

Exminster Parish Council Meeting Minutes

Monday 5 October 2015 at 19:30 in the Victory Hall

Chairman: Josie Walledge

15/431	<u>Public open session</u> No comments.	
Part 1		
15/432	<u>Present</u> Cllr Peter Chandler (PC), Cllr John Goodey (JG), Cllr Derek Madge (DM), Cllr Richard Morgan (RM), Cllr John Ponsford (JP), Cllr Lorne Smyth (LS), Cllr Josie Walledge (JW), Cllr Adrian Wood (AW). Clerk: Mrs Jill Daw (JD) Deputy Clerk: Mrs Helen Hibbins (HH) Devon County Councillor: Alan Connett (AC) Teignbridge District Councillors: John Goodey (JG), Kevin Lake (KL) Public: 5	
15/433	<u>Apologies accepted from</u> Cllr Chrissy Hussey (CH) – personal reasons Cllr Chris Maynard (CM) – work commitments	
15/434	<u>Declaration of interest on Agenda Items</u> None declared.	
15/435	<u>Dispensation requests regarding Code of Conduct</u> None received.	
15/436	<u>To approve the Draft Minutes of the EPC Meeting held on 21 September 2015</u> Resolved.	
15/437	<u>County Councillors Report on items other than those on the agenda</u> Devon County Councillor Alan Connett reported: <ol style="list-style-type: none"> 1. The Stowey Arms footpath was now open. 2. Various highways issues had been reported at Milbury Reach, such as parking and abandoned cars. The roads had not yet been adopted by Devon County Council (DCC) and therefore they were not able to take any enforcement action and residents should approach the developers or management company. 3. The Milbury Reach developers were still declining to pay for a bus shelter near the development. 4. The unauthorised encampment off Sannerville Way had been visited by DCC officers. 	
15/438	<u>District Councillors Reports on items other than those on the agenda</u> Teignbridge District Councillor John Goodey reported: <ol style="list-style-type: none"> 1. The Stowey Arms footpath was now open. Some finishing works were awaited. 2. Work had started on the Sentry's Farm development. Teignbridge District Councillor Kevin Lake reported: <ol style="list-style-type: none"> 3. Residents of the village had been invited, via the <i>Scene</i>, to respond to Teignbridge District Council's (TDC) request for information regarding the unauthorised encampment off Sannerville Way. 4. There had been an incident of fly tipping on Station Road near the Swans Nest. It had been reported to TDC. 	
15/439	<u>Chairman's Report</u> The Chairman reported that the opening of the Deepway Green and Spurfield Community Plan Project facilities on Saturday 26 September had been well attended and enjoyable.	
15/440	<u>Clerk's Report</u> <ol style="list-style-type: none"> 1. The Council were asked to consider meeting dates in December as the second Parish Council meeting of the month would be near Christmas. It was resolved not to hold a meeting on 21 December but it was noted that a second meeting in December could be held if there was business to transact. 2. Following an invitation from the Council, Teignbridge Neighbourhood Watch had agreed to 	

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	<p>come to the next Parish Council meeting on 19th October to give a short talk on their current fund raising campaign to buy DNA property marking kits.</p> <p>3. Stagecoach had confirmed that the bus stop opposite the Stowey Arms would no longer be served by buses.</p> <p>4. Responding to an email from the Council, Cllr Jeremy Christopher confirmed that a Senior manager from BT had been invited to the last TALC meeting to discuss the Broadband rollout across the district. Representatives from the Parish Council were present at that meeting. Cllr Madge reported that residents could use their postcode to look up whether High Speed Broadband was available to them. Additionally, it was important that residents registered their interest in High Speed Broadband in order for it to be commercially viable for providers to deliver. It was suggested that this information could be included in the Parish Council Scene report.</p> <p>5. The Parish Council's Footpath Warden had advised that he would no longer be able to undertake the role after November as he was moving away from the area. Cllr Madge explained the role of Footpath Warden for the benefit of new Councillors. Cllr Ponsford expressed an interest. Thanks were noted to Mr Kirkbride for his work over the past two years.</p> <p>6. Exact Pantomime Group had asked permission from the Parish Council to use the meeting room for a week from Sunday, 22 November. In the past, Exact had always used the room for changing facilities for females and young children as they were required by law to provide separate changing areas. It was resolved to allow the use of the room.</p> <p>7. An email had been received from a resident regarding item 15/450.</p> <p>8. Cllr Morgan asked whether the stability survey had taken place on the banks of the playing field. The Clerk replied that clearing the banks was underway and it was hoped that the quote for inspecting the banks would be on the agenda for the next meeting.</p>	<p>JD</p> <p>JD/JP</p> <p>JD</p> <p>JD</p>
15/441	<p>To consider if the Parish Council should adopt a Social Media Policy</p> <p>Cllr Morgan reported that currently the Parish Council did not have a policy regarding Social Media and he believed that there should be some guidance for Councillors to follow on how and when to respond to issues raised. Council agreed that this would be useful and Cllr Morgan agreed to research policies from other authorities and to draft a policy for further consideration.</p>	RM
15/442	<p>Remembrance Sunday</p> <p>1. Roles of Parish Councillors</p> <p>Cllr Madge agreed to lay the wreath.</p> <p>Cllr Morgan agreed to do the reading (to be provided by Reverend Williams).</p> <p>Cllr Goodey agreed to read the role of honour.</p> <p>2. Donation to Royal British Legion for a poppy wreath</p> <p>It was resolved to donate £30 to the Royal British Legion (S137 LGA 1972).</p>	<p>DM</p> <p>RM</p> <p>JG</p> <p>HH/ JD</p>
15/443	Planning Matters	
15/444	<p>Planning Decisions</p> <p>Noted as listed below.</p>	
/1	15/02198/TPO, 28 Pridhams Way - Pruning and removal of secondary trunk to Lime tree - REFUSED and removal of one limb to Beech tree - GRANTED	
/2	14/03623/OUT, 37 Chudleigh Road, Alphington – Outline – demolition of existing dwelling and erection of four dwellings (all matters reserved for future consideration) – GRANTED WITH CONDITIONS	
15/445	Other Planning Matters	
/1	<p>APP/P1133/W/15/3134525, Exminster House, Miller Way - Appeal against refusal of Planning Application No 15/01912/NPA - Application for Prior Approval under Part 3 Class O and paragraph W for change of use from offices to 40 flats</p> <p>Councillors were satisfied with the original comments submitted regarding this application and therefore no further submission was required.</p>	

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	<p>It was agreed to take item 15/445/3 before 15/445/2.</p>	
/3	<p>To consider a response to Devon County Council following the news that the planned work on Bridge Rd has been delayed indefinitely</p> <p>Cllr Connett explained the intention of the scheme to improve traffic flow leaving the city. Of the £12M total funding requirement, £1M had been paid by the Milbury Reach developers. Earlier this year, it had been stated that the scheme was fully funded and that there was no requirement for any contribution from the Matford development.</p> <p>At a recent DCC cabinet meeting, issues with Network Rail had been brought to light alongside a potential funding shortfall that were causing an indefinite delay to the scheme. A procurement process needed to be undertaken by DCC in order for the scheme to be afforded within the funding parameters.</p> <p>Cllr Connett had received information from DCC officers indicating that there would still be no request for funding from the Matford development, despite commencement of works to Bridge Road being a planning condition on the Matford Home Park planning application.</p> <p>It was understood that an end date of March 2016 had been written into the Matford Home Park application, therefore allowing building to start after that date irrespective of the progress with Bridge Road.</p> <p>Questions were raised about the term “commencement of major improvements” to Bridge Road included in the South West Exeter Development Framework document and it was agreed that a letter be written to TDC to ask for clarification as to what exactly this meant in the Framework.</p>	JD
/2	<p>Matford Development</p> <p>A briefing note prepared by members of the ENDP Implementation Group had been circulated summarising the outcome of a recent meeting regarding Education and the Artificial Turf Pitch (ATP) and a more general Matford Stakeholders follow up meeting. Information from the South West Exeter Development Framework (“the Framework”) and an email exchange regarding the ATP had been included as appendices in order to facilitate discussion. The document was in response to the request for further information at the Parish Council meeting on 7 September to allow the Parish Council to make an informed decision on a number of matters of concern.</p> <p>Before dealing with the more complicated issues the Council was updated on other matters related to the Matford development.</p> <p>4 GPs Branch Surgery</p> <p>As regards the 4 GPs Branch Surgery in Matford, we have been informed by Mr Turnbull of NHS England that:</p> <p style="padding-left: 40px;">“Ide Lane Surgery will be submitting an application to NHS England to open a new branch surgery at Matford Park. This application will be considered by NHS England and, if approved, will remove the requirement for a formal tendering exercise to be carried out. I cannot, of course, prejudge the outcome of the application but the expectation would be that a new branch surgery would be approved. Ide Lane have been in contact with Westbank Practice to confirm the necessary practice boundary changes.”</p> <p>It was unanimously resolved to put on record the Parish Council’s appreciation of the professional approach taken by both the Ide Lane and Westbank Practices to arrive at this practical solution negotiated in good faith throughout and, Mr Turnbull from NHS England for his excellent management of this project.</p> <p>S.106 matters</p> <p>There appears to be agreement to £400 per dwelling towards the costs of NHS England buying land and building for a 4 GPs Branch Surgery close to the Education Campus.</p>	

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As regards the Principal Community Building, Additional Community Buildings, the Indoor Sports Facility and the Artificial Turf Pitches provision, TDC Planning Officers are yet to provide sufficient detail on the required level of S.106 contributions. The Parish Council first raised this issue with the TDC Planning team in February 2015 and has continued to remind TDC throughout the intervening months. Now the Developers too are exerting pressure on TDC to provide the required level of detail.

Education

The Parish Council considers Primary Care (the GPs), Recreation facilities (e.g. indoor and outdoor sports and SANGS) and Education as the key issues for the Matford development.

From the meetings with the DCC Officers, it appears that they are almost powerless to ensure the Framework is delivered because of the Government's policy on Free Schools. DCC Officers have not made us aware of any duty imposed on potential Providers or the Regional Schools Commissioner to ensure that any Provider's offer accords with the relevant Local Plan. It was proposed by Cllr Wood that the Parish Council write to Mr Stride, our local Member of Parliament, to point out a possible drawback to the process. The DCC Portfolio Holder for Education, County Councillor Connett and District Councillor Goodey should be copied into the letter.

It was pointed out that the Education provision in Matford covers not just the Matford Development but also the SW of Alphington Development. Around 20% of the Early Years and Primary School provision may be taken up by the proposed additional dwellings in Alphington. As regards the Secondary School provision, according to the Framework it is expected that 50% of the places will be taken up from children living in Exeter. It was proposed by Cllr Wood that the Parish Council write to Mr Bradshaw, the Member of Parliament for Exeter, to point out a possible drawback to the process. Again, the DCC Portfolio Holder for Education, County Councillor Connett and District Councillor Goodey should be copied into the letter.

Cllr Connett explained his reservations about the Free School process and expressed concerns about the connection with the Framework and trigger points. Cllr Connett supported the idea of involving both MPs.

Cllr Goodey added that in addition to a letter a meeting should be arranged with Parish Council representatives, Cllr Connett and the MPs to gain their support in the matter.

It was unanimously resolved to write the letters as outlined above including an offer of arranging a joint meeting.

As regards choice of Education Provider for the proposed Schools in the Matford development, DCC Officers said in a meeting held on 17 September 2015 that DCC did not intend to start a procurement process, which they said would be costly for all involved, until the outcome of the Free School Provider application was known. At a meeting last Tuesday, the Bovis representative mentioned that the potential Free School Provider had decided to delay their application until Spring 2016.

In the light of the delay by the potential Free School Provider, Cllr Wood proposed that the Parish Council should consider pressing DCC to start a procurement process in the next six months so that Parents are given choice."

Cllr Connett was supportive of the proposal to ensure that other potential Providers were given an

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equal opportunity to bid.

It was unanimously resolved to write to DCC as outlined above.

Artificial Turf Pitch provision

Cllr Wood said that if the ATP is positioned on the Education Campus it will clearly not be in line with the Framework. The Framework states at page 10 that "Any ATP provision should be located adjacent to the school campus and/or the sports provision in development area C." and, at page 27 that "This community sports facility is for public use but could be shared access for the school too. Essential it is therefore located adjacent to the education campus."

We have been informed by Bovis and DCC Officers that the ATP is on the Education Campus in the Bovis Parameter Plan. Working on that information, Parish Council representatives met with DCC Officers last Monday evening using the DCC Chief Planner's letter to TDC of 19 June 2015 (DCC's consultee response to the Bovis planning application) as the basis for the discussion. Following the meeting, the Parish Council's representatives thought there was an agreement to put before the Parish Council for decision; but that is not the case.

DCC Officers have put forward a counter proposal which involves the land for the ATP being owned by DCC and leased to the Parish Council. The proposal is contrary to the view expressed by the DCC Chief Planner when he wrote on 19 June 2015 to TDC: "It is understood that if dual use is to occur, the ATP and MUGA would not be in school ownership."

The view expressed by the DCC Chief Planner accords with the wishes of the Parish Council. Consistently the Parish Council has expressed the view that community facilities should be owned and managed by the Parish Council. This view has been expressed to TDC and DCC Officers on a number of occasions from at least November 2014.

Cllr Connett explained the difference between the models of ownership and the disadvantages of a school ownership scenario. DCC officers appeared to be very determined that the ATP was owned by DCC. DCC would therefore be able to terminate the lease at any point in time and therefore deny the community use. It was suggested that Cllrs Goodey and Lake spoke with the planning officers at TDC to emphasise the concerns about DCC owning the ATP. There was further uncertainty as it was not known whether the Secondary School would come forward.

Cllr Goodey agreed to meet with the Chief Planning officer.

It was proposed by Cllr Wood that the Parish Council should formally reject the counter proposal from DCC as not meeting its consistently expressed expectations.

The question was raised as to where do we go from here?

The email from the TDC Strategic Place Business Manager to the Parish Council dated 28 August 2015, states that: "The Framework clarifies that the ATP will be a community sports facility for public use, but which could be shared access for the school too. The planning application identifies the land that is available for "secondary education and expansion of primary school, (including infrastructure, community facilities & formal play to include 3G pitch)" It does not identify the extent of any education campus or where the 3G pitch will be located in respect of such a campus. I don't think there is any conflict between the planning application and the Framework in this respect. However I do accept that in discussing potential delivery of the ATP the theoretical possibility of it being provided as part of a school campus or through a Free School bid has been considered. I do understand EPC's preference for the ATP to be a community facility used by the school, rather than vice versa and that preference does accord with the Framework".

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The TDC Strategic Place Business Manager is clear in his email that the Bovis planning application does not identify the extent of any Education Campus or where the 3G pitch will be located in respect of such a Campus. This is contrary to the views of Bovis and DCC Officers but, at the end of the day, TDC is the Planning Authority and we should be guided by TDC's view.

Having failed to achieve a satisfactory arrangement with the DCC Officers and in the light of the advice from the TDC Strategic Place Business Manager, the Parish Council should consider pursuing now an ATP provision for the community with no guaranteed access for the Secondary School.

This action accords with the Framework (page 10: "Any ATP provision should be located adjacent to the school campus and/or the sports provision in development area C." and, at page 27: "This community sports facility is for public use but could be shared access for the school too. Essential it is therefore located adjacent to the education campus".)

The Parish Council should write to the TDC Deputy CEO, copying in County Councillor Connett and District Councillors Goodey and Lake setting out the intention to promote a Community ATP provision subject to:

- (a) The Community ATP not being in the Education Campus as per the advice from the Head of Development Control dated 28 August 2015 (page 10 of the Framework);
- (b) The Community ATP being delivered as S.106 "Infrastructure funded or directly provided through development" (pages 26 – 28 of the Framework); and,
- (c) The Parish Council being satisfied of the sustainability of the provision.

The point should be made that the Parish Council regrets having to take this action but it is left with little choice given the consistently expressed expectations of the Parish Council not being met by the DCC Officers involved.

Council unanimously resolved to write the letter as outlined above.

In addition it was proposed by Cllr Wood that a letter should be sent to the DCC Strategic Director Place, and copied to County Councillor Connett and District Councillors Goodey and Lake stating:

- (a) The South West of Exeter Development Framework states at page 10 that "Any ATP provision should be located adjacent to the school campus and/or the sports provision in development area C." and, at page 27 that "This community sports facility is for public use but could be shared access for the school too. Essential it is therefore located adjacent to the education campus."
- (b) Parish Council representatives tried to agree an outcome with your Officers in line with the Framework, the Parish Council's consistently expressed expectations and the DCC's consultee response dated 19 June 2015 to the Bovis planning application but regrettably without success; and,
- (c) As a consequence the Parish Council will be promoting a Community ATP provision.

Council unanimously resolved to write the letter as outlined above.

Cllr Wood suggested that it would be worthwhile requesting a meeting with the TDC Deputy CEO sooner rather than later to ensure that there is clarity over the Parish Council's position. He hoped that Cllrs Connett, Goodey and Lake would be able to attend such a meeting.

Council unanimously resolved that the aforementioned meeting should be arranged as soon as possible.

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	<p>The final point for discussion related to the Parish Council's position if the Community ATP remained on land owned by DCC. It was proposed by Cllr Wood that if, at some juncture, it becomes clear that, contrary to the advice from the TDC Strategic Place Business Manager, the Community ATP provision is inside the Education Campus on the Bovis planning application then the Parish Council should confirm now that it withdraws support from the Bovis planning application as it would not accord with the Framework.</p> <p>Following a brief discussion on the consequences of the Parish Council withdrawing support for the application, it was concluded that the TDC Planning Committee should take notice of the Parish Council's position due to the Neighbourhood Development Plan and its alignment with the Local Plan and the Framework. It was unanimously resolved to withdraw support for the Bovis planning application in the case of the circumstances outlined above.</p> <p>The ENDP Implementation Group members were thanked for their report.</p>	
	Community Plan	
15/446	<u>Community Plan Projects</u>	
/1	<p>To authorise the sum of £922 + vat (maximum estimate) for the replacement of the external switch enclosure and related electrical works at Deepway Green</p> <p>The Clerk explained that the work was require to replace the unsecured box currently in place on the outer wall of the Pavilion at the Deepway Centre, with a secure box, housing the meter and switching gear for the lights to the Car Park and Skate Park.</p> <p>The quotation had recommended that a separate meter was installed for the Pavilion, at a cost of £137.60 plus VAT, but following discussion, it was agreed that this would not be required.</p> <p>It was resolved to proceed with the work at a cost of £784.40 plus VAT.</p>	JD/ HH
/2	<p>To discuss the requirement for CCTV at Deepway Green (previous minute 15/323.6 refers)</p> <p>The Clerk explained that this item had been suggested when the facilities were first installed at Deepway Green and there had been some concern about anti-social behaviour. As this now appeared to have settled down, it was resolved that there was no current requirement for CCTV and to review the requirement in 6 months' time.</p>	JD
/3	<p>Update</p> <p>No update required.</p>	
	Community Plan Steering Group (CPSG)	
15/447	<p><u>To consider a request from the CPSG that the Council consider the feasibility of siting 3 Community notice boards at each end of the village.</u></p> <p>An email from the Secretary of the Community Plan Steering Group had been circulated to all Councillors, outlining their intention to provide Community Notice Boards outside of the village centre.</p> <p>Councillors agreed that, in principle, the idea of notice boards was a good one. However, concerns about ownership, upkeep and policing of the notice boards were raised.</p> <p>Cllr Goodey noted that in other Parishes there were small notice boards in bus shelters, and this was thought to be a good idea.</p> <p>It was agreed to suggest to the CPSG that they pursued the matter further alongside the suggestion of using the bus shelters. It was noted that a Parish Council Community Small Grant would be unlikely to cover the cost of the notice boards.</p>	JD
	Finance Matters	
15/448	<p><u>Accounts for Approval</u></p> <p>It was resolved to approve payments in the sum of £6452.66.</p>	HH
	Property & Amenities Matters	
15/449	<u>To review the terms of use of the Deepway Green and Spurfield</u>	

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	<p>The Chairman explained that now that the Community Plan Projects were finished, the Conditions of Use of Deepway Green should be reviewed.</p> <p>Currently event organisers were required to ask the Clerk for the conditions of use form, but it was suggested that this could be made available on the website. A short policy regarding usage could also be uploaded.</p> <p>It was agreed that it would be advantageous to advise potential users of the timescale required to submit an application for the use of the Green for an event, in order that the request could come before Council. A 60 day notice period was suggested.</p> <p>It was suggested that the conditions were revised to read that dogs were not allowed on Deepway Green unless taking part in an organised event.</p> <p>It was suggested that a number of the conditions were not appropriate for smaller users and were more geared towards events. A discussion took place about the use of the facilities by individuals and small groups (for commercial gain or otherwise). Advice had been taken from other Parishes and authorities with similar facilities and it was agreed that the Parish Council needed to take a flexible approach to the use of the facilities as it would be impossible to police. The facilities were in a public open space and were free for all to use. It should be reiterated to users that other people's right of access should be respected, that there should be no disturbance caused to neighbours and no excessive wear and tear of the land or equipment. Councillors also agreed that it would not actively require commercial users to demonstrate public liability insurance as a condition of use.</p> <p>It was noted that words to this effect had already been included on the signage at Deepway and that this could be amended as required.</p>	<p>JD</p> <p>HH</p>
15/450	<p><u>To consider a request from a resident to operate a weekly fitness 'bootcamp' on Deepway Green</u></p> <p>An email from Miss Kukor had been circulated to all Councillors and a letter in support of Miss Kukor's activities had also been received from a resident, which the Clerk summarised.</p> <p>It was resolved to advise Miss Kukor that Deepway Green was available for public use in line with the Parish Councils conditions of use (as outlined on the notice boards at Deepway Green) and policies.</p>	JD
15/451	<p><u>Councillors' Reports – for information only</u></p> <p>Cllr Morgan encouraged people to attend the litter pick on 17 October, starting at the Deepway Centre at 10:00.</p>	
15/452	<p><u>It is proposed that in accordance with section 1 (2) of the Public Bodies (Admission to Meetings) Act of 1960, the Press and Public will be excluded from items 15/455 (part II) having due regard to the confidential nature of the business to be transacted.</u></p> <p>Resolved.</p>	
15/453	<p><u>Public Open Session</u></p> <p>No comments.</p>	
Part II		
15/454	<p><u>To agree the notes of the Part II meeting held on the 21 September 2015</u></p> <p>Resolved.</p>	
<p>Date of next meeting: Monday 19 October 2015 at 19:30 in the Victory Hall The meeting closed at 21:10</p>		

Signed:....Josie Walledge..... Date:....19 October 2015.....