

# KIRKBY MALZEARD, LAVERTON AND DALLOWGILL PARISH COUNCIL

## MINUTES OF THE PARISH COUNCIL MEETING

held on Monday 19<sup>th</sup> August 2019 in the Annex Room of the Mechanics Institute,  
Kirkby Malzeard

The meeting commenced at 7.15pm

Present: Councillors Howard Mountain (Chair), Geoff Lobley (Vice-Chair), Jane Aksut, Geoffrey Berry, Peter Saxon and Alan Brownlee. No members of the public present.

**1. Welcome and apologies for absence.** Apologies were received from Cllr Pippa Manson and County Cllr Margaret Atkinson.

**2. Declarations of Disclosable Pecuniary Interest, Other Interests or Close Association.** No Declarations of Interest were made.

**3. Approve the Minutes of the Parish Council meeting held on 29 July 2019.** The Minutes were approved by the Council and signed as such by the Chair.

**4. Updates on Action Points from previous meetings not dealt with elsewhere on the agenda:**

- a) VE Day celebrations May 2020 – response still awaited from Royal British Legion.
- b) Ethical Standards training – dates noted by Councillors.

**5. Correspondence:**

- a) Community Archaeology Conference, Selby on 21.09.2019. Chair confirmed the information had been sent to Dallowgill Local History Group and added to the community website.
- b) Highways – Road between Kirkby Malzeard and Risplith closed 15-23 August weekdays 7.30am to 5pm for resurfacing. Notification only.
- c) Nominations for Parish Council representatives to the Nidderdale AONB Joint Advisory Committee. It was agreed that no nominations would be put forward on this occasion.

**6. County and District Matters** – As neither County Cllr Margaret Atkinson or District Cllr Nigel Simms were present it was agreed that any relevant matters would be referred to them at a later date.

**7. Planning – notification of recent Decisions made by Harrogate Borough Council:**

- a) 19/01872/FUL – Dallowgill Outdoor Centre (The Old School), Dallowgill – partial demolition of existing extensions, erection of 3 single storey extensions and an entrance canopy, installation of roof lights and alterations to fenestration – Delta Academies Trust – permitted.

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b) 19/01466/CLEUD – Lady Hill Lodge, Dallowgill – application for a Certificate of Lawfulness for residential use of a static caravan and associated domestic extensions – Sidgwick – granted.

**8. Planning – recent Appeals made to the Planning Inspectorate. The Parish Council will provide a response on the following case:**

a) APP/E2734/W/19/3234001 (HBC ref 19/00056/NREFPP – original planning application ref 19/01095/COU) – Low Keld, Laverton Road, Kirkby Malzeard – Change of Use from agricultural land to domestic curtilage – Fillingham.

The Council had no objections to the original application and agreed that this remained its position. There has been inconsistency in respect of recent decisions made by HBC and the Planning Inspectorate concerning development of agricultural land within the immediate area, and in the village generally, and it was agreed that this should be highlighted within the representation to the Planning Inspectorate about this case. **Action: Chair to produce draft representation reflecting the above points and circulate to Councillors for approval prior to submitting it to the Planning Inspectorate.**

**9. Planning – recent Applications made to Harrogate Borough Council. The Parish Council will provide a response on the following cases:**

a) 19/03240/DVCON – Mossie Mire Farmhouse, Laverton (Land comprising OS Field 7968) – deletion of Condition 3 (Agricultural Occupancy) to allow non-agricultural to reside. Original Planning Permission 04/01328/FUL (erection of an agricultural workers dwelling with new package treatment plant) – Cox. The Council had ‘No Objections’ to the application. **Action: Acting Clerk to submit response to HBC.**

b) 19/03182/DISCON – 23 St Andrews Meadows, Kirkby Malzeard – discharge of Condition 4 (fencing) – Martin. The Council had ‘No Objections’ to the application. **Action: Acting Clerk to submit response to HBC.**

c) 19/03254/DVCON – North Close Farm, Ripon Road, Kirkby Malzeard – Variation of condition 2 (Approved Plan) for adjustment of shed to allow First Floor Office Space – DM Fabrications. The Council ‘Supported’ the application. **Action: Acting Clerk to submit response to HBC.**

**10. Planning – Harrogate District Local Plan – Main Modifications Consultation.**

The Council discussed the ‘Main Modifications’ made to the emerging Local Plan by HBC following the recommendations of the Inspector when the Plan was considered earlier in the year. The sites known as KM4 and KM5 (Laverton Road) are now indicated as ‘committed’ rather than ‘allocated’ as Consent has been granted on these, leaving only KM1 (Dairy) as ‘allocated’ for future development with an indicative yield of 16. Kirkby Malzeard has also been reclassified (along with all other similar size villages) as simply a ‘service village’ rather than a ‘Primary Service village’ but it is one of 9 villages in the District which is seen as having a ‘demonstrably wider range of retail, service and leisure businesses than other villages in the District’. As a

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Neighbourhood Plan is being created it was agreed that no comment need be made in respect of these matters, but it was felt appropriate to restate that the proposed Village Development Limit remained both out of date and by making no provision for infill development, potentially detrimental to the future of the village. **Action: Acting Clerk to submit response to HBC reflecting the above points.**

**11. Planning - Neighbourhood Plan.** The Chair of the Steering Group Cllr Mountain provided a brief summary of the Steering Group meeting held on August 12, 2019 in accordance with the Draft Minutes available on the Council website.

**12. Planning - Enforcement issues.** In recent months the Council has considered a number of cases where possible breaches of planning consents, conditions or regulations appear to exist and has referred these, where appropriate, to the HBC Planning Enforcement Office for investigation, including some on behalf of residents. This procedure was reviewed and it was agreed that it will continue to be used but that requests from residents will in the future be required in writing or by email. It was further agreed that details of cases would continue not to be referred to specifically at the meeting or in Minutes to avoid unwarranted adverse publicity for the property owners in the event of no breach being found when investigated. **Action: Acting Clerk to refer one new case to HBC and request an update on a previous case.**

**13. Farm traffic within residential areas –** Complaints had been received following disturbance caused by silage contractors undertaking late night working through Kirkby Malzeard village on July 29. The Chair reported that the matter had been discussed with the Police, the Highways Authority, and with Farmers Weekly, to establish what cut-off times existed for night working through residential areas. On the basis of this, whilst it was hoped that farmers and contractors would be as considerate as possible, it had been confirmed that no formal rules existed to prevent such activity taking place. It was recognised that agriculture is an important business within the Parish, that disturbance only occurred occasionally and that there were times when crops had to be brought in regardless of the time of day, to prevent damage by adverse weather. The Police had indicated that tractors were limited to 25mph and that action would be taken against drivers who were breaking this speed limit or were caught using phones whilst driving. Residents should provide evidence of any law breaking to the Police in the usual manner. It was felt that in order to try and avoid a recurrence the Council would contact farmers within the Parish and ask for their co-operation if at all practical. **Action: Cllr Aksut to draft a letter to be sent to local farmers reflecting these points.**

**14. Appointment of new Clerk.** The Council approved a job specification and salary level for a new Clerk. **Action: Chair to produce advert to be placed in appropriate outlets with the general area to include websites, Facebook, supermarket noticeboards etc.**

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**15. Highways Issues.** The Chair reported that the permit holders bay for the mobile post-office van had been extended as far as possible in accordance with the original Traffic Regulation Order and that various roadworks were currently taking place in the Parish largely prompted by the forthcoming UCI cycling world championships. Safety concerns still exist about the flooding problems and build-up of gravel at Thieves Gill, Azerley. **Action: Acting Clerk to raise this matter again with Highways.**

**16. Traffic and parking issues**

a) The Chair reported that there was still no date for the Data Loggers (requested in February) to be installed by North Yorkshire Police. **Action: County Cllr Margaret Atkinson to be asked to investigate the delay on behalf of the Council.**

b) A draft submission to Highways on action needed to improve traffic safety/parking issues in Parish, produced following public consultation, was discussed and approved. **Action: Acting Clerk to submit document to Highways with copies to other relevant bodies.**

**17. Footpaths**

a) It was confirmed by the Chair that details of the un-authorized diversion to a public footpath between Carlsmoor Lane and Swetton had been referred to NYCC Paths and that a response was awaited.

b) Public footpath at Arrowfield, Main Street, Kirkby Malzeard. It was noted that NYCC have now made a provisional Order in conjunction with the Definitive Map Modification Order Application made by the Council last year. This is subject to a six-week consultation period during which objections can be made. **Action: The matter will be reviewed at the October Council meeting.**

c) Cllr Brownlee reported two broken stiles on footpaths within the Parish. **Action: Acting Clerk to submit information to NYCC Paths for investigation.**

**18. Kirkby Malzeard Community Association.** The Chair reported that the Draft Constitution is currently awaiting approval by the Mechanics Institute and Highside Playing Field Association committees. Once approved other organisations are to be contacted to confirm the degree of formal involvement which they wish to have as Trustees.

**19. UCI World Championships** – The Council agreed that it would arrange for bunting to be displayed in connection with the Time Trial race on the afternoon of Wednesday September 25th and the Sportive (amateur riders event) on Sunday September 22<sup>nd</sup>. It was confirmed that no roads are to be closed for the Sportive, with riders likely to be in the village between 11am and 4pm, but that there will be road closures on Church Bank/Street, the Market Cross junction and Galphay Road on Wednesday afternoon.

**20. Illegal Drug use in Parish** – Cllr Aksut confirmed that she was in contact with the NY Police School Liaison Officer and that a public meeting is proposed for the benefit of parents/carers

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and the wider community. The meeting will cover information on current trends in local villages and practical advice on issues surrounding illegal drug use. The Council agreed to be responsible for hall hire costs. **Action: Cllr Aksut to proceed with making arrangements for public meeting in autumn.**

## 21. Council Property Assets

a) The Chair confirmed the inspection of Lamberts Quarry and Laverton Quarry on 19 August with no issues apparent. The Council thanked Mr. Keith Simpson and Cllr Lobley for recent work to cut down bracken and balsam at Laverton Quarry. Cllr Lobley had inspected Greygarth Monument on 18 August and Cllr Aksut had inspected the Pinfold on the same day with no defects apparent to either. Cllr Berry had also inspected the Market Cross on the 19<sup>th</sup> again with no defects present although some re-pointing is still required. **Action: Cllr Brownlee to obtain quotation for repointing to Market Cross.**

b) Bus Shelter opposite Kirkby Stores, Kirkby Malzeard. The Council gave consideration to incorporating a noticeboard into the front of the Bus Shelter (subject to the availability of grant funding) in conjunction with the promotion of the Neighbourhood Plan. **Action: Funding to be investigated by Neighbourhood Plan Steering Group.**

## 22. Children's Play Area

a) Monthly report from DTMS not yet available but weekly inspections by Chair had confirmed the wet-pour repairs adjacent to the Basket roundabout and multi-play unit had been carried out, with no other issues apparent.

b) Advice from Streetscape about grant availability for improvements is still awaited.

c) Copy of Deed of Variation in connection with the registration of sub-lease with Land Registry is still awaited from HBC.

d) Information sign had now arrived and will be erected in due course.

**23. DTMS Task List.** All necessary work had been carried out except strimming to path at Lamberts Quarry. **Action: Acting Clerk will ask for this to be undertaken before end of month.**

## 24. Financial Items:

a) Bank statement – August Bank Statement not yet received.

b) Cash Book – Running total of £7711.98 as of 20.08.19. **Action: Acting Clerk to reconcile bank statement (when received) with cash book and forward to Councillors for approval.**

c) The following payments (including VAT where applicable) were approved;

Payee	Amount	Item Paid For
Buckton Homes and Gardens	£810	Village Grass cutting
Dallowgill Methodist Church	£40	Hall hire – March and July.

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**25. Any Other Business – None.**

**26. Date of next meeting:** Monday 30 September 2019 at 7.15pm in the Annex, Mechanics Institute, Main Street, Kirkby Malzeard. Any items to go on the Agenda for the Council meeting should be submitted to the Clerk by 20 September 2019 please.

The meeting closed at 9.35pm.

Dated 27.08.2019

ACTING CLERK: Howard Mountain, Mount Pleasant. Laverton, Ripon, HG4 3RH (Postal enquiries only)

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Agenda, along with General Privacy Notice, also available on the Parish Council website

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