**DIDDLEBURY PARISH COUNCIL**

**Chairman: Cllr D Hedgley**

Clerk: Mrs Jean de Rusett, The Grange, Leinthall Earls, Leominster, Herefordshire HR6 9TS Tel: 01568 770640 "e" mail address: [diddleburypc@gmail.com](mailto:diddleburypc@gmail.com)

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**MINUTES**

**Of the Parish Council Meeting**

**held on Wednesday 27th June 2018 at Westhope Village Hall**

**076/18: Present and apologies for absence**

Cllr. D Hedgley - Chairman, Cllr. Robert Povall, Cllr. A Watson, Cllr. T O'Boyle, Cllr. K Worthington, Cllr. S Povall, Cllr. M Thomas and Cllr. M. Woodhouse

**In attendance**:

The Clerk and six members of the public

**Apologies**

Apologies were received and accepted from Cllr. Selina Thomas and Unitary Cllr. C Motley

**077/18: Declarations of Interest relating to this meeting.**

Members are requested to declare any Disclosable Personal or Pecuniary Interests they may have in matters to be considered at this meeting in accordance with the Localism Act 2011 s32 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

No Declarations of Interest were made.

**078/18: Public involvement session:**

No matters were raised that were not dealt with elsewhere on the Agenda.

**079/18: Approval the Minutes of the Annual Parish Meeting, The Annual General Meeting and ordinary business Meeting all held on 23rd May 2018**

In the Annual Parish Meeting Minutes the first paragraph on Page 3 was amended by the removal of part of the final sentence, which now reads: “The committee were selected at the AGM”.

The Annual General Meeting Minutes were approved without amendment.

The ordinary business meeting Minutes were amended on Page 2. 053/18/1 now reads: “The Chairman up-dated the councillors on the progress of the serious concerns made about DPC and two councillors in connection with 18/01254/TCA.”

Following the above amendments, Cllr. R Povall **Proposed** that the three sets of Minutes be approved as a correct record of the meetings.

Cllr. M Thomas **seconded** the proposal

**Vote:** Proposal unanimously carried. The Chairman thereafter signed the three sets of Minutes.

**080/18: Matters arising from the Minutes of the Parish Council Meetings on 23rd May 2018 not dealt with elsewhere on the Agenda**

No matters were raised in connection with the APM and AGM Minutes. The following issues arose from the ordinary business meeting Minutes.

028/18/1 – The “Silent Soldier”. One donation has been received as a result of the article in the Corvedale News and a benefactor has agreed to pay the balance. The Chairman has completed the forms and the Silent Soldier is being stored by him. The forms from the British Legion revealed the campaign is for six months and thereafter the soldiers must be removed. At present it is hoped it can thereafter stand alongside the book in the church commemorating all the local soldiers killed in conflicts.

046/18/3 – signs at Pedlar’s Rest. The Clerk has written to the Millichope Estate but not to whomever erects the point-to-point signs as she does not know their identity. Councillors will endeavour to establish a contact.

069/18/1 – cattle and FP20 Cllr. O’Boyle reported that further stock have been introduced into the field adjacent to The Moors and there have been further reports of walkers being chased by cattle. On behalf of Diddlebury Parish Council he had written to the landowner about the matter but received no response, so he had taken the matter up with the footpaths team manager, Lucy McFarlane, at Shropshire Council.

She has attempted to reach the landowner by telephone without success and has now written to him. Although the footpath is now effectively closed, she says there is little she can do unless someone is injured. She could only suggest anyone harassed by the cattle should contact the Police. The Clerk pointed out Cllr. Watson’s child had been injured. Cllr. Woodhouse felt SC should carry out a risk assessment. After discussion it was agreed the Clerk should contact the landowner informing him of the child’s injuries and should copy the letter to Lucy McFarlane.

075/18 - Cllr, Worthington reported the telephone kiosk in Mill Lane was still not working. The Chairman will progress the matter.

**081/18 - Reports**

081/18/1 – Chairman’s Report

The Chairman reported on his recent parish council activities, which included:

* Considering at length further emails concerning the issues concerning 18/01254/TCA including liaising with the Clerk and councillors
* Completing the consultation document concerning the future of the Environmental Grant
* He has carried out further work on the Silent Soldier campaign.
* He discovered that Highways are proposing to close the road between Hayton’s Bent and Stanton Lacy for 165 days – from 07/07/18 to 14/12/18 - to allow Severn Trent to lay 5,000 metres of new pipework. DPC had not been consulted about this, nor had the school. The signs displayed indicate the whole stretch of road will be closed for the period, not just sections. This will cause massive disruption to the travelling public, the school transport and to farming activities at harvest time. The Chairman and the school are actively challenging this proposal with the highways authorities.

081/18/2 – Unitary Councillor’s Report

Cllr. Motley was unable to attend the meeting but had sent a report by email. Cllr. Motley congratulated the school on its “good” result from OFSTED. She reported that the Community Enablement Team is still under pressure as no decision has been made about their future. The CEO of SC would like to disband them to help the budget difficulties, but other members are very keen to retain them, including members of the Cabinet. On her return from holiday she will be working with those Cabinet members to follow through a set of proposals but is concerned as the Team’s morale is low and they could be seeking alternative employment due to the uncertainty surrounding their futures. Cllr. Motley has attended an RSN meeting: they are making progress with parliamentarians: the CEO recently gave evidence to a House of Lords Selection Committee on the rural economy.

There is a lot of talk about a post-Brexit “shared prosperity fund” which ostensibly is supposed to act as a cushion for farming and related businesses with the demise of the EU funding schemes. She will work to ensure that rural areas do benefit from this funding so it doesn’t all disappear into metropolitan areas.

081/18/3: PPSG report:

Ian Davies reported that the PPSG (Parish Plan Steering Group) has up-dated its action list.

It was agreed the Clerk will circulate it to all members as a number of the actions involve DPC. Those matters will be on the July Agenda for consideration.

081/18/4 – Diddlebury Village Hall Report

Cllr. Worthington reported that a number of activities are now taking place in the village hall on a regular basis: however, they are mainly focused on children and women and the committee would welcome more male participation. Cllr. Woodhouse is seeking grant funding for the car-park resurfacing and landscaping: informal estimates suggest this could cost as much as £50,000 and any grants will have to be match funded. The Chairman confirmed DPC is holding £5,412.29 in its reserves for resurfacing work, and the £2,440 it holds in CIL payments could also be made available if necessary. The Chairman thanked all members of the DVH Committee for their continuing work on the hall renovations.

081/18/5 – Flood Action Group

Cllr. O’Boyle reported that the banks of the Diddle Brook in Diddlebury village have been tidied up and further work is in progress. A nationwide campaign to collect litter from the banks of water courses is to be held soon, to prevent more plastic from reaching the sea: it had been planned to start the litter pick in Bouldon and Peaton but issues with access to land have arisen so it is hoped to work on the Diddle Brook instead. The FAG is arranging visits to inspect leaky dams – tours will run on 29th August and 5th and 6th of September. Contact Geoff Neden for details.

**082/18 – Planning applications**

**18/02683/FUL** – application for the erection of a two-storey extension to 2, Broncroft Mill Cottages, Broncroft, SY7 9HL.

The Chairman advised no public comments or objections had been raised on the planning portal or to DPC concerning this application. The ecology report was satisfactory and flood risk issues had been taken into account. The applicants had occupied the property for 34 years and now wished to adapt it for the next phase of their lives as it had limited headroom, restricted light and access currently is via steep steps. The proposed extension will provide a kitchen and day room on the ground floor and a conservatory on the second floor. The visual impact of the conservatory has been considered and it will be below the ridge. Other than the conservatory the extension will be built in the same materials as the rest of the cottage.

The application was duly considered by the councillors.

Cllr. R Povall **Proposed** that Diddlebury Parish Council should support the application and raise no objections to it.

The proposal was **Seconded** by Cllr. Watson

**Vote:**  Unanimous support for the Proposal.

**083/18 – Consideration of a request by Mrs Sara Thompson for assistance from Diddlebury Parish Council in taking measures to enforce the 30mph speed limit in Diddlebury.**

Mrs Thompson had noted during the debate on 23rd May 2018 about the proposed introduction of a 20mph speed limit in Mill Lane and The Moors that councillors in general supported the enforcement of the 30mph limit. She suggested some measures which might achieve compliance with the 30mph limit.

The Chairman advised that such measures had been considered by DPC in relation to the B4368 with limited results as (1) Shropshire Council would not help, (2) Speed cameras depend on Police co-operation which wasn’t forthcoming and (3) speed calming measures required additional infrastructure such as lighting. DPC has been asking for years for a speed visual display unit and had been asking for months for a mirror for the Bache Mill junction – all with no result.

The matter was debated at length and the following strategy was agreed:

1. The Clerk will write to Shropshire Council raising the issue on health and safety grounds, seeking immediate provision of the visual display unit, the extension of the missing portion of the footpath along Mill Lane and the mirror for the Bache Mill junction
2. The Clerk will write to the Police requesting that they carry out frequent speed checks along the B4368 as it passes through the parish, and also along Mill Lane and The Moors.

Any response to these letters will be considered at the next meeting. If no response, or a negative response, is received other strategies will be considered.

**084/18 – Highways and Environmental Matters**

Cllr. O’Boyle has contacted Highways to report that the tarmac in Mill Lane had melted along the lane from the bridge to beyond the church. The melted tar is coating wheels and getting on people’s shoes. No action has been taken in response to his request. It was agreed the Chairman will contact Andy Keyland at Highways asking for urgent action.

**085/18 – Consideration of Diddlebury Parish Council’s response to serious concerns raised by Mr M Waite in connection with tree works application 18/01254/TCA**

085/18/1

The Clerk anticipated that Mr Waite would be making a formal complaint to the council at this meeting and in drawing up the Agenda the Clerk had used the word “complaint”. Due to

a family bereavement the Chairman had not been able to correct the Agenda before it was published. However, in email exchanges with the Chairman, Mr Waite had insisted he had not made a formal *complaint* but rather *had raised serious concerns*.

085/18/2

**Back ground to issues raised by Mr M Waite**

28/03/18 meeting- Tree works application 18/01254/TCA - to fell 1 yew tree within the conservation area at the Old Vicarage Diddlebury

A late application. Name and address of the applicant was redacted. It was not until the 12th June 2018 that DPC learned Mrs Waite was the applicant.

Cllr Robert Povall was requested to inspect the tree. He was unable to contact the occupants.

The Minutes of the meeting on 28th March 2018 state:-

“Councillors considered the application and photographs in support. In his role as Tree Warden Cllr. R Povall had seen the tree and advised that it did not fit the criteria for felling in a Conservation Area, namely diseased, damaged or dangerous. It was a significant and ancient tree on an ancient site. In his view the council needed to see a report from a qualified tree surgeon before a decision could be taken. Another option would be for S.C. to apply for a Tree Preservation Order, which again needed a report. The matter was discussed. Cllr R. Povall **proposed** that DPC must ask for an arboreal report prepared by an expert before it can take a decision on the felling or preservation of this yew tree. Proposal **seconded** by Cllr O'Boyle. **Vote**  - unanimous.”

**Synopsis of most pertinent ensuing email correspondence from Mr Matthew Waite – (presumably acting as as agent to the Applicant) - in which he raises his serious concerns about the manner in which DPC and certain of its councillors acted in connection with his wife’s application. He reserves the right to make official complaints.**

E mail-23/4-

Correct tree guidance criteria not applied in making the decision

The position taken by Cllr S Thomas in voting re a perceived social bias

E mail 24/4

Why a TPO?

E mail -08/05

Detailed letter outlining the basis of the concerns centred on-

Our reasons for passing it to SC namely;

The tree did not fit 3 d's criteria - (diseased, dead or dangerous)

DPC wanted a tree expert’s report

Suggestion of a possible TPO by SC if applicable

Seeks an explanation why these were not valid reasons for not supporting the application

Also expresses concerns that ;

Cllr R. Povall didn't seek permission to inspect the tree and therefore unlawfully trespassed on the site

Cllr S Thomas has social issues with the applicants but didn't declare an interest

E mail 13/05

The number of e mails sent causing extra work as reported in the Minutes-

Suggested a possible meeting to discuss the problem

E mail 01/06

Our decision was based on Cllr R. Povall’s advice which we didn't question and should have.

We hadn't mentioned any such criteria in previous applications - why then apply it to this one?

**Responses given by Chairman of DPC**

1. Email of 01/06 - you state that all other tree applications dealt with by Diddlebury Parish Council have been dealt with differently to yours. I cannot understand this assertion. I have looked back over recent tree applications and can see no difference in the way DPC conducted its deliberations in recent applications to yours. For example, see 018/17/1- 22/02/17, 057/17/4-17/05/17 and 006/18/3- 24/01/18.
2. The issue over e mails sent and the impression my remarks may have made was, as you requested. addressed at the meeting on the 23rd May.
3. Cllr S Thomas in her letter of the 13/04 states that she is not aware of any issues between you therefore no declaration of interest was needed nor abstention from voting was required.
4. Cllr R Povall in line with other tree application had attempted to visit your site, but on both occasions had found no one at home. The application does not contain contact details so he could not contact you. The only way possible was to knock on the front door which he did on both occasions. In order to help facilitate the application due to time constraints he did his best to view the tree.
5. Referring to Cllr R. Povall’s advice and councillors not questioning it: we had no reason to other than the usual questioning of his views to challenge the criteria used, as we have always used the same criteria and no-one including SC had ever had recourse to question it. As a council we have attended all SC Planning seminars to keep ourselves up to date with changes. Nothing had ever arisen re tree criteria.
6. The action taken and reasons for it seemed in proportion to our role and reasonable. We didn't feel that we were in a position to support the application without access to expert advice due to the probable age of the tree and therefore referred it to SC who had experience for such a decision. The TPO was not requested but merely mentioned as a possible SC option. As it was, SC answered our questions by passing the application. We did not enter a “we do not support this application” but sought further guidance. We did not object to the application – we merely sought further advice from the Tree Service of Shropshire Council.
7. Your questioning of the criteria used has led us to investigate this and we have now received detailed advice from SC as to how to deal with future tree applications. We had not done this before as no one from SC nor any previous tree work applicants had ever queried our reasoning. Therefore it had not seemed necessary to seek advice nor had it been mentioned in any training courses attended by councillors. Now that we have this advice we will apply it in future. However, the criteria we used when application 18/01254/TCA was considered was that which DPC had applied without bias consistently to all applications including yours. In this respect thank you for alerting us to the need to review our criteria.

In conclusion we can understand why you had serious concerns over the criteria used by DPC in judging your wife’s application at our meeting on the 28th March 2018 in the light of the criteria that your own research has identified. In dealing with the application we did not vary our approach in any way from previous applications. That the criteria DPC used was misinterpreted is perhaps indicative of the planning system and the level of advice and training given to local councillors, rather than a misapplication of the criteria on our part. The Tree & Woodland Protection Officer acknowledges that they do not have a specific guide to assist Parish Councils. DPC did request an arboreal report as such as it felt unable to reach a decision without professional advice. We also recognise that parish council Tree Wardens do not have a right of access, but should seek the owner’s permission to view the tree/s. Other than knocking on your door, Cllr. R Povall had no other way of achieving this as personal contact details had been redacted from the application form.

Cllr S Thomas has vigorously repudiated any suggestions of bias and has in DPC’s view acquitted herself in accordance with expected honesty and our Code of Conduct.

In all of this I feel that we have engaged in a fair and open dialogue with you and have met our duties of accountability. I sincerely hope that this answers your queries and restores your confidence in DPC’s accountability and fair objectivity in line with the Nolan Principles of Public Life.”

085/18/3

Following consideration of DPC’s response the whole matter was debated and the following points were made:

The current Chairman, members and Clerk have not before experienced a matter such as this and so were on a learning curve. Lessons have been learned.

It was agreed that in future :-

* 1. Any further correspondence from Mr Waite shall be dealt with by the Clerk, who will acknowledge it and bring it to the parish council at its next meeting and any response will be agreed in meeting.
  2. Any other complaints or criticisms raised in the future about DPC will be acknowledged by the Clerk and brought to a full meeting for discussion and response. The Complaints Procedure will be implemented if necessary.

085/18/4

Working with assistance from the Tree & Woodland Amenity Protection Officer of Shropshire Council the Clerk had compiled a briefing paper on the procedures to be adopted and criteria to be followed in connection with tree work applications. The members approved the document and it was agreed it will be put on the website for the assistance of anyone considering making such an application.

**086/18 – Communications and correspondence to be considered**

The following items of correspondence were considered:

1. Email from Mr Patrick Wrigley, Delbury Hall in response to DPC’s request that the damaged hedge be reinstated. Mr Wrigley declines the request as he believes the replacement post and rail fence is a safer option for traffic and pedestrians than a hedge which obscures the view.
2. Notifications concerning planning applications:

18/01785/FUL – application for the erection of a single storey extension at 14, Corfton SY7 9LE

Permission granted - 18th June 2018

17/05900/REM – reserved matters application relating to appearance, landscaping, layout and scale in connection with outline planning application 16/03374/OUT for the erection of an agricultural worker’s dwelling on land to the NE of Middlehope.

Permission granted – 31st May 2018

1. Email 15.06.18 from SALC re request from Pannal & Burn Bridge Parish Council (West Yorkshire) to submit a proposal to government re CIL regimes.
2. Letter 20th June 2018 Clerk to Mr Gary Parton, Traffic Highways Manager concerning the state of repair of the B4368 and the potholes situation around the parish. Receipt of Email acknowledged 21.06.18 but no substantive reply received to date.
3. Email 19/06.218 from Geoff Neden offering tours of some of the 50 leaky dams installed upstream of Diddlebury village. Tours available on 29/08/18, 5/09/18 and 6/09/18. Contact Geoff Neden if you would like to go on such a tour.
4. Email 24/06/18 Clerk to the ICO: the Clerk completed an on-line application on 22nd May 2018 to register DPC with the Information Commissioner’s Office – as required by the GDP Regulations. Her credit card has been debited with the £35 fee but no receipt or certificate of registration has been received.
5. Letter, 24/06/18 Clerk to Millichope Estate concerning advertising signs on the verge at Pedlar’s Rest.
6. Further emails between Mr M Waite and the Chairman re application 18/01254/TCA

Item 6. The Clerk confirmed that she had now received the Certificate of Registration and Receipt from the ICO.

**087/18 - Consideration of Financial matters**

**087/18/1 – Finance Report for June 2018**

Precept balance carried forward from 23rd May 2018 **£4,897.50**

**ADD: Part of VAT refund which relates to Precept items £ 29.43**

**£4,926.93**

**Less:** Cheques authorised to be drawn on precept funds on 27.06.18

1. Clerk’s salary for June 2018 £162.62
2. HMRC – PAYE etc on Clerk’s June salary £ 40.80
3. Administrative expenses paid by Clerk in June 2018

on behalf of DPC and reclaimed

* Contribution towards June telephone

and Broadband cost: £15 .00 £15.00

* 6 x 2nd class stamps £ 3.48
* 1 pack of 4 x Epson type ink cartridges £20.00
* Travelling expenses claimed at 45p per mile
* To Westhope Village Hall for meeting

on 27.06.18 - 44 miles @ 45p per mile £19.80

Total of Admin expenses paid by Clerk £58.28 £ 58.28

£261.70 £ 261.70

**Balance of Precept funds c/fwd £4,665.23**

1. **Ring fenced, Reserves and third party funds held by Diddlebury Parish Council**

* Community Infrastructure Levy – funds rec’d 25.04.18 **£2,440.29**
* Environmental Grant funds b/fwd from May 2018 **£2,832.01**

**Add:** Part of VAT refund relating to E.G. funds £ 212.00

£3,044.01 **£3,044.01**

* Transparency Code funds b/fwd from May 2018 **£636.49**

**Add:** Part of VAT refundrelated to TC fund£ 76.00

£712.49 **£ 712.49**

* War Memorial Funds balance b/fwd from May 2018 **£ 65.13**
* “Silent Soldier” campaign donations **£ 50.00**
* Funds held for Diddlebury Flood Action Group b/fwd from May 2018 **£ 156.57**
* Ear-marked Reserves for car park resurfacing

& 2017 election fee **£5,512.29**

**Less:** Cheque for Shropshire Council for election fee £ 100.00

£5,412.29 **£5,412.29**

Cllr. R Povall **Proposed** that the above cheques be authorised for payment

Proposal **Seconded** by Cllr. Watson

**Vote: Unanimous**

1. **Balances held by DPC following authorisation of cheques on 27.06.18**

**Precept Funds £4,665.23**

**Community Infrastructure Levy grant £2,440.29**

**Environmental Grant £3,044.01**

**Transparency Code Funds £ 712.49**

**War Memorial Funds £ 65.13**

**“Silent Soldier” campaign fund £ 50.00**

**Funds held for Diddlebury Flood Action Group £ 156.57**

**Ear-marked Reserves Fund £5,412.29**

**Total funds carried forward £16,546.01**

NB: The balance of all sums held in the Finance Report for 23.05.18 stated the total figure held was £16,541.28. This figure should have been £16,540.28 as the FAG funds were over-stated by £1.

087/18/2 **Bank statement and Cash Book reconciliation**

Councillor R. Povall verified the Clerk’s reconciliation between HSBC statement number 310 and DPC’s Cash Book.

**088/18- Any Other Business (for dissemination of information only)**

The Chairman advised that the site in Lower Corfton which was granted planning permission for a substantial five-bedroomed house has been sold. The purchasers have contacted him and Cllr. O’Boyle and consulted widely with local residents on a number of issues, including drainage. They wish to be welcomed into the community and have decided to make a planning application to reduce the impact of the house by seeking a three bedroomed house rather than the current five.

There being no further business, the Chairman closed the meeting at 9.55pm

Date and venue of the next Diddlebury Parish Council meeting

7.30pm on Wednesday 25th July 2018 at Diddlebury Village Hall.

**MINUTES SIGNED BY David Hedgley**

**DATED 25th July 2018**