

Minutes of Crosthwaite and Lyth Parish Council Meeting
held in the Church on Tuesday 05 October 2021 at 7.30pm(finish 9:30pm)
(contact details for clerk crosthwaiteandlyth.pc@hotmail.co.uk)

MEMBERS PRESENT

Cllr Mary Harkness (Chair), Cllr Angela Dobson (Vice Chair)
Cllr Lisa Bibby, Cllr Matthew Dobson (*), Cllr Edward Sharp, Cllr Andrew Metcalfe, Cllr Robert Sykes

Invited :

Cllr Jim Bland - County Council Representative
Cllr John Holmes - District Council Representative

19 Members of the public present

Following a suggestion from members of the public the Chair asked John Holmes if the meeting could take place in the Church as the numbers attending were greater that was acceptable for the Parish Rooms. John Holmes kindly opened the Church for Council to use for the evening.

MINUTES

1. Apologies to be noted and accepted

None

2. Declaration of interest

None

3. Dispensations

None

4. Minutes of the previous meeting held on 07 September 2021

It was **proposed** that the minutes are accepted as a true and accurate record

The Council **RESOLVED** to accept the proposal

In light of comments received from a parishioner the Clerk was asked to provide more information in the minutes, and in particular for the rationale behind decisions.

- | | | | |
|-----------------|---|--|-----------|
| • Action | - | Clerk to post signed minutes to the web site | MF |
| | | Clerk to provide more information in the minutes | MF |

5. Chairman's Announcements

- The Chair reported to Council that complaints had been lodged against her with SLDC in relation to the Neighbourhood Plan and that she would not chair item 13
- The Vice Chair reported to the Council that complaints had been lodged against her with SLDC in relation to the Neighbourhood Plan and that she would not take part in item 13
- The Chair stated that three emails had been received in support of the Neighbourhood Plan process and had asked Pauline Yarwood if hers could be read out on (see appendix 1)

6. Open Session

- Rosemary Webster spoke relating to Item 13 on the agenda and setting out her reasons for supporting the Neighbourhood Plan process and the Group, in particular with relation to the Code of Conduct. (see appendix 2)

- Dorothy Grace spoke relating to Item 13 on the agenda asking Council for no further delay in removing the pause on the Neighbourhood Plan process and that if the two proposals shown on the agenda are agreed then decisions must be made at the November meeting.
- Simon Abbott spoke relating to Item 13 on the agenda stating that there was overwhelming support at the August meeting for the Neighbourhood Plan to be completed and that Council should delay no further. What justification is there for a delay, and what characteristics should new Group members have?
- Alyson Groom spoke relating to items 11, 12 and 13 on the agenda highlighting the need for normal Council protocols to be followed including councillors addressing the Chair as this would assist in the meeting running more smoothly. She felt that at the August meeting the Chair moved away from a neutral position when allowing discussion on the Neighbourhood Plan. The review of Standing Order 3 should say how, when, and where it is conducted. The Clerk was asked to give his reason for leaving (the clerk addressed the meeting stating that among other reasons it was time for the Council to have a trained Clerk). She fully endorses the Neighbourhood Plan and the Group, is keen that it moves forward and that membership should stay in place.
- Pat Howarth said she is keen for the Neighbourhood Plan to continue and that the current membership should remain in place as it has expertise.

7. Reports

a. County Councillors Jim Bland

Road repairs have been carried out in the village and on the A5074 and he would like to compliment Cumbria County Council on the work, a matter which is taken for granted. He attended a meeting at Junction 36 Auction Mart (1818) with Highways England for an update on A590 works moving forward. Things are progressing slowly with delays due to funding.

As an addition to his report he spoke in support of the Chair saying that, in his experience, there is no more impartial Chair than Mary Harkness and that she has been 100% fair with everyone.

Cllr Bland was asked for an update on the Toll Bar Bridge to which he replied saying they are awaiting a design before moving forward.

The Chair thanked Cllr Jim Bland and Cumbria County Council on behalf of the Council for the work done on road repairs in the Parish to which councillors agreed.

b. SLDC Councillor John Holmes

See appendix 3

c. Police

No reply or report from the Police following an invitation from the Clerk to attend the meeting. The Clerk was asked to request a report as there have been burglaries in the area.

d. Highways Meeting – Report back from Cllr Edward Sharp

Cllr Sharp had attended the Highways England meeting confirming that funding is being sought for the roundabout at Gilpin. He had asked questions about signage, speed limits and cameras which Highways England replied that they use mobile radar vans.

8. Planning

a. 7/2021/5528

Location : Tarnside Farm Barn, Crosthwaite LA8 8BU

Proposal : Amendment to condition 2 (plans) on planning permission 7/2019/5286 (change of use of offices into two dwellings and associated alterations and extension)

Reply by : 01 October (extension requested)

It was **proposed** that the Council has no objection to this planning application.

The Council **RESOLVED** to accept the proposal

- **Action** - Clerk to notify LDNPA **MF**

b. 7/2021/5693

Location : Barkbooth, Winster, LA23 3NZ

Proposal : Convert barn into 3 bed holiday let

Reply by : 12 October

Council supports the conversion of the barn but does not support its use for holiday accommodation as there is no proven need whereas there is a proven need for housing for local people as shown by the Housing Needs Survey carried out recently for the Council. Tourism accommodation is plentiful in the Parish but housing stock for local people is diminishing to a point which is impacting on the community.

It was **proposed** that Council objects to this application on the grounds of Housing Need within the Parish and the Clerk was asked to write to the LDNPA including a copy of the Housing Needs Survey, but that should LDNPA grant approval Council requests that the property is subject to a Local Occupancy clause and not to be used for tourism accommodation.

The Council **RESOLVED** to accept the proposal

- **Action** - Clerk to notify LDNPA by letter and include the Housing Needs Survey

c. 7/2021/5744 – Listed Building Application

Location : Inman Howe, Howe Lane, Lyth LA8 8DF

Proposal : To install an Air Source Heat Pump

It was **proposed** that the Council has no objection to this planning application.

The Council **RESOLVED** to accept the proposal.

- **Action** - Clerk to notify LDNPA **MF**

d. 7/2021/5745 – Listed Building Application

Location : Inman Howe, Howe Lane, Lyth, LA8 8DF

Proposal : To install an Air Source Heat Pump

It was **proposed** that the Council has no objection to this planning application

The Council **RESOLVED** to accept this proposal

- **Action** - Clerk to notify LDNPA **MF**

e. 7/2021/5763

Location : Dawson Fold, Lyth Valley, Kendal LA8 8DE

Proposal : New detached annex stone faced with cladding. Slate roof with conservatory style rooflights.

Council is sympathetic to the needs of the applicant but is of the opinion that the detached annexe is too far away from the main house to be an annexe, too near the road, of poor design,

and not in keeping with the main house. Councillors do not want to see a new build such as this used for tourist accommodation. Council has been clear to LDNPA with many such applications that accommodation is required for local people and not for holiday use.

It was **proposed** that Council objects to the application because it is not an annexe but is a separate building of poor design and detracts from the main building, which if LDNPA feels compelled to grant permission should as a minimum have a clause restricting its use to family members only and not to be used as a business for other holiday lets, but preferably have a Local Occupancy clause attached.

The Council **RESOLVED** to accept the proposal

- **Action** - the Clerk to write to LDNPA **MF**

f. 7/2021/5754

Location : Chandlers, Crosthwaite, LA8 8HX

Proposal : Demolition of existing sun room. Erection of single storey extensions with associated external alterations and landscaping.

It was **proposed** that the Council has no objection to this application

The Council **RESOLVED** to accept the proposal

- **Action** - the Clerk to inform LDNPA of the decision **MF**

g. 7/2021/5766

Location : Gilpin Green Farm, Crosthwaite, LA8 8HX

Proposal : Single storey extension and alterations to form a sun room, and construction of a detached double garage.

It was **proposed** that the Council has no objection to this planning application

The Council **RESOLVED** to accept the proposal

- **Action** - Clerk to inform LDNPA of decision **MF**

h. Any other applications received.

No further applications had been received

9. Finance

- a. Bank balance at 26 June
 - £ 18,162.24 Business account
 - £ 11,340.63 Business Premium Account
- b. Martin French (Wages) £ 148.40(20 hours)
- c. HMR&C £ 37.00 (PAYE)
- d. NPower £ 16.27 (July)
- e. NPower £ 17.16 (August)
- f. NPower £ TBC (September)
- g. CALC £ 20.00 (Training)
- h. CALC £ 15.00 (Training)
- i. Groundworks - receipt £ 9,425.00 (NP Grant)
- j. It is **proposed** that above payments are made, and receipts recorded
The clerk read through the payments and receipts for the month and asked Council for the payments to be made.

The Council **RESOLVED** to accept the above proposal

k. **Cash Book and Income and Expenditure update (Clerk)**

Prior to the meeting the Clerk had circulated a copy of the Cash Book and Income and Expenditure account confirming that the cash book was reconciled with the bank statement dated 24 September 2021. Councillors confirmed receipt and had no questions.

10. Code of Conduct

The Chair confirmed that the current Code of Conduct was available on the web site and that this one will replace it.

- a. It is **proposed** that the Council adopts the Code of Conduct as circulated prior to this meeting

The Council **RESOLVED** to adopt the new Code of Conduct and confirmed that it would be posted to the web site.

- **Action** - Clerk confirmed that webmaster has a copy for the web site. **MF**

11. To review Standing Order Item 3 on public participation

Councillors requested clarity on Item 3 in the Standing Orders to ensure a better understanding by all of the procedure (see appendix 4, a full set of Standing Orders is available on the web site). It was confirmed that it is best for questions to Council to be made in writing for the Council to respond.

12. Vacancy for Clerk

The Clerk recommended that the hours should be up to 30 per month with a review after six months. The Chair had circulated the pay scale and recruitment pack. A volunteer was sought to co-ordinate the process of advertising and selection, to which Cllr Lisa Bibby volunteered.

It was **proposed** that Cllr Bibby co-ordinate the process and that in conjunction with the Clerk starts the process.

The Council **RESOLVED** to accept the proposal

- **Action** - Cllr Bibby and the Clerk to work on the process **LB & MF**

Cllr Mary Harkness and Cllr Angela Dobson left the room for the reasons as set out in Item 5 on the agenda

The Clerk asked the remaining councillors if they wished to **propose** that Cllr Robert Sykes Chair Item 13

The Council **RESOLVED** to accept the proposal to which Cllr Sykes took the Chair.

13. Neighbourhood Plan – Chaired by Cllr Sykes

Cllr Andrew Metcalfe was disappointed with the division this item is causing and would prefer to continue the pause until the complaints against Cllr Harkness and Dobson are resolved and there is a full complement of councillors to discuss the matter. Cllr Lisa Bibby disagreed feeling the process should move forward as swiftly as possible, but asked that should Council decide to continue the pause then there should be a time limit of one month.

The following proposal was put to Council by the Chair :-

It was **proposed** that the pause in the Neighbourhood Plan process should continue until the November meeting, when hopefully there will be a full complement of councillors present.

The Council **RESOLVED** to accept the proposal

Although the Cllr Sykes (Chair) felt the following two proposals were not required there was no proposal from councillors to withdraw the motion. There was minimal discussion but both proposals were put to the meeting.

- a. It is **proposed** that, prior to a recruitment campaign, the Neighbourhood Plan Group will have Terms of Reference that are in accordance with recommended best practice.

The Council **RESOLVED** to accept this proposal (1 in favour 4 abstain)

- b. It is **proposed** that all members of the NPG will work according to Crosthwaite and Lyth Parish Council's Code of Conduct

The Council **RESOLVED** to accept this proposal (all in favour)

The Clerk was asked to confirm the above decisions and read out the above votes asking for confirmation that this was the decision Council had made to which there was a sign of agreement from all councillors.

Cllr Harkness and Cllr Dobson returned to the room whereupon Cllr Harkness took the Chair

14. Walkway (Clerk)

The Clerk confirmed that the plan and spec were in the hands of the solicitor and the purchase process was well under way. The Clerk also confirmed that Cllr Metcalfe and Joel Crompton were in possession of both the plan and the spec.

15. Speed Restrictions (Clerk)

The Clerk confirmed the reply from CC Highways in relation to Speed Indicator Devices (SIDs). Council is asked to confirm the location and number of devices to be used so that the Clerk can request their use to go to the next Casualty Reduction Meeting (CRASH) meeting between CCC and the Police

It was **proposed** that two sites are used each to be 40 feet prior to the speed limit sign at either end of the main village.

The Council **RESOLVED** to accept the proposal

- **Action** - the Clerk to write to CCC requesting the above locations **MF**

16. To consider the impact of Ash die back on the Parish and possible action

Cllr Bibby asked Council to have information available for parishioners on how to address Ash Die Back as in some cases this could have a safety impact as well as visual impact, although it is apparent that not all diseased Ash Trees need felling.

- **Action** - the Clerk was asked to highlight the issue in all communications and to raise the matter with those leasing Parish land, and to contact the Woodland Trust for information **MF**

17. To consider Councillor emails and movement to digital communications systems.

Cllr Bibby asked that councilors consider a dedicated email address for council business in line with recommended best practice and providing a secure method of communication.

It was **proposed** that the Council looks at having a set of secure email addresses.

The Council **RESOLVED** to accept the proposal

- **Action** - the clerk to look into the matter **MF**

18. Camp site at Lyth Valley Hotel

During the month Cllr Metcalfe had been asked about the camp site at Lyth Valley Hotel to which the Clerk had asked for clarification from LDNPA Planning. (See appendix 5 for the reply from LDNPA). Comments were made that the site had been in use for most of the summer and was open for bookings next year.

It was **proposed** that Council ask LDNPA Planning to open a compliance investigation.

The Council **RESOLVED** to accept the proposal

- **Action** - the Clerk to contact LDNPA accordingly **MF**

19. Communications

The Clerk was asked to highlight Items 8, 10, 12, 13, 14, 15, and 16

20. Date of Next Meeting – Tuesday 02 November 2021 in the Parish Rooms starting at 7:30pm

The Chair passed on her thanks to SLDC Cllr John Holmes for making the Church available at such short notice for the meeting.

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Cllr Mary Harkness (Chair)

Dated:- 02 November 2021

Dear Parish Councillors

Re: Parish Council Meeting Tuesday, 5 October 2021

I am unable to attend the Parish Council meeting on Tuesday and have noted that the Neighbourhood Development Plan is an item on the agenda.

I would like to have it recorded that I think it is vitally important that the Neighbourhood Plan should continue.

Many thanks.

Yours sincerely

Pauline Yarwood

Comments to Parish Council Meeting, October 5, 2021, regarding item 13

Item 13 includes a mention of the Code of Conduct for members of the NPSG. I'd like to comment on the Code of Conduct as followed by Parish Councillors who should be selfless, objective, accountable and open, 4 of the 7 Principles of Public Life which form the basis of the Code of Conduct.

All the documents from recent PC meetings show that the Neighbourhood Plan should not have been paused. The SG was commended in February, March and June of this year and it was "full steam ahead" to move the plan forward. Yet one short month later doubt was allowed to be sown and one month after that, within an hour of an overwhelming, albeit informal mandate from the electorate to continue, it was derailed, with no reasons documented.

The momentum was lost and the acknowledged excellent work of the steering group over nearly 3 years is in limbo. The word "steering" has suddenly disappeared. Further recruitment at this stage will only delay the process even more while the new members are brought up to date and add new perspectives. As I wrote before the August PC meeting, continuity is of the essence and the SG has that but the PC does not. The whole ethos of a steering group is to keep it small so that it can make progress. It's when its proposals are drafted and put out for public consultation that more people can be useful in further work. Before that, any group of more than 4 or 5 is likely to go round in circles.

With the burgeoning of housing developments in Crosthwaite and Lyth, the importance of a Neighbourhood Plan has never been greater and has been recognised and reiterated time and time again. Further procrastination is neither wanted by parishioners nor necessary. The PC should return to democratic principles and the 7 Principles of Public Life in the Code of Conduct, and follow the wishes of its electorate, encouraging the work to continue as before, with no further delay.

SLDC Councillor Report to Crosthwaite PC Mtg Tuesday October 5th 2021
7.30 Parish Room.

1. Not to much happening at District this past month other than officers being extensively involved with putting together the incoming Unitary joining us with Barrow & Eden. This despite the County Council actively progressing a Judicial Review on this proposal. CC want a single unitary based on themselves. Government have rejected their first request but nevertheless CC are proceeding. In the event they may be successful it seems to me this could well delay the proposed implementation of Unitary beyond its present target of May 2023.

2. The Joint Parish/National Highways meeting took place on September 27th. My own opinion of this meeting was of disappointment. National Highways did not seem to really have much to report on and the situation continues to stagnate. Basic problem is where is the money coming from. We were asked to respond to the current Route Strategy Consultation ending in November. I undertook to respond as an SLDC Councillor and provide copies of my response to the PCs involved to help them in also responding.

JMH 5/10/21.

3. MEETINGS GENERALLY

- Full Council meetings ●
- Committee meetings ●
- Sub-committee meetings ●

- a **Meetings shall not take place in premises which at the time of the meeting are used for the supply of alcohol, unless no other premises are available free of charge or at a reasonable cost.**
- b **The minimum three clear days for notice of a meeting does not include the day on which notice was issued, the day of the meeting, a Sunday, a day of the Christmas break, a day of the Easter break or of a bank holiday or a day appointed for public thanksgiving or mourning.**
- c **The minimum three clear days' public notice for a meeting does not include the day on which the notice was issued or the day of the meeting unless the meeting is convened at shorter notice OR [The minimum three clear days' public notice of a meeting does not include the day on which the notice was issued or the day of the meeting].**
- d **Meetings shall be open to the public unless their presence is prejudicial to the public interest by reason of the confidential nature of the business to be transacted or for other special reasons. The public's exclusion from part or all of a meeting shall be by a resolution which shall give reasons for the public's exclusion.**
- e Members of the public may make representations, answer questions and give evidence at a meeting which they are entitled to attend in respect of the business on the agenda.

- f The period of time designated for public participation at a meeting in accordance with standing order 3(e) shall not exceed **20** minutes unless directed by the chairman of the meeting.
- g Subject to standing order 3(f), a member of the public shall not speak for more than **2** minutes.
- h In accordance with standing order 3(e), a question shall not require a response at the meeting nor start a debate on the question. The chairman of the meeting may direct that a written or oral response be given.
- i A person shall raise his hand when requesting to speak and stand when speaking (except when a person has a disability or is likely to suffer discomfort)]. The chairman of the meeting may at any time permit a person to be seated when speaking.
- j A person who speaks at a meeting shall direct his comments to the chairman of the meeting.
- k Only one person is permitted to speak at a time. If more than one person wants to speak, the chairman of the meeting shall direct the order of speaking.

Appendix 5.

From: DC Duty Officer
Sent: 27 September 2021 14:23
To: Martin French
Subject: RE: Crosthwaite and Lyth

Dear Mr French,

I think that this depends substantially on how the land is viewed in planning terms.

If it lies outside of the curtilage of the hotel (as I believe) then the only permission for camping is through the permitted development rights for 56 days use this year. Each day that the tents are on site would count as one day, even if they are not occupied.

If the land was within the curtilage of the hotel, the position would be less clear and it might not amount to a material change of use of the land.

If you are concerned and the tents are not removed soon, we can open a compliance investigation.

Ben Long
Area Planner
Lake District National Park Authority
Tel: 01539 792647
www.lakedistrict.gov.uk

From: Martin French [mailto:crosthwaiteandlyth.pc@hotmail.co.uk]
Sent: 26 September 2021 15:14
To: Planning <Planning@lakedistrict.gov.uk>
Cc: andrew metcalfe <andrewmetcalfe1980@hotmail.co.uk>
Subject: Crosthwaite and Lyth

Good afternoon

I've been asked about the legality of the camp site at the Lyth Valley Hotel (link below through [Bookings.com](https://www.booking.com)) which has been in use since 10 July 2021. As I understand it no license is required for 56 days occupied. Does it need planning permission or can it continue without?

https://www.booking.com/hotel/gb/lyth-valley-glamping-in-the-lake-district.en-gb.html?aid=357029;label=yho748jc-1DCAsoUElpbHI0aC12YWxsZXktZ2xhbXBpbmctaW4tdGhlLWxha2UtZGlzdHJpY3RIM1gDaFCIAQGyAQm4ARfIAQzYAQPoAQGIAGGoAgO4AvH8wYoGwAIB0gIkNGQ5MTBmMjctOGJmYS00NjIwLTliNDItNzg2NzMSNTFjY2RiZAIe4AIB;sid=a698aa366b1823158d4d3f9b7f419e99;dist=0&keep_landing=1&sb_price_type=total&type=total&

regards
martin French
Clerk to Crosthwaite and Lyth Parish Council

This email and any attachments to it may be confidential and are intended solely for the use of the individual to whom it is addressed. Any views or opinions expressed are solely those of the author