. Failure to comply with an Enforcement Notice may constitute an offence under section 24(4) of the Forestry Act 1967, involving a summary conviction and an unlimited fine. Such a prosecution may then also allow for the Proceeds of Crime Act to be applied in relation to any financial gain made on the land in question as a result of the illegal activity. As such, it is in the applicants' interest to ensure any permissions they seek incorporate the requirements of the Restocking Notice.

3. Will The Forestry Commission write to EDDC to object to this planning application?

No. The Forestry Commission, as a government department, is entirely neutral on the desirability and appropriateness of any particular planning application. Planning decisions are a matter for the local planning authority.

4. The developer is suggesting he builds on the '20% open ground' portion of the site you have requested in the license agreement. Would buildings and vehicle parking area be acceptable as 'open ground'?

No, the Forestry Commission would not accept buildings and vehicle parking as 'open ground'.

I hope that answers your queries, but please do not hesitate to contact me should you need anything further.

Kind regards

Karl Forte

Woodland Officer (Exmoor, East Devon and Mid Devon)

Forest Services | Forestry Commission England

Buller's Hill | Kennford | Exeter | Devon | EX6 7XR

END

Cllr. Collier rejoined the meeting at this point.

## 11. Website Accessibility & Website Accessibility Statement

The Clerk advised that he was consulting with the Website Administrator to check the accessibility of the website and to draw up the necessary statement to ensure that the Council complies with the new legislation which applies from the 23<sup>rd</sup> September 2020.

## 12. Agenda Items for Next Meeting

War Memorial

## 13. Date and Time of Next Meeting

Zoom meeting - Tuesday 13<sup>th</sup> October 2020 at 7.30pm

**The Meeting closed at 8.50pm.**

Signed *B Trott*

Date *15/10/20*