

10 February 2020 - Ordinary Meeting

CROSBY RAVENSWORTH PARISH COUNCIL – WORKING FOR THE COMMUNITY

www.crosbyravensworthparish.org.uk

Clerk to the Council: Christian Barnes, West House, Tenter Row, Crosby Ravensworth, Penrith, Cumbria, CA10 3HY. t. 07584 251 448, e. clerk@crosbyravensworthparish.org.uk.

At Crosby Ravensworth Parish Archive at 7:30pm

Present Councillors: Cllr. J Raine (Vice Chairman), Cllr R McIvor, Cllr V Holroyd, Cllr A Beatham, Cllr D Hewitt, Cllr J. Taylor & Mr C Barnes (Clerk).

Cllr Neil Hughes CCC.

Three members of the public were present.

Apols. Cllr D Graham. (absent on health grounds)

134/19 There were no **Declarations of Pecuniary Interest**.

135/19 The meeting transferred to the agenda for the meeting scheduled for 3rd February and cancelled at short notice.

136/19 The minutes of the meeting held on the 13 January were approved as a true record subject to a minor amendment.

137/19 **Public Participation.**

A member of the public raised a concern about the condition of a footpath/field boundary in the field between the Stoneworks Garth and the Lyvennet Beck. Cllr Holroyd undertook to raise the matter with YDNP footpaths officer.

Two members of the public proposed that the phonebox in Crosby Ravensworth be bought for a pound by a community group to be formed for the purpose of re-purposing it following the removal of the phone line. The clerk would forward this information and contact info to Kate Giergel at Eden District Council who was coordinating the local authority response to bt's decommissioning consultation.

Sandbags. These had proved useful on Sunday 9th Feb when flooding associated with Storm Ciara had looked as if it was threatening property. It was known that the cellars of a local property in Crosby Ravensworth had flooded. However other properties including Riverside Cottages in Maulds Meaburn had not flooded from the outside. Moisture had risen through the floor at number 1 Riverside but the residents were OK and not requiring assistance.

A group of residents had used the emergency sandbags to secure the school against the risk of flooding.

The clerk had received a phone call from Eden monitoring flooding issues and

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enquiring as to the need to replace supplies of sand/sandbags. It was noted that the school would be able to arrange with Eden District Council to have its own supply of sand/sandbags on site. The clerk would liaise with the Head Teacher/Eden District Council.

Councillors expressed concern about the disposal of contaminated sand/sandbags. These would remain with and be the responsibility of the households/organisations who had taken them.

It was noted that the new footbridge at Maulds Meaburn had made a significant impact in terms of letting water that might have flooded cottages get away.

Highways. The condition of Haberwain was discussed at length. The condition of the road generally was thought to be dangerous, a survey was required. Drainage was completely blocked and surface material had been scoured out and deposited along the length of the road and at the T junction with Tenter Row. The sides of the road had been scoured out with drops of up to a foot at either side of the carriageway along the straight between the former plantation and Haberwain farm which could result in significant damage to vehicles. The road required an urgent survey for safety reasons with immediate works to limit the risk of damage/injury. Longer term drainage works were required as the inspection covers on the hill had again been lifted by the pressure of water and were unsafe. Cllr Hughes suggested that the clerk raise these matters with Highways.

United Utilities were supplying bottled water at Shap following damage to a water main North of Kendal. The United Utilities website carried further information for residents.

138/19

Planning YDNPA E/03/35C Oddendale Cottage, Oddendale, Shap.

Householder planning permission for structural repairs to walls and roofs of cottage and both adjoining barns; insertion of 4 No. conservation rooflights; replacement floors to north and south barns and demolition of existing porch.

Councillors agreed that the proposals were sensitive to an important group of buildings and their heritage. The proposed development would preserve the historic character of the building well. The research and effort that had gone into the application was recognised and valued. It was noted that the scheme of works would not extend the curtilage of the existing building. The Council welcomed and endorsed the proposals. Noting that its previous objection to planned unsympathetic development on the site under previous ownership had resulted in a scheme of far superior quality.

The measures proposed in respect of two local bat populations would be considered together with the following application for a scheme of works on the adjacent buildings.

The application was SUPPORTED.

138/19

Planning YDNPA E/03/35A Oddendale Cottage, Oddendale, Shap Full planning permission for works to the barn/outbuildings west of Oddendale Cottage comprising i) internal and external works to southern end barn to

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form domestic workshop with bat loft above, ii) internal and external works to existing store to create store with wc, iii) demolition of pole barn and retaining walls and replace with new "Dutch" barn style carport.

Councillors agreed that the proposals were sensitive to an important group of buildings and their heritage and would preserve the historic character of the building and settlement well. With materials being used on a like for like basis. The research and effort that had gone into the application was recognised and valued. It was noted that the scheme of works would not extend the curtilage of the existing building.

However, both this and the previous application would have significant impacts on two bat populations including a maternity roost and long eared bat roost. The scheme of mitigation proposed would need to be followed to the letter and should form a condition of any consent. It was noted that the first action in the mitigation scheme, the provision of an alternative roost required to be carried out in December 2019 and it was felt that planners should verify each stage of the mitigation process. It was also felt that the lighting scheme attached to the barn and its internal/external areas should be considered against the needs of the bat population.

The application was SUPPORTED.

139/19 **Planning YDNPA E/03/45** Oddendale Old Hall Farm, Oddendale, Shap
Full planning permission for erection of replacement livestock building (following demolition of existing building).
The application was SUPPORTED.

140/19 **Planning EDC 20/0003** Site Address: Winter Tarn, Crosby Ravensworth, CA10 3EW. Proposed agricultural building.

Councillors found the application unclear. No proposed development was shown within the red line (area to which the development relates) adjacent to the road on the block plan. It was not clear to Councillors whether this building was the same building which the Council had supported but for which consent had previously been refused (19/0769) in October/November 2019. It was understood that the building had in fact already been built and was of a standard agricultural type.

It was agreed that the quality of the design information submitted was such that there was a query as to whether the application should have been validated by the planning authority as it was not possible to determine the location or orientation of the building. Councillors felt that offering approval of the application would be unfair to applicants elsewhere in the parish who had been respectful of the planning process.

141/19 **Registration of Land at East View Maulds Meaburn**
A note from the Chairman was read out together with 6 documents that the Chairman had prepared. The meeting was also attended by the house holder who informed the Council that as a result of the cancellation of last week's meeting she had submitted an application to the Land Registry challenging the Council's registration of land adjacent to hers without waiting for the Council to respond to her. It was agreed that the Council would consider this

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when the Land Registry had responded with correspondence to the Council. The house holder showed copies of historic conveyances, maps and photographs which she said explained the discrepancies which arose from the position of outbuildings long since demolished to create hardstanding. Councillors felt that she had presented a persuasive case and would respond to the Land Registry in due course. It was felt to be unlikely that there were grounds to object to her claim.

- 142/19 **Dog Fouling.** The prevalence of dog fouling was discussed and the practice of bagging but not properly disposing of dog muck. The possibility of mounting signs in the village was discussed but it was agreed that these would not achieve anything as those who allowed their dogs to foul would take no notice of them and they were themselves visually intrusive. The control of loose dogs was noted as an issue in the village with fouling occurring in private gardens. It was agreed to produce an article in the link outlining the risks associated with toxoplasmosis and the hazards of dog muck to grazing animals from dog muck. This issue had been extensively covered recently in the Farmer's Weekly.
- 143/19 It being 9:30 It was agreed to extend the meeting to complete the agenda.
- 144/19 **Annual Litter Pick.** This was set for Saturday 21st March. The clerk would make arrangements with the Butchers Arms for Bacon Butties for participants.
- 145/19 **Fly tipping.** This continued to be a problem with vehicles being noted especially in the Reagill Area and on the road to Morland including building waste. It was agreed to write a letter of thanks to two local residents who had removed fly tipping from Green Lane.
- 146/19 **Asset Register** the addition of Reagill Village Green to the Asset Register at the nominal value of £1.00 as approved 131/19 was noted.
- 147/19 **Risk Register** the addition of the Stepping Stones and other approved revisions at the previous meeting 132/19 was noted. Councillors noted that the stones were still in place after recent flooding.
- 148/19 The agenda for the meeting scheduled for the 3rd February having been completed the Council returned to the agenda dated 10 February picking up at item 3.
- 148/19 **Planning EDC 19/0622 – Land between Fern Bank and East View. Reagill. Penrith – Reserved Matters** application for two dwellings relating to access, appearance, landscaping, layout and scale attached to approval 18/0238. Councillors noted that the quality of the proposed developments was reduced from the application previously submitted with the specification of the buildings being reduced in expense terms. It was however noted that affordability and local occupancy restrictions were issues on this site.

No design statement had been submitted with the new application, No landscaping scheme had been submitted and there were insufficient details for a reserved matters application. The pitch of the roofs was noted to be shallower and of a gradient that would require interlocking tiles rather than

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Councillors were mindful of the fact that this was a sensitive site adjacent to the Grade II listed (Entry Number: 1000670) Reagill Image Garden and on the boundary of and overlooking the Yorkshire Dales National Park. It was felt that the planning authority should be satisfied that these issues could be addressed in a way that allowed the development to go ahead. The Council did not object to the application but asked the planning authority to bear its comments in mind with a view to improving the visual impact of the development.

149/19 **Planning.** The proposition that 'in future planning could be dealt with under a generic standing agenda item in order to avoid delays in the Parish Council's responses' was discussed. This had been occasioned by the practice of other local Councils and the fact that planning applications regularly arrived too late to include on an agenda with a three-week consultation deadline when the next meeting would occur in a month. It was agreed however that the Council could not make a decision on anything that had not been placed on the agenda and that excluding specific planning information from the agenda for the sake of convenience ran the risk of excluding parishioners who might want to make representations about planning matters. If challenged the Council would be in a difficult position. It was decided not to adopt this practice as the inconvenience arising from occasional requests to extend planning deadlines was not significant. If the planning authorities could extend their consultation with local Councils to four weeks the issue would not in any case arise. It was noted that planners were obliged to take account of the Council's response right up to determination. Cllr Raine to mention this at transparency training meeting 19th February.

150/19 **Yorkshire Dales National Park Local Plan Consultation.**

It was resolved to respond by letter which the clerk was authorised to write.

It was agreed that short deadlines like those used by the National Park in this consultation undermine the process of consulting with Parish Councils as a 'corporate body' which meets monthly.

In respect of this consultation:

1. Our agenda was published on the 28th Jan.
2. The consultation survey monkey email was received on the 31st Jan and circulated to Councillors that day with a deadline of the 14th February.
3. The Council's meeting was held on the 3rd February
4. Because it was too late to go on the agenda it could not be discussed at that meeting.
5. The analysts looking at the responses will have no way of knowing whether the response is from the Council as a corporate body or from individuals to whom the link has been circulated.
6. The rescheduling of the meeting planned for the 3rd to the 10th allowed the consultation to be discussed.

It was agreed that consultations run in this way carry no authority in terms of

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the National Park validating the policy positions it wants to take.

The clerk was authorised to write to CALC/NALC to take a position on formal consultations with Parish Councils and seek the issue of guidelines/policy for consultations processes with Local Councils. Many organisations were using multiple channels to 'consult' and it was agreed that there needed to be some kind of standard to which such enquiries should conform.

The clerk's view was noted as follows:

1. that consultations should be open for a minimum of 6 weeks as most Councils meet monthly and have other business to schedule.
2. Consultations should provide consultation materials that can be easily disseminated without expense and with adequate notice to Councillors giving them time to consider the issues at hand.
3. That consultations with PC's as a corporate body should include a minute reference to the meeting in which they were discussed so that the response can be verified to be the response of the Council as a corporate body and not of an individual answering on its behalf informally.
4. That everything not meeting these requirements may be circulated to Councillors for individual responses only and may not therefore be included on a PC agenda.

Councillors wondered if the Yorkshire Dales National Park will be telling its members and the public that Local Councils have been consulted on the basis of this exercise? In fact, in view of these timelines there is no way that they can be.

Councillors would complete the consultation as individuals it was generally agreed that the consultation was not a genuine exercise.

151/19 **Correspondence** from a local resident of Maulds Meaburn was read out Cllr Mclvor would examine the issues raised and report back to Council.

152/19 **The next meeting** would be held at Crosby Ravensworth Village Hall at the earlier time of 7:00 in order for there to be time for a presentation on a scheme for grazing/tree-planting on the commons prior to the start of the meeting.

Draft, 2 March 2020 - Ordinary Meeting
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At Crosby Ravensworth Village Hall at 7:00pm

Present Councillors: Cllr D Graham, Cllr. J Raine, Cllr R McIvor, Cllr V Holroyd, Cllr A Beatham, Cllr D Hewitt, Cllr J. Taylor & Mr C Barnes (Clerk).

Cllr Neil Hughes CCC.

Four members of the public were present.

Apols. None

153/19 Cllr Hewitt declared a **Pecuniary Interest** in Agenda Items 3 & 4.

154/19 It was agreed that the Clerk would authorise a **dispensation** for Cllr. Hewitt for the term of this Council to participate in discussion regarding the Commoners' proposals for Parish Land. (Agenda Items 3 & 4) on the basis of his expertise and knowledge of the issues as a commoner/grazier.

155/19 Dan Hunt of **Bowfell Consulting** made a verbal presentation on the Commoners' proposals to Natural England. He spoke on behalf of the commoners. He stated that the PC was being consulted through his presence at this meeting under section 38 of the Common Land Act of 1935 as a statutory consultee. The Commoners' Association was looking to enter into a 10-year agreement with Natural England, the third such agreement it had made regarding the management of the common. The commoners who had rights to graze specific numbers of stock on the fell were proposing a scheme that reduced grazing and increased tree cover. A map showing the specific areas covered was displayed. The public had a right of access to the common and the agreement aimed to balance the needs and rights of all concerned with the establishment of areas of planting. It is proposed that sheep would be taken off the common in the winter to allow the flora and fauna to recover. Cattle would increase from 115 to 200 and 12% of the area would be wood pasture/scrub planted. Areas that were used for winter shelter by animals would be fenced for a term of 15 years and wooded. In respect of tree planting a landscape and visual impact assessment had been carried out. 27 people had attended the consultation held on the 27th February in Crosby Ravensworth. Natural England would withdraw funds if, after five years, fewer than 90% of the tree planting had failed, meaning that maintenance would be a key issue. The commoners were seeking a letter of support from

156/19

Bowfell Consulting Councillors Feedback

Q: A Councillor asked if there was a budget for tree maintenance.

A: The Commoners association would hold and manage the budget for this.

Q: A Councillor queried that there was a discrepancy in timescale regarding fencing to protect new wooded areas being in place for a term of 15 years but the proposed agreement only lasting 10 years.

A: The discrepancy was noted. It was said that the 10-year term for the agreement was the best that could be achieved, the agreement was being made in the context of farmers having European farm subsidies withdrawn and would offer some security to the commoners involved.

Q: Who would insure the liabilities arising from these activities grazing of stock management etc. on the common?

A: These liabilities would be insured by individual farmers.

Q: A Councillor asked if the scheme was designed to restore the landscape to a specific time/point. 'Was there a restore point?'

A: The scheme was 'forward looking', dealing with how things will be rather than how they have been. For example, in wood pasture Witch Elm/Aspen would be substituted for Ash. Scrub planting would include Hawthorn, Blackthorn, Juniper.

Q: The Chairman asked what the process leading to the establishment of the scheme was.

A: 1. An agreement between Natural England/Commoners Association as to the scheme design (May 2020) 2. Following that, an agreement with the Parish Council as part Landowner.

There was discussion of the Parish Council's interest and whether a charge in favour of the Council should be raised in this second agreement. Councillors agreed that signature of the agreement should not be contingent on a payment to the Council. Councillors were concerned that the scheme may fail in respect of tree planting owing to maintenance issues; a failure of this type owing to negligent maintenance had been noted at Orton. It was thought that vole population would increase and have an impact. It was said that the Commoners would manage maintenance through contractors and its finance committee. A possible PR role for the tree group was discussed.

Councillors were asked for their views:

The scheme was said to 'tick all the boxes' in the context of climate change.

Despite liking the scheme and the way in which it proposed to manage the co-existence of livestock and trees a Councillor was concerned that the Commoners themselves should be happy with the proposals.

Overall, the PC was supportive of the scheme.

157/19

The Chairman was authorised to sign the **minutes** of the meeting held on the 10 February 2020 as a true record.

158/19

Public Participation None

- 159/19 **Lyvennet Plantation Consultation**
Councillors **supported** the proposed scheme as advised by the agent. The clerk would respond to the agent Edwin Thompson.
- 160/19 **Transparency Training 19 February 2020.** Training organised by CALC had been attended by Cllr's Graham, Raine and by the Clerk. The Chairman was satisfied that the Council was compliant with the transparency code subject to some minor tweaking. Councillors considered the merit of applying for the Local Council Award Scheme foundation level. It was RESOLVED not to apply. Councillors were not persuaded that the Council required external validation.
- 161/19 **Towards a Zero Carbon Eden – Key Partners Summit Wednesday 18th March, 12 – 3.30pm** Councillors Taylor, Mc Ivor and Raine planned to attend. Councillors were reminded to complete their own Eventbrite forms.
- 162/19 **Monks Church Bridge.** The Chairman had attended the planning committee where the planning consent had been approved for repairs to the bridge parapet. The occasion had provided the opportunity to raise the issue of the earlier rejection of the carefully prepared Cumbria County Council Scheme to widen the bridge. Yorkshire Dales National Park Members had also been made aware that the Council's correspondence on this matter had not been answered. YDNPA members were aware of the unsuitability of many of the park's historic bridges for modern and large vehicles. The upshot was that a meeting had been proposed by the YDNPA with Historic England, Cumbria County Council and one member only of the Parish Council to look at the issue on the site again.
- 163/19 **Correspondence.** Cllr McIvor had examined the issues raised by a resident regarding Hawthorns on Maulds Meaburn Green and it was agreed that these would be trimmed in line with the residents' request. Litter picking equipment had been offered to by Eden District Council and received with thanks. The equipment could be stored at Crosby Ravensworth Village Hall.
- 164/19 **Annual Inspection of Trees.** Charges of £350 from North West Arb. were approved for the annual inspection of trees on Maulds Meaburn Village Green. No quote had been forthcoming from Eden Treescapes and it was agreed to reprice the annual works in 6/9 months' time. It was resolved that the report must make clear that each tree had been inspected.
- 165/19 **Annual Inspection of Parish Swings** This had been undertaken by the Clerk and a member of the community on the 23 February 2020. Proactive replacement of bolts would be undertaken on the swings at Reagill swings would be rubbed down and painted by the community member when the weather had improved. All swings were noted to be in good structural condition. The bushes on the left-hand Crosby Ravensworth swing would require replacement within the next two years. Clerk to arrange. The gates