

KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

MINUTES OF THE PARISH COUNCIL MEETING on Monday 23rd November 2020 held remotely

The meeting commenced at 7.30pm. Councillors Pippa Manson (Chair), Peter Saxon (Vice-Chair), Geoffrey Berry, Jane Aksut, Howard Mountain and Geoff Lobley, together with the Clerk, took part in the video conference with County Cllr Margaret Atkinson and District Cllr Nigel Simms. One member of the public joined for part of the meeting. Cllr Geoff Lobley had difficulty with his internet link and missed part of the meeting.

Note: The meeting was held remotely using video conferencing methods in accordance with legislation which came into force on April 4, 2020 as set out in 'The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020'.

It was confirmed by the Chair that all persons attending could hear and be heard prior to commencement of the meeting.

1. Welcome. Apologies for absence from Councillors – approve reason why unable to take part. All present confirmed they understood the procedure at remote meetings.

2. Declarations of Disclosable Pecuniary Interest, Other Interests or Close Association

Cllr Berry declared an 'Other Interest' in item 19.

Cllr Lobley declared an 'Other Interest' in item 19.

It was agreed these Cllrs could contribute information regarding this item but would not take part in any vote on the matter.

3. Approve the Minutes of the Parish Council meeting held on 19th October 2020

The minutes were approved as a true record and will be signed as such by the Chair.

Action: Chair to sign copy of approved Minutes and post to Clerk.

4. Vacancy for a Councillor – This item was deferred until the December meeting. The two applicants will be invited to join the December meeting.

Action: Clerk to email applicants and invite them to join the Dec meeting.

5. Correspondence – any urgent items will be raised by the Clerk for consideration and action.

- a) Letter from Stephen Weld – Road Condition on Main Street / Long Swales – This was dealt with at item 23.

6. Urgent updates from County and District Councillors if present.

County Cllr Atkinson explained that the two proposed ideas for the devolution of North Yorkshire have been submitted and there is expected to be a public consultation in the New Year. The County Council are working to ensure that 97% of NYCC residents have access to Broadband provision by the end of 2021. County Cllr Atkinson thought that the whole of our parish would be in that 97% target.

7. Planning – recent Applications made to Harrogate Borough Council where the Parish Council are not consulted – for information only:

- a) TPO 39/2020 - New House, Laverton - Tree Preservation Order

8. Planning – notification of recent Decisions made by Harrogate Borough Council:

- a) 20/02378/FUL– Carlesmoor House Farm, Kirkby Malzeard – Erection of replacement agricultural shed/muck heap cover). – Stoney. Permitted.

After their meeting on 24 August 2020 when the Parish Council last considered this matter, they informed HBC that they would defer making a decision on this application until further information was provided. However, the application has now been permitted, before the Parish Council were given the opportunity to consider the application again.

Action: Cllr Mountain to email HBC Planning Department questioning this procedure

- b) 20/03206/FUL - Greystone Edge, Kirkby Moor Road, Kirkby Malzeard - Erection of Holiday Cabin – Gaunt. Refused
- c) 20/02247/REM - The Grange, Back Lane, Kirkby Malzeard - Reserved matters application for the Erection of 5 no. dwellings (Access within the site, Appearance, Landscaping, Layout and Scale considered) under Outline Permission 18/01600/OUT - Outline application for the erection of 5 no. dwellings with access considered. (Revised Scheme) - Briahaze Village Homes. Permitted.

9. Planning – recent Applications made to Harrogate Borough Council. The Parish Council will provide a response on the following cases:

10. Land East of Laverton Road – The Parish Council considered the consultation document circulated by Planning and Development Consultants, Saddington Taylor. The Parish Council will make the following comments to the Planning and Development Consultants:

- i. We note that the total number of units proposed is to be 33, rather than the maximum permitted under the Outline Consent of 37, and we feel that this is a useful reduction, given the concerns of residents in respect of the increased flow of traffic through the

village, which the development will create. The consensus at the time of the original Planning Application was that, whilst a development of this general scale will result in additional support for local facilities, it would have been much more satisfactory if it had been located somewhere other than the western end of the village as the majority of vehicle journeys by those living on the development will be along Main Street and possibly along Back Lane South.

- ii. We are pleased to note that, in accordance with Planning Regulations for 'Major' developments, 40% of the homes (13 in total) are classed as 'affordable', as it is our view that housing of this nature is currently needed within the village in order to give those who cannot afford a market property the opportunity to become (or remain) part of this community. Presumably these are to be a mixture of rented and shared ownership properties and we would welcome further information as to the proportion of each. It appears that there will be 5 x 3 Bed units and 8 x 2 Bed units, 6 of which are houses and 2 are bungalows. We feel that this is a reasonable allocation of house types for the affordable units, although their positions within the development do appear to be somewhat clustered together, with none in the South Eastern corner. Please note that if any attempt is made by the developers to reduce the proportion of 'affordable' houses within the site on the grounds of viability, we shall strongly oppose this.
- iii. With regard to the remaining 'market housing' it is felt that there is, as now seems to be the case with all new build housing developments, a predominance of 4-bedroom houses and we would request that instead of 12 x 4 Bed units, 7 x 3 Bed units and 1 x 2 bed unit, a greater number of 3-bedroom and 2-bedroom houses be provided. This would result in a greater selection of properties for families whose income does not enable them to purchase a larger 4-bedroom house at this time. There is also a shortage of bungalows for older residents wishing to downsize and a higher proportion of these would also be advantageous.
- iv. A serious concern surrounding this development has been that adequate provision must be made to cater for increased sewerage output into the village system and also that measures be incorporated to ensure that there are no adverse consequences to nearby existing houses, for example on Back Lane South, due to surface water outflow from the site as a result of the development of this land. We have been assured by Yorkshire Water that the existing sewers further down the village, which are approximately 100 years old, will cope but many people are unconvinced. It is appreciated that this is ultimately YW's responsibility but we would welcome some re-assurance that the drainage system on the site will be designed to the highest standards with this concern in mind. We note the presence of Pumping Stations and an Attenuation Tank and it is imperative that these will be adequate.
- v. We are aware that access details have already been approved but we would ask for your support in our request that the 30mph zone be extended to the south of the Laverton

Road/Kirkby Moor Road junction. The presence of a footpath onto Back Lane South is seen as essential but a footpath between the access road and the junction of Back Lane South with Laverton Road would also be helpful.

- vi. Only very basic information on the materials to be used to construct the properties has so far been provided. As the site is within an AONB we would expect that the highest specification should be used and would have felt that all external walling should have natural stone facings. Rendering requires greater maintenance than other materials and soon starts to look scruffy if neglected and so we ask that this be replaced. We have not been provided with any information to enable us to assess the extent to which existing neighbouring properties may be overlooked but clearly this should be kept to an absolute minimum.
- vii. We would ask that the developers make every effort to minimise the impact on local residents whilst construction is being carried out.

11. Planning – Neighbourhood Plan

- a) Cllr Mountain explained that the Steering Group had considered further feedback from HBC and the Group's Planning Consultants on the Public Consultation document at its last meeting and further amendments had now been made.
- b) The appointment of a Chair and Vice Chair had been deferred until the next Steering Group meeting. The Parish Council approved the appointment of an external Secretary to be determined at the next Steering Group meeting in January.
- c) The Parish Council agreed that the Community Facilities questionnaire should be sent to residents at the same time as the Neighbourhood Plan consultation document rather than separately at a later date.
- d) An increased payment to Beyond Digital of up to £250 for design work to the main Consultation document was approved.
- e) The appointment of additional Councillors to the Steering Group was discussed and deferred until after a new Kirkby Malzeard Parish Councillor is appointed
- f) A quotation for the purchase of a returns box for the Consultation document of up to £100, was approved.

12. Planning – Enforcement issues.

Cllr Mountain updated the Council on two of the current enforcement issues within the Parish. No new issues were raised.

13. Children's Play Area.

- a) Cllr Saxon has been inspecting the Play Area weekly and no issues were raised.

- b) The grant application to Tarmac Landfill Communities Fund for the Play Area Improvement Project is being considered at their November meeting, and a decision should be available in December.

14. Kirkby Malzeard Charity Trust Update –Cllr Berry advised the Parish Council that he is still compiling the information required in order to make a complaint to the Charity Commission.

15. Laverton Defibrillator – No update available.

16. Traffic safety

- a) **Laverton 30mph Zone** – The Parish Council has contacted NYCC Highways to request that the zone be extended further out from the village to the northern and southern approaches and forwarded on input received from residents along similar lines. The project is still in the consultation stage, but is expected to be introduced in Spring 2021.
- b) **AJ1 funding and other options for funding a road safety campaign in Kirkby** - Cllr Askut updated the Parish Council on the AJ1 Funding application. She was successful in securing £1321.60. This funding will be used for an Education and Engagement Campaign as well as the Community Speed Watch Programme, this funding must be used by 31st March 2021. Cllr Aksut has gained agreement from the administrator of the fund that the money can be used for part of the original proposal, without the need for match funding.
- c) **Letter from North Yorkshire Police** – North Yorkshire police had carried out some data capture in regards to speed concern on Main Street. The results did not show a speed issue, so no further action will be taken.

17. Trees

- a) Ash tree at Play Area - Cllr Mountain will confirm with David Blakey that no urgent work is required and that it will be re-checked for signs of Ash Die-back, in the spring.
Action: Cllr Mountain to obtain confirmation
- b) Lamberts Quarry – issue of ownership of western boundary on Ringbeck Road track still to be confirmed.
Action: Place on agenda for next meeting
- c) Rowan at West End Green – work to fell dead tree not yet undertaken.
Action: Cllr Mountain to confirm date of work with Wards

18. Christmas – Cllr Aksut and the Chair advised that the Christmas competition leaflet was now at the printers and will distributed to residents on Kirkby and Laverton. Information will also be on the village website. Prizes have been generously donated by local businesses. Christmas Trees will be placed around the village, Cllr Aksut has purchased 4 sets of lights, donations of lights will be gratefully accepted. A collections box for Macmillan Cancer Support

will be placed in the butchers, as a way of thanks to Mr. & Mrs. Pickles for their kind donation of the Christmas Trees.

19. Church Clock – With regret, the request from Kirkby Malzeard with Dallowgill PCC for a contribution to the running cost of the church clock was declined on the basis of legal advice from YLCA/NALC which indicated that Parish Councils have no legal power to incur expenditure on the maintenance/repair of a Church clock. A vote was called, and unanimously all Councillors eligible to vote agreed that the request must be declined due to the legal advice the Council has received. It was suggested that alternative ways of community fundraising could be looked into, to help with the maintenance costs of the clock.

Action: Chair to write to the PCC.

20. Community Association – Cllr Mountain reported that, on the basis of advice from Community First Yorkshire, the trustees of the Mechanics’ Institute have been asked to formally confirm that it is possible for them to dissolve their Constitution and reform into a Charitable Incorporated Organisation, before a revised application is submitted to the Charity Commission.

21. Broadband provision within the Parish – Due to uncertainty about the date of completion of the Superfast Broadband provision within the Parish it was agreed that the Council should now contact both BT and Cllr Don Mackenzie of NYCC for an update. A number of Dallowgill residents had contacted the Council about issues they were still having and their comments will be passed on for specific responses.

Action: Cllr Mountain to contact BT and County Cllr Don Mackenzie.

22. Property Assets

a) Consider monthly condition reports from Councillors.

Asset	Inspected by	Date	Comment
Pinfold	Cllr Aksut	23/11/20	No urgent work required
Market Cross	Cllr Berry	23/11/20	No urgent work required
Greygarth Monument	Cllr Lobley	23/11/20	No urgent work required
Lamberts Quarry	Cllr Mountain	20/11/20	No urgent work required
Laverton Quarry	Cllr Mountain	20/11/20	No urgent work required.
Bus Shelter	Cllr Berry	23/11/20	No urgent work required

23. Highways issues.

a) Update on existing cases and review of recent work undertaken by NYCC Highways.

- Church Bank Wall Update – The Parish Council were joined by Jonathan Dunk from HBC to provide an update. He advised that this has proved to be an unexpectedly complex project, and work has now been delayed by recent input from Historic England. At the request of Historic England, the collapsed part of the wall is to be rebuilt with structural strengthening works incorporated, but the remaining sections will be left untouched and monitored. The timetable for the rebuild is being reviewed with more information available next week. The Parish Council expressed their concern at the length of time that Church Bank has been closed particularly in the light of problems caused by the diversion on Long Swales Lane and asked for action as soon as possible. It was noted that with Winter approaching there was an increased risk of further damage and assurances were requested that other areas of the Churchyard and the Church itself would not be affected. **Action: Cllr Aksut to liaise with the Projects Surveyor from HBC and obtain further updates.**
- Main Street/ Long Swale – Concern was raised about the foundation of houses due to the vibrations caused from the poor road conditions.
- Thieves Gill Corner – The loose material which was removed to the side of the road, is now, due to the poor weather, coming back on to the road, resulting in a narrowing of the highway.

Action: Clerk to contact Highways.

b) Any new items to be raised by Councillors or public.

- Wetshod Lane – Reports of off-road activity. NYCC Paths department and police have been informed.
- Kirkby Stores – Street light out, outside the shop.
- Gully Easy of Sweeton Bridge – Blocked, needs cleaning.

Action: Clerk to contact Highways.

c) Salt Bins – Do not currently require filling by NYCC.

d) As a result of a letter received from a resident regarding the lack of dropped kerbs in areas of Kirkby, the Parish Council will contact the Highways department and ask them to consider ways to make the village more accessible to disabled residents.

Action: Clerk to contact Highways with details of the issue.

24. Financial Items:

- a) The Bank statement was not available due to early meeting date. **Action: Clerk to scan and email to Councillors once it has been received.**
- b) Cash Book. Will be reconciled when the bank statement has been received **Action: Clerk to reconcile and email to Councillors once the bank statement has been received.**

- c) First consideration of draft budget - (incorporating draft precept request figure) for 2021-22 for further consideration and approval at next meeting. Initial discussion was held to clarify level of existing reserves, projected income and spending and a proposed precept.
- d) Internet Banking – The Clerk explained that internet banking seems to be working well. Cllr Aksut is now set up as a secondary user and the security device required for Cllr Berry to be setup as a secondary user has now arrived and was posted to Cllr Berry today.
- e) The following payments (including VAT where applicable) were approved.

Payee	Amount	Item Paid For
Clerk Reimbursement	£3.49	Printer Ink
Clerk Reimbursement	£14.39	Zoom Expenses
DTMS	£80.64	Caretakers Duties
DTMS	£30.24	Play Area Inspection - October
Harrogate Borough Council	£66.00	Annual Play Area Inspection
S. A. Stoney	£132.00	Spraying at Lamberts Quarry

25. Emergency Delegation of Powers to the Clerk. Emergency Delegation of Powers to the Clerk. It was decided that the Council will continue to meet via video conference call for the time being, however should it become necessary, the Council will call an Extraordinary meeting at which point the Standing Order will be invoked to delegate Emergency Powers to the Clerk.

26. Any Other Business. Items not covered elsewhere on the Agenda can be raised by Councillors and Members of the Public for discussion and referral onto Agenda of next meeting.

27. Date of next monthly meeting: The next monthly meeting is to be held remotely (or at the Mechanics Institute, Kirkby Malzeard, if permissible) on 14th December, 2020 starting at 7.30pm. Any items to go on the Agenda should be submitted to the Clerk by 4th December 2020 please.

Meeting Ended at: 21:26

Dated 18/11/2020

PARISH CLERK: Victoria Preston, 17 Cypress Gardens, Ripon, HG4 2LT (Postal enquiries only) Tel: 07725801675 Email: clerk.kmldpc@outlook.com Agenda, along with General Privacy Notice, also available on the Parish Council website: www.kirkbymalzeardarea.org.uk Facebook: @kmldpc