

**MINUTES OF THE EXTRA ORDINARY ST SAMPSON PARISH COUNCIL
MEETING HELD ON MONDAY 2ND NOVEMBER 2015 AT 7:15PM IN GOLANT
VILLAGE HALL, GOLANT**

Present: Councillors C Hunter (Chairman), S Reardon (Vice Chairperson), J Luddington , S Ratchford and R Anderson.

Sue Blaxley (Parish Clerk)
2 members of the public

The Chairman opened the meeting at 7:15pm.

Public Participation

Graham Estlick asked if any contact had been made with Mr and Mrs Wallace-Jones and if so, did they say when the work on Riverbank Cottage would be starting. The Chairman said that he had spoken to Jane Wallace-Jones today but had not specifically asked her about the commencement of the works although she did mention that ground works would be starting shortly. He had been tasked to speak to her about formalising the various rights previously agreed in respect of Riverbank Cottage. The Chairman read out an email that he had subsequently sent to Mr and Mrs Wallace Jones summarising that which she had told him over the telephone. This will be addressed further in the meeting. Graham Estlick asked whether Mr and Mrs Wallace-Jones could start building without paying anything to the Parish Council. The Chairman said that there is no conditionality attached to the payment of £3,000 and that they can undertake the building works without paying this money or entering into any of the rights as agreed by the Parish Council. Graham Estlick commented that since the building works have been taking place, potholes on the village green have been made. The Chairman said that the Parish Council resolved not to do anything regarding the repair of the potholes until the building works were complete and that it was hoped that the works to Riverbank Cottage would not take so long to complete as and when they commence.

Ivan Tomlin spoke on behalf of Richard Cooper regarding planning application PA15/08999 for the installation of a 50kW solar panel array of 192 panels, set in 4no. rows of 48 panels each at South Torfrey Farm, Golant. He said that he had submitted an objection to Cornwall Council regarding the application. He explained that the site is within an AONB, where policies dictate that there should be significant protection against unjustified development. He said the application contains inadequate supporting information and that a landscape and visual impact assessment is needed. He said that in the absence of such supporting information, it is difficult to assess the impact of the proposed development. Ivan Tomlin explained that the site is located close to listed heritage sites and important historical assets and that the impact of the proposed development on these sites cannot be accurately made without the relevant supporting information. He said the development is justified in terms of providing electricity

for the adjoining farmland. However, he said that 67 acres of this farmland has been sold today so questioned why such a large array of solar panels is required. He said that the farmhouse, holiday properties and the site of the proposed solar panels have not been sold. He explained that the proposal is for a 50kW scheme which is classed as a medium scale renewable energy development. Ivan Tomlin also brought the parish council's attention to the fact that the enforcement notice served on the Applicants in respect of the unauthorised wind turbines on the site has not been complied with in its entirety.

1. Apologies

Apologies were received and accepted from Councillor S Fitzgerald and Councillor M Whell.

2. Declaration of interest in items on the agenda

None

3. Planning

PA15/08999 – Application by Mr and Mrs Andrews for installation of 50kw solar panel array consisting of 192 panels set in 4 rows of 48 at South Torfrey Farm, Golant

Councillor S Reardon said that she supports the principle of renewable energy. She said that the proposed development will not be able to be seen from outside the site and therefore, it will not be a visual intrusion into the AONB. She said that her understanding is that the electricity generated will be used for the holiday letting business and for the geese farming. She concluded by saying that she supports the application. Councillor R Anderson said that his understanding was that the electricity generated would be used for the holiday letting business on the site. He explained that the questionnaire sent out for the neighbourhood plan research asked if there was support for a solar scheme in the AONB. He said that, of the 103 that responded, 12% supported or strongly supported a scheme. He said that other considerations include the preservation of the AONB in terms of its landscape value, the preservation of the quiet enjoyment of the area and the interests of those living in the area. He said that he was of the opinion that this development would not be detrimental to the enjoyment of the AONB in its entirety or to its integrity as the development would only be in one field.

Councillor J Luddington said the proposed development would cover a small footprint and she does not think that it will have an adverse visual impact on the area. Councillor S Ratchford said that he is against the principle of solar panel arrays in AONBs as these areas should be protected. He commented that this development would set an undesirable precedent and he fails to see why the Applicants need 192 solar panels. The Chairman said that a balance has to be struck between preserving the AONB landscape and the livelihood of those that live within that landscape. He said that he considers that if this scheme cannot

be seen from outside the site and does not therefore impact adversely on the appearance and character of the AONB, which appears to be the case, and if it supports the livelihood of the Applicants then the proposed development should be supported. He commented in passing that there is arguably a precedent set as a similar application was supported three years ago on another site. It was proposed by Councillor R Anderson and seconded by Councillor S Reardon that the application be supported. All Councillors voted in favour of this proposal except for Councillor S Ratchford who voted against. The proposal was therefore carried.

4. Riverbank Cottage

To receive and consider an update on the rights of way and the easement for Riverbank Cottage

The Chairman reported that he had spoken to Jane Wallace-Jones and summarized her position. They would not wish at this point to proceed with formalising a right of way across the track and would wish to keep matters as they currently are on an informal basis. They may in due course try and get neighbouring property owners with a similar interest together, with a view to re-approaching the Parish Council on a joint basis at some point in the future. They are not yet in a position to proceed with formalising the right of way over the 'verge' because they will need to make sure that the current access (created for demolition / building purposes) is in the technically correct position to enable vehicular access to the right part of the site going forward. They will come back to the Parish Council as soon as practicable on this although this is unlikely to be until such time as the property is pegged out or, more likely, at the foundations laid stage. They have estimated the timeframe within which they hope to come back on this at between 3 – 6 months. Their position in relation to the easement to run the sewage pipe remains as per their email to the clerk of 6 October 2015 i.e. they will contact the Parish Council in due course to confirm whether they will be proceeding with that.

The Chairman explained he had, by agreement, sent an email to Mrs Wallace-Jones after his conversation with her earlier today setting out his understanding of her position as above and asked her to confirm its accuracy by return. Unfortunately he had had no response. The Chairman further explained that the Parish Council now have a number of options. They can decide to do nothing and leave matters in abeyance. Alternatively they can wait for Mr and Mrs Wallace-Jones to come back formally or informally, whenever that might be. Alternatively they could place a time limit on that or decide to revisit the decision made last year regarding the grant of the rights.. Councillor S Ratchford said that he thought that a solution should be found to the right of way across the track and the right of way across the verge prior to the commencement of the building works and that the Parish Council should not be prepared to wait indefinitely for them to decide what they want to do. He said that the easement for the sewage pipe is part of the building work. Councillor S Reardon said there is arguably a

precedent for an informal right of way over the green. She agreed with Councillor S Ratchford that a solution to the rights of way should be found now. She said that the owners must know whether they want a sewage pipe connected to the mains or not and that this matter too should be resolved imminently. Councillor R Anderson said that he thinks the original decisions should be revisited and that the rights of way for the green and the verge should be withdrawn in that the Parish Council should notify Mr and Mrs Wallace-Jones that the Parish Council does not recognize any additional rights to those that other residents may have. He commented that the Parish Council cannot be seen to be blocking the sewage easement and that this matter should be allowed to take its course. Councillor J Luddington said that she thinks that a letter should be written to Mr and Mrs Wallace-Jones giving them a short timescale to decide on the rights of way before withdrawing these rights. The Chairman said that there was clearly an understandable general feeling that this matter needs to be brought to a conclusion. It was proposed by Councillor J Luddington and seconded by Councillor S Reardon that a letter be written to Mr and Mrs Wallace-Jones, via the Parish Council's solicitors, saying that Councillors are very disappointed and concerned by the significant delay by Mr and Mrs Wallace-Jones following the Parish Council's decision regarding the rights of way and that, to date, Councillors feel they have been very reasonable in giving Mr and Mrs Wallace-Jones ample time within which to proceed with this matter. However Councillors now feel that the time has come to finalise this matter. Councillors are also mindful that the asset at the heart of this matter is a valued Parish resource in the heart of the Golant village, namely the village green and that the current impasse and uncertainty may be indicative of, or seen as, a disregard for the interests of parishioners on whose behalf the Green is owned and managed and this should not be permitted to continue indefinitely. In addition Councillors are mindful of the views of some concerned parishioners who view the land in front of their property as a valuable community asset which needs to be respected. Furthermore that the Parish Council is not prepared to wait indefinitely for completion and, after discussion, it was agreed that Mr and Mrs Wallace-Jones ought to be put on notice that unless all the legalities regarding the rights of way are completed by midnight on 25th January 2016 then the matter will be revisited at the January meeting. Whilst a decision at such a meeting cannot be pre-empted or pre-judged, one obvious option could be to reverse the decisions and rescind the agreement to grant the rights. All Councillors voted in favour of this proposal. The proposal was therefore carried.

5. Date of next meeting

To confirm the date and venue of the next meeting on Tuesday 24th November 2015

The date of the next meeting will be on Tuesday 24th November 2015, commencing at 7:15pm in Golant Village Hall.

There was no further business and the meeting was closed at 8:22pm.

