

**NEWHALL PARISH COUNCIL**

**Minutes of the Annual Meeting of the above Council**

**held on Monday 21<sup>st</sup> May 2018 at Aston Chapel at 7.30 p.m.**

**Present:** J. Batho (Chairman), J.G. Parkin (Vice Chairman), A.G. Lawrence (Clerk), Mrs J. Fenton, J. Barker, Ms R. Spalding, Mrs J. Sweeney, E. Forshaw, C. Britton, and two member of the public

- 1. Apologies:** R. Hibbert, Councillor R. Bailey
- 2. Declaration of Interest** – if a member is present at a meeting of the authority, and they have a disclosable pecuniary in any matter to be considered or being considered at the meeting, they cannot take part in any discussion of the matter at the meeting or vote on it. They should disclose the interest to the meeting and follow the Council’s Code of Conduct.
- 3. Election of Officials for 2018**
  - a. Chairman: J. Batho was re-elected on the prop., of J.G. Parkin, sec., J. Barker, and unanimously agreed.  
The Chairman, J. Batho, completed his Acceptance of Office Form which was given to the Clerk for filing, and details to be sent to Cheshire East Council
  - b. Vice Chairman: J.G. Parkin was re-elected on the prop., of J. Barker, sec., Mrs J. Fenton, and unanimously agreed.
  - c. Planning Committee: all Members as previous on the prop., of E. Forshaw, sec., J. Barker, and unanimously agreed.
  - d. Confirmation of representatives of:-
    - i. Audlem Burial Board: J.G. Parkin was confirmed as representative
    - ii. Consolidated Charities of Parish of Wrenbury: Mrs P. Gregory was confirmed as representative
    - iii. Representative(s) to Police Cluster Meeting: J. Batho was confirmed as representative.
- 4. Minutes** of Parish Council held 16<sup>th</sup> April 2018 – it was advised that the previous Minutes, Item 7/IV/b. Should have read a majority decision, as C. Britton abstained from voting, these were then confirmed as a true and correct record on the prop., of J. Barker, sec., Mrs J. Fenton, and unanimously agreed.
- 5. Matters arising** from last minutes:-
  - a. Speed Cameras:** reported outcome re data collection from Danielle Stanway - Administration Assistant, Cheshire East Highways. “Thank you for your emails dated 26<sup>th</sup> March and 15<sup>th</sup> April, we apologise for the delay in our response. Whilst we acknowledge that data was provided in 2016, the primary purpose of SIDs is to encourage drivers to travel at speeds below the speed limit and, although some units are capable of recording data, we no longer collect the data from them as they are not calibrated devices and are therefore an unsuitable method of measuring speeds for our needs. However, we suggest you discuss methods of measurement of the effectiveness of the Community Speed Watch Group with your Police Community Support Officer”.
  - b. Bins obstructing footpath – Sheppenhall Grove:** problem now resolved
- 6. Highway matters:**
  - a.** Sheppenhall Lane by Wigmore Hall – flooding and pot holes. Clerk reported and reply as follows from Roy Cook, Cheshire East Highways- “those service requests are logged on the Cheshire report it/ track it, again those request will be recorded and allocated to an appropriate officer”.
  - b.** Cross Roads – reported that a further accident has occurred when a vehicle approaching from Wrenbury failed to stop at the Junction. Clerk asked to write to see if signage can be improved

- c. Road and Footpath conditions are still very bad – clerk to request sweeping of Wrenbury Road, Sandy Lane and Sheppenhall Grove

## 7. Correspondence

### a. Cheshire East Council

1. Cheshire Homechoice Newsletter
2. Cheshire East Council are about to consulting on a new Local Transport Plan (LTP) to support key policies that promote the Council's core objectives and outcomes. The LTP will consider all forms of transport over the next five years up to 2023, and will support the delivery of the Local Plan. Cheshire East's new LTP will be open for public consultation for eight weeks from **Tuesday 1 May 2018** through to **Monday 25 June 2018**. As part of the consultation, there will be drop-in sessions across the borough in order to learn more about the Local Transport Plan in face-to-face discussions with staff, as well as paper copies of questionnaires and a website through which stakeholders can respond. Please find attached a poster which shows the locations of public exhibitions. I would be grateful if you can advise any interested parties of the consultation and officers would be happy to supply any resources to aid in promotion locally such as posters. Please email officers at the [LTP@cheshireeast.gov.uk](mailto:LTP@cheshireeast.gov.uk) address who will be happy to assist. Richard Hibbert, Head of Transport (Interim), Cheshire East Council

b. *Councillors* - None

c. *Parishioners* - None

### d. Other

1. Clerks & Councils Direct
2. Glasdon Guide

## 8. Accounts

### I. *Income received since last Meeting:*

- |                        |        |
|------------------------|--------|
| 1. VAT Refund for 2017 | £27.70 |
|------------------------|--------|

### II. *Accounts paid since last meeting:* None

### III. *Accounts to pay at meeting:*

- |                                                                                                                                             |                   |              |
|---------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------|
| 1. Chq. No. 000462<br>BHIB Insurance Brokers                                                                                                | £298.01           |              |
| The Meeting on the advise of the RFO and on the prop., of J. Batho, sec., Mrs J. Sweeney agreed that this offered the best cover available. |                   |              |
| 2. Audlem Burial Committee                                                                                                                  | Nil for this year |              |
| 3. Chq. No. 000463<br>Aston Cemetery Committee                                                                                              | £150.00           |              |
| 4. Chq. No. 000464<br>St Andrews – Room Hire x 10                                                                                           | £200.00           |              |
| 5. Chq. No 000465<br>JDH Business Services Ltd – Internal Audit                                                                             | £170.22           | (VAT £28.37) |
| 6. Chq No. 000466<br>Cheshire Assoc of Local Councils                                                                                       | £220.32           |              |
| 7. Chq No 000467<br>Mid Cheshire Footpath Society                                                                                           | £8                |              |

The above accounts were unanimously approved for payment on the prop., of J. Batho sec., Mrs J. Sweeney,

**IV Internal Audit** the Clerk/RFO reported that the accounts for year ending 31<sup>st</sup> March 2018 have been submitted to JDH Business Services and this has now been completed, and based on tests as specified in the Annual Return for Local Councils in England. Conclusion:- "on the basis of the internal work carried out, which was limited to the tests indicated, in our view the council's system of internal controls is in place, adequate for purpose intended and effective, subject to the recommendations reported in the action plan"

**Action Plan:-**

Date Protection Law will change on May 25<sup>th</sup> 2018 due to 20176 EU GDPR taking effect. GDPR replaces the 1998 Date Protection Act and it will impose new obligations on Date Controllers and Date Processors and provides enhanced rights for individuals. Compliance with GDPR could have resource implications for local councils

***The impact of GDPT should be identified through review of ICO guidance and the Date Protection policy, risk assessment and internal controls should be updated accordingly. The council will need to ensure the following policies are in place.***

***We noted that no annual payment to the ICO is included in the accounts and therefore we assume the council is not registered with the ICO as a data controller. If the council holds and processes any personal data, it must register with the ICO***

**Action:**

**1. Data Protection Officer**

The Clerk/RFO reported that since the accounts sent to the internal audit, he has received the following from the Cheshire Association of Local Councils:-

**update on GDPR and Data Protection Bill from Chalco**

Yesterday during the Report and remaining stages of the Data Protection Bill, MPs accepted the Government amendment to exempt all parish and town councils and parish meetings in England and community and town councils in Wales from the requirement to appoint a Data Protection Officer (DPO) under the General Data Protection Regulation.

**2. NALC – GDPR Toolkit of Local Councils 2018 – New Data Protection Laws.** Newhall Parish Council adopted this on the prop., J. Batho, sec., E. Forshaw, by a majority decision of 7 for and one abstention (C. Britton)

and in particular the following items:-

- a. Personal Data Management and Audit Policy** – this was adopted by Newhall Parish Council on the prop., J. Batho, sec., E. Forshaw, by a majority decision of 7 for and one abstention (C. Britton)
- b. General Privacy Notice**, this was adopted by Newhall Parish Council on the prop., J. Batho, sec., E. Forshaw, by a majority decision of 7 for and one abstention (C. Britton), and will be implemented if any such case arises
- c. Access Policy** Paragraph 16 of item 8/IV/2 above was adopted as the Access Policy of Newhall Parish Council on the prop., J. Batho, sec., E. Forshaw, by a majority decision of 7 for and one abstention (C. Britton)
- d. Subject Access Request** the response templates were adopted by Newhall Parish Council, on the prop., J. Batho, sec., E. Forshaw, by a majority decision of 7 for and one abstention (C. Britton), as the response mechanism to any such request of information, and will be used in the event of any access request.
- e. Model Consent Form:** the model consent form this was adopted by Newhall Parish Council on the prop., J. Batho, sec., E. Forshaw, by a majority decision of 7 for and one abstention (C. Britton), and will be implemented if any such case arises. The Parish Council holds no personal data other than Councilors Names and Addresses and as such Councilors will complete Consent Forms, which the Clerk will distribute before the next meeting.

- f.* Registration with the ICO – further advise being taken re this matter and Clerk will report back to next Meeting.

The Chairman wished to record his thanks to the Clerk for all his work in preparing such a set of accounts, this was sec., by J. Barker

**V Annual Audit:** as per last Minutes the Annual Audit is as follows:-

- Display Notice from Audit from 4<sup>th</sup> June – 13<sup>th</sup> July 2018
- Annual Return and supporting documentation to be returned by 11<sup>th</sup> June 2018
- All information to be displayed on the Parish Council Website

**VI Transparency Code for Smaller Authorities – Local Audit & Accountability Act 2014:**

The Clerk/R.F.O. reconfirmed:-

The majority of changes to external audit arrangements and appointments will change with effect from the Financial Year 2017/18.

Local Councils with Income or Expenditure less than 25k p.a. will be exempt from external auditor but will still have an external auditor appointed for the purpose of the exercise of electors’ rights.

In the meantime Smaller Authorities (Newhall Parish Council) are from 1<sup>st</sup> April 2015 subject to the mandatory publishing requirements of the Transparency Code.

The Smaller Authorities (Transparency Requirements) (England) Regulations 2015/494, which come into force on 1<sup>st</sup> April 2015, will make compliance with the Transparency Code for Smaller Authorities (“the Code”) issued in December 2014 mandatory for parish councils with a turnover not exceeding £25,000 (Newhall Parish Council).

The detail of the code was set out in NALC Legal Briefing L05-14, which in summary, from 1<sup>st</sup> July and thereafter not less than annually, and not later than 1<sup>st</sup> July in the year immediately following the accounting year to which it relates should publish the following information:-

- All items of expenditure above £100 (where possible excluding VAT) which confirm the date the expenditure was occurred, a summary of the purpose of the expenditure, the amount and the VAT that cannot be recovered
- End of Year Accounts
- Annual Governance Statement
- Internal Audit Report
- List of Councillors and member responsibilities
- Details of public land and building assets

Councils subject to the Code should also publish:

- draft minutes of the council no later than one month after the meeting has taken place
- the agenda and associated papers for Council no later than three clear days before the meeting to which they relate is taking place

The information specified in the code must be published on a publicly accessible free of charge website

The Clerk/RFO advised the Meeting that all the legislation above is already included in the current Account Books, and is displayed on the Parish Council website which carries all this information.

**9. Planning Applications:**

**I. Results of previous applications:**

**a.**

18/0035N
FIELDS VIEW, COOLE LANE, AUDLEM, CW3 0ER
Proposed stable block to include for tack room and feed store and horse menage (No lighting is proposed)
approved with conditions

**b.**

18/0765H
LAND AT HOLLIN GREEN FARM, HOLLIN GREEN LANE, NEWHALL, NANTWICH, CHESHIRE, CW5 8AZ
Hedgerow removal
Consent to remove hedgerow

<b>c.</b>
18/0778N
Unicorn Lodge, WRENBURY ROAD, ASTON, CW5 8DQ
Single storey rear extension with terrace over and front & rear dormers.
approved with conditions
<b>d.</b>
18/0389N
NESS COTTAGE, WRENBURY ROAD, ASTON, CW5 8DQ
Proposed two storey rear extension (re-submission of application 17/4979N)
Withdrawn
<b>e.</b>
17/3205N
The Cooperage, WHITCHURCH ROAD, ASTON, CW5 8DB
Proposed demolition of existing bungalow, construction of 2 detached dwellings and associated parking, bin storage and access
approved with conditions
<b>f.</b>
18/0252N
THE OLD PUMP HOUSE, WRENBURY ROAD, WRENBURY, CW5 8HA
Construction of new two storey extension to replace existing conservatory and erection of garage building.
approved with conditions

**II. Applications received since last meeting:** as 9/III below

**III. Applications/Planning matters before this meeting:**

**a.**

PLANNING APPEAL RE REFUSAL

Application No:

**17/3932N**

Proposal:

**Erection of toilet block, construction of driveway and hardstanding and associated works**

Location:

**Sunnyside Stables, COOLE LANE, NEWHALL, CW5 8AY**

The comments previously made by the Parish Council will be submitted in relation to this

**b.**

Application No:

**18/2051N**

Proposal:

**Variation of conditions 18 & 29 on approval 09/0819N for change of use from agricultural to fish rearing & angling centre, formation of ponds & lakes, erection of buildings and provision of access & parking**

Location:

**Coole Acres, COOLE LANE, NEWHALL, CW5 8AY**

On the propo., J. Batho, sec., E. Forshaw, it was unanimously agreed to offer No Representation

**c.**  
Application No: **18/1707N**  
Proposal: **Provision of 10 additional touring caravan pitches, construction of new amenity block and associated works**  
Location: **Sunnyside Touring Park, COOLE LANE, NEWHALL, CW5 8AY**

On the prop., E. Forshaw, sec., C. Britton, it was unanimously agreed to object to the application for the following reasons:-

There are already two such sites on Coole Lane, with Overwater Marina being literally a few hundred yards away. Both the current sites have expanded in recent years and fully facilitate any need in this area. PG6 states "within the open countryside only development which is essential will be permitted" and this is clearly not essential or needed.

The application is within a few meters of two listed buildings, Pinnacle Farm and Pinnacle House, as neighbouring properties they would both be adversely affected, and both being Listed Buildings would have an unacceptable and non-retrievable impact on them.

The application would have a further increase in traffic on what is a narrow country lane, which is also a National Cycle Route. The access to close to blind bends and the very nature of the application would see very slow maneuvering of vehicles entering and leaving the site, and which would need both sides of the carriageway to complete this maneuver. The site has seen an application for change of use from agriculture to equine, and has never been used for this purpose since its approval.

Policy RG4 of the Local Plan states that proposals for tourist development outside towns will be supported only where there is evidence that the facilities are required in conjunction with a particular countryside attraction. There is no such attraction here.

Such a development will have a detrimental effect on wildlife which has been established over recent years in this area.

Concern that the sanitary facilities suggested will be totally inadequate if the scheme was ever at anywhere near maximum capacity. Further whilst it states septic tanks are already on site, very debatably, the soak away issue raises great concern, as the geography of the land all slopes to the adjoining stream and fish farm.

The siting of the proposed block is very obtrusive to the road and adjoining properties.

**d.**  
Application No: **18/2239N**  
Proposal: **Proposed conversion of farm range buildings & sub-division of existing farmhouse to form 8 new residential dwelling units, with associated parking, access, garaging, bin storage and landscaping**  
Location: **The Royals, WHITCHURCH ROAD, ASTON, CW5 8DJ**

On the prop., J. Batho, sec., E. Forshaw, it was unanimously agreed that Mr J. Paul, J10 Planning Ltd., be allowed to speak to outline the application to the Parish Council.

Following this it was unanimously agreed on the prop., C. Britton, sec., E. Forshaw, to Support the application.

C. Britton further added that the application was in line with the Draft Neighbourhood Plan policy

**e.**  
Cheshire East Site Allocations and Development Policies. The Clerk and Chairman have been invited to meet Allan Clarke, Principal Planning Officer re this matter and Newhall parish Council. Points raised were:-

- Cheshire East only have need for 818 additional properties in addition to those already allocated as of 31<sup>st</sup> March 2018 and this total is estimated until 2030
- Settlement Boundaries will be suggested for villages including Aston. This generally follows the existing lines in Aston and would only allow limited infill. This proposal will be for consultation in Spring 2019, there will then be further consultation and then would be submitted for approval and adoption in late 2019
- New properties would see a floor space levy of £71 per sq m for infrastructure across the Borough of which 25% would go to Parishes with an adopted Neighbourhood Plan

**f.**

Concern re the Graham Heath site had been raised in the Parish Meeting and as such the Clerk was asked to write re continued breaches of planning conditions, namely;-

1. Working in the open air
2. Doors of buildings should be closed whilst working
3. Working outside of stipulated hours
4. Working on Bank Holidays

On the prop., J. Batho, sec., J. Barker, the Clerk was asked to write to outline the concerns of the Parish Council and also to ask for a direct line of access to report such issues both within the working week and also outside of working hours.

#### **IV. Neighbourhood Plan**

### **NEWHALL NEIGHBOURHOOD PLAN**

### **UPDATE REPORT FOR PARISH COUNCIL MEETING MONDAY 21<sup>ST</sup> MAY 2018**

#### **PROGRESS**

The plan is now quite substantial in form and content. Work is ongoing to craft this into a more formal structure of supporting information and formal policies. The latter will take the following form for each policy;

1. Context – why the policy exists and what it is intended to achieve
2. Problem statement – what are the conditions or issues that drive a need for this policy
3. What does good look like – in a perfect world, what would the policy achieve and deliver
4. Impediments – what hurdles have to be overcome to create a perfect outcome
5. The policy in formal format

Our aim is still to submit the draft for formal review by the end of July 2018. This may prove tight but remains the goal.

#### **ACTIONS RELATING TO THE PLAN**

We have several areas to address. These are the main points;

1. Conclude how much time and effort is required to get the draft to submittable form. We anticipate spending on consultant time to review the plan and overhead costs to produce the final version for review. Further budget application may be required.
2. Future operation of the plan – action still rests with RH to propose how Newhall Parish manages the Neighbourhood Plan and delivers its aims / policies in the future. This will be a significant change to how we work today.
3. Presentation of content to Newhall Parish members who are not part of the main committee prior to submission – schedule 45 minutes at the next Parish meeting?
4. Linking with neighbouring parishes and their plans. This is a critical step to align common goals with Wrenbury, Audlem and Sound.
5. Local business and recreational stakeholders have all been met. Action now is to create a steering group to keep business and the cricket club aligned with the plan into the future.

#### **MAJOR CHALLENGES**

1. Achieving our timeline in order to have the plan formally adopted by end of 2018
2. Addressing local development initiatives that are either complimentary to the plan OR conflict with the policies and community wishes prior to the plan being adopted.
3. A very good example of point 2 above is the current status of Aston Cricket Club. Members of the Committee recently met with the Chair and Secretary / Treasurer of the Club (Pat Beasley and Colin Britton). The meeting was held to align the Club with the plan and to focus on their ambitions to relocate to a new ground to be developed within the Aston boundaries. Whilst the intention was not to discuss matters that might relate to sale / funding the conversation strayed into this area. The Club confirmed a sale of the current ground to property developers is imminent with two companies tendering. The possible outcome would be a planning request to develop between 20 and 40 new houses. Sale of the land would fund the move to a new home for the Club. The challenge for the Neighbourhood Plan is to manage three conflicts;

- a. Development of the club could be very good for the community of Newhall however, to be so, the development would need community at the centre of its investment plans. It was made clear in the discussion that this is not a priority for the Club which is a great shame. In order to improve on this aspect an invitation has been made to the Club to involve more committee members in the Neighbourhood Plan (see point c below). Unfortunately this invitation has been declined by the club Chairman.
  - b. Loss of the current ground to the community is a major issue for a high percentage of residents. Clearly the impact upon residents who back onto the current ground will also be significant. Impact on our relatively weak infrastructure locally will also be an issue. All of these points would combine into a development proposal that is 100% in conflict with the wishes of our community (as expressed via the 2018 survey and community meeting). We therefore have to work out how to support the club's development with community benefit whilst handling an exit plan from the current ground that is so far removed from the policies and goals within the Neighbourhood Plan. We would also face a further increase in approved property development taking our small community of Aston way above the logical allocation of property volumes.
  - c. Finally, the committee has to gain advice (in hand) as to how it works with Newhall Parish and Cheshire East throughout the planning process. We have to consider how to manage conflicts of interest for key people, how to support the community (the greatest test we will have for a long time) and how to comply with Parish Council rules and Planning Process criteria.
4. Point 3 represents both a great opportunity for the Parish and a significant threat to the quality of life here. A second funding option (to property development) has been found and is yet to be discussed with the Club. However with the lack of Club engagement presenting the option may be both too late and too challenging. However we will look, as a Neighbourhood Planning team should, at every option to achieve the best outcome for all.
  5. Aside from the issue represented by the Aston Cricket Club situation (should that progress) our main challenge is to find ways to secure funding for initiatives designed to add value and ensure the current two developments (50+ houses yet to be built in Aston) fit well through design and placement with the Neighbourhood Plan design ambitions.

## **IN SUMMARY**

The plan has made excellent progress and the community remains well engaged which is superb. It is clear that we can make some excellent improvements to our Parish, increase the quality of life for our community, increase the planning effectiveness across borders with neighbouring Parishes and thus ensure a great future for everyone.

We are going to face some challenging situations – for funding, for continued community engagement and for applying our policies. The committee is more than capable of achieving the right results – we will need to work very closely with elected members over the next few months.

## **END**

- 10. Annual report on activities of the Consolidated Charities of the Parish of Wrenbury:** report from Mrs P. Gregory:-
  - Dole money has been distributed
  - the Charities income remains largely unchanged, and this has allowed for the distribution of the Dole money + other donations.
  - individuals receiving Dole money is continuing to decrease and anyone with potential new recipients should give their names to her. Students can apply for some funding
- 11. Annual report on activities of Audlem Burial Board:** J.G. Parkin reported:-
  - the catchment area covers the whole of this Parish and this makes a financial saving of £600 for within the area and £2,000 per burial outside of the area
  - it is kept in an excellent condition
  - Burial costs have been increased by £10 on all items
  - Finances are good with some £40,000 in the funds
- 12. Police Matters:-** PC 4580 MARSON reported:- "There is nothing of note to mention since the cluster meeting, I believe an update is provided from that. There is a meeting next Thursday at Bridgemere primary school which has been arranged by Cllr Janet Clowes for parish groups, members of public to meet discuss the concerns the Wybunbury and Audlem cluster areas were having regarding the recent outbuilding burglaries. Just for reassurance to the public there have been no further burglaries in this area since the 4<sup>th</sup> April

The Chairman further added:-

that Speeding Enforcement continues on the A530

2 suspicious vehicles have been reported and are now on the Police system.

**13. Next Meeting:**

- i. Parish Council - Monday 30th July and preliminary for the dairy of 3<sup>rd</sup> September; 5<sup>th</sup> November; and 17<sup>th</sup> December – but subject to confirmation

**Meeting closed.**