

COLD NORTON PARISH COUNCIL

THE MINUTES OF THE MONTHLY MEETING OF THE PARISH COUNCIL HELD ON THURSDAY 3 MARCH 2005, in the Committee Room of the Village Hall

THOSE PRESENT:

Councillors:

Mrs. A Allen
Mr. J Archer
Prof. L Barclay
Mrs S Garnham
Mrs. G Gold
Mr. C Litscher
Mr. P Wakeling

In attendance: One member of the public, and Mrs. M Bryant (Parish Clerk)

406. **APOLOGIES FOR ABSENCE** – Nicola Plumb from the District Council, who was to have attended to speak to the District Council about affordable housing, but bad weather prevented this. She will attend the next meeting.

407. **MINUTES OF THE ORDINARY MEETING** of the Parish Council held on Thursday 3 February 2005 – were approved as a correct record, and signed accordingly.

FINANCE

Approvals of Payments – the following invoices were approved for payment: -

408. Mrs M Bryant – office expenses/supplies from 28.01.05 to 25.02.05: £53.19 (£46.82) – including frames for awards, and book “Key to Successful Fundraising” by Keith Derry. **Cheque No. 225.**

409. Village Hall hire from November 2003 to February 2004: £22.00. **Cheque No. 226.** It was noted that this cheque is to replace Cheque No. 142 dated 8 April 2004, which had not cleared the Parish Council’s account.

410. Mr. A Paul – Village Caretaker work 4.12.04 to 27.1.05 £246.38, plus related materials £78.51 £66.82 net) = total of £324.89 (£313.19 net). **Cheque No. 224.**

411. Mr. A, Paul – Village Caretaker work 1.2.05 to 21.2.05 £118.13, plus materials £18.80, total £136.93 (£134.13 net). **Cheque No. 227.**

412. British Telecom – Village Hall phone 1 Feb to 1 April 2005: £37.49 (£31.91 net). **Cheque No. 228.**

413. E-on Energy – monthly energy charge for street lighting during February: £20.10 (£19.14 net). **Cheque No. 229.**

414. PWLB – Direct Debit scheduled for payment 21 March – half-yearly repayment of loans £1,355.84.

415. Rural Community Council – annual membership renewal: £50.00. **Cheque No. 230.**

416. Local Council Review annual subscription: £13.00. **Cheque No. 231.**

417. P H Coote – repair of 3 no lamp heads (as Minute No 294[b] of 9 12.2004): £307.56 (£261.75 net). **Cheque No. 232.**

418. Winstonmead – 5 reams of 80 gsm copier paper at £1.50/ream = £8.00 net/£9.40 gross. **Cheque No. 234.**

419. Maldon District Council – Inspections of play equipment for 2003 and for 2004: £117.50 (£100 net). **Cheque No. 235.**

420. Cold Norton Village Hall Management Committee – hall hire 4.11.04 to 3.2.05 inclusive: £32.50 (zero VAT). **Cheque No. 236.**

421. **Quotation received from Manor Fencing & Construction Ltd** – response to queries of Minute 380 of 3.2.2005

Queries and responses follow: -

- Check that the specification given is as understood by Prof. Barclay when he met with the Manor Fencing representative – response - yes
- Manor Fencing is to be asked whether the posts proposed will be wood. Response – yes, they are timber.

- Manor Fencing is to be asked whether they could supply the equipment only – i.e. no labour. Reason – Mr. Litscher offered to supply labour. Response – yes. A letter confirming this is outstanding from Manor Fencing – the clerk will pursue.

ACTION CLERK

422. **Inspections of Play Equipment and of Nature Reserve pond** (as Minute 379 of 3.2.2005) – consideration of prices.

A report had been distributed to Members, and is **appended** to the file copy of these minutes.

Parish Council's Decision: - RoSPA is to be employed for the play equipment inspection and for the risk assessment of the pond at the Nature Reserve. Quote: -

Play equipment inspection is £59 for 5 items plus £3 for each one over 5 = total cost for 13 items of £83 (+VAT). For the Nature Reserve pond – if combined with the play equipment inspection, the cost would be £125 for both + the 8 additional items at £3 each = total for play equipment inspection and pond inspection of **£149.00** + VAT

RoSPA is to be informed, and Wicksteeds and Alison Meredith are to be notified of decision.

ACTION CLERK

Cllr. Mr. Archer wished it to be recorded that he voted against this decision.

423. **Parish Council's Creditors**

A letter had been sent to Maldon District Council re outstanding invoices (further to Minute Nos. 328 and 377). The following update was given: -

	<u>£ Net</u> (i.e. ex-VAT)	
Dog Waste bin installed March 2004	55.00	Invoice not received
Play equipment inspection 2003	50.00	Invoice received
Play equipment inspection 2004	50.00	Invoice received
Allotment Tenancy 2003	100.00	Invoice not received
Allotment Tenancy 2004	100.00	Invoice not received

If invoices not received by year-end, the clerk is to confirm her earlier letter (that outstanding amounts will be written out of the Parish Council's accounts).

ACTION CLERK

424. **Financial Statement**

End of February statements not yet received. End of January statements show: -

Abbey current account: -	£3,462.98
Standard Life Instant	£850.69
Standard Life 10-day Notice	£10,147.05
TOTAL	<u>£14,460.72</u>

The clerk had entered all of the known transactions into the Parish Council's accounts, and had then printed out the consequent Budget Comparison reports, to give an indication of cash spent and received for each budget heading, and of how they compare to budget. It was noted that: -

- The payments budgeted exceeded actual by £752.94
- The actual receipts listed (which included VAT refunds) exceeded those budgeted by £1,545.54. Therefore, since the Council's accounts must be done net of VAT, the more accurate difference is that the actual receipts exceeded the budgeted receipts by £164.52.
- These figures are Receipts and Payments – i.e. actual cash in and out during the year, which will include, for instance, cheques paid this year relating to invoices received in the previous financial year.
- On the reverse of the sheet was given the "Committees Budget" – i.e. the Income and Expenditure figures, which will need to be further adjusted at year-end to allow for creditors and debtors etc.

MATTERS ARISING from previous minutes

425. The following report from the Clerk was noted: -

“I have spoken to Mr. D Bardwell, who you will remember had wanted to talk with the Parish Council. Seemingly it would be difficult for him to get to Cold Norton to do that, so I gave him the Chairman’s phone number so that he could talk with him. However Mr. Bardwell and I had a helpful discussion re: -

The Barn, Stephens Road**, which was the subject of planning application No. AGR/MAL/04/01044 (Storage Barn – Parish Council response “not harmful”, District Council decision approved). I told him about Mrs. Garnham’s discovery about the Tudor floor, which is likely to relate to this barn. Mr. Bardwell was not aware of this floor, although he is aware that this is a Listed barn. He told me that the whole floor has been concreted over – date unknown – probably many years ago. I then spoke to Robert Scrimgeour, Conservation & Design Officer, Maldon District Council. He confirms that many such barn floors were concreted over during the 20th Century and that, if there were a Tudor floor underneath, it would not be possible to remove the concrete without irreversible damage to the surface of the floor underneath. He kindly faxed to me the District Council’s **details of all of the Listed Buildings in Cold Norton (which includes this Barn).*

***The Nature Reserve** – Mr. Bardwell has also bought the land around this area. Therefore I discussed with him the fencing that is proposed, and that we would like to meet with him to ensure that the boundaries are agreed with him. I said I would contact him again when the time comes.”*

★ Details of listed buildings will be kept on Parish Council file: - the locations are as follows: -

1. Thatched Cottage, south-east side of Stow Road – was once the parish school.
2. Norton Hall, St Stephens Road
3. Barn, formerly listed as “Barn at Norton Hall”, St Stephens Road.
4. Fowlers Farmhouse, Honeypot Lane (east side)
5. De Laches, Latchingdon Road (south side)

426. **Maldon & South Chelmsford NHS PCT** – informal consultation document re their Strategic Service Development and Local Development plans – to consider, further to Minute No. 402

Noted – nothing to add further to Minute No. 402.

PLANNING

427. **Maldon District Draft Replacement Local Plan**

Letters and Notice from Maldon District Council received and noted (had been copied to Members): -

- Letter dated 31 January 2005 from Mr. James Doe – Maldon District Replacement Local Plan Proposed Modifications.
- Letter dated 7 February 2005 from Mr. James Doe – ditto – closing date for making objections changed from 18 March to 29 March.
- Notice Of Intention To Adopt and of Proposed Modifications to a Unitary Development Plan, Local Plan, Minerals Local Plan or Waste Local Plan, or Proposals for the Alteration or Replacement of such a Plan.

428. **Maldon District Council Decisions**

A detailed list had been copied to Members, and the following is the summary of that list: -

- FUL/MAL/04/01318. Replacement dwelling. Hawthorns Victoria Road. Mr M Heady. APPROVED.
- FUL/MAL/05/00010. Demolition of existing house. Erection of new 4 bedroom house. 15 Green Trees Avenue. N & P Stechman. APPROVED.

429. **Planning Applications received by the Parish Council** – The following responses were approved.

- FUL/MAL/05/00051. Old Whitmans Farm Cottage, Hackmans Lane, Purleigh. Jana Lynn. Additional use of residential property for the sale and breeding of up to 20 dogs. Response: - Not harmful – recommend approval.
- FUL/MAL/05/00141. Two Oaks 24 St Stephens Road. Mr & Mrs D Barker. Two-storey side extension. Response: Not harmful – recommend approval.
- FUL/MAL/05/00173. Stow Bullocks Stow Road Cold Norton. Mr & Mrs Nunney. Garden Wall. Response: - *“Cold Norton Parish Council recommends that the District Council should REFUSE CONSENT for the above application, on the grounds of appearance: - the proposals change the rural environment into a suburban one.”*
- Regarding the application for the Stow Bullocks, the Clerk was asked to contact the District Council again about methods used for relating applications to parish boundaries.

ACTION CLERK

430. Letter detailing Inspector’s Decision on **Appeal FUL/MAL/04/00220 – 36 The Fairways** – Change of use of former railway cutting to garden and erection of games room. Summary of decision – The appeal was dismissed. The letter and accompanying papers will be circulated.

ACTION CLERK

HIGHWAYS AND ROAD SAFETY

431. A Highways Schedule had been prepared and distributed to Members. It is **appended** to the file copy of these minutes.

Discussion of items on the Highways Schedule: -

1. **Relating to “Path from Latchingdon Road to Station Crescent/Ferris Avenue** – claim that this is a *de facto* path.

A letter from County Council dated 16 February 2005 refuted the Parish Council’s claim that, since the path to the south of and parallel with Latchingdon Road (Norton Chase) was treated as and maintained as a public right of way (despite the fact that it is not yet on the Definitive Map), then therefore the path from Latchingdon Road to the east end of Ferris Avenue and Station Crescent should be treated similarly.

In the County Council’s letter, Mrs. Lesley Williams states that *“I have looked into the question of the other path you mention and why that is being maintained and kept clear despite its not appearing on the Definitive Map. Although the path that you describe as Norton Chase is not recorded on the Definitive Map, it was considered by the Landscape and Conservation Sub-committee of the County Planning Committee at a meeting held on 30 June 1973, who decided that public rights could reasonably be alleged to subsist and that the path should be put on the Definitive Map at such time as the next Review took place. At that time, the legislation in force was the 1949 National Parks and Access to the Countryside Act, under which revised draft maps were prepared in draft form and sent out for public scrutiny and objections before being adopted as the Definitive Map (as happened with the 1963 Definitive Map). However, before the 1971 Revised Map was completed and published the legislation changed and that particular Review was abandoned. Under the 1981 legislation, we were obliged to keep the map under continuous review and the current investigative procedures came into being. As you know, this review is not due to investigate Maldon District for some time. However, as this path had been listed for inclusion. It had been included in the maintenance programme. The treatment of this way differs from the norm because of this history. This would not apply to the path you now wish to have added to the Definitive Map.”*

An application pack to claim as a right of way the path from Latchingdon Road to Ferris Avenue/Station Crescent had been included. This is to be actioned.

ACTION CLERK

The Parish Council stated, *“Until the review of the Maldon District rights of way, we wish it to be registered that we consider this to be a public right of way, and we will continue to promote its use as such. We did not make a fuss about this in 1973 because it was quite clearly a road.”*

2. **Proposed widening of Footway East of the Railway Bridge - north side** - the paved length of footway as far as Country Produce.

The Highways Schedule had shown the County Council response that “*The whole length will be looked at and width increased as far as possible. Dependent on the width gained other measures will be considered, but the prospect of purchasing a strip of land has been put on hold while the ownership has been changing*” and “*We think we can get enough extra width just by maximising what we already have [i.e. without land purchase]. This project is likely to be done in the early part of the new financial year.*”

Whilst noting this, the Parish Council view is that progress on the widening as proposed by County Council should be sought, and then further action should immediately be sought if this does not provide sufficient widening (i.e. action to be sought would be that the land purchase be progressed, paid for from the Locally Determined Budget, as detailed in the Clerk’s Report below: -

“*Re: Mr. Venables’ comment that “Purchasing land is a last resort”*

I have verbally noted to Mr. Venables that this land purchase was included in the Locally Determined Budget way back in December 2002. Nevertheless he says that it was agreed at the 2004 Annual Highways Liaison meeting that they would try to widen the footway by other means first.

I have suggested to Sean Purcell at County Council that, in the spirit of open government, parish councils should routinely receive copies of the Locally Determined Budget as it affects their parishes, as and when it is updated (usually every 6 months).”

432. A **letter from Stow Maries Parish Council** had been copied to Members and was noted. The letter was addressed to Mr. R Bass, Cabinet Members for Highways and Transportation, and stated that a letter from County Council dated 17 February 2005 “*appears to dismiss [Stow Maries Parish Council’s] very detailed proposals by a recommendation that a 30 mph limit should be imposed through this village without supporting engineering works.*”

VILLAGE HALL - REPORT FROM PARISH COUNCIL REPRESENTATIVES – no recent Village Hall Management Committee meeting to report.

433. **Village Hall project**

Notes of the Village Hall Project meeting held on 17 February 2005 had been distributed to Parish Council members and to those who had attended that meeting. Prof. Barclay also gave a summary, noting that Option 1 had been chosen: -

Description of Option 1 as section 6.00 of Feasibility Study –

“

Budget Estimate

New single storey extensions to form entrance lobby,	
1. meeting rooms, stores and toilets (gross floor area 73m ²)	£130,000.00
Alterations within existing building (includes £3,000	
2. for redecoration to remaining existing ground floor areas	£68,000.00
External works comprising car park	
3. extension/lighting, paths, soft landscaping, fencing, and underground drainage	£42,000.00
4. Current Constructions Costs at current tender levels	£240,000.00
Fees (18%)	£43,200.00
VAT (17.5%)	£49,560.00
Total Current Cost (01/11/04)	£332,760.00
Total 01/03/06 (x 8%)	£359,380.00

(If the scheme necessitated the upgrading of Cherry Blossom Lane to 'adoptable' standard, this would be likely to cost an additional £60,000, not included above.) “

Prof. Barclay said that the Parish Council will need to give more consideration to this when it is known approximately how much might raised by way of grant funding. At that stage a decision will be needed on whether (and, if so, how much) PWLB loan is required, at which time further local consultation will be needed.

The Parish Council was pleased to note that the County Council is to give an automatic grant to all Parish Councils of £1,000 each, payable early in the new financial year. This news is to be seen on the Essex Association of Local Councils website, and a letter confirming this is awaited from the E.A.L.C.

VANDALISM/POLICE MATTERS – nothing to report.

434. **DISTRICT COUNCILLOR'S REPORT**

Mr. Archer discussed the ongoing proposals for a wind farm at Bradwell, and he confirmed that the District Council position is that they must express no view until the relevant District Council Committee meeting, and that “*it will probably end up at central Government level*”.

OPEN SPACES

435. **Village Caretaker's Resignation**

The Parish Council noted with great regret that Mr. Alec Paul has retired. All present expressed appreciation of Mr. Paul's work, and accordingly a letter expressing this will be sent, particularly referring to the visible difference he has made to Cold Norton and the consequent awards that have been won. Other ways of expressing this appreciation were discussed, and the Clerk is to make appropriate enquiries to bring back to the Parish Council at its next meeting. The consequent vacancy will be advertised, albeit Cllr Charles Litscher said that he might know of people who could be interested. Grass cutting quotes are also to be sought.

ACTION CLERK

436. **Nature Conservation Area**

Opening Ceremony/sign/fencing - Cllr. Litscher confirmed that the sign would be ready by the end of the month. The height of the oak post to support the sign was agreed as one metre out of the ground (sufficiently low for children to be able to see it more easily).

Date agreed for the opening ceremony is Sunday 10 April at 11 a.m. – but the clerk is to check how this fits in with church services.

ACTION CLERK

437. **Playing Field** - nothing to report (and no safety problems to report).

PUBLIC RIGHTS OF WAY

438. **Footpath along the disused railway line**

A letter from The Planning Inspectorate had been distributed to Members, plus the clerk's letter to which it replies.

Summary of this correspondence: - Definitive Map Modification No 228 (Bridleway 29 Cold Norton and Bridleway 24 Stow Maries, Maldon District Order 2004 – The Secretary of State has decided to hold an inquiry. Representations will be available for viewing at the County Council offices. “*The Inspector will be concerned with determining and recording the public rights that already exist. The relevant evidence and arguments are therefore those relating to the existence of the path or way (i.e. is there a public right of way?), its status, and its precise route. Details of the arrangements for the inquiry will be sent in due course.*” Enclosed with the letter was the Essex County Council statement, which confirmed that there is ample evidence that the way has been used by the public both on foot and on horseback for a period in excess of twenty years, and that the County Council would argue that this use was use “as of right”. With this paperwork was some associated e-mail correspondence, which the Clerk was asked to circulate.

ACTION CLERK

439. **Diversion of footpath over the golf course**

An e-mail from Mr. Christopher Brown of County Council confirmed that he would be progressing the permissive route with way-marking, as Minute No. 357. Noted.

440. **Path from Latchingdon Road railway bridge to Ferris Avenue and Station Crescent**

A letter from the County Council entitled "Wildlife and Countryside Act 1981, s53 – Application to modify the Definitive Map – Alleged path from Latchingdon Road to Ferris Avenue and Station Road" is referred to under Minute No. 431 above.

441. **COLD NORTON'S WEBSITE**

The Clerk reported that she had asked Mr. Hallam to include the Parish Council's Freedom of Information Act Publication Scheme on the web site, Parish Council's accounts (Balance Sheet and I & E account), and Parish Council's minutes (when approved). The Parish Council was asked to consider whether just the minutes should be included, and whether the monthly Beacon report should also be included (at present only the latter is included on the website). Decision – both should be included.

Members confirmed that the website was up to date – the Clerk had requested this confirmation because she has had technical problems and therefore cannot access the site. Members also noted the following amendments needed:

- The name of the Beacon magazine editor needs to be changed.
- Transport page – train list – One railway, not Great Eastern

ACTION CLERK

CORRESPONDENCE

442. Dengie Hundred Group of Parish Councils – meeting scheduled for 16 March, 7.30 pm, Steeple Village Hall, and accompanying letter from Mr. John Whittingdale MP. Noted.

443. Invitation to members from District Council Councillor John Archer and Mrs. Sandie Archer to a Charity Event on Friday 8 April 2005 at Five Lakes Golf & Country Club. Noted.

444. The following items from County Council had been recently received. It was noted that a too-short consultation time combined with missing the last circulation date of mid February had caused a problem with consultation deadlines. Therefore they were passed to Prof. Barclay for a response, if appropriate: -

- County Council – Traffic Management Strategy – a consultation needing response by 10 March (Circulation Document No. 37/05)
- County Council – Street Lighting Policy consultation – any responses needed by 9 March (Circulation Document No. 39/05)

ACTION Prof. BARCLAY

445. **CLERK'S RETIREMENT**

Further to Minute No. 367, Mrs. Bryant's letter to the Chairman of notice of retirement had been copied to other members. She was asked to produce a job description for the Chairman, who would draft a brief notice to advertise the vacancy, which would be advertised locally and also to clerks of adjacent parishes.

ACTION CLERK

446. **ANY OTHER BUSINESS** (*Members are reminded that no decisions may lawfully be made under this agenda item - however matters may be discussed which involve exchanges of information only.*)

Cllr. Mrs. Allen had brought to the meeting a letter seeking Parish Council grant funding. The Clerk confirmed that there had been no Parish Council Grants Schedules on the agenda for several months, because the whole of the Parish Council's budget for granting funding during the 2004/05 financial year had been expended very early in that financial year. There will be an opportunity to bring forward such requests at the first meeting in the new

financial year (April 2005). Accordingly the letter brought forward by Mrs. Allen will be included at that time.

ACTION CLERK

447. DATES OF FUTURE MEETINGS

Dates scheduled are: -

Thursday 7 April, Thursday 5 May (this meeting is to include the Parish Council's AGM, but it may have to be re-scheduled depending on the General Election date);

Dates provisionally scheduled are: -

Thursday 2 June, Thursday 7 July, Thursday 4 August, Thursday 1 September, Thursday 6 October, Thursday 3 November, and Thursday 1 December.

Annual Parish Meeting – Tuesday 3 May – Confirmation has been received from County Councillor Mr. Brian Mead, District Councillor Mr. John Archer and Community Police Officer P.c. Paul Hughes that they can attend.

Chairman

Date