

BUCKFASTLEIGH TOWN COUNCIL

Minutes of the Town Council Meeting held in the Room 3 at the Town Hall on Wednesday 16th December 2015 at 7.30 pm.

Present: Councillors: Pam Barrett (Deputy Chair), Mark Maish, Simon Rines, Neil Smith, Graham Squires, Andy Stokes and Judith Hart (Town Clerk).

Press: No representatives of the Press

18 members of the public. (The grant recipients left the meeting after Agenda Item No: 2)

In attendance: Cllr John Nutley (District), Kathryn Hughes (Chair of Buckfastleigh Community Forum)

Part I. (Open to the Public)

The Deputy Chair, Cllr Pam Barrett invited questions from the public.

15/157. Questions raised by the Public:

1) Complaint regarding noise testing at Whitecleave Quarry. Two days' notice given and the noise is worse than the A38. Request for the Town Council to seek advice.

2) No Stop Notice has been issued. The method of noise monitoring is disputed, inadequate and did not last five minutes as stated.

3) Monday 14 December had the worse amount of noise.

4) The noise peaked at 90 decibels. The Monitoring Officer does not seem to be aware of the facts. Contacted Devon County Council (DCC) so that the officer could hear the noise over the telephone. The officer advised that to complain to the District Authority regarding the noise level as deemed to be within the limits of the planning application. Trials are taking place without monitoring.

5) Complained to DCC, but advised that the noise is place specific. The officer agreed to highlight the complaint to the quarry operator.

6) Question as to why testing is the contractor's decision and not DCC.

It was noted that the noise could be heard in the Town Hall, at Buckfast and in Hembury Woods.

7) An expert is required to examine the noise trial report.

Cllr Pam Barrett: Complaints should be forwarded to Devon County Council and Teignbridge District Council. The matter will be discussed at the next Whitecleave Quarry Working Party scheduled for 6 January 2016.

8) At 80 decibels the use of ear defenders is legally required.

Kathryn Hughes: A reminder that donations are required for the presents appeal for local children in need and that distribution will be via both the primary schools.

15/158. Grants Presentation to Local Groups and Organisations:

Councillor Pam Barrett awarded the following grants to local groups and organisations:-

Buckfastleigh Lamb Pie Day £250
Buckfastleigh Primary School £250
Millman & Coulson (Christmas tree decoration) £50
Southpark Community Centre £250
Buckfastleigh Youth Club £250
Buckfastleigh Trust (Valiant Soldier) £250
Dartmoor Skies £250
William Pengelly Cave Study Trust £250
Buckfastleigh Pantomime Group £250

15/159. Police Report:

In the absence of a representative from the Police, Cllr Barrett summarised the November report. It was noted that there has been a worrying increase of nitrous oxide containers found around the town and the dangers of using this chemical was highlighted.

15/160. Reports from County Councillor and District Councillors:

Cllr John Nutley reported that he had attended the December TDC full Council meeting which had focused on the Heart of the South West formal devolution bid. It is proposed that local authorities, National Parks and the Heart of the South West Local Enterprise Partnership works together to deliver full proposals for devolution which will seek a formal agreement with Government on a formal devolution deal based around:

- Productivity and economic growth
- Health, social care and well-being
- Improved connectivity and resilience
- Governance

TDC Executive will consider and approve the final devolution proposal on behalf of the Council before the end of the year.

15/161. Apologies:

Councillors: Ron Fox, Billy Hartstein, Janet Jones, Linus McCloskey and Charlie Dennis (District)

Councillor Dan Simpson did not attend.

15/163. Councillors invited to declare any interests: Cllr Pam Barrett in Agenda Item No: 10) 15/68.

15/164. To approve as a correct record and sign the minutes of the Town Council meeting held on 11th November 2015:

Signed and approved by Councillor Pam Barrett.

15/165. To receive the minutes of the Highways and Planning Meeting held on 2nd December 2015:

Noted.

15/166. To receive the minutes of the Finance Committee Meeting held on 25th November 2015:

Noted.

To resolve the following recommendations from Minute Nos: 15/68. To formalise and recommend a process for the application to the Elector Fund.

Members agreed to award the Elector Fund for this year to the regeneration of Victoria Park. Proposed by Cllr Neil Smith and seconded by Cllr Mark Maish with all Members in agreement.

Cllr Pam Barrett explained the Elector Fund process to the meeting.

Action: To discuss a formal process for 2016/17.

15/167. To resolve the Buckfastleigh Devon Accelerator Bid:

Cllr Andy Stokes: This is an opportunity to apply for a grant to investigate renewable energy initiatives. The Council applied on behalf of the community and half the eligible amount was awarded. A pre-feasibility study will now be carried out. If a genuine project can be identified, then more funds may be available.

Decision: Proposal to proceed by Cllr Andy Stokes which was seconded by Cllr Pam Barrett with all Members present in agreement.

15/168. Creating a register of essential assets under the Community Right to Bid:

Cllr Andy Stokes: Communities now have the right to register private and public assets which are of significant importance to the community. So far Town Council has identified the allotments, Duckspod playing field and the bottom end of Church Hill as potential areas to register. It is important that such areas of land are not lost through sale. Public houses, shops, post offices and other amenities can also be included.

Proposal to create a list and register with Teignbridge District Council by Cllr Andy Stokes, seconded by Cllr Neil Smith with all Members in favour.

Action: Cllr Stokes to take this forward

15/169. Youth Service Review Update:

Cllr Pam Barrett: The Council has agreed to review the towns youth service provision. Devon Communities Together have provided a wide ranging project proposal, but it was felt that the timescale and costs involved may be unrealistic. The Council will look at revising the proposal and consider how some elements can be delivered in-house initially.

15/170. Whitecleave Quarry Update and proposal for the Town Council to seek legal advice:

Cllr Neil Smith: Experience of cyber-bullying from the quarry operator (through Facebook) personally naming him as an individual and appearing to attempt to undermine the authority and generate hatred towards the Town Council. Has been accused of pursuing a personal vendetta which he denies as he is simply acting in a manner which requires the quarry

operator to act within their planning and legal framework which is there to protect the environment and the amenity of the town.

The Whitecleave Quarry Liaison Group (WQLG) appears to be a front to ‘greenwash’ the company’s activities. Teignbridge District Council (TDC), the Environment Agency and Councillor Stuart Barker have in the past been manipulated with false information and there is a real problem with legitimacy. False statements at the WQLG have historically been validated by a Devon County Council (DCC) officer and were presented as evidence at the planning inquiry. There is strong evidence that the company has in the past committed two separate criminal breaches of the Conservation of Species and Habitats Regulation (2010); 30 pages of evidence have been compiled and sent to DCC, the police and Natural England. The police have stated that they cannot bring a prosecution unless Natural England wish to proceed and after 18 months of pressing, Natural England acknowledge the evidence and a breach, but have decided (for internal reasons) not to prosecute. The County Solicitor’s office appears to have deliberately misrepresented the situation by spuriously claiming the work in question (the wholesale clearing of vegetation on Block D) was permissible under their permissions – Natural England have accepted that this interpretation is incorrect. The quarry operator must work within planning and environmental law, but the company has regularly been in breach of planning conditions. The County Council have continued to facilitate the breaches, including the recent issues with clearly excessive noise which almost certainly represents a Statutory Nuisance. There appears very much to be a breach of the County Council’s duty of care to the community.

It was noted that a DCC planning officer used the word “intrusive”, but not “disruptive” to describe the noise issues as the latter description is usually avoided in planning legislation because it then has to be acted upon. DCC appear to be misleading by deferring the responsibility to the District Council as a Statutory Nuisance issue which would not be necessary if the planning conditions were properly enforced by the planning authority.

Action: It was agreed that a letter should be sent to Phil Norrey, the Chief Executive of Devon County Council with a copy to Nicola Bulbeck at Teignbridge District Council to point out that the County Council appears to be in wilful breach of its duty of care.

Decision: It was proposed that the Town Council retains the right to seek legal action against DCC or individual officers.

Cllr Simon Rines: A noise complaint should be made to TDC and if this is not forthcoming, a legal opinion should be sought. The Town Council should reserve the right to do so and to take a vote to this effect.

Member of public: *Dartmoor National Park Authority have a duty to the community as well.*

Member of public: *The WQLG is not being used effectively to communicate.*

Cllr Mark Maish: The current legislation defines the effects of noise.

Cllr Neil Smith: The Town Council also has a duty of care and hence we are obliged to seek action when residents are clearly so distressed by the situation which is impacting their physical and mental health.

The above proposal was made by Cllr Pam Barrett and seconded by Cllr Simon Rines with all Members in agreement and supported by the members of the public present at this meeting.

Kathryn Hughes: This discussion highlights the urgency of the situation and requested that the Town Council writes to the WQLG for the terms of reference to be changed.

Cllr Pam Barrett: A standards of behaviour policy should be devised with reference to appropriate and acceptable communications from the public to Councillors and staff.

15/171. Chairman's Announcements:

The Deputy Chair advised that Cllr Ron Fox has stood down as the Chair and Town Mayor, but intends to return to the Council as a Councillor in the New Year. Cllr Pam Barrett will remain as Deputy until May. It was noted that there is a legal requirement for a Chair to be appointed and that while the title of Mayor is commonly taken by the Council Chair, there is no legal requirement to do so.

A new member of staff has been welcomed to the Town Hall office, Clair Stevens and special thanks was given to the Caretaker, Kiki Sykes.

15/172. Clerk's Announcements: None.

15/173. Correspondence:

- i) Police acknowledgement dated 17.12.15 to the letter from Cllr Janet Jones dated 20.10.15 thanking the local officers for their professionalism and assistance.
Noted
- ii) Email from local resident dated 04.12.15 – regarding the proposed canopy for the Orchard Millennium Green (OMG) which refers to a number of objections and the lack of communications and public consultation from the Chair of the OMG Trust at the time. The green is viewed as a little oasis and a permanent structure is not permitted under the Trust deeds.
The Trust intends to proceed with the canopy, but the trustees have been asked to seek public opinion. The project is however, being reviewed, but is still going ahead. The canopy would be within the flight path of the bats.
The condition of the planning permission is that only four performances are permitted per year, but how many unofficial ones will occur. The police have advised that it will encourage anti-social behaviour.

Cllr Simon Rines: Such a structure would be more suited to Victoria Park where the youths already congregate.

Decision: Proposal to send a letter to the trustees to demonstrate what support there is for the canopy, suggest a public consultation and invite the trustees to discuss further with the Council.

15/174. Reports from other meetings attended by Members and 15/175. Reports from working parties attended by Members:

Cllr Janet Jones had circulated the draft minutes of the Teignbridge Association of Local Councils meeting held in November which she had attended for information. Cllr Jones had

also attended the recent Southpark Community Centre AGM and the Friends of Buckfastleigh Library of which she is no longer the Chair.

Cllr Andy Stokes reported that the cycling group had met with the Regional Manager of Sustrans and representatives from South Brent and Ashburton. The group is looking at the proposal of a cyclepath between the three communities and agreed to present a proposal to Sustrans. This proposal will also need to be incorporated in the Ashburton Master Plan and South Brent Neighbourhood Plan to enable this.

Cllr John Nutley is awaiting a response from TDC concerning the cycle track between Ashburton and Buckfastleigh and how this can fit around the A38. It was noted that Dean Prior and Rattery also wish to be included in this initiative.

Cllrs Andy Stokes and Mark Maish gave an update on the proposed community composting scheme and use of land as a community garden in the Duckspod playing field area. This area of land is held in Trust and covenants will need to be changed with TDC to achieve this.

Cllr Simon Rines advised that the Neighbourhood Plan meeting with the consultants appointed by Locality was attended by approximately 35 people and positive comments and feedback were noted.

Cllr Neil Smith left the meeting at 9.25pm.

Cllr Simon Rines has discussed the area under the A38 at Old Totnes Road with the Highways Officer with respect to landscaping and linking the area to the town. Highways will need to consult with landowners to progress this matter.

Cllr Graham Squires reported that the Christmas fair had been a success and that they had been fortunate with the weather. 38 stalls had participated and another fair has been agreed for 2016. The fair was well supported and works in conjunction with Lamb Pie Day. The Town Council thanked everyone involved.

Cllr Pam Barrett advised that the development of the Bat Beacon project meeting in the Town Hall with Helen Parr of Devon Wildlife Trust (DWT) was well attended. There would not be as permanent Bat Beacon facility in Buckfastleigh because a suitable site could not be identified, but mobile Bat Beacons would be available and DWT are very keen to develop the project further in the town. Mapping activity and monitoring equipment has been request for the town and DWT would be available to assist in advising on how to manage open spaces better to encourage bats.

Cllr Mark Maish explained that grants are available from DWT to improve bat flight paths.

The Town Council also acknowledged the parish sweeper for all his hard work around the town and a letter of thanks will be sent to this effect by the Clerk.

15/176. Urgent Items: None

Meeting closed at 9.35pm.

Signed.....

Date.....