

# CONSTANTINE PARISH COUNCIL

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Minutes of the Ordinary Meeting of Constantine Parish Council held on Thursday, February 17, 2011 at 7.00pm in The Church Hall, Constantine.

**Present:** Cllr P.C.Carter (Chairman) Cllr M.J.Reynolds  
 Cllr J.E.G.Boote Cllr R.J.Williams  
 Cllr A.H.Bolt Cllr N.J.Wiseman  
 Cllr C.Gray  
 Cllr R.E.Just Mr C.Chapman (Clerk)

**Visitors:** CCllr Hatton and twenty members of the public.

The Chairman welcomed members and visitors to the February meeting.

## PUBLIC QUESTION TIME

It was noted that

- the Postal Services Bill is progressing through the Houses of Parliament at lightning speed and that, as a consequence of its passing into law, there are likely to be serious implications for rural post offices
- the drains on the Wheal Vyvyan and Penbothidno estates have not been cleared despite representations to Cornwall Highways
- the safety bollards between the Penbothidno Estate and Bowling Green Road are so close together that they block the progress of electric wheel-chairs. The same problem exists on the Brillwater Road.

Mrs Kitchen asked for the Parish Council's support for the amended application relating to Little Orchard. She stated that the proposed design is more sympathetic to the plot than that formerly approved and that steps had been taken to alleviate concerns about flooding downstream.

Questions concerning the proposed development of a Solar Farm at Brill were put to representatives from Sunpower (the applicants) through the Chair

- Q. Does the proposed installation already qualify for the Feed in Tariff?  
 A. No, it will only qualify once it has been commissioned.
- Q. Is Sunpower concerned that the Feed in Tariff may be substantially reduced or withdrawn in the intervening period?  
 A. Yes.
- Q. Was the reason Sunpower pulled out of the two developments near Penzance because of concerns about future changes to the Feed in Tariff or because the area was considered to be 'sensitive'?  
 A. Sunpower has only withdrawn one application and that was because of the sensitive nature of the site which adjoins the Cornwall AONB. Sunpower is not a company which will bulldoze its way over local concerns.
- Q. How much local consultation has Sunpower undertaken?  
 A. Sunpower posted leaflets advertising the second of two consultation events through every door in Brill and advertised that event both in the press and on the Parish Noticeboards. It also attended meetings of the Parish Council on two occasions and informed Councillors on Thursday November 18 that a consultation event would be held in the Church Hall on Monday November 22. (Householders from Brill contested the initial contention, stating that the first they had heard of the proposals came in the form of a letter from Cornwall Council in January 2011.)

*Chairman's initials.....*

Q. Is the imposition of thousands of solar panels on an unsuspecting rural community innocuous?

A. It is part of an accepted process.

## **1 TO ACCEPT APOLOGIES FOR ABSENCE**

Cllr Cavanagh (family), Cllr Nicholls (family) and PC Cook all sent their apologies for absence. Cllr Reynolds proposed, Cllr Gray seconded all others in favour to accept their apologies.

## **2 DECLARATIONS OF INTEREST**

### **in items on the agenda**

There were no declarations of interest in items on the agenda.

### **of gifts (received as a result of being a member of the Council) of a value greater than £25**

There were no declarations of gifts of a value greater than £25.

## **3 CONFIRMATION OF THE MINUTES OF THE LAST MEETING**

Cllr Wiseman proposed, Cllr Just seconded, all others in favour that the minutes of the Parish Meeting held on Wednesday February 9, 2011 are an accurate record and the Chairman signed them as such.

Cllr Boote proposed, Cllr Bolt seconded, all others in favour that the minutes of the Ordinary Meeting held on Thursday January 20, 2011 are a true record and the Chairman signed them as such.

## **4 MATTERS ARISING FROM THE MINUTES BUT NOT INCLUDED ON THIS AGENDA**

It was noted that

- the tap in the Lawn Cemetery has yet to be repaired
- the drains on the Wheal Vyvyan and Penbothidno estates have yet to be cleared.

*The Chairman proposed and it was agreed to discuss agenda item 8 at this point in the meeting*

## **8 PLANNING APPLICATIONS AND DECISIONS**

### **Applications**

PA10/08670 Mr Mike Rutgers – The development of a 5MWh solar photovoltaic farm on land close to Constantine, Cornwall along with attendant equipment and infrastructure – Brill Farm, Constantine. Cllr Williams proposed, Cllr Boote seconded, Cllr Wiseman against, all others in favour to suspend Standing Orders for ten minutes to allow members of the public to speak. During those ten minutes a number of issues pertaining to solar power, to the unintended consequences of the law relating to the Feed in Tariff and to the recent decision by the applicant to withdraw an application for a similar development near Penzance were raised, all of which the Chairman agreed might be addressed by Mr Hines (who was speaking on behalf of SunPower). The ten minutes having elapsed, Cllr Wiseman proposed, Cllr Just seconded all in favour to resume Standing Orders. Following further discussion, Cllr Williams proposed, Cllr Wiseman seconded and it was agreed that this application should be returned marked, *Constantine Parish Council strongly objects to this proposal and recommends the Local Planning Authority to refuse permission for development for the following material planning reasons*

- *because of its visual impact on the environment and in particular its visual intrusion on an Area of Great Landscape Value, on the nearby Constantine Conservation Area and on the nearby Cornwall Area of Outstanding Natural Beauty*
- *because the site is of Archaeological Heritage Landscape Character (it is part of a medieval strip-field system and there is an adjacent Iron Age Round) and because the 22,000+ holes dug and driven into the site to take poles to support the structure and the security fence together with the trenches dug to carry wires will disturb any below-ground remains.*
- *because of the scale and dominance of the proposed development within the surrounding rural area Constantine Parish Council considers this application to be for industrial development.*
- *because this is a green field site currently used for agricultural purposes*
- *because of the design and appearance and impact of the proposed associated building within the rural landscape.*

*Additionally Constantine Parish Council would draw the Planning Authority's attention to the following discrepancies and distortions contained within the application*

- *the applicant has chosen to ignore the fact that the site is in an Area of Great Landscape Value*
- *many of the statements contained within the report are simply statements of opinion e.g. paragraph 4.35 "Therefore there will be minimal impact to footpaths, cycle routes and tourism arising from the development of the solar farm." Such statements are strongly refuted by Constantine Parish Council*

*Chairman's initials.....*

- *the public exhibitions referred to in the application were held at very short notice indeed which meant that very few people were able to make arrangements to attend, if indeed they had been made aware of them*
- *the overwhelming positive response to the scheme referred to in the application is based on a very small number and far from offering evidence of support refers to answers given to very general questions about green energy. The responses do not properly refer to this scheme*
- *both the design and access statement (paragraph 4.4) and the project description (paragraph 3.9) refer to the height of the proposed security fence as being 2m. Drawing Figure 3.4 clearly shows the height (including the wire) as being in excess of 2.5m*
- *there is no indication in the application document of the size of the six proposed inverter buildings*
- *the views from the sites within the 2km and 5km study areas might have been supplemented by views from inside the proposed site. The impact on the landscape of the proposed development will be far beyond that suggested in the application. Its scale and dominance within the rural area will intrude upon views of the countryside for many miles*
- *despite what the applicant states, there will be noise from the motors throughout the day as the 15,720 panels are aligned minute by minute with the orbit of the sun*
- *access along the road from Edgcumbe to Brill is impracticable, if not impossible, for the weight of traffic foreseen during the construction period. Access using HGVs along any road to Brill is likely to lead to severe local congestion*
- *the flood risk assessment uses figures from Camborne rather than from Culdrose (which is considerably nearer). Further it ignores the fact that rainfall will not be evenly spread over the site; rather it will be directed down rows of panels (which cover an area of 23,580 square metres) and will puddle at their foot. In prolonged periods of rain, these puddles will join together and result in un-quantified run-off and expose properties further down the valley to risk of flooding. Constantine Parish Council agrees with the Environment Agency in its assessment of the site as being in Zone 1 but believes that the Flood Risk Assessment for development should have considered the risk of flooding further downstream as a “local consideration requiring particular assessment”. Constantine Parish Council would respectfully refer the Local Planning Authority to PPG25 paragraphs 19 and 20. It would further question the assumption that the proposed development should be classified as ‘Essential Infrastructure’.*

*Constantine Parish Council believes that the effect of this development is likely to blight properties in the vicinity.*

*Constantine Parish Council would draw the Local Planning Authority’s attention to the fact that the land in question may be the subject of a five year Environmental Stewardship Scheme administered by Natural England.*

*Constantine Parish Council is at a loss to understand quite why the Local Planning Authority did not require an Environmental Impact Assessment. Such a decision appears to represent a clear abuse of office when this development will have such a significant effect on the landscape.*

*Constantine Parish Council is at a loss to understand quite why the Local Planning Authority did not require a Tourism Impact Study. Such a decision appears to represent a clear abuse of office when this development may have a significant effect on tourism within the surrounding area.*

*Constantine Parish Council would draw the Local Planning Authority’s attention to a decision made by a Planning Inspector in the 1990s to refuse permission for development in this immediate area because it lies outside the village boundary and in an Area of Great Landscape Value. Since then, on at least two other occasions, Planning Inspectors engaged in making decisions within the vicinity of the village of Constantine have emphasised the duty of the Planning Authority to respect the value of designated areas.*

*The Chairman of Constantine Parish Council called a Parish Meeting on February 9, 2011 to gauge residents’ opinion. This single issue meeting was attended by 90 electors (not one of whom spoke in favour of the proposal) and the overwhelming response from them was that they did not support this development. A copy of the minutes of that meeting is attached to these observations and Constantine Parish Council recommends that its contents be considered in full before a decision is made.*

*Constantine Parish Council notes that the coalition government has expressed concerns that the scheme it inherited leaves the way open for the development of commercial solar farms. The Council notes that 5MW of electricity produced by nuclear power costs £85, by wind power £130 and by solar power £240*

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*Finally, Constantine Parish Council recommends that the decision on development is made at a meeting of the Planning Committee, preferably following a site visit by its members, rather than using delegated powers and has alerted CCllr Hatton to that effect.*

Following this decision, the representatives of Sunpower left the meeting having agreed to answer further questions from members of the public outside the Church Hall. They were followed by the majority of members of the public present.

PA11/00387 Mrs J.Kitchen J & B Design – Erection of a dwelling (amended design) – Little Orchard, Bridge. Cllr Williams proposed, Cllr Wiseman seconded and it was agreed that this application should be returned marked, *In April 2009 Constantine Parish Council observed “Constantine Parish Councillors have grave concerns about access to the proposed development which emerges onto a dangerous bend; about the loss of privacy for adjacent dwellings; about the increased risk of flooding for houses in the valley consequent upon rain water run-off from the proposed hard surfaces; and about the over-development of this restricted site. They therefore urge the Planning Committee to refuse permission for development.”*

*Despite the evidence of work done on the question of flooding contained in this current application, Constantine Parish Council expresses the same doubts as it did in April 2009 and refers the Planning Authority to PPG 25 paragraphs 19 and 20. Further concerns are raised about the design of the proposed dwelling which is not in keeping with those built in the surrounding area and therefore recommends refusal of permission for development.*

PA11/00985 Mr & Mrs Meadows – Porch extension to dwelling – Poltoge, Port Navas. Cllr Just proposed, Cllr Boote seconded and it was agreed that this application should be returned marked, *Constantine Parish Councillors support this application.*

### **Decisions**

PA10/08475 Grant of Conditional Planning Permission (Installation of window on North East elevation) – Dinyan Port Navas – *noted*

### **Correspondence**

CC revised procedure for public speaking at Planning Committees – *noted*

**Mr Hines** clarification of four points concerning PA10/8670 – *noted*

**Mr and Mrs Rice** copies of letters and documents in relation to the proposed solar farm – *noted*

Copies of individual letters to Cornwall Council as the Local Planning Authority opposing the proposed development of a solar farm at Brill were received from *Mr Blackler, Mrs Fairey, Mr and Mrs Rice, Mr Roberts, Mr Small, Mr Hawes, Mrs Rishworth, Mrs Down, Mr Featherstone, Mr and Mrs Clowes, Ms Rice and Mr Hassall, Mr and Mrs Papastavros, Mr Gendall, Mr Doubleday, Mr Brierly, Mrs Moore, Mr Moore* and noted

## **5 POLICE REPORT**

Through the Clerk, PC Cook reported that since the meeting on January 20, 2011 there have been three crimes in the Parish which have been reported to the Police (a car was badly scratched in Bowling Green Road, an engine handle was stolen from a boat and there had been an incidence of sexual assault). PC Cook added that an incident had also been reported concerning youths who had disturbed choir practice by shouting through the Church door and subsequently making lewd comments aimed at members of the choir. There had also been an incident involving dog walkers and their dogs in Bosahan Woods and, as a consequence, he reminded dog owners that it is their responsibility to keep their dogs properly under control.

Councillors noted that inconsiderate parking both at the pinch point in Fore Street and at the top of Well Lane is likely to be the cause of an accident and indeed that such an accident has occurred at the top of Well Lane. Cornwall Highway’s promise to paint yellow lines at the top of Well Lane has yet to be fulfilled. The inconsiderate use of speed though the village was again noted and the Clerk was asked to report both these matters.

## **6 CORNWALL COUNCILLOR’S REPORT**

CCllr Hatton reported that

- Cornwall Council will make no increase in the Council Tax for the coming year
- the police precept for the coming year has yet to be set
- inevitably Cornwall’s budget will require savings having to be made. However, there will be no library closures before 2012, although there may well be a reduction in the hours that they are open. The Mobile Library Service has also been examined, but, although its use is declining, reductions in this service are not seen as a priority. Indeed, there may be an opportunity to introduce a tariff for

*Chairman’s initials.....*

use of the service by visitors to the County in the same way as non-residents are charged for entry to the Helston Museum

- the much-publicised 40% reduction in the budget for supplying services which support people resident in the county should be viewed in the context of rationalisation. Contracts across the county are inconsistent at the moment and will be re-negotiated over the next few years
- he will speak to Mr Biddick of Cornwall Highways about the need for drains in the village to be emptied. At present they are emptied on a two-year rolling programme, but it is his belief that some need emptying more frequently than others
- the news that, despite a possible review by the coalition Government of Feed in Tariffs, the Kernow Solar Park (in which Cornwall Council has a substantial financial interest) will be going ahead is untrue: it is 'on hold'
- he will bring the poor state of the road down to Merthen Gate to the attention of Cornwall Highways
- the planning application for the Solar Farm at Brill will be decided by the Strategic Planning Committee which is composed of 15 members of which he is one
- the visit to the Social Club by George Eustice MP tomorrow was designed to allow electors an opportunity to ask questions about the alternative voting system: he may find himself having to answer questions about the proposed solar farm and the future of rural post offices.

## 7 PARISH MATTERS

### The New Churchyard

Cllr Wiseman alerted members to the dangers presented by earth sinking into certain graves in the new churchyard. Following discussion it was agreed that Cllr Wiseman should carry out an inspection of graves in the new churchyard and report back to the next meeting.

### Car-Park

Members considered two quotations for the felling the tree overhanging the road. Cllr Boote proposed, Cllr Just seconded, all others in favour to accept the quotation from Mr Nigel Pascoe in the sum of £200 with the proviso that the work is done within the next two weeks.

### Recreation Ground

The Clerk informed Members he has received a report that it is possibly time the sand in the sand-pit in the play-ground area of the Recreation Ground is replaced. Cllr Just proposed and it was agreed that this should be done in the first week of April.

Members noted that the signs banning dogs from the Recreation Ground have been purchased and that Cllr Reynolds and Cllr Wiseman working together will site them at each entrance.

### Young people

Cllr Just reported that he had visited the Youth Club on Tuesday when there had been four young people present. He had been assured by Mr Gribble that the usual number of attendees averages twelve. The *Let's Play Music* programme is in its sixteenth week and Cllr Just reported hearing one young man playing the electric guitar. He asked the Parish Council to write to Mr Gribble with reference to the Youth Club requesting a quarterly report (to include attendance numbers) and a financial statement to be delivered in time for the Parish Council's March meeting. A decision on funding for 2011/2012 will be made at that meeting.

### The War Memorial

Members considered the addition to the War Memorial of the names (identified by Mr Rashleigh) of four men from Constantine who lost their lives during the Great War and the names of two people who lost their lives during the Second World War. It was agreed that, although Constantine Parish Council agrees in principle to this proposal, it will make a final decision about the matter once the names in full are available.

## 9 CLERK'S REPORT AND CORRESPONDENCE

### Correspondence

**Tony Mogford Associates** Play equipment quarterly safety inspection (issues with Hags multi-play) – *noted*

**Environment Agency** Community Flood Planning Flood Link (newsletter) – *noted*

**Devon & Cornwall Police Authority** issues concerning the proposals in the Police Reform and Social Responsibility Bill that the Parish Council may like to take further – *noted*

**BT** notification that the sale of the telephone kiosk at Seworgan to Constantine Parish Council is proceeding

**Mr Agnew** concerns about litter on the south side of Anna Maria Creek – *it was noted that the Helford River Association has this matter in hand*

*Chairman's initials.....*

**Constantine Bowling Club** concerns about the state of the wall between the Bowling Club and the houses in Vicarage Terrace – *As a member of the Bowling Club, Cllr Boote declared a personal interest in this matter. He remained in the room but took no part in the discussion. Cllr Wiseman explained the problem and, following discussion, it was agreed to ask Mr Osgood to quote for the work necessary to reinstate the wall*

**CPRE Cornwall** Newsletter and proposed amendments to the constitution – *noted*

**MCA** notification that in order for all views concerning the proposals for modernising HM Coastguard to be accurately recorded the consultation form enclosed is the required form of response – *noted*

**CC** ‘Planning Future Cornwall’ Cornwall Core Strategy options consultation paper – *noted*

**Mr Lindsey** concerns about an HGV parking in the Parish Council owned car-park – *it was agreed to purchase a small sign stating No HGVs by order of Constantine Parish Council*

**MCA** notification that the contents of Constantine Parish Council’s original letter will be drawn on when the question of future provision of Coastguard cover in Falmouth is considered together with apologies for the misunderstanding occasioned by the earlier reply – *noted*

**CC** agenda for the next Community Network Meeting on February 23, 2011 – *noted*

**BT** notification that the telephone kiosk at Seworgan will be transferred into the ownership of Constantine Parish Council on Saturday February 19, 2011 – *noted*

**National Federation of Sub-Postmasters** copy of a letter drawing attention to the proposed privatisation of the Royal Mail, the continuing loss of Government work and the proposals for the re-classification of the network of post offices (which may lead to a drop in salaries of up to 75% and the ultimate closure of many local post offices) – *it was agreed to write to both the Postal Services Minister and to the Prime Minister expressing concern about the possible loss of services to post offices in rural areas*

## 10 FINANCIAL MATTERS

The Clerk presented Councillors with a statement of Constantine Parish Council’s financial position as at February 17, 2011. A copy of that statement is attached to these minutes.

Members considered a request from Mr Rashleigh for financial help towards the cost of production of the two volumes commemorating those people from Constantine who lost their lives in the service of our country during the two World Wars. Following discussion, it was proposed by Cllr Carter, seconded by Cllr Wiseman, all others in favour that under the terms of S137 of the Local Government Act 1972 Constantine Parish Council should forward a cheque to Mr Rashleigh in the sum of £200.00

The following accounts were presented for payment

	GROSS	NET	VAT
Mr G.Jorey	£ 270.80		
Mrs J.Jennings (February)	£ 47.44		
Constantine Stores Ltd (public conveniences)	£ 39.62	£ 33.02	£ 6.62
South West Water (cemetery)	£ 13.94		
South West Water (public conveniences)	£ 94.82		
SEC (replacement public lights)	£ 4,906.52	£ 4,088.77	£ 817.75
Gweek Garage	£ 26.41	£ 22.01	£ 4.40
Harlequin Design (No dogs allowed)	£ 106.20	£ 88.50	£ 17.50
Veolia ES (UK) Ltd (cemetery)	£ 62.30	£ 51.92	£ 10.38
Mr Barry Gribble (Young people)	£ 200.00		
W.B.Bowden & Sons	£ 123.90	£ 103.05	£ 20.65
Colin Chapman			
Salary (January)	£ 400.26		
telephone	£ 21.76		
office expenses	£ 57.55		
travelling	£ 79.56		
use of home	£ 25.00		
	total	£ 584.13	

Proposed by Cllr Boote, seconded by Cllr Gray, all others in favour that the above twelve accounts be paid.

*Chairman’s initials.....*

The following receipts were noted

Pendle Funeral Services (Mrs Richardson)	£ 20.00
Mrs Dale (Mr Dale)	£ 81.00
Broken window (cash)	£ 100.00

**11 REPORTS FROM COMMITTEES AND REPRESENTATIVES**

No reports from Committees or Representatives were tabled.

**12 COMMENTS FROM COUNCILLORS**

There were no comments from Councillors.

**13 DATE AND TIME OF NEXT MEETING**

The next Ordinary Parish Meeting will be held on Thursday March 17, 2011 at 7:00pm in The Vestry.

The Chairman declared the meeting closed at 9.10pm.

Signed.....

Dated.....

*Chairman's initials*.....