

## ALSTON MOOR PARISH COUNCIL

Minutes of a meeting of Alston Moor Parish Council held on Monday 1<sup>st</sup> June 2015 at 7.15pm in Nenthead Village Hall.

**Present:** Cllrs: A. Martin (Chair), B. Aves, D. Athey, P. Godwin (apologies for lateness), A. Green, E. Grew, T. Haldon, M. Herdman, R. Miller, D. Phillips, A. Robertson, R. Thomson, T. Thompson,

**Apologies:** Cllrs: G. Wright, J. Glendinning.

**Absent:** none

**Declarations of interest:** listed under specific agenda items.

### **County Councillor's Report**

**Road repairs** - the highways team continue to work on patching the roads.

**Local committee meeting** to be held next week.

**Potential grant funding** - from the District Council Community Fund and the County Council has some funding especially for 0 – 19.

### **District Councillor's Report**

*Apologies from Cllr Hymers who sent a written report, circulated prior to the meeting.*

**Committees & meetings** – Cllr Hymers has joined Eden Executive committee as the Portfolio holder for Economic Development. He has set up or achieved a number of useful meetings with representatives from Wrights Bros, Appleby Business Centre, Eden's Economic Development Officers, Nenthead Mines and Rory Stewart MP.

Cllr Godwin reported on the following.

**Council appointments** – Eden now has a Conservative controlled council. Kevin Beaty was elected as leader.

### **1. Minutes**

**Resolved** that the minutes of the annual meeting held on Tuesday 12<sup>th</sup> May 2015 be adopted as a correct record. Proposed by Cllr Green seconded by Cllr Aves (1 abs)

### **1a Connecting Cumbria – update on progress to date to deliver superfast broadband to Alston Moor and overview of the coverage that will be provided under current contract**

Paul Cretney explained that he has worked with the County Council for the last 2 and a half years. Phase 1 of the project is due to be completed this year and Alston Moor is close to going live; there is just one failed section of the cabling which needs to be replaced that the engineers are working on.

Bringing fibre to Alston has been a challenge, with 40km of cabling ducts to be cleared. Cabinets have been installed around Alston Moor, including one near Alston bridge, one near the old police station, one on the Raise, another at Whitewell Farm, Holmesfoot, and Low Houses Farm. There is also one at Slaggyford. Use is made of the existing network of copper, the signal comes from Hexham, and can jump across to the copper enabling super-fast broadband to be received in properties up to 1 km from the cabinet. Anyone further away should still get a signal, but speeds will be slower. The aim is for 1,000 properties to be able to receive super-fast broadband.

The system has to be powered up by Electricity North West Ltd (ENWL) and will have a dedicated mains power supply. It will be an open network delivered by Open Reach and customers should shop around to get the best deal. Provided they met the criteria, there is nothing to stop Cybermoor offering a service over the network. PC was thanked to attending.

### **2. Matters Arising from the Minutes**

#### **2a/JUN/15 Transport Group representatives**

Re: 2a/MAY/15 The clerk reported that Cllr Wright had sent apologies for the Transport Group meeting.

**Resolved** that Cllr Phillips should stand in, [?] in the interests of continuity. Proposed by Cllr Aves and seconded by Cllr Miller. (nem con)

#### **2b//JUN/15 Henderson's Wood**

Re: 2b/MAY/15 NWEL have taken out the tree besides the electricity cables, and looked at the conifer near the Youth Hostel, but do not plan to do anything as the cables are not theirs, but possibly belong to BT. They did not think the tree was dangerous.

Cllr Herdman reported that he has taken out the dead tree from the top end of Firs Wood.

#### **2c/JUN/15 Greencastle Buildings**

Re: 3C/MAY/15 An e-mail was received from Kevin Hutchinson stating that consultations cannot be made with any parishes in respect of 'Prior Notifications'. The views of parish councils are taken seriously, and the Parish Charter sets out the terms of engagement, which is a very successful process enabling the district council to take on board concerns or observations on development proposals which may ultimately require an application to be heard by the Planning Committee. This also provides an opportunity for the parish to present their views directly to the Committee, where their view is contrary to the officer recommendation.

Unfortunately this is not the case in respect of a Prior Notification Application as this is not a formal planning application. The District Council only has a short period of time to consider such applications, after which the development, if the Council does not respond, is automatically permitted, whether or not there has been an objection to the proposal. It is the short timescale that precludes the district from consulting with parish councils. Even though it is a foreshortened process, the district does take into account the view of the parish council, but can only consider a small number of issues which are set out in the General Permitted Development Order. Parish councillors were advised to look at the weekly lists appearing on the EDC website.

The clerk was asked to enquire whether a bat survey had been carried out. Planning confirmed that the applicant's agent contacted Natural England prior to submitting the application, as the site falls within the Moorhouse and Cross Fell SSSI, North Pennine Moors SPA and Moorhouse-Upper Teasdale SAC. They confirmed that the demolition would not impact upon these areas, but that the applicant should ascertain whether any protected species were present prior to demolition. Whilst there is no requirement to provide the Council with such a survey, the clerk's e-mail has been forwarded to the agent so that he is aware of the parish council's concerns.

The clerk was asked to contact the Bat Protection group for advice, as the buildings are remote and if demolished there was nowhere else for them to go. Cllr Robertson agreed to raise the matter at the Historic Working Group of the North Pennines AONB and Cllrs Green and Haldon would contact a local naturalist. **Action**

#### **2d/JUN/15 Appleby Fair**

Re 6/MAY/15 The damp weather is causing problems for vehicles using Makepeace's field and several have had to be pulled out by tractor. It has caused a problem as vehicles unable to get onto the site blocked the Leadgate Road. On Tyne Willows a number of vehicles did not respect the request for bowtops only beyond the pavilion, and there was a problem getting to the recycling centre with a vehicle.

Cllr Martin reported that she spoke with the traveller's leader, who thought more people were coming to the fair this year, and will have another conversation with him on the way back.

It was agreed to put further discussion onto the agenda, with the proviso that any decisions taken in Alston will impact upon other communities. **Action.**

The council were advised to contact Robin Hooper at Eden, who chairs an Appleby Fair committee made up of representatives from various groups including travellers' leaders, to find out who is liaising with parish councils. **Action.**

#### **2e/JUN/15 Dog waste**

Re 6/MAY/15 The Community Warden is putting up laminated signs on the litter bins. It was decided not to set up a working group for dog waste.

#### **2f/JUN/15 Condition of Tynehead Road**

Re 7/MAY/15 A reply was received from the agents for the owners of Crossgill Farm, stating that they are aware of the issue of gravel getting onto the highway from the farm access and are planning to resolve this along the lines of the proposal suggested by the parish council. The works are planned to be undertaken throughout the summer, and in the meantime the head gamekeeper has been asked to ensure the road is swept regularly.

#### **2g//JUN/15 Garrigill Allotment Gardens Association**

Re: 14a/MAY/15 A letter of thanks from the association for the donation.

### **3. Planning**

**3a/JUN/15** 15/0391 Full application. Change of use from A1 retail shop to C3 dwelling house. Barclays Bank Chambers, Front Street, Alston CA9 3SE for Mr. T. Rosenberg.

**Recommended** for approval. Proposed by Cllr Green and seconded by Cllr Athey. (1 abs)

**3b/JUN/15** 15/0413 Full application. Change of use of agricultural land to an equestrian arena. Pry House, Nenthead, CA9 3PY for Mr J. Swan.

**Recommended** for approval. Proposed by Cllr Aves and seconded by Cllr Athey. (nem con)

**3c/JUN/15** 15/0444 Change of use of Nenthead House and Cottage (Class C3) to a residential institution (Class C2). Nenthead House, Nenthead CA9 3PD for Westminster School - Mr C. Silcock.

**Recommended** that the parish council makes no objection, but asks the district council to take note of highways comments on access. Proposed by Cllr Phillips and seconded by Cllr Aves. (nem con)

#### **Decision Notices**

**3i/JUN/15** 15/0235 Full application. Upgrading of the Rotherhope track plus construction of two car parks and spur track to car park 2. Rotherhope Track, Rotherhope Moor near Leadgate, Alston for Mr & Mrs Townshend – co R. Howsen Esq. Permission granted with conditions.

Members were advised that if they have concerns about an application they can ask for it to go before a planning committee. Cllrs may attend the meeting, and local knowledge is useful. They may also ask for a site visit. District cllrs are sent a weekly report on plans and anything of relevance to Alston Moor could be circulated. **Action.**

### **4 Request to register a section of track at Roughside adjacent to bridleway 302112 & footpath 302124**

A response was received from Cumbria County Council to say they no longer hold historic files in their office, but will check with a colleague who may have additional information. From the records held in the office, the track currently has no recorded status, but they suggested that, as Cllr Phillips believed, the section of the track was believed to have public rights when the parish was claiming rights-of-way in the 1950s. This scenario is more widespread than many realise, and there may be an opportunity to work with Isaac's Tea Trail volunteers to resolve the issue of the track. CCC would be interested to hear what the parish aims to do with this section of the track, and will assist if possible.

Former ECCP staff said the route was used in the old ECCP Nenthead leaflet, and they would not have used the track unless certain it was all right to do so. There are no ECCP paper records in existence, but a digital note from 1990-91 mentions erecting a fingerpost with the legend 'Public footpath High House for footpath 302124 and a note stating 'sign erected with landowners permission. This does not demonstrate existing public rights, but it was thought a discussion had been held with the landowner and agreed that a legal diversion onto the track was the best way forward. A package of proposals were submitted to CCC around this time to deal with anomalies, and this should have been included. The backlog of applications and staff changes meant that some fell by the wayside. At the same time ECCP erected a fingerpost at High House with the legend Public Footpath Dykehead, which is relevant as there is a general presumption in common law that a PROW leads to a place of public interest, usually a public highway. There is no indication of any public interest existing at the west terminus of the path, which raises the question as to whether a mistake was made in the registration of this path, or the nearby definitive line of 302112. The lanning wall needs checking to see if there is any evidence to show if the route passed from the track to the field. It would also be worth checking the original parish submission, draft Map by CCC or the Enclosure Award. The alignment of this route has characteristics of a possible drafting error, as it roughly mirrors the angle of the track, but is not quite in the right place. The lack of an opening in the lanning wall would add support to this possibility, as does the blind end of 302124, some 200m from the angle of 302112. It seems unlikely that a bridleway/packhorse route would descend from the hard stone lanning then change direction to cross a field some 300-400 m before the highway.

Suggestions for actions were: a Wildlife Act Modification Order application, but there might not be enough circumstantial evidence. Documentary evidence would be helpful and/or user evidence of walker/riders.

A Highways Act diversion could be considered, but the cost is around £2k.

Cllr Phillips reported that it was unlikely to be possible to collect evidence of use by foot over 20 years, as he had found it difficult to do when looking at this route a number of years ago. Although Roger Morris was hoping this might be possible, ECCP's suggestion was to look for evidence of a mistake, and this

option might be preferable as it would avoid the need to open up a bridleway, which has never been passable since it was opened.

The original claim forms should be in the County Council archives, and the anomaly is consistent with the County's policy of not registering roads used as public paths. It would be useful to find out who owns the land. The law has changed twice, and the track could now only obtain the status of a restricted bridleway. Cllr Robinson said she would be willing to speak with Paul Dodson to discuss taking the issue forward. The clerk was asked to send her a briefing note. **Action.**

## **5 Consultation on an Extended Alston Moor School Federation**

The consultation paper was circulated prior to the meeting with a deadline for a response is 1<sup>st</sup> July 2015 and has been published on the school websites.

**Resolved** to welcome the suggestion made in the consultation document to federate and the parish council will support this as long as the three schools remain on their present sites. Proposed by Cllr Phillips and seconded by Cllr Haldon. (nem con)

## **6 Correspondence for information**

### **6a/JUN/15 CALC Training Events**

Several parishes have organised training sessions and are willing to open them up to other councils, with Greystoke being the nearest and would provide an opportunity to meet with other councillors. Members decided they would prefer a session in Alston.

Planning event 8 June – several people were interested in attending and agreed to liaise when further information became available.

### **6b/JUN/15 Notice of events/meetings**

Cumbria CVS – training session on increasing awareness of dementia 15 July 2015

NuGen consultation on proposal to build a nuclear power station on the west coast of Cumbria to the north and west of the Sellafield site. 21 drop in exhibitions will be held around the county.

Alston Gala 27<sup>th</sup> June

27<sup>th</sup> July Nenthead Ward Meeting

AM Historical Society 3<sup>rd</sup> July – talk about the Great War

### **6cJUN/15 Literature received**

Nenthead Ward Annual Meeting 30 March 2015

The Local Government (Religious etc. Observances) Act 2015

CALC Circular June 2015

## **7. Reports from working groups and representatives**

### **7a/JUN/15 Meeting with Alston Community Gym**

Cllrs Holden and Herdman attended the meeting and reported that they had discussed the issue of the collapsed drain in the car park, which is included in the lease to the gym. Eden District Council have offered to contribute one third of the costs, subject to the contractor meeting their conditions. As the gym find it difficult to raise enough funds to cover the repair costs the parish council may have to pay for the works. It was made clear at the meeting that issues with users would not be discussed, but the council were told that there are plans to install a meter to work out how much group bookings are costing them in electricity.

There is also a need for new directors to come forward, and the gym representatives asked if any councillors might be interested. No action taken.

The gym is a community venture, but its situation is fragile and it is especially valuable for disabled users unable to access other classes, so the council should think about how to support it. In the longer term it will need refurbishing, with better insulation, repairs to the guttering and possibly the installation of solar panels.

### **7b/JUN/15 Ward Meeting**

The meeting was cancelled.

### **7c/JUN/15 Raise Park/Brampton Road Street light site visit**

The clerk reported she had attended a site visit with the Footways Officer from Eden District Council to complete the survey of Alston's street lights.

## **8 Items for information/next month's agenda/urgent business**

Agenda items – a request to include street lights on the next agenda was received.

## **9. Tenders for Tyne Willows Pavilion drainage works**

The clerk reported that the specifications were based on the information supplied by Eden District Council, who will require copies of the insurance document of the successful contractor and assurance that any waste material will be properly disposed of. Quotes were submitted by three businesses, but differed in that one business had offered to carry out the works for the cost of the materials. The owner attended the meeting between gym directors and the parish council.

**Resolved** to accept the tender from Shepherd Groundworks Ltd for £890 + vat provided it was acceptable to Eden District Council. Proposed by Cllr Haldon and seconded by Cllr Herdman. (11+ 1- 1 abs)

## **10. Finance**

### **10a/JUN/15 Bank statements**

The statements as of 1<sup>st</sup> June 2015 were as follows:-

Alston Moor Parish Council tr/ac	£28,839.52
Alston Moor Parish Council bus/ac	£12,661.78
Eden Credit Union	£7,008.58

### **10b/JUN/15 Accounts for Payment**

The following accounts were for payment:-

<i>Summary of accounts for payment:-</i>	£3,495.18
<i>Summary of income received since last meeting:-</i>	£1,122.50
<i>Summary of accounts paid since last meeting:-</i>	£214.38

**Resolved** that sufficient funds are held in balances for the clerk to be authorised to settle all the accounts listed during the coming month (appendix I). Proposed by Cllr Herdman and seconded by Cllr Haldon. (nem con)

### **10c/JUN/15 Completion of annual governance statement 2014/2015**

**Resolved** to approve the annual governance statement 2014/2015. Proposed by Cllr Haldon and seconded by Cllr Aves. (nem con)

### **10d/JUN/15 Approval of annual return 2014/2015**

**Resolved** to approve the annual return 2014/2015 Proposed by Cllr Haldon and seconded by Cllr Aves. (nem con)

*The meeting closed at 9.05pm*

Signed: .....

Dated: .....