

# LPC

## LAZONBY PARISH COUNCIL – WORKING FOR THE COMMUNITY

**Clerk to the Council:** Rebecca Wyatt, 15 Dunfell View, Kirkby Thore, Penrith, Cumbria CA10 1UT  
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### A NOTICE TO:

#### All Members of Lazonby Parish Council and to all Lazonby Parishioners.

Date: Friday 1<sup>st</sup> September 2017.

Dear Sir/Madam,

There will be a Meeting of Lazonby Parish Council on **Wednesday 6<sup>th</sup> September 2017, in the Jubilee Room, Lazonby Village Hall, at 7.30 pm.** The Agenda for the Meeting is enclosed and you are hereby summoned to attend.

The Agenda for the Meeting is set out as below.

Yours faithfully,



Rebecca Wyatt  
Clerk to the Council.

### AGENDA

| ITEM NO: | ITEM  | RECOMMENDATIONS, CONSIDERATIONS & ACTIONS.  |
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| 1.       | <b>Apologies for absence.</b>                   | <b>TO RECEIVE</b> any apologies for absence.  |
| 2.       | <b>The filling of Council Member Vacancies.</b> | <b>TO CONSIDER</b> nominations to fill the Council Member vacancy by Co-option following a recent Councillor resignation from the Council, and in the absence of any response to the Eden District Council notice for the election of a new Councillor  |
| 3.       | <b>Requests for Dispensations.</b>              | <b>TO RECEIVE</b> any requests received by the Clerk since the previous meeting for dispensations to speak and/or vote on any matter where a member has a disclosable pecuniary interest.   |
| 4.       | <b>Declaration of Interest.</b>                 | <b>TO RECEIVE</b> any Declarations by elected and co-opted Members of any Personal or Prejudicial Interests relating to any items on the agenda for this meeting.<br><br><i>Members are invited to declare any personal interests they may have relating to any item on the Agenda and, having done so, to consider whether they also have a prejudicial interest in that item. Members are also reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registerable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.) Members may, however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registerable or other interests. If a Member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the clerk at least 48 hours in advance of the meeting.</i><br><br><b><u>A note from the Clerk to the Council.</u></b><br><i>A <b>personal interest</b> might be reasonably regarded as one which might affect a member's wellbeing, financial position, or business (which would be a 'direct'</i> |

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|     |  | <i>interest, as it impacts on the member directly); or that of a relative or friend (which would be an 'indirect' interest) to a greater extent than that of other council tax payers, ratepayers or other inhabitants of the area. A personal interest will also be a <b>prejudicial interest</b> if a member of the public, who knows the relevant facts, would reasonably think that a member's personal interest is so significant that it is likely to prejudice his / her judgement of the public interest.</i>  |
| 5.  | <b>Matters of Urgency.</b>   | <p><b>TO CONSIDER</b> any matters on grounds of urgency which arrived too late to be otherwise placed on the agenda and/or are determined by certain deadlines.</p> <p><b>Please Note:</b> This item can be used to raise any 'matters of urgency', even if the matter is to be discussed later in the agenda under a related item heading. For example: planning applications which were received after the agenda was issued in order to meet the 21 day deadline. These will then be dealt with in the appropriate agenda item.</p>   |
| 6.  | <b>Minutes of the Council Meeting of the 5<sup>th</sup> July 2017.</b>   | <p><b>RECOMMENDATION</b> that the Minutes of the Parish Council meeting on the 5<sup>th</sup> July 2017 be approved and signed as a true record of those proceedings.</p> <p><b>Note: Please see Appendix 6a.</b></p>  |
| 7.  | <b>Progress Reports on Recent Actions - progress reports regarding matters from the Minutes of the 5<sup>th</sup> July 2017.</b> |  |
|     | <b>a. Low Plains Quarry (Last minute no. 17/100).</b>  | <b>TO RECEIVE</b> an update regarding the noise complaints about Low Plains Quarry.  |
| 8.  | <b>Public Participation.</b>   | <p><b>TO RECEIVE</b> any contributions from the parishioners relating to:</p> <p>a) Any item on the agenda;</p> <p>b) And any other parish-related matter which they may wish to raise.</p>  |
| 9.  | <b>Super Fast Broadband.</b>   | <b>TO RECEIVE</b> an update regarding Fibre Optic Broadband.   |
| 10. | <b>Report from the District Councillor Gordon Nicolson.</b>  | <b>TO RECEIVE</b> a report from the District Councillor Gordon Nicolson about Eden District Council matters affecting the Parish.  |
| 11. | <b>Report from County Councillor Hilary Carrick.</b>   | <b>TO RECEIVE</b> a report from County Councillor Hilary Carrick about County Council matters affecting the Parish.  |
| 12. | <b>Lazonby Parish Projects:</b>  |  |
|     | <b>a. Neighbourhood Plan.</b>  | <b>TO RECEIVE</b> an update regarding the Neighbourhood Plan.  |
|     | <b>b. Scaur Close Green.</b>   | <p><b>TO RECEIVE</b> an update regarding the Scaur Close Green triangle project. The Council received the following report from volunteer parishioners Geoff Wilson and Rob Sim:</p> <p><b><i>Landscape and habitat improvements to Lazonby Parish Council land at Scaur Close: Project Progress Update.</i></b></p> <p><i>The grasses and wild flowers grew well and developed seed heads in Spring and early Summer. The seeds were gradually shed. The 'crop' was lightly mown in mid July, left to dry in the sun for a few days, and shaken, to allow more seeds to drop. Those seeds are some of next year's grasses and flowers. Because meadow grasses and wild flowers thrive in poor soil the dried grass was removed, so that decaying grass does not add nitrogen to the ground. Because meadow grasses and wild flowers thrive in poor soil the dried grass was removed, so that decaying grass does not add nitrogen to the ground.</i></p> <p><i>In Autumn the area will be mown again, to allow light into the seeds to encourage germination. Some seeds need frost to aid germination. Some flowers are biennials and will flower only every second year. Of course the weeds grew as well as, or even better than, the plants that we wanted to</i></p> |

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|     |   | <p>grow ... especially amongst the shrubs at the south end of the 'green'. The profusion of weeds from amongst the shrubs have been consigned to the compost bins.</p> <p>The bench made from recycled plastic from Kedel has been delivered and has been placed in position against the electricity substation wall. New information panels have been placed adjacent to the site to explain why the grass has been cut and how it's hoped that the wild flower area will develop further over the next year.</p> <p>The payment of grant by The Friends of the Lake District (£650) was received on 9 June.</p> <p>It is still anticipated that two local variety apple trees will be planted, but grafting hasn't been too successful, so we are having another attempt. There are no outstanding costs associated with this.</p> <p>As previously reported, the application has been submitted to Cumbria County Council for the green to be registered as 'Village Green'. Currently there has been no response from the application.</p> <p><b>Recommendation:</b> That this project can now be regarded as completed and the account closed.”</p>   |
| 13. | <b>Financial Report by the Treasurer.</b>       | <p><b>TO RECEIVE</b> the Financial Report from the Treasurer.</p> <p><b>Note: Please see Appendix 13a.</b></p>   |
| 14. | <b>Authority for Payments.</b>                  | <p><b>TO CONSIDER</b> any requests for payment received by the Treasurer, Clerk or Council Members.</p>  |
| 15. | <b>Planning Applications – New (or Appeal).</b> | <p><b>TO CONSIDER</b> any new applications which have been issued for consultation by Eden District Council.</p> <p><b>1. Planning Application No: 17/0711</b> - Alterations to former domestic property, adjoining existing Primary School, associated with conversion to use as school accommodation granted under application 15/076, at School House, Lazonby, Penrith CA101BL.</p> <p><b>Please Note:</b> At the time of this Agenda being issued there were no further Planning Applications received. However, if any New Planning Applications reach the Clerk to the Parish Council between the Agenda being issued and the Meeting itself, then the Clerk and the Chair will consider if it is appropriate to introduce them to the meeting; or if it may be necessary to convene a meeting of the Planning Committee. These will be initially introduced under the 'Matters of Urgency' item on this agenda to then be further discussed in this item of the agenda. This information has already been circulated on Email to Councillors and a copy will be available at the meeting to view.</p> <p><b>ALSO TO RECEIVE</b> a Planning Application report for approval regarding the following Planning Application, which was considered by the Planning Committee and Members of the Parish Council by Email, with written notification to parishioners via the parish notice boards, in July / August 2017. The Parish Council gave a <b>NO COMMENTS</b> response to the following planning application:</p> <p><b>1. Planning Application No: 17/0601</b> - (Full Application) Alterations and extension, at High View, Low Plains Farm, Calthwaite, Penrith CA11 9RQ. <b>Note: Please see Appendix 15a.</b></p> |
| 16. | <b>Planning Applications – Decisions.</b>       | <p><b>TO RECEIVE</b> and be <b>NOTED</b> decisions on Planning Applications which have been issued by Eden District Council.</p> <p><b>Please Note:</b> At the time of this Agenda being issued there were no Planning Application Decisions received. However, if any Planning Application Decisions reach the Clerk to the Parish Council between the Agenda being issued and the Meeting itself, they will be presented at the Meeting.</p>   |

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| 17. | <b>LPC Cumbria Highways Link Person Report.</b>            | <b>TO RECEIVE</b> any reports on other issues that has arisen since the last Council meeting concerning Cumbria Highways.   |
| 18. | <b>Environment and Neighbourhood Committee Report.</b>     | <p><b>TO RECEIVE</b> a report from the Environment &amp; Neighbourhood Committee regarding the following issues which were discussed at their recent meeting but have not already been discussed on this agenda.</p> <ol style="list-style-type: none"> <li>1. Review of the use of the Parish Playing/Sports Field.</li> <li>2. Issues regarding Eden Bridge Car Park area.</li> <li>3. Will Pool Footpath Project.</li> <li>4. Footpath between Eden Bridge and Lazonby Swimming Pool.</li> </ol>   |
| 19. | <b>Electing a New Committee Member and Representative.</b> | <b>TO CONSIDER</b> a replacement member for the Planning Committee, and a new Parish Council representative for the Lazonby & District Swimming Pool Committee, following the recent resignation of a Councillor.   |
| 20. | <b>Proposed Tree Planting on Lazonby Farm Estate.</b>      | <p><b>TO RECEIVE</b> and <b>NOTED</b> the details regarding proposed tree planting at Lazonby farm estate.</p> <p><b><u>Report of the Clerk to Council.</u></b></p> <p>During August the Clerk was sent a request by Andy Bennett, the Woodland Officer for South Lakes and North Lancashire, asking the Parish Council to respond to tree planting proposals at Lazonby Farm Estate. This request was received in July and needed to be dealt with by 9<sup>th</sup> August 2017. The request was as follows:</p> <p><i>“Under EIA (Environmental Impact Assessments) screening regulations certain bodied/organisations may be contacted and sent the details. I feel in this situation I should contact you. Please can you have a look at the proposals and contact me if need be. Due to deadlines out of my control I need a reply by 9<sup>th</sup> August 2017. The trees planted will be a high percentage of native Broadleaves with some Conifer trees in as well. The creation plan and species mix are UKFS (United Kingdom Forestry Standard) compliant. The agent who put the proposals together is a qualified and Forester and a trusted agent. The mix of species will help the local Red squirrel population. The trees will be fenced off from stock and shelters added to help with Deer grazing. I have asked the agent to up the Deer control. The fence and tubes will be removed when the trees are above any grazing pressure.”</i></p> <p>After questions to, and answers from, Andy Bennett by the Parish Council the Council gave a no objection response.</p> <p><b>ALSO RECOMMENDED</b> that the Members be asked to confirm that an E Mail exchange took place to agree to and confirm that the Council gave a no objection response to the tree planting proposals at Lazonby Farm Estate.</p> |
| 21. | <b>Parish Council Website.</b>                             | <b>TO CONSIDER</b> how to take the Parish Council website forward after the recent request that the Council find another voluntary webmaster so that the current webmaster can retire.  |
| 22. | <b>Footbridge on riverside footpath 339021.</b>            | <p><b>TO RECEIVE</b> and be <b>NOTED</b> a notification about the replacement of the Footbridge on riverside footpath 339021.</p> <p><b><u>Report of the Clerk to Council.</u></b></p> <p>Hazel Wainwright, the Countryside Access Office at Cumbria County Council, has informed the Clerk about replacing the footbridge on the riverside path which was undermined in the flooding caused by Storm Desmond as shown on the plan sent. The work should take place in October this year (weather permitting) and the path will be closed from its junction with the permissive path past the campsite, with no alternative route, for the duration of the works which will probably 3 days but up to a maximum of 5 days.</p>  |

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| <p>23.</p> | <p><b>Devolution and Transfer of Assets.</b></p> | <p><b>TO CONSIDER</b> the impact of the “Devolution and Transfer of Assets” on the Parish.</p> <p><b><u>Report of the Clerk to Council.</u></b><br/> Jane Langston, the Deputy Director Technical Services at Eden District Council sent the following Letter:</p> <p><i>“You will be aware the District Council is working with Cumbria Association of Local Councils (CALC) on arranging for local areas across Eden to have the opportunity to take over the ownership and control of certain assets and services that operate within your Town or Parish. It is proposed that each Town and Parish Council across Eden should have the opportunity to consider whether certain local services should continue and if so, then be invited to take over the specification of what those services should actually be and deal with them including in the longer term raising the finance to pay for them. It is fully appreciated that not all Town and Parish Councils are the same and for some capacity or expertise is just not available to undertake day to day work on them. In those cases where you would wish the District Council Officers to continue to manage the provision on your behalf then we will do that but responding to your instructions on what the service will be and the payment for the services coming through your budgets.</i></p> <p><i>Some of the services relate to actual land or property where the transfer of that would need to be undertaken by legal transfers. In effect whether we are thinking of amenity lighting or play areas the proposal is repatriating the activity back to you at a local level. This reflects what is also going on from Europe to the UK Government and in turn from it to local Councils through the description of devolution.</i></p> <p><i>The Council has, since 1995, applied Special Expenses in certain parts of the District to raise money from local people to pay for some local services provided by the Council. It is considered that in the 21st century such decisions on what is spent locally should be determined locally. That is why from April 2018 the Council will no longer be applying Special Expenses.</i></p> <p><i>It is very likely that by March 2022, the District Council will no longer have the funds to support these discretionary services and as a result the services will be removed. Raising this issue now provides the opportunity in those Town and Parish Council areas to determine which services are important to their residents and decide either to precept itself at that level to generate money to pay for local services or to not do so.</i></p> <p><i>In relation to the repatriation or devolution of such services, within your own Town or Parish Council area, it is proposed that for 2018/19 100% of the external costs the District Council would otherwise have paid for the delivery of those services would be paid to yourself if you commit to taking them over. For subsequent financial years as the responsibility for the service has moved to the Town and Parish Council concerned so the responsibility for funding the service would also move to it. However, it is fully understood in some cases that to do that all at once may be difficult to manage. As a consequence it is proposed that the following grants would be made available:</i></p> <p style="text-align: center;"><i>2019/20 - 75% of the funding<br/> 2020/21 - 50% of the funding<br/> 2021/22 - 25% of the funding<br/> 2022/23 - no more funding</i></p> <p><i>What we have seen in Cumbria over the past five years is that Cumbria County Council has had to reduce services due to money not being available to pay for them. In 2011 consultation meetings were held about the need to stop certain services including closing toilets around the District to just manage the budget. Through some excellent financial management and business planning we have evidenced over the past five years we did not</i></p> |
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|     |   | <p><i>need to do that. Indeed we were able to not only continue those services but also provide grants to communities' right across the District to support a wide variety of activity and investment. However, reality is coming ever closer that a change is needed. By 2020 government grant to support local services will have gone from over a £1m a year to nothing. Savings will need to be made to ensure that the statutory services are provided.</i></p> <p><i>We have raised the issue of amenity lighting over four years. The pressures coming from local areas to retain lights shows that it is these very local issues that need to be dealt with locally. Also we have raised the issue of devolution of services with Towns and Parishes over the past two years. In those discussions we have listened to what is being said. In some areas whilst there may be no appetite to take over services, that will lead to a local choice as to whether the service continues or not.</i></p> <p><i>There is time now to implement change, we do not want to do what Cumbria County Council has had to do by just stopping a service. Here the choice on whether such local services will continue will be made locally by yourselves and the District Council will be giving you every assistance we can in that regard.</i></p> <p><i>We fully understand that questions will exist in relation to this and there will be concerns and to help with this we have engaged CALC to work with the Towns and Parishes and look at the issue involved. There will be the opportunity for meetings across Eden at which Parish and Town Councillors can come to ask those questions.</i></p> <p><i>The initial meeting will be set up by CALC who you can contact to discuss the devolution proposals and provide advice and support, please e-mail <a href="mailto:office@calc.org.uk">office@calc.org.uk</a> or telephone on 01768 812663."</i></p> <p>A list of the discretionary services provided in Lazonby by Eden District Council and in scope to the proposed arrangements was sought by Councillor Gordon Nicolson, and an Email explaining this was sent to Councillors on 20<sup>th</sup> August to explain this further:</p> <p><i>"In recent years Lazonby Parish Council has moved from using Eden District Council contractors for grass cutting. We have transferred responsibility for the Eden Community Park to the Swimming Pool Association and we make an annual grant to Swimming Pool to contribute to their maintenance costs. We have also seen a significant reduction in the special expenses charges that our residents pay. We have also installed two lights at the village hall and we pay an annual fee to the Village Hall Committee for electricity. There may be some amenity land within Lazonby that is owned by Eden District Council. This would need to be checked out. The main service for Lazonby is footway lighting and we would need to consider whether we should take this on. Questions arise about supply of electricity. At present the footway lights are unmetered. Eden District Council has a contract with an electricity supplier and pays a set sum for each light. There is also a contract for maintenance. Future arrangements would need to be established. These issues are common to any Parish Council considering taking over footway lighting. We would need to know the costs."</i></p> <p><b><u>Please Note: This information has already been circulated on Email to Councillors and copies will be available at the meeting to view.</u></b></p> |
| 24. | <b>Footways on the Meadows Development.</b> | <p><b>TO NOTE</b> a report from Geoff Wilson regarding the Footways on the Meadows Development.</p> <p><b><u>Please Note: This information has already been circulated on Email to Councillors and copies will be available at the meeting to view.</u></b></p>   |

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| 25. | <b>Mains Farm Music Festival.</b>            | <p><b>TO CONSIDER</b> if the Parish Council needs to raise questions with Eden District Council Licensing Team about the Mains Farm Music Festival noise levels.</p> <p><b><u>Report of the Clerk to Council.</u></b><br/> A music festival was arranged at the Mains Farm on the other side of the river in July 2017. The music could be heard quite clearly at properties at the top of the village. Attendance was limited to under 500 but concerns that the level of noise far exceeded what was required for that number of people. Although the event did not take place in the parish it could be said that it affected parishioners. The event may be repeated next year and could be bigger which may cause further disturbance.</p>  |
| 26. | <b>Invitations to Participate.</b>           | <p><b>TO CONSIDER</b> if Council Members would like to comment, take part in, attend, or send a representative to any invitations to participate.</p> <ol style="list-style-type: none"> <li>1. <b>FREE talk on investing parish funds being held on 3<sup>rd</sup> October 2017 at Penrith Methodist Hall from 1pm to 4pm</b> - The speakers are Matthew Smith FPFS FCSI LLB (Hons), Chartered Financial Planner &amp; Chartered Wealth Manager, Director of Smith Hobbs Wealth Management Limited; and Mark Davies, Market Development, CCLA. They will each give a talk on the options available for investing parish council funds which will be followed by a one to one surgery for delegates to ask questions.</li> <li>2. <b>Information Emailed about Dog and Dog-owner Behavioural Management in the countryside</b> – Comments are welcome.</li> </ol> <p><b><u>Please Note: This information has already been circulated on Email to Councillors and copies will be available at the meeting to view.</u></b></p>  |
| 27. | <b>INFORMATION given for reference only.</b> | <p><b>TO RECEIVE</b> and be <b>NOTED</b> any information that has been given out for reference only:</p> <ol style="list-style-type: none"> <li>1. <b>NALC Legal Topic Note 54 – July 2017 – Protection of Ownerless Common Land and Village Greens.</b></li> <li>2. <b>LDNPA World Heritage Status Information from CALC</b></li> <li>3. <b>EDC Electronic guidance procedural changes for Planning Applications Information from CALC.</b></li> <li>4. <b>Electronic Eden Rivers Trust Newsletter.</b></li> <li>5. <b>Eden Local Plan 2014-2032</b> - All comments on the Proposed Main Modifications had to be received in writing by 9am on Monday 21<sup>st</sup> August 2017 – Parish Councillors attended the Eden Local Plan Consultation Meeting on 24th July, at Skelton Village Hall. The Parish Council did not comment.</li> <li>6. <b>LDNPA Business Plan - April 2017 to March 2020.</b></li> <li>7. <b>Cumbria Design Guide</b> – Comments by 4<sup>th</sup> September 2017. The Parish Council did not comment.</li> <li>8. <b>War Memorial News.</b></li> <li>9. <b>Police Newsletter – August 2017.</b></li> <li>10. <b>NALC Legal Topic Note L04-17 - Reform of data protection legislation and introduction to General Data Protection Regulation – August 2017.</b></li> <li>11. <b>NALC Legal Topic Note L03-17 Reform of data protection legislation and the introduction to General Data Protection – August 2017.</b></li> <li>12. <b>Cumbria Minerals &amp; Waste Local Plan - Inspector's Report</b> - The County Council now proposes to take the Local Plan through to adoption. It was considered by Cabinet at its meeting on 27th July 2017 and will now go to full Council at its meeting on 9th September 2017 to agree adoption. It is expected that the Local Plan will be formally adopted on 19th October 2017.</li> <li>13. <b>Cumbria Constabulary Public Consultation Survey</b> – comments by 31<sup>st</sup> August 2017.</li> </ol> |

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|     |                                  | <p><b>14. Share your Council's thoughts on Citizenship and Civic Engagement with NALC -</b> The deadline for responses was Friday 1<sup>st</sup> September 2017.</p> <p><b><u>Please Note: This information has already been circulated on Email to Councillors and a copy will be available at the meeting to view.</u></b></p> |
| 28. | <b>Date of the Next Meeting.</b> | <p><b>RECOMMENDATION</b> that the date of the next scheduled meeting be Wednesday 4<sup>th</sup> October 2017 , in the Jubilee Room, Lazonby Village Hall at 7.30pm.</p>   |

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| 29. | <b>Wall at Bankfoot.</b> | <p><b>TO RECOMMEND</b> that members of the public and press who are in attendance withdraw from the meeting at this point due to the confidentiality of the matter to be discussed.</p> <p><b>TO CONSIDER</b> the next course of action regarding the collapsed wall at Bank Foot, Lazonby.</p> <p style="text-align: right;"><b><u>Note: Please see Appendix 29a.</u></b></p> |
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**INFORMATION EXCHANGE:**  
Please note that following the Council meeting there will be a 15 minute period where members can exchange information of a general nature. As items raised are NOT on the Agenda they will not be minuted.

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**LAZONBY PARISH COUNCIL**  
**SEPTEMBER 2017 Meeting of the Parish Council**  
**SUPPLEMENTARY APENDICES**

| <b>ITEM NO:<br/>(Appendix)</b> | <b>ITEM</b>  |
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| 6a.                            | Minutes of the Council Meeting of the 5 <sup>th</sup> July 2017. |
| 13a.                           | Financial Report by the Treasurer.                               |
| 15a.                           | Planning Applications – New (or Appeal).                         |
| 29a.                           | Wall at Bankfoot – Confidential Minute.                          |