

ASHOVER PARISH COUNCIL
Minutes of the Ordinary Parish Council Meeting held in
The Sports Pavilion, Milken Lane, Ashover at
7.15 p.m. on Tuesday 18 JUNE 2019

PRESENT

Cllrs E Willmot (Chairman), R Fidler (Vice-Chairman), Mrs H Boffy, S Dronfield, N Early, Mrs R Early, Mrs L Hunter-Bott, C Miller, M Thomas
DCC Cllr B Lewis
S Atkinson (Parish Clerk)
Members of the Public – one

045/19 Apologies for absence.

Apologies for absence were received from Parish/NEDDC District Cllr W Armitage.

046/19 Variation of Order of Business.

There was no variation in the order of business.

047/19 Declaration of Members Interests and Requests for Dispensation

Interests were declared and relevant forms completed and dispensations confirmed as follows:-

- District/Parish Cllr W Armitage – Planning (dispensation granted to May 2023)

048/19 Recording and Filming of Council and Committee Meetings

Members of the Public and Councillors were reminded that:-

The right to record, film and to broadcast meetings of the council, committees and sub committees is established following the Local Government Audit and Accountability Act 2014. This is in addition to the rights of the press and public to attend such meetings. Meetings or parts of meetings from which the press and public are excluded may not be filmed or recorded. Members of the public are permitted to film or record meetings to which they are permitted access, in a non-disruptive manner.

049/19 Public Speaking

Public – There were no matters raised by members of the public.

DCC Cllr B Lewis reported on local flooding problems, the ongoing libraries consultation, extensive repairs to potholes and pavements under a Government grant scheme. The rejection of a proposed Tree Preservation Order area at Milltown by the Planning Authority was discussed and Cllr Lewis would take the issue forward along with District Cllr W Armitage.

Police – Ten parish crimes had been reported for April 2019.

050/19 Minutes

The Minutes of the Ordinary Parish Council Meeting held 21 May 2019 were put forward and it was proposed and seconded that these be approved as a correct record.

Resolution: That the Minutes of the Ordinary Parish Council Meeting held 21 May 2019 are approved as a correct record.

051/19 Exclusion of Public

There were no items on the agenda taken in exclusion.

052/19 Planning

Planning Applications

Application Number: 19/00494/FLH

Proposal: Construction of detached garage with storage area above

Address: 2 The Barley Close Butts Road Ashover Chesterfield

Applicant: Mr Daniel Hadfield

Case Officer: Emily Roper

NO COMMENTS

Application Number: 19/00504/CUPDMB

Proposal: Notification of prior approval for change of use from agricultural building to dwelling house

Address: The Limes Mill Lane Brockhurst Ashover

Applicant: Mr Ian Ellis

Case Officer: Emily Roper

NO COMMENTS

Application Number: 19/00489/FL

Proposal: Change of use of land for mixed use of agricultural and equestrian with proposed new stable block and hay barn (Affecting the Setting of a Listed Building)

Address: Dale Bank Farm Dalebank Lane Ashover Chesterfield

Applicant: Mr Tim Godkin - Godkin Holdings

Case Officer: Colin Wilson

NO COMMENTS

Application Number: 19/00391/FL

Proposal: Change of use of paddock for the keeping of one horse and retention of chicken coop (Amended Title)

Address: Cherry Tree Cottage Alton Hill Alton Chesterfield

Applicant: Mr & Mrs Leyland

Case Officer: Asbury Planning

NO COMMENTS

Application Number: 19/00587/FLH

Proposal: Construction of a porch

Address: Belland House Belland Lane Stonedge Ashover

Applicant: Mr Richard Meredith

Case Officer: Asbury Planning

NO COMMENTS

Application Number: 19/00596/FLH

Proposal: Erection of detached garage (Affecting a public right of way)

Address: Briar Cottage Alton Hill Alton Chesterfield

Applicant: Ms H Bower

Case Officer: Asbury Planning

NO COMMENTS

Application Number: 19/00592/FLH

Proposal: Construction of dormers to west elevation, stone gables to south elevation, porch to front, alterations to openings and creation of new openings (Conservation Area)

Address: Northstone House Butts Road Ashover Chesterfield

Applicant: K Burnett

Case Officer: Asbury Planning

NO COMMENTS

Application Number: 19/00621/FL

Proposal: Change of use of barn to domestic accommodation and change use of land from agricultural to domestic, demolition of outbuildings and erection of new extension, erection of new general purpose building and new pitched roof on outbuilding (Affecting the setting of a Listed Building)

Address: Nuttingfield Farm Tinkley Lane Alton Chesterfield

Applicant: Mr Christopher Head - CH Design

Case Officer: Asbury Planning

COMMENTS: Ashover Parish Council is concerned at the loss of agricultural land and queries the amount of land proposed for domestic curtilage, as this appears to be on a commercial scale. The size of the building is not in scale with the size of the proposed garden.

Application Number: 19/00633/LB

Proposal: Listed Building Consent application for change of use of land from agricultural to domestic use with demolition of agricultural building and alterations and extension of existing dwelling including open fronted garage

Address: Knotcross Barn Knotcross Road Ashover Chesterfield

Applicant: Mr Adrian Fidler

NO COMMENTS

Application Number: 19/00532/FLH

Proposal: Change of use of land from agricultural to domestic use with demolition of agricultural building and alterations and extension of existing dwelling including open fronted garage (Listed Building)

Address: Knotcross Barn Knotcross Road Ashover Chesterfield

Applicant: Mr Adrian Fidler

Case Officer: Asbury Planning

NO COMMENTS

053/19 Rykneld Garages – Further information was awaited from the Director of Property Services & Development Rykneld Homes.

Noted.

054/19 Community Request – A request had been received from a resident to clarify how the proposed development on Narrowleys Lane/Moor Road, Ashover, would accommodate a possible right to 'Awarded Water' over historic common land on the site and referred to the 1779 Act. Ashover Parish Council sent a letter to the Developer's Agent dated 18/04/2019 raising the query and an email had been received from the Developer's Agent dated 22/05/2019 stating that:-

"As you and your members will be aware the matters of the awarded water were raised during the course of the planning process and considered during the deliberations.

The planning applications have been determined as indeed have the reserved matters and discharge of condition applications.

As far as we are concerned therefore there are no further matters to discuss."

Further investigations on the status of the 'Awarded Water' had been undertaken (Appendix 1) and Members expressed concern that the existence of the water may cause issues for future residents on the development during 'land searches', and also potential problems during periods of heavy rain.

Resolution: *That a letter is sent to the Landowner and the Developer's Agent expressing Ashover Parish Council's concern that, whilst planning applications had been approved and conditions discharged in respect of the proposed development at Narrowleys Lane/Moor Road, the 1779 Act appeared extant. The letter to include a copy of the extract from the 1779 Act and the report to Members with a request to meet with Ashover Parish Council to share knowledge on the issue.*

055/19 Parish Maintenance – Consideration was given to repairs to parish seats following the annual maintenance inspections and to additional grass matting around the ‘supanova’ play equipment.

Resolution:

- (i) *That parish seats are repaired as identified.*
- (ii) *That additional grass matting is provided by NEDDC around the ‘supanova’ play equipment.*

056/19 Burial Board – The Minutes of the Burial Board Meeting held 10/06/2019 were put forward for approval and the recommendations put forward for consideration.

Resolution:

- (i) *That the Minutes of the Burial Board Meeting held 10/06/2019 are approved as a correct record.*

- (ii) *That recommendations are resolved as follows:-*

Memorial Monuments:-

- (a) *That the fifteen monuments are identified with hazard tape.*
- (b) *That monuments requiring immediate attention are repaired forthwith.*
- (c) *That smaller monuments (9no.) are pegged and made safe by Cllrs W Armitage and S Dronfield.*
- (d) *That three of the Crosses are ‘bonded’ during 2019/2020 and that a further three are ‘bonded’ during 2020/2021.*
- (e) *That finance is made available for repair work to the Crosses.*

Rebuilding of Stone Boundary Wall:-

That finance of approximately £900 is made available for the direct purchase of one load (15 tons) of stone at a cost of approximately £750 plus delivery at £150 from W Smart of Tansley.

Stone wall adjacent school playing field:-

- (a) *That there is no access provision onto the school playing field from the cemetery due to the proximity of the Right of Way and access to the school via Moor Road.*
- (b) *That the School is requested to send out a letter asking parents/guardians and pupils not to use the cemetery as a short-cut to the school playing field out of respect to unmarked graves and to prevent damage to hedges and stone walls.*

Dog Waste Bin:-

That a dog waste bin is provided in the skip area of the cemetery and emptied by NEDDC at a cost of £262.31 plus £3.57 weekly service charge.

Community Service Programme 2019:-

That the Community Service Programme for 2019 is confirmed.

Finance Report: - *That the Finance Committee is requested to provide additional finance for the creation of paths in the new section of the burial area to be marked out.*

General Maintenance:-

- (a) *That G Shaw is contracted to undertake pointing work on the Chapel of Rest at a cost of between £120-£150.*
- (b) *That a meeting is arranged between Burial Board Members and the contractor to discuss grass cutting times.*

057/19 Tree Working Group – The Minutes of the Tree Working Group Meeting held 16/05/2019 were put forward. The proposed Tree Preservation Order for an area in Milltown had been rejected by the Planning Authority and had been referred to the County and District Councillors. The inclusion of the Milltown TPO area in the Ashover Parish Neighbourhood Plan would constitute a material modification, but would not require a referendum. The appointment of a consultant to undertake the required work on the APNP would cost between £1,000-£2,000 plus printing costs. The Tree Group had updated its ‘Aims and Objectives’.

Resolution:

- (i) That the Chairman signs the Minutes of the Tree Working Group meeting dated 16/05/2019 as 'received'.**
- (ii) That the revised 'Aims and Objectives' of the Tree Working Group are confirmed.**
- (iii) That a consultant is appointed to undertake work on any modification of the Ashover Parish Neighbourhood Plan.**
- (iv) That the modification of the Ashover Parish Neighbourhood Plan is included on the agenda for 16 July 2019.**

058/19 Derbyshire Association of Local Councils – Consideration was given to nomination of up to two Members for the Executive for the period 2019-2023 for North East Derbyshire.
Resolution: That Cllr W Armitage is nominated for the DALC Executive Committee to represent North East Derbyshire District.

059/19 Newsletters – News items were put forward and the feasibility of a community news working group was discussed.
Resolution: That Cllr M Thomas co-ordinates news items for a community news page and the Ashover Parish Council website.

060/19 Health & Safety – There were no matters raised.

061/19 Section 137 – No applications had been received.

062/19 Training – Consideration was given to the DALC training schedule and Members and employees requested training at various events. The Parish Council's policies and procedures on health and safety would be reviewed for robustness and a request was put forward by a Member to attend associated training. The Parish Lengthman's 'Play Area Inspection Certificate' was due for renewal.

Resolution:

- (i) That the Parish Lengthman is authorised to attend the Play Area Inspection Training on 24/07/2019 to update his certificate at a cost of £110.00.**
- (ii) That the Clerk is authorised to attend Health & Safety 26/09/2019 and Risk Assessment Training on 14/11/2019 at a cost of £100.00.**
- (iii) That Cllr L Hunter-Bott is authorised to attend Health & Safety on 26/09/2019 and Risk Assessment Training on 14/11/2019 at a cost of £100.00.**
- (iv) That Cllrs E Willmot and R Fidler are authorised to attend Planning Training on 06/11/2019 at a cost of £50 per person.**
- (v) That any Member wishing to attend training, informs the Clerk.**

063/19 Poppies – Consideration was given to purchase of a wreath and lamp post poppies.

Resolution:

- (i) That one wreath is ordered and a donation of £18.74 made to the Royal British Legion.**
- (ii) That five lamp post poppies are ordered and a donation of £20 made to the Royal British Legion.**

064/19 Christmas Event 2019 – Consideration was given to the event format and a working group.

Resolution:

- (i) That Cllrs Mrs H Boffy and Mrs L Hunter-Bott lead a working group for the Christmas Event 2019.**
- (ii) That the Christmas Event 2019 is placed on the Agenda for 16 July 2019.**

065/19 Parish Clerk's Report – The report included DALC circular 8, request for placement of a textile bank, DCC consultation on 'Smoke Free Places', street naming at Kelstedge, Parish Maps and change of day for the 2020 May Day holiday. The May Day Carnival would

now take place on Friday 08 May 2020 and would mark the 75th anniversary of 'VE Day' throughout the event. It was proposed that a street party would be held at the end of the May Day Carnival and that the Parish Hall may organise a 40's evening.

Resolution:

- (i) ***That the Parish Clerk's Report is received.***
- (ii) ***That Cllr Mrs R Early updates the Parish Council on progress for VE Day celebrations.***
- (iii) ***That a Street Parity is held at the end of the May Day Carnival.***
- (iv) ***That a link is posted on the Parish Council website to highlight the importance of the Countryside & Rights of Way Act (CROW 2000).***
- (v) ***That placement of a textile bank is not authorised on the car park due to lack of space and a problem with fly-tipping previously experienced.***

066/19 Finance Committee - The Minutes of the Finance Committee Meeting held 10/06/2019 were put forward for approval and the recommendations put forward for consideration.

Resolution:

- (i) ***That the Minutes of the Finance Committee Meeting held 10/06/2019 are approved as a correct record.***
- (ii) ***That the following recommendations are reviewed at the Finance Committee Meeting to be held 01 October 2019, due to the lengthy process in transferring funds from/to the NS & I Account.***
 - ***"That to safeguard funds under the Financial Services Compensation Scheme (FSCS) up to the limit of £85,000, £50,000 is transferred from Unity Trust Bank to the NS & I account"***
 - ***"That a balance of between £40,000 - £50,000 is held at Unity Trust Bank"***
 - ***"That any funds over £50,000 held in Unity Trust Bank are transferred to the NS & I account as the discretion of the RFO"***
- (iii) ***That further recommendations are resolved as follows:-***
 - (a) ***That the Finance Committee's recommendation for rescission of a previous resolution under Standing Order 6 is accepted.***
 - (b) ***That Councillor S Dronfield is taken off as an authorised signatory on all Parish Council bank and savings accounts and Cllr Mrs Lucy Hunter-Bott is put forward as an authorised signatory.***
 - (c) ***That the suspension of Financial Regulation 2.2 under Minute 015/19 is lifted as Councillor S Dronfield is no longer an authorised signatory but remains as Councillor Auditor***
 - (d) ***That signatories are confirmed as Cllrs R Fidler, Mrs L Hunter-Bott, C Miller and E Willmot on the Bank Accounts.***
 - (e) ***That the next Finance Committee Meeting takes place on Tuesday 01 October 2019 as shown on the Calendar of Meetings.***
 - (f) ***That the schedule for Finance Committee Meetings is reviewed at the October 2019 meeting***
- (iv) ***That Cllrs N Early and Mrs R Early and the Parish Clerk are taken off as authorised signatories on the NS & I savings account.***
- (v) ***That signatories are confirmed as Cllrs R Fidler, Mrs L Hunter-Bott, C Miller and E Willmot on the NS & I savings account.***

067/19 Councillor Audit – The quarterly audit had taken place on 12/06/2019 in accordance with Financial Regulation 2.2 and included GDPR audit in accordance with Minute 54/18. There were no matters arising.

Resolution: ***That the Councillor Audit undertaken on 12/06/2019 with no matters arising is received.***

068/19 Financial Report – A budget appraisal and report/reconciliation from the computerised accounts detailing account balances, cheques/transactions issued/authorised and cheques received and any outstanding receipts considered. The report was put forward for signature by the Chairman.

DATE	CHEQUE/ BACS REF.	PAYEE	GOODS/SERVICE	TOTAL (£)
01.05.2019	928435079	Imperative Train Ltd.	Defib pads-Milltown	98.40
02.05.2019	130867414/693 382297	Employees	Salaries/Allowance/ reimbursements	1890.64
08.05.2019	314068631	Muktubs	Cemetery Skip	120.00
08.05.2019	DD	NEST	Pension Contributions	80.10
09.05.2019	DD	Eon	WC electricity	59.02
14.05.2019	300016	L Asher	Parish seat repair	100.00
15.05.2019	965250450	K Atkinson	Artwork/annual report	300.00
15.05.2019	DD	Eon	Pavilion electricity	30.00
16.05.2019	855836266	GE Willmot	Car park repairs/gritting	2482.80
20.05.2019	612815385	Imperative Train Ltd.	Defib pads – Alton	104.40
20.05.2019	DD	British Gas	Pavilion gas	100.00
24.05.2019	DD	Water Plus	Cemetery water	36.89

Resolution: That the Financial Report is confirmed and signed by the Chairman.

069/19 Cheques/Invoices for Signature/Confirmation – Cheques/BACS authorised by Councillors were confirmed.

Resolution: That cheques/BACS authorised by designated signatories, are confirmed.

THE MEETING CLOSED AT 9.15 P.M.

Ashover Parish Council Meeting – 18 June 2019

Agenda Item 9 b - Community Request – To receive any correspondence/reports relating to maintenance of access to awarded water (Minute 254/19 & Minute 035/19).

1) On the applicant's pre-development site plan of 2017, they acknowledge a watercourse running in an underground culvert through the site. They do not mention the Act of 1779 in connection with this nor do they, during the planning process, say how they will deal with this apart from it running into public open space.

2) They may say they know nothing of this Act, and that it is no concern of theirs, but during the planning process, including the Inquiry, it was brought to their attention on several occasions. Furthermore, at the time of the conveyance of this land from the residual Nodder Estate to the landowner, this matter should have been revealed by the landowner's own legal search.

3) Question:- has the copy of the Act held by the Parish Council and provided by a member of the public, of sound provenance i.e. it is a copy of the Act from the House of Commons Library obtained by Lee Rowley MP, who also informs us that it is still extant?

4) If the above is correct, do the now discharged conditions of the outline planning consent override or invalidate the rights of parishioners, and the responsibilities of the landowner, as stated in the Act? (It is believed not, by the statement of the Planning Officer that awarded water rights are not part of the planning process.)

5) If all the above is correct then, according to the Act, and before ground is broken, the landowner and other interested parties (Parish Council?) should agree disinterested referees to negotiate a satisfactory plan to implement the Act in the current situation and, failing that, an impartial umpire.

I think an even-minded consideration of the above points would enable the Parish Council to respond clearly to the recent email received from the agent.