

CULGAITH PARISH COUNCIL

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Fell View
Blencarn, Penrith
Cumbria, CA10 1TX

Minute of the Meeting Held on Monday 15th May 2023 **Victoria Institute, Culgaith, following the Annual Parish Meeting and AGM.** Unapproved

39/23 Present: -

Cllrs Caroline Richardson, Pauline Toppin, David Witney, Andrew Clay, Nick Mason, WAFC Councillor Michael Handley and Clerk John Fleming
There were no members of the public present.

40/23 Apologies

Cllr Sue Smith, John Watson, Ken Philipson,

41/23 Minutes

The Chair was authorized to sign the minutes of the meeting of the Parish Council held on Monday 6th March 2023, as a true record.

Proposer Cllr P Toppin

Seconder Cllr D Witney.

42/23 Declaration of Interests

There were none.

43/23 Public Participation

There was none.

44/23 WAFC – Cllr Michael Handley Report

44.1 £2.4m Grant To Cumbria. Reported that Cumbria's two councils have won a bid for £12.4 million to upgrade homes in the county. The scheme will provide energy efficiency upgrades and low carbon heating to 600 low-income homes. Measures available to eligible residents include loft insulation, cavity wall insulation and air sourced heat pumps.

The funding is exclusively available to off-gas-grid homes with an Energy Performance Certificate (EPC) rating of band D, E, F or G. To ensure that the grant is provided to those who need it the most, the scheme is targeted towards residents who are on a low income, those suffering from fuel poverty, referred by the Citizens Advice Bureau, and vulnerable residents suffering from health conditions which are vulnerable to the cold, referred by the NHS. The project is set to start this month and run until April 2025.

44.2 Eden Locality Board. Reported that this Board meets four times a year. The Terms of Reference being to allocate funding for community grants, discretionary budgets, nominate members to Outside Bodies and to undertake functions, as requested by the Leader or Cabinet of WAFC.

This includes 'Safe and Strong Communities'. The first grants will form a fund of £10k. as an interim community grant fund. Intended for there to be two working groups, one a Borderland Place Programme, this is a 10-year investment

programme, Penrith being selected as the Town Investment Plan. The second working group is to support the resettlement of refugees in the area.

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45/23 Finance (Incl.Vat)

45.1 To note the following balances as at:-	31/3/2023	30/4/2023
	£	£
HSBC Account	549.11	13601.26
Penrith Building Society	18315.12	16315.12
NSI Account	24.00	24.00
Vat to be claimed	339.83	339.83
Total assets	<u>19228.06</u>	<u>30280.21</u>

45.2 The 31th March 20223 Year End Accounts were unanimously approved.

Proposer Cllr C Richardson
 Seconder Cllr A Clay

45.3 The Interim Account to 30th April 2023 was unanimously approved.

Proposer Cllr P Toppin
 Seconder Cllr C Richardson

45.4 The Following Accounts were Ratified.

45.4.1 J Fleming Fee Feb/March/April 2023	As per contract
45.4.2 J Fleming Tel/ Broadband Feb/March/April 2023	60.00
45.4.3 CALC Subscription 2023/2024	250.53
45.4.4 Bank Charges.	10.80
45.4.5 Coronation Benches X 2	1224.00
45.4.6 J Fleming Expenses – 9 th January – 6 th March	27.90
45.4.7 Rawlins – Skirwith Bus Shelter Mural	443.69

45.5 To Approve the Following Accounts for Payment

J Fleming Expenses – 6 th March – 15 th May 2023	35.10
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45.6 Approval of 45.4 and 45.5 were Unanimously Approved.

Proposer Cllr A Clay
 Seconder Cllr D Witney

45.7 To Report The Following Receipts

45.7.1 Precept	12000.00
45.7.2 Council Reduction Scheme	43.00
45.7.2 Culgaith Vic Café – Bench donation	300.00

45.8 Transfer – From PBS to Current Account 2000.00

45.9 Online Banking Authorisation 2023/2024 Was Unanimously Approved.

Proposer Cllr C Richardson
 Seconder Cllr D Witney

45/10 The Annual Governance Documents 2022/2023 Were Unanimously Approved.

Proposer Cllr A Clay
 Seconder Cllr C Richardson

45.11 Penrith Building Society Signature Update

Following discussion, it was unanimously agreed to replace Laura Wilson, who is no longer a Councillor and the late Jill Hay with Cllrs D Witney and A Clay as account signatories along with Cllr C Richardson.
Proposer Cllr P Toppin, Seconder Cllr C Richardson.

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46/23 Planning

23/0182 - Croft House Barn, Kirkland Road, Skirwith - Silver Birch tree.
Thin by approx. 20%

Supported

47/23 Highways and Land Matters

47.1 Foot path signs

Reported that all fallen footpath signs had been now replaced, except the one by Tarn Villa, Culgaith.

47/2 Potholes and Other Road Issues

By 'Skelling' entrance, on Skirwith to Kirkland Road - In hand with Highways.

Bank Hall Adopted Farm Road – In hand with Highways.

Beck Mill Entrance Flooding, - In hand with Highways.

The Pea to A6412 Junction – Drainage issue, - In hand with Highways.

Kirkland Road Sign Damaged - In hand with Highways.

47.3 Skirwith Footway Lights – In front of Pear Tree House. - Reported that this light was still not functioning, due to an unresolved wayleave issue.

Action: - To seek a progress report from WAFC.

47.4 Skirwith Village Green – Roadside Boundary Fence.

In hand with Highways.

47.5 Beck Cottage, Skirwith – Revised Driveway Deed of Grant. - In hand.

47.6 Electricity NW – Tree Maintenance in Church Street Skirwith.

Awaiting agreed work to be actioned.

47.7 Eden Speed Limit Review and New Village Entrance Signs – Culgaith.

New signs have been installed as decided upon by Highways, in consultation with CPC; agreed road markings still awaited.

47.8 HGV and Coach Traffic from Station Road to 'Black Swan' Junction.

Following the issue being raised with Highways, it was reported back that a traffic count will be ordered for this location in the next batch, (June) This will enable the volumes, size and speeds of the vehicles travelling this section of the road, to be assessed; once in receipt of the data future action can be decided upon, should it be deemed necessary.

47.9 Culgaith Coronation Bench – Grateful thanks is expressed, by the Council, to a Parishioner who kindly installed it intime for the Coronation

47.10 Skirwith Bus Shelter External Mural

A request had been received from the group of Skirwith Parishioners who were painting a mural on the external walls of the bus shelter, for them to install a water butt behind the wall end, facing the church. This would facilitate the watering of planters, to be located in front of the shelter.

Action: - This was unanimously agreed to. It being suggested that any associated costs be presented to the July meeting for consideration by Councillors.

47.11 Skirwith/ Culgaith Junction, South of Blencarn.

Reported that the defected drainage work had now been completed.

48/23 Schedule of Correspondence, Notices and Publications.

The following items of correspondence were received since the last meeting.

48.1 26 E mails had been forwarded to Councillors since the March meeting; these being kept on file for 12 months.

48.2 Dalefoot Compost – Blencarn Hall

The meeting had received the following letter from a Parishioner in response to a letter, on the same subject, raised at the November 2022 meeting.

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48.2.1

Sunday 5th March 2023

Dear Sir or madam,

Dalefoot Compost Blencarn Hall Farm

I read with interest the email letter that was read out and included in the November 2022 Parish Council Minutes regarding the work now undertaken at Blencarn Hall Farm. I am requesting that you do the same with this letter in order to bring some balance to the situation. I should make it clear I am not the person who has raised legitimate concerns with Eden District Council, however it was perfectly legitimate for the resident to do so, and they are entitled to do this anonymously. I recognise Mr Miller's frustrations however as a resident who is affected by the change in use of the farm, I do not recall any formal attempt by Mr Miller to engage those residents directly affected across from the farm, in advance of the farm changing from having a dairy herd and sheep to what is now effectively an industrial silage and compost manufacturing site.

My family moved to Blencarn in 2015 and have absolutely no issue with the dairy farm that was in place at the time, nor the normal farming practices required to support a dairy and sheep herd. Mr Miller also infers that those raising concerns have no or little understanding of farming matters, I am not sure how he knows this and it is at best an attempt to undermine legitimate concerns that a number of residents have about what now happens on the farm. Mr Miller is not directly affected by what happens on the farm as he lives 150 metres away, around the corner.

I have lived in Cumbria since 1994 and am reasonably well versed in farming matters, not that that actually matters with respect to the concerns of residents about the farm. I am completely comfortable with the silage making that took place on the farm when it supported a dairy herd and sheep. What is actually happening now is industrial manufacturing of silage and compost. I estimate the volumes of silage and compost are at least six or more times greater than what was taking place in the past. This leads to more noise, dust and fibres spreading to adjacent houses, notwithstanding the increased smell of silage from such large volumes. The dust and fibres are also significant when the wind is blowing. To suggest the farm is operating as it did in the past is at best being economical with the truth. Many residents are concerned about the dust and fibres and the potential health and environmental issues that arise from this volume of compost making.

Finally, Mr Miller seems to be suggesting that the residents raising legitimate concerns are being vexatious and there is an implied threat to take action to protect their position. I think it is disappointing the Parish Council has chosen to publish this latter part of the email as there are legitimate routes for residents to raise concerns via the Council, the Environment Agency and our local councillors and MP. A way forward would be for Mr Miller to hold a local meeting with affected residents to determine if the impact of change in use of the farm can be ameliorated and managed better for all concerned. I would also suggest the Parish Council visit the farm itself and look at the situation for themselves.

48.2.2 The Chair reported, to the meeting, that a response had been forwarded to the above Parishioner on the 5th April 2023, following the publication of the Enforcement Department's decision (listed below) of the 28th March 2023; namely that, as was stated in the Parish Council Minutes, of the 6th March 2023, this issue is outside the remit of the Parish Council.

The matter had previously been raised with the former EDC (now the Westmorland and Furness Council) Planning Services, Enforcement Department and had been dealt with at a higher authority level to the Parish Council.

A Parish Council, it had been pointed out, has no powers in respect of environmental decisions.

The Planning Authority, following receipt of a complaint, had initiated an Enforcement Enquiry and following an in-depth investigation, which included site visits whilst the enterprise was operational, concluded that the compost enterprise at Blencarn Hall Farm, did not require planning permission.

The Parish Council had concluded by hoping that Parishioners, with concerns, can come to an amicable resolution of the issues of raised, with Dalefoot Compost and the owner of Blencarn Hall.

48.2.3 WAFC Planning Enforcement Decision

Dalefoot Compost – Blencarn Hall Farm

I confirm the outcome of the planning enforcement enquiry (ref 22/5032) alleging that an unauthorised material change of use had occurred at the above site in Blencarn, involving a commercial production of compost by an established national company.

After receiving the referral, the enforcement case was registered and investigations commenced which involved cooperation from the owner and tenant subject to the concern. As part of the enquiry a Planning Contravention Notice was served and duly complied with that provided information which enabled the Council to assess the situation and determine the planning position. Whilst the alleged activity involving compost materials being brought on site, and then production and storage was acknowledged in the PCN response, it was not considered that there was an intensification that was a material change of use because other agricultural activities remain on the site. The response confirmed the remaining farm unit and buildings are in use by different tenants as agriculture use, and details of the business operation was provided by the owner of the business via submission of the business diary, which supported the outcome of the enquiry.

Therefore, in the circumstances, because of no established material change of use to be classed as a breach of planning, it is recommended that the enquiry be closed, and the liable party and concerned party were advised that should the use intensify then the Council would re consider the matter.

Whilst considering the outcome of this case due regard was given to paragraph 59 of the National Planning Policy Framework, which states, “Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control”.

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The investigation is now closed because there is no breach of planning established, and it is not considered to be in the public interest for the Council to pursue this enquiry any further with any evidence to prove different to that provided. The decision reached above is also in accordance with the Council’s Local Enforcement Plan.

I trust this is of satisfaction to your request for the conclusion of the enquiry, however I must stress that should the activity and use of the land change in any way, the Council will consider to investigate the planning position which could form a very different outcome dependent upon the information and evidence.

Pam Joyce
Planning Enforcement Officer
Planning Services Team
Eden District Council (WAFC)

48.3 Bench by the Kirkland Jubilee Tree.

A request had been received from a Kirkland Parishioner for permission to site a bench, by the Jubilee tree, which had been recently planted, on Kirkland Village Green. Permission was granted.

48.4 Foot Bridge – Skirwith Village Green

needed
It was reported that a couple of planks on this footbridge over the beck
replacing.
Action :- Agreed to arrange a repair.

48.5 Acorn Bank 10 K Run. - Reported that ‘Eden Runners’ were hosting their

third
Acorn Bank, 10K race on Sunday 17th September.

48.6 Police Fire and Crime Commissioner, (PFCC) Survey.

Peter McCall, the Police Fire and Crime Commissioner, was asking people for their views on Support Services in Cumbria.
Survey link:- <https://www.surveymonkey.co.uk/r/P2SL9WC>
Closing date: - 29/5/23

48.7 Climate Action Online Survey for Town and Parish Councils

A Community Energy – online event is planned for the end of June 2023, organised by CALC and CAfs, for Town and Parish Councils, date to be advised.

To complete the survey, the link is:- <https://forms.office.com/e/TFjaqhrF4t>

48.8 Special General Meeting of the CALC Membership - 7/6/23 at 7pm

Reported

48.9 Eden Rivers Trust - Reported

Eden Rivers Trust- Annual [Supporters Day](#) – 17th June 2023, at Newbiggin Village Hall for a morning of talks, including special guest BBC Radio Cumbria's Helen Millican, followed by lunch and a field trip in the afternoon to see projects and natural heritage at its best!
Fundraising Evening Cruise on Ullswater on the historic MY Raven.1/7/23

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49/23 Councillor Matters

It was reported that the road marking in Blencarn were in need of repainting

Action:- To report to Highways.

50/23 Dates and Venues of Future 2023 Meetings.

All on a Monday commencing at 7.30pm.

3rd July – Skirwith

4th September – Blencarn

6th November – Culgaith,

The meeting closed at 9pm.

Signed _____

Date _____

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