

**MINUTES OF THE MEETING OF THE LYMPSTONE PARISH COUNCIL HELD AT
7.30PM ON MONDAY 3RD MARCH 2014 IN THE VILLAGE HALL**

PRESENT: Councillors: D Atkins
Bailey
Mrs D Beatty
Mrs J Clark
C Carter
R Eastley (Chairman)
Mrs K Rogers
Mrs T Scott

Apologies: - Cllrs Acca, Estcourt and Longhurst; District Councillor Ingham.
Also present: - 11 Members of the Public.

PUBLIC SESSION

A question was asked as to why the open session was first and not last. Having established that on planning applications the public could put their point of view of each application, the questioner was satisfied.

Mr R Stewart again raised the matter of stones on the main road at the Saddlers Arms, emanating from Wotton Lane. He questioned whose responsibility they were to be cleared away, he further sought clarification as to why the EDDC road sweeper did not come past Courtlands Cross. It was noted that was the end of the area that is swept regularly whereas the rural areas are on a separate agreement.

On the matter of sewage, it was considered all Agencies should be called together to discuss the matter.

320 Declarations of Interest:

Cllr Mrs Clark re. Planning application 14/0306/FUL Brook Cottage.

321 Minutes: - The Minutes of the meeting held on 17th February 2014 were approved and signed by the Chairman.

322 Planning applications

14/0306/FUL Construction of single and two storey rear extension to replace existing conservatory and construction of shed to rear of garage at Brook Cottage, Longmeadow Road
Members of the Public raised their further concerns in respect of sewage problems. Mr Tyrell again expounded on the matter in Longmeadow Road and in particular the bungalows around where he lives. It was considered that all development should be stopped until a satisfactory solution had been implemented by South West Water.

Members considered the application could not be supported due to increased sewage in the overloaded system. Cllr Atkins proposed and Cllr Beauty seconded that a request be made to South West Water and East Devon District Council that a sewage embargo be reinstated forthwith on all development.

Cllr Clark declared her interest and left the room and took no part in the debate.

14/0333/FUL Enlargement of existing dormer window to the rear elevation to create Juliet balcony at 2 Stafford Cottages, Sowden Lane - SUPPORT

14/0335/TRE Reduce crown by 30% and raise crown to give 3m clearance T1 - LPC
Application Candy's Field. Members noted that this application was made by the Clerk on behalf of the Parish Council. - SUPPORT.

14/0330/MOUT Outline application for residential development (up to 350 dwellings) with associated roads and open space. The provision of land for mixed-use employment; land for commercial and community uses and land for the provision of a primary school. All matters reserved with the exception of the proposed vehicular access points onto Dinan Way. Land at Goodmores Farm, Dinan Way, Upper Lovering, Exmouth.

Cllr Carter acting as Planning Champion, outlined the full extent of the proposal. It was noted that some in depth consideration of matters had been undertaken, there had been a public exhibition where 47% of people had supported the proposal. It was noted that the industrial units were being considered to be put in the Lypstone land and no houses, thus the Parish could not gain from any CIL funds. It was further pointed out that the site area equated to approximately 50% Lypstone and 50% Exmouth with all affordable units benefiting the whole East Devon area and Exmouth. It was considered this was unfair. After much debate it was agreed that the Parish Council could not support the proposal for the following reasons:-

- 1) No proper identification of which area of the site falls within the Lypstone boundary and therefore which facilities (eg number of properties) were under discussion. It is considered that the development is too large for the site
- 2) Traffic figures were for 2001 and so were 13 years out of date and did not give a fair indication of pressure on local and surrounding roads especially Wotton Lane and Summer Lane.
- 3) If this development is not specifically linked to the Dinan Way extension it will put more pressure on Wotton Lane and Summer Lane both of which are singled track for much of their distance.
- 4) There is no evidence that a primary school is needed.
- 5) The reduced rain absorption on this site will cause additional pressure on the Withycombe Brook which has already caused serious flooding issues in Withycombe village over the past 2 years

Rejection Proposed by Cllr Bailey, Seconded Cllr Beatty, Unan. Note – Members of the public raised their concerns and objections particularly Marley area residents.

323 Planning Decisions – None to report

324 Other Planning Matters

Mrs Carter raised the matter of the Exe Trail at this point due to the matter having been overlooked on the Agenda and made the following points.

1. Safety concerns about the proposed on-road route through Lypstone were raised by County Councillors, Parish Councillors and village residents in 2006 (Ref. Development Control Committee, EEC/06/24/HQ, 7 June 2006), but there was no evidence that they were investigated. Following consultation and research, it was understood that the Road Traffic Act 1988 & Road Traffic Regulation Act 1984 placed general duties on highway authorities for road safety and various standards and good practice guides specify safety as one of the key criteria for cycle routes, e.g., the National Cycle Network Guidelines, Department for Transport Local Transport Notes on Cycle Infrastructure Design and Shared Use Routes for Pedestrians & Cyclists, Cycling England and Sustrans.

2. Mr Paul Ewings representing Devon County Council told the Development Control Committee on 7 June 2006 that a safety audit of the on-road route had been completed. The

Committee was, therefore, seriously misinformed since it was confirmed in 2011 that no such audit of the on-road section was conducted. (Ref: Email from Anjumn Kumani, DCC, to Sara Davies, Lypstone resident, dated 09/09/11).

3. Concerns were also raised at the planning stage about the potential impact of the on-road route on the local community and character of the village (much of which is a designated conservation area), and about the lack of robust data on the anticipated usage of the EET. There was no evidence of further investigation of these concerns.

4. The decision to route the EET on the roads through Lypstone was therefore made without a detailed investigation of alternative options (or clear communication of these options to village residents), without a safety audit or risk assessment of the on-road route (despite safety concerns being raised), contrary to the recommendation of the Parish Council, and based on incorrect information provided by Mr Paul Ewings concerning the completion of a safety audit.

5. In 2011, Lypstone residents again communicated their concerns about the safety of the on-road section of the EET to DCC, this time with evidence of risk. They provided DCC with a survey report including examples of accidents and near misses.

6. The Stage 4 Safety Audit commissioned by DCC (in response to (5) above) was weak since it was conducted at a quiet time of year (end of October) and did not involve consultation with interested parties. It was a snapshot rather than a robust risk assessment. Limited action was taken by DCC following the audit (even a 'Stop' sign requested by Lypstone Parish Council and residents for the bottom of Station Hill was not installed, despite Network Rail informing the Parish Council that they had no objection to this).

7. A key finding of the Stage 4 Safety Audit has not been addressed by DCC, namely the auditors' finding that 'while it is desirable that families with young members use the trail, it could be considered inappropriate for parents to take children of such an age on these on-road sections.'

8. A letter from DCC of 27th February stated that "only one slight collision" had been reported to the Police. In fact several accidents had been reported to the Police, and the local officers are familiar with the problems. Moreover, a number of other accidents and near misses have been reported to DCC directly by Lypstone residents. The 2011 survey report submitted to the DCC in October 2011 stated very clearly that 17% of the 70 respondents reported accidents (15 accidents, 3 resulting in serious injury: (1) fractured arm, (2) unconscious & bleeding, (3) cuts & bruises); 77% of respondents reported near misses; 90% particularly commented on the problem of speeding cyclists; and 36% of respondents reported verbal abuse. More recently, a further 5 accidents, 25 near misses, and 11 incidents of road rage have been reported to DCC (with the petition). However, even this is just a snapshot since it is known that public awareness of reporting procedures is low.

9. In view of (5)-(8) above, it is believed that DCC is failing in its duty on road safety (Section 39 of Road Traffic Act 1988) by taking little regard of information provided by village residents about accidents and near misses on the on-road section of the EET, not conducting appropriate investigations and not taking appropriate measures to prevent accidents.

The Trail Action Group (and the Parish Council) is concerned about DCC'S narrow view of this issue. Some comments made by County Council representatives such as 'near misses

don't count' and 'evidence of serious injury or fatality was needed before we would consider doing anything to re-route the Trail' are particularly worrying and seem to indicate a lack of understanding of risk assessment and management.

10. A DCC letter of 24th February stated that the off-road route along the railway line was rejected for a number of reasons, as listed. The Trail Action Group and the parish Council would appreciate more background information because we are surprised by these reasons, as discussed below.

(a) The off road route to Underhill option was considerably more expensive. Our understanding is that the original estimate of the proposed off-road route was £151,000 for the section from Sowden End to Underhill, and no further plans or costs exist. This information was confirmed by Mr John Davies of DCC in an email dated 6th December 2013. Although not complete, this estimate indicates that the cost would have been relatively low in comparison with the overall costs for the EET, and quite reasonable given the safety concerns about the on-road route. We understand that the combined cost of the two bridges over the River Clyst was £3.1 million - £500,000 for the bridge by-passing Fishers' Bridge (presumably for safety reasons) and £2.6 million for the bridge opened in November 2013 providing an additional route over the River Clyst.

(b) Impact on the properties in Underhill Crescent and Underhill Close
Our understanding is that only 3 or 4 people from these properties raised concerns about the off-road route. In comparison, Lymptone Parish Council, County Councillor Bernard Hughes, and 3 village residents all voiced their concerns about the safety of the proposed on-road route and favoured the off-road route. Many other residents were not aware of the alternative options. They supported the idea of the EET as a whole, but assumed it would continue along the railway line with access points to the village. They were not aware of alternative options, and the potential impact of these options (as stated above).

(c) The land is predominantly in the ownership of Network Rail and used for operational purposes in maintaining the safety of the railway. Based on our recent discussions with Network Rail, we understand that it would be feasible to route the EET alongside the railway line. This was reviewed during a site visit with Network Rail on 19th February 2014. They have a preference to follow the east side of the track but there is also room for it to go alongside the west of the track.

(d) Possible future use of the land for additional rail purposes

Based on our discussions with Network Rail, they have no plans to reserve land for future use.

(e) Some land is in private ownership and could require compulsory purchase

Again, based on our discussions with Network Rail, it is our understanding that the land required can be leased from them. The land rented to a homeowner is no longer cultivated and is on a lease that can be terminated with six months notice.

Mrs Carter pointed out the urgency of the consideration of her points due to the next meeting with County Officers on March 19th. Mrs Carter was congratulated on her very full report and the work she had put in with her colleagues. She was thanked on behalf of the Council and the Public present.

325 Neighbourhood Planning update

Cllr Mrs Clark as the new Champion for the NP advised the meeting of the matter being discussed at the DMC Meeting the next day. It was noted that in the Officer's report to the Committee there were some further concerns that needed further consideration. Cllr Mrs Clark considered a number were reasonable but some were contradictory. It was thought that there was nothing to be gained at this stage for the Parish Council to be involved (leave to the Inspector to deliberate).

Mr Mildenhall considered that Mr Matt Dickins did not fully accept the Plan's position.

EDDC congratulated the Parish Council on the plan production, at the DMC Meeting it was agreed that Officers would arrange a meeting to discuss the points of concern with particular reference to National and Local Policies.

326 Report by the Police – None

327 Report by District Councillors – Cllr Atkins reported that East Devon had a balanced budget for the coming year and that Council Tax remained the same as the last three years, however he pointed out that the County Council, Police and Fire and Rescue Service were raising their precept by 1.99%.

328 Chairman's Report – The Chairman reported that letters had been sent to South West Water setting out the sewage problem which had not been cured. Hugo Swire had visited the Village to discuss with the owner of Rose Cottage the flooding problem; however there was not sufficient time to review the lower village. It was noted that the sewage smell emanating from the Green resulted in South West Water cleaning the Screen in the pumping chamber.

329 Matter raised by Members

Cllr Mrs Beatty reported that there were falling dead Elms in Meeting Lane and it was agreed to notify the owner (Andy Dyer) She also reported that the pot holes were getting worse.

Cllr Mrs Rogers reported that the Seat at Harefield Cross was broken – It was noted that Cllr Acca had agreed to deal with it.

Cllr Bailey raised the matter of mobile homes placed in the Garden of Amberwood on Exmouth Road. He questioned how they came to be still in position as he considered others would have been told to remove them. It was agreed to send a letter to the District Council pointing out the problem (note Cllr Atkins lives next door).

He then referred to the fencing off of the Lymptone Common. He asked why Natural England had not yet taken the action they had previously indicated they were to pursue (It was agreed to look at the previous Minutes on the subject). It was further reported that chains and locks had been placed on some foot accesses because the General Public had left some open and stock had got out. This would be reported to the County Council for their attention.

Cllr Carter asked everyone not to remove any of the planning information from the table.

At this point the Acting Clerk advised that an Account had been received from K & S Fire Protection in respect of the Youth Club and needed to be cleared for payment in the sum of £55.00 plus VAT of £11.00. Total £66.00. Resolved to agree payment.

330 Grant Application - Lymptone Third Age Project

The Council considered a letter from the Lymptone TAP asking if financial assistance is available this year. It was noted that there was £280 left in the grants budget for the current year. It was resolved to pay £100.00.

Cllr Hughes and the Third Age Project – It was noted that he was to provide a grant of

£250.00 to the Group as they were a good group.

331 Finance

RESOLVED: that the following payments be authorised:

1970	Optima Graphics Herald printing		276.00
1971	EDF Energy lights in Candy's Field		22.96
1972	British Gas - Youth Club		341.17
1973	Gardencare (Marsh green) contract works		185.40
1974	South West Highways new Village signs		1,841.11
1975	South West Water toilets		164.49
1976	Mrs C Edworthy - wages for February 2014		176.68
1977	A J Le Riche salary & expenses for February 2014	637.87	
	Spares for toilets	3.62	
	Mileage claim for the year	166.50	
	Adjustment to cheque 1914 (Surebond)	0.20	807.79
1978	HMRC Tax / NI January 2014		127.32
	Total payments		3,773.00

332 Financial summary.

The Council received and noted the following financial summary:

Current Account	
Opening balance at 1st April 2013	25,731.63
Receipts	<u>55,631.58</u>
Total receipts	81,363.21
Transfer from dep ac	
Total paid in to current ac	81,363.21
less, Payments	40,922.78
Net balance	40,440.43
Receipts not on statement:	-260.00
Unpresented cheques	2,230.34
Queried cheque 001914 20p over	-0.20
Balance per Bank Statement 22nd January 2014	42,410.57
Deposit Account	
Balance at 1st April 2013	159.81
Interest to 2nd February 2014	0.10
Transfer to current ac	0.00
Total	159.91

333 Budget report

The Council received a budget report which was noted.

334 Report by the County Councillor

Cllr Hughes reported on the budget position reminding the meeting of the cuts required by

Government over the next four years. It was noted that all areas of the County were being reviewed. He advised the meeting that Davey Court would not be refurbished, it had 18 months of life left. Consultations were ongoing as how to proceed for the future of such services. It was hoped the private sector would be able to assist. It was again highlighted that the County run establishments were not cost efficient and in the private sector places can be purchased for between £100 - £430 per week as opposed to the County Council at £850.00 per week.

Youth provision was another area under the microscope. The County Council Leader is listening to various ideas, it appears that only 20% of young people use the facilities.

On the matter of Council Tax, this had been static for 3 years but an increase was agreed for the coming year at 1.99% along with the Police and Fire.

He was pleased to advise the meeting that Judith Carter's work on the cycle way matter had caused a flurry of activity amongst Officer's. The Trail was being reviewed throughout the whole area. There were drawings from the Engineer's department which are confidential but that a private meeting would be forthcoming and David Black would present the Officers opinion.

He was pleased to have officially opened the new forecourt at Queen Street Station and he had had the ear of the Network Rail Official who had seen the petition but pointed out that there was the consideration of the 15 minute timetable review which did include a passing loop at Lympstone Station.

Questions – Mr R Stuart raised the matter of stones in the road at the Saddlers and road sweeping. Cllr Hughes asked that people must bear with the County at the present time as there was an awful lot of work to be done and an estimate of £1 ¾ million was needed.

Mr Tyrell sought information on staff cuts. It was noted 3000 staff had gone and therefore more use had to be made of consultants.

In respect of Senior Officer's they were now down to 3.

On the matter of older people services it was noted that the County Council was hopefully supporting keeping them in their own homes with visiting assistance.

The meeting closed at 9.35pm the Chairman thanking everyone for their attendance.

Chairman

Date