

**MINUTES OF TARPORLEY PARISH COUNCIL MEETING  
HELD IN THE TARPORLEY COMMUNITY CENTRE  
ON MONDAY 11th JANUARY 2016**

Parish Councillors

Chairman - Ken Parker

Elaine Chapman     Gill Clough             James Kennedy             John Millington             Jeremy Mills

Gordon Pearson     Peter Tavernor             Nigel Taylor             Andrew Wallace

Clerk - Ann Wright.

CW&C Ward Councillor Eveleigh Moore Dutton.

Public - 8 & PC Wayne Thomas.

Apologies

Cllr Julie Hall work.

Cllr. Richard Statham.

Declaration of Interests

Councillors noted dispensations granted to Councillors Chapman, Kennedy, Millington, Pearson and Tavernor in relation to the Brook Road sports field and Councillor Mills in relation to the Nantwich Road development.

No further interests were declared.

Minutes

**16/070 Resolved** - That the Chairman signs the Minutes, as circulated, of the Parish Council meeting held on 14th December 2015 as a true and proper record.

Public Participation

David Press, allotment holder, provide the Council with an update regarding his complaint to the Charity Commission regarding the sale of the former Royal British Legion (RBL) site, which was based on a number of grounds including the fact that no proper notice had been given of the sale and that no proper decision process had been undertaken to agree the sale. The complaint was submitted at the end of August 2014, the sale was completed on the 4th September 2014. The Charity Commission had been asked to review the complaint as a matter of urgency before the sale was completed however the Commission had stated that if the complaint was upheld the sale would be illegal and invalidated.

Mr Press stated that there was evidence the RBL had not given notice of the sale on the site or in the Chester Chronicle. Antoinette Sandbach MP had supported the complaint and also stated the RBL did not have the authority to sell the Allotments or Bowling Green. It was reported she had written to the President and Trustees of the RBL regarding the complaint and asked that they support the complaint and argue for the reversal of the sale.

It was suggested that the RBL should dedicate the land as a Centenary Field marking the 100 years since World War I a project which is being led by the RBL.

It was reported that 1300 had now signed the petition against the sale.

The Council was asked to support the complaint to the Charity Commission as well as consider offering to purchase the site at agricultural value.

Tony Yeates asked the Council to take action to improve the mobile signal in Tarporley noting that the west of Tarporley has very poor coverage.

It was reported that a large amount of the information on the notice board by St Helen's is out of date or illegible, it was agreed the notice board would be monitored and out of date information would be removed.

Penny Watson reported that she had been volunteering at the Monday night youth club once a month until Christmas, she confirmed that local volunteers were now being welcomed at the youth club.

PCSO Williamson asked the meeting if there were any police issues to be raised. The Clerk reported she had received a complaint about young people riding BMXs on the High Street, the incident had been reported and an incident number obtained. It was reported a vehicle had parked on the High Street zig zag lines before Christmas for quarter of an hour, the PCSO was supplied with the vehicle's number plate.

The Council considered an e-mail which asked if any celebrations were planned to mark the Queen's 90th Birthday, it was noted nothing was planned at present but it was agreed to discuss the matter further at the February meeting.

A complaint was raised regarding the amount of litter at Heath Green, it was also noted there was a large amount of dog mess along Brook Road, Rue de Bohars, Heath Way and on the High School and Community Centre playing fields. It was agreed the Clerk should ask the CW&C Dog Warden to patrol Tarporley.

#### Youth Club Update

The Chairman read a written update from Lucy Phillips, CW&C Rural Youth Worker Manager, page 121 of the Minutes Book. It was agreed no further action should be taken until the new provider has taken over the Youth Club.

#### Letter from Ineos

The Council noted the letter from Ineos which stated Ineos Upstream has a license for Petroleum Exploration and Development Licences covering a wide area including the Parish of Tarporley, it was understood no testing was currently being undertaken in Tarporley.

#### OS&R Committee

The Council noted the notes of the informal meeting with Groundworks on the 6th January, pages 122 and 123 of the minutes book. The Committee's next meeting is scheduled for Thursday 14th January.

#### Grants Procedure

The Council reviewed the grants procedure and agreed a number of amendments, it was agreed that grants will be issued once a year in October and that applicants must complete the form and supply accounts.

It was agreed in the 2016-2017 Financial Year applications will be advertised in July & August depending on the number of applications received the Council will consider whether these should be decided by participatory budgeting.

#### Accounts

**16/071 Resolved** - That the Council confirm page 9 of the cashbook as circulated including all payments listed and agreed the following additional payments:-

MB Travel, Shuttle bus hire £145.80

R Johnson, lengths mans duties £693.00

Tarporley Community Centre, room hire £32.76

Tarporley Talk, newsletter article £144.00

Chester Book Binders, minutes book binding and delivery £90.00

J Stewart, play area inspection and grave marking £75.00

HMRC, PAYE/NI £681.05

A Wright, reimbursements including paper and postage £31.87

SLCC membership £149.00 (Tilston Parish Council to be asked to contribute towards membership).

Tarporley High School, printing of 1500 A4 flyers, £60.00

St Luke's Hospice, donation from removal of Christmas Trees £100.00

**16/072 Resolved** - That the Council take over funding the waste collection from the Cemetery and graveyard at St Helen's.

### Broadband & Mobile Reception

The Clerk reported she had contacted both Taylor Wimpey and David Wilson Homes regarding broadband on their sites, David Wilson Homes confirmed that they had applied to BT Openreach to connect the site to fibre, however this had been refused. they are now reapplying.

It was agreed the Clerk would write to BT Open reach regarding the need for access to fibre broadband and mobile suppliers/regulators regarding the need improved mobile reception using evidence collected in the Neighbourhood Plan survey.

It was agreed letters be copied to Antoinette Sandbach MP.

### Precept 2016-2017

The Clerk reported the PCSO payment had not be included in the calculations for the predicted year end for the current financial year, however it was suggested that the earmarking was not amended at this time but reviewed in April 2016 after the year end.

**16/073 Resolved** - That the Council set the precept at £62,488. £45.15 per Band D property a 2% increase.

### PCSO Funding

Councillors to meet with Chief Inspector Meegan on 18th January to discuss PCSO funding.

### Public Rights of Way (PROW)

Item deferred until February meeting.

### Planning

The Council noted the planning register page 9 as circulated.

The Council had not been notified of any applications however it was noted that amendments had been submitted to CW&C regarding the David Wilson Homes development off Nantwich Road, reference number 15/05172/NMA (non material amendment), it was agreed the Council submit a comment of No Observation.

Councillors noted application 15/04255/FUL had been refused as it is contrary to the Neighbourhood plan. It was agreed all future comments made by the Parish Council would be based on the draft neighbourhood plan policies.

### RBL Update

It was agreed that the Council write to the Charity Commission to support the complaints submitted by Mr David Press and Antoinette Sandbach MP and call for a robust defence of the Charity Commissions policies.

It was noted there had been no response to date to the letter sent following the last meeting to the developer of the RBL site.

### Aldi Update

It was noted that receipt of the letter sent following the December meeting had been confirmed but no further response had been received to date.

Councillors noted the notes of the meeting with CW&C planning manager Nial Casselden, pages 124 to 127 of the minutes book, which was regarded as a positive meeting, a second meeting had been agreed to discuss the neighbourhood plan and the Council's ambitions for Tarporley.

### Neighbourhood Plan

It was noted the Nigel McGurk had been appointed as the examiner for the Neighbourhood Plan.

### Christmas Lights

Councillors agreed the risk assessment as circulated, page 128 of the minutes book, and agreed to forward any further amendments to Cllr. Mills. It was agreed that the Christmas lights should be improved and that this be considered at the Council's April meeting noting that the Hospital's fund raiser would like to be involved in discussions.

Grit Bin

**16/074 Resolved** (unanimous) - That the Council request the Walkers Lane grit bin is moved forward as far as possible without impacting on the site lines.

Note Informal Meetings

All meetings had been noted, it was agreed the 'Ways of Working' informal meeting take place on 25th January 2016.

By-Laws

Cllr Pearson reported that at the last meeting with the Police and Crime Commissioner it was suggested that Councils' could implement by-laws which meant that the police could prosecute for nuisance misdemeanours. It was recommended that Council's use model by-laws which can be introduced without getting parliamentary permission. By laws can tackle dog fouling and dog bans and are enforced by the police.

It was agreed that the Council seek advice on which by-laws would be appropriate.

**16/075 Resolved** - That the Council ask the press and public to leave the meeting and move into private session to consider the next agenda item.

Lychgate Quotes

Councillors considered the quotes received.

It was agreed the Clerk should write to landowners neighbouring the Lychgate road area stating that following the obtaining of quotes it is the Council's preference to resurface the whole area as such if landowners are able to contribute £3000 (total) towards these costs the Parish Council will provide the additional funding required so long as this does not make the Council liable for the areas future maintenance.

Meeting closed 9.30pm.

**Next Parish Council Meeting**

**Monday 8th February 2016, 7pm, Tarpoley Community Centre Committee Room.**

Signed .....

Dated .....

**Ann Wright 15/01/16**

### **An update on Tarporley Council run Youth Provision**

Please accept my sincere apologies for being absent this evening. I was looking forward to meeting you all but due to unforeseen circumstances, I am unable to attend. I hope to attend your next meeting and look forward to meeting with you all in the near future. In my absence, I have prepared an update on the current situation surrounding Tarporley youth provision for your perusal.

The weekly sessions are continuing to run on a Monday at the community centre between 7 and 9 pm. On average, ten young people attend the sessions on a weekly basis although these are not always the same young people, there are up to 20 young people who access the provision on a regular basis.

Cheshire West and Chester have put the service out to tender. At present, the service is in the process of being outsourced but a provider has not yet been identified.

In terms of how this impacts on Tarporley youth provision; it is still envisioned that CWaC will outsource the provision and another provider will step in and maintain the provision. The long term goal would be to provide support to the community through recruiting and training volunteers from the community, in order to establish an infrastructure that enables the community to maintain the provision. The Council would like to continue providing support to enable local communities to build up their own capacities, to ensure that the needs of young people are met within their communities. The kind of support that the council would like to offer consists of volunteer recruitment, training and guidance, support with applying for funding and setting up a local committee group/charitable organisation to maintain future provision.

Although this may seem a long way off and vague, the Council are looking at ways they can support the community to provide sustainable services. One of the ways that the council are currently providing this support is through access to VCFSE (Voluntary, Community, Faith and Social enterprise) funding. Providers meeting the criteria for this funding are invited to apply for financial grants to enable them to deliver necessary services within their communities. There are further aspects of support being looked at and subsequent measures will be put in place in due course.

At present, the CWaC Youth service will continue to deliver their Monday evening provision in Tarporley and, as soon as I receive any further information regarding the proposals for the future of the provision, I will let you know. In the interim, should you have questions or require any further information, please do not hesitate to contact me at: [Lucy.phillips@cheshirewestandchester.gov.uk](mailto:Lucy.phillips@cheshirewestandchester.gov.uk) and I will do my best to support you. I understand that it is an unsettling time but please be assured that the Council are keen to ensure that the Youth provision is maintained and that it is built up to remain a sustainable community provision. Finally, if you have any thoughts or ideas on how Tarporley Youth club could become a sustainable provision within the community, please let me know. I will provide you with as much support as I can.

Yours Sincerely,

Lucy Phillips

Rural Youth work manager

**Informal Meeting with Groundworks  
Wednesday 6th January 2016.**

Present :

Parish Council: John Millington, Andrew Wallace (Chairman)

Groundworks: Ste Allan, Peter Heberlet (Groundworks),

Clerk - Ann Wright

It was noted the meeting had been called due to concerns regarding lack of progress on the project.

It was asked if quotes had now been obtained for drainage and cut and fill works, it was noted that only one quote had been obtained to date however Mr Allan confirmed he would chase up other quotes as a matter of urgency. He stated that 5 companies had been contacted to provide quotes.

It was noted that little progress can be made until these quotes have been obtained as these works will need completing before any other works are undertaken and the costs will impact on what facilities are developed.

It was noted the planning application must be submitted before June 2016, also village expectations are high as the project has been going on for a number of years, with a consultation at the Fete last year.

It was agreed that quotes should be provided on letter headed paper rather than as informal e-mails and should be like for like.

Once these costs have been obtained it will be clear what budget is available for further works and the community should be given a say as to what facilities are given priority.

It was agreed that the pavilion at Ashton Hayes is a good starting point for the pavilion and it was agreed that the Clerk would arrange a visit to the pavilion and to meet representatives of their committee.

It was suggested that the orientation of the pavilion needs examining so that windows look out over the pitch etc rather than the car park.

It was suggested the pavilion should be as 'sustainable' as possible to attract grants for green infrastructure.

It was confirmed the pitch size and position on the Brook Road site is correct following the topographical survey.

It was noted discussions need to take place with Highways regarding the location of the access road taking into account the residential development neighbouring the site has not yet taken place.

Both Mr Allan and Mr Heberlet expressed confidence the project can be completed and planning application submitted on time once the drainage and cut and fill quotes are agreed as these are the only outstanding issues.

It was asked if there was any warranty regarding the drainage survey, design and works, if the drainage fails the cost of any corrective works need to be covered.

It was asked that the preparation of the drainage plans will include discussions about attenuation and discussions with United Utilities.

It was asked if boreholes will be carried out as part of the drainage survey works, it was noted that discussions need to take place with those providing quotes on how they are determining the subsoil structure before any appointment is made.

It was noted the Committee will need to consider costs to provide power and sewerage drains to the site.

Generic play equipment will be included on the planning application.

The site will need at least 4 bins.

The Committee will need to consider how the site will be managed including pitch preparation, removal of litter.

**Informal Meeting with Nial Casselden, CW&C Planning Manager  
Friday 8th January 2016, Tarporley Community Centre Committee Room.**

Present :

Parish Council - Gill Clough, Elaine Chapman, Ken Parker (chairman), Gordon Pearson, Richard Statham, Peter Tavernor.

Cheshire West & Chester Council - Cllr. Eveleigh Moore Dutton, Nial Casselden Planning Manager.

Allotment Holders Association - Isla Roberts, Bobbie Nancarrow.

Bowling Club - Mike Guest.

Clerk - Ann Wright.

Royal British Legion (RBL) Site

Mr Casselden confirmed there had only been tentative discussions regarding the development of the site and there had been no formal pre-application discussions. Initial discussions were in 2014 and CW&C would have expressed the policy stance at that time, that has now changed due to the approval of the CW&C Local Plan and the development of the Neighbourhood Plan.

The site benefits from a number of protections although it is within the settlement boundary:- The Bowling Green and Allotments are protected as 'green space' and are protected by the retained Vale Royal Plan and the Neighbourhood Plan.

There is also no pressing need for large sites to come forward in Tarporley as it is near its 300 homes allocation.

These Green Spaces will be covered in more detail by the CW&C Local Plan Part 2 which is currently being developed, there are no radical proposals to change these protections, the Plan and policies will be subject to public consultation and examination.

Policy not only states that facilities have to be replaced but that their loss must be justified.

It was noted the car park and building are not protected as Green spaces and would be classified as brown field, but are covered by the Conservation Area protections, also policies exist to protect community facilities.

It was noted the latest proposal received by the Parish Council included land for the school, some housing, retirement apartments and retention of the bowling green. It was noted these plans will have been discussed with the school and CW&C Education Department, 'without prejudice'. It was noted the school and education team have no power in the planning system. It was suggested it would be the dereliction of her duty if the headmistress had not had discussions with the developer. It was noted the Primary school is identified for expansion/development and has funding earmarked.

It was asked whether the sites protection extended to if the site was locked so that the allotments or bowling green could not be accessed. It was stated it would not and that access could be determined by the land owner however it would still be regarded as allotments and bowling green and as a community facility even if not in use as its use is designated in the Vale Royal Plan and Neighbourhood Plan.



Mr Casselden emphasized that he could not provide legal advice.

It was noted if the site was left to become overgrown and in a poor condition legislation exists to force the landowner to keep the site in a reasonable condition.

It was noted the proposed use of the site was intensive and poor access. Traffic movements would be considered in terms of current and proposed use and would include a study of not just the number of vehicle movements but also the time of these movements. It was noted there is limited scope to alter the access due to neighbouring properties.

It was noted there is no overwhelming need to retirement properties in Tarporley.

It was believed the sale of the land had been finalised in September 2015.

Mr Casselden confirmed he would double check officers had not discussed this site without his knowledge and would also investigate the ownership of the site through the Land Registry and forward findings to the Clerk.

It was noted that Laurence Herring (RBL) had told the Parish Council at a meeting in March/April 2015 that they had discussed the possibility of developing a number of their sites in the CW&C area. Mr Casselden confirmed that this was true.

It was noted there had been meetings with Local RBL members and the Parish Council in 2014 about keeping the club open, it had closed at the end of December 2014.

It was reported by the Allotment holders that there was a waiting list for the allotments and that the developer had agreed the Association would manage this list, however there are now six plots empty with people ready to take them however the developer is now not letting them take them up until he had had a number of meetings in January. It was believed he cannot be compelled to let the plots.

It was noted the allotments holders had been offered another site which they had visited but was not suitable due to its location/access among other reasons.

#### Aldi Site

Mr Casselden confirmed Aldi had spoken to planning officers in 2014 regarding a number of possible sites in the CW&C area. He confirmed that CW&C had not identified the proposed site for development by Aldi, all the sites were problematic.

There are a number of issues regarding the Tarporley Site:-

1) It is outside the retail area as defined in the Vale Royal Plan, however it was noted it is on the edge of the area. They would have to produce a sequential test showing that more suitable sites were not available in the retail area.

2) A large part of the proposal is outside the settlement boundary and therefore in the open countryside.

3) It will be a large building possibly the largest in Tarporley and is next to the conservation area and a number of listed buildings. It was noted that the loading bay and machinery are next to a graveyard. Character will be a big issue as Aldi have a corporate model that they

base applications on, a large store with a car park in front. Issues would be around size, scale, design and layout.

4) The area is protected as a green open space in the Neighbourhood Plan.

It was suggested it would be more acceptable as a 'frontage development' although it was noted this was not supported by residents and shop owners who want the car park as near to existing shops and the High Street as possible.

The starting point for any application is whether it is against policy and whether this can be overcome.

It was noted that in the consultation the Parish Council undertook regarding the proposed Aldi store there was huge concern regarding the access and congestion on the High Street. It was noted the developer would have to produce a detailed traffic assessment. To stop an application on Highways grounds you must prove 'severe detriment'.

It was noted that at the PC's consultation 80% of Tarporley residents opposed the proposal, it was asked what weight this would have in the planning process. It was stated policy is always the starting point however the view of the local community has more weight now than previously in the planning system. It was noted that Aldi had mailed out to 7000 households.

It was asked what weight would be given to things offered by the developer for example if they offered to build a bus park for the High School. It was stated this would have no weight in the planning process as and could not be secured by condition. Since the NPPF<sup>1</sup> developers can only be asked to provide things essential to the development, planning gain no longer exists. If the developer offered something it would need to be secured by a legal agreement separate to the planning application.

It was noted that Tarporley is a Key Service Centre (CW&C Local Plan part 1) and as such would it be identified as a location for stores like Aldi to serve the wider area. It was noted there is no pressing need for any supermarkets in the area according to the CW&C retail study

([http://inside.cheshirewestandchester.gov.uk/find\\_out\\_more/publications/strategies\\_plans\\_and\\_policies/planning\\_policy/local\\_plan/key\\_social\\_economic\\_and\\_environmental\\_planning\\_evidence\\_base/retail\\_studies](http://inside.cheshirewestandchester.gov.uk/find_out_more/publications/strategies_plans_and_policies/planning_policy/local_plan/key_social_economic_and_environmental_planning_evidence_base/retail_studies))

In terms of sustainability the argument that people would not travel so far to a store if a store was built in Tarporley would carry very little weight.

It was asked whether planning took into account the economic benefits to the Council (rates etc) if the development goes ahead. It was stated the Council 'serves its residents' and as such that outweighs the benefit of additional rents and income. CW&C strategic policies do support growth and prosperity, it does not support growth at any cost.

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<sup>1</sup> National Planning Policy Framework

It was noted that there was alternative sites outside Tarporley which would be more suited to a Store, one of which was a brown field site, it was suggested this might be harder to get planning permission on as it would be against the policy of new stores being built in the retail area, however each case has to be looked at on its own merits.

It was noted that proposals supported by the Neighbourhood Plan will carry a lot of weight in planning.

As a result of the discussions which had taken place it was agreed it would be helpful to have a second meeting with Mr Casselden to discuss the Neighbourhood plan and the aspirations behind it so that CW&C and the Parish Council have a common understanding of a vision for Tarporley regarding future development, the medical centre, parking etc.

Ann Wright  
9th January 2016

Tarporley Christmas Lights	Risk Assessment Dec 2015					
	What are the risks?	Who might be harmed	Evaluation of risks	Precautions taken	Record of findings and Implementation	Review after the event. Dec 2015
	<b>Electrical hazards.</b> Installation of the lights and the supply to the crib. PA system. Also removal of the above after the event.	Those who are carrying out the work and members of the public as this is happening	Electrocution; Falls.; Damage to local amenities. Low risk	Qualified personnel from CW&C to carry out work. Public protected from cables and equipment. Event covered by Insurance	Electrical installations to be tested and protected with appropriate equipment	
	<b>Erection of Staging.</b> To include the setting up of the PA system.	Those who are carrying out the work and members of the public	Falls; Damage to local amenities; Collapse of the staging; electrocution. Low risk	Use of personnel who have dealt with this event in the past with proven track record. Structure suitably constructed and reinforced and tested prior to event	Staging - weight tested	Need for a newly designed 'lever' for switch-on and a raised platform for the child who is 'Switching on' the lights.
	<b>The numbers attending the event.</b> On the chestnut tree mound. On the staging and in the immediate vicinity of the event.	The event goers, members of the public. In particular the children involved in the event on the mound	Falls; Overcrowding; Low risk	Control of numbers allowed onto the mound. The area on the mound and in the vicinity Will be supervised by marshals in Hi-viz jackets. Also police personnel involved. First aiders on hand	Use of some 'soft' fencing and supervision on mound by marshals and primary school staff along with parents.	The edge of the mound before the lights are switched on is in shadow and there is the possibility of people falling from the mound onto the pavement. Children are at particular risk. Requires some form of visible barrier to prevent falls. This is more pronounced on the bus-shelter side of the mound
	<b>Public Area.</b> The event takes place on the High Street with Bus Stop adjacent to the Chestnut Tree mound.	Members of the public and those who are attending the event. Vehicles using the road during the event	Danger to public not involved in the event. Disruption of the bus service. Low risk	Involvement of police and PCSO's along with marshals to supervise and monitor. First aiders on hand	Use of personnel previously mentioned and the deployment of strategically placed bollards.	
	<b>Stall holders.</b> Setting up	Stall holders and members of the public	Risk to stall holders and public whilst setting up. Damage to other amenities. Low risk	Ask stall holders what equipment they will be bringing to the event and what procedures they have in place to deal with issues that might arise.	Request written information from stall holders regarding procedures	
	<b>Supervision of children and adults as Santa arrives and at his Grotto</b>	Children and parents and other event goers	Danger from traffic; large crowds; Separation of children from parents. Low risk	Supervision of children. First aiders on hand	Marshalls and parents along with staff from Primary school	
	<b>Erection of displays at other events.</b>	Those carrying out the work and members of the public	Falls; electrocution; falling equipment. Low risk	Qualified personnel from CW&C to carry out work. Public protected from cables and equipment.	Electrical installations to be tested and protected with appropriate equipment	