

BURGH BY SANDS PARISH COUNCIL

Minutes of Meeting of Burgh by Sands Parish Council held on Zoom
on

Monday 12th April 2021 at 7 pm

Present: Cllr P Ditch (Chair) V Ferriby, M Hairsine, L Kelton, J Ghey,
V Sealby, A Taylor, CCCllr Trevor Allison and Cllr A McKerrel

Welcome - Cllr Ditch welcomed everyone to the Meeting

Chairman's Announcements – We extend our sympathy to her Majesty on the death of her husband the Duke of Edinburgh to whom we owe a debt of gratitude for his lifetime of service to Queen and Country.

We also record the passing of our former Chairman John Morton Stonebridge Our sympathy goes to his family. His clear-thinking and steadfast manner guided the Parish Council for many years and he will be greatly missed. His private funeral will be held in Dufton Parish Church. No flowers by request but Donations to Cancer research would be acceptable.

One Minutes silence was held for the Duke of Edinburgh and John Morton Stonebridge

Declaration of interests: None

Authorisation for the Chairman to sign the amended Minutes (4th March 21) and those of the last Meeting (31st March 21) as a true record

15th MARCH 21.

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Adjournment for Public Participation & Reports from CCCllrs J Collier, T Allison & A McKerrell 7.08 – 7.33pm

CCCllr A McKerrel had nothing to report but was asked if we could have more litter picking equipment . This will be delivered to Cllr Sealby.

CCCllr T Allison: A new fence has been erected opposite the Bus Shelter at Boustead Hill and it is all looking neat and tidy. Potholes have been reported but not fixed yet but the response time has improved of late.

Cllr A Taylor read out a submission from a Parishioner living in Moorhouse regarding the Hedge removal Application: 21/0001HDG.

The Parish Council is now very familiar with this site and with a number of planning applications related to it.

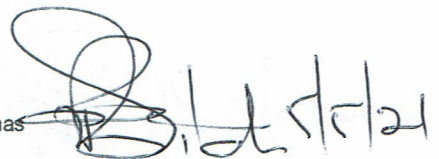
This latest application is limited to the removal of the hedge. The PC has already objected to removal of the hedge which formed part of application 19/0244 (still to be decided). We ask that the PC not only repeats its previous objection but adds to it, following additional information that has since come to light, largely thanks to the kind assistance of the Friends of the Lake District.

I think the following are the key points to be made:

- There is now a huge amount of opposition to this application. Over 800 people have signed an online petition opposing removal. Over 20 people have submitted an objection to application 21/0001/HDG on the Council's website

- **Legislation.** This latest application is made in accordance with The Hedgerow Regulations 1997. It is a separate application to 19/0244 and has to be made because of the statutory protection afforded to hedgerows. The regulations permit the removal of hedgerows of this kind in limited circumstance only. The ground upon which the developer relies is regulation 6(1)(e) "for carrying out development for which planning permission has been granted ..." In this case the developer has planning permission, but attached to that permission is a condition that the hedgerows in question be retained and enriched. Therefore, the developer does not meet any of the statutory grounds for removal. We ask the PC to argue this point as strongly as possible. Retention of the hedgerows is and has been since 2016 a condition of development. The City Council must be held to this condition if it is to maintain public trust and confidence in it and the planning process. The application should be rejected on this statutory basis alone.

- **Policy.** Aside from the statutory reason for rejecting the application, removal of the hedgerows would directly contravene the City Council's own planning policy as set down at GI6 of the Carlisle and District Local Plan (CDLP) 2015-30. GI6 makes it very clear that any proposal resulting in *unacceptable* or *unjustified* loss of hedgerows will be resisted by the Council. No valid *justification* has been produced at all in this case. The developer already has full planning permission to build 9 homes on the site, conditional upon retention of the



hedgerows: therefore, there is absolutely no need to remove the hedgerows, other than for profit. In support of the earlier application, 19/0244, the developer's agent argued that removal of the hedgerows was necessary for pedestrian safety as it would permit widening of the footway to the village bus stop. That contention was completely false. There is no footway adjacent to the Westerly hedgerow. The footway adjacent to the Southerly hedgerow is more than adequate at approximately 140 cm wide. However, the developer has failed to maintain the hedge, causing the footway to be impeded by undergrowth and branches from the hedge, which simply need to be cut back, as other residents are directed to do by the PC.

- The Original Allocation for Development. A fresh point identified by Friends of the Lake District, which we ask the PC to make as forcefully as possible, is that the field was allocated for development on the basis that the hedgerows surrounding the site be retained. The impact assessment for the site by the statutory inspector was one of "neutral". It is suggested by the Friends of the Lake District that if removal of the hedgerows was suggested at the time of the allocation process in 2014(? – *unsure when it was but the PC will know*), a "negative" impact would have been determined, which would have saved the site from allocation for development. To put it another way, development on the site was only allowed because the hedgerows are to be retained.

The findings of the statutory inspector found their way into CDLP 2015-30, with specific reference to the site at Appendix 1 R12. R12 clearly states that as a condition of development the hedgerows should be retained.

Given all of the above, this proposal flies in the face of a very clear and long-standing position of retaining the hedgerows. To approve the application would constitute a complete and wholly unjustified about-turn by the Council, that would undermine the integrity of the planning process, including the Council's Local Plan and public decisions made by the Development Control Committee. The trust and confidence of the local and wider community in the Council and its decision-making will be severely damaged in such a case. To ignore clear planning policy and to reverse earlier Committee decisions would set a very dangerous precedent which will be exploited by developers.

- SPDs. Other Carlisle Council Supplementary Planning Documents refer to the importance of retaining hedgerows and specific reference is made to the area to the west of the City (i.e. this parish) where hedgerows are a defining characteristic. Hedgerows have an intrinsic character which defines rural communities and are at risk by urbanised development. As a rural parish, the PC must resist the needless destruction of hedgerows.

- Climate Change. The Council has committed itself to supporting the fight against climate change and has publicised its "Zero Carbon" campaign. Hedgerows provide enormous value in terms of carbon sequestration. A report to the government in 2019 recommended planting up to 40% more hedgerows in the UK. Destroying these hedgerows would be against the Council's policy on climate change and directly contrary to its Zero Carbon position. Since planning permission was given for this site in 2016, the City Council's attitude towards climate change has hardened and the retention of hedgerows is integral to this. The developer is asking the Council to relax or ignore its commitment. The PC is asked to insist the City Council does not do so.

- Biodiversity. The National Planning Policy Framework insists that new development must result in a biodiversity net gain. Removal of the hedgerows will clearly result in a net loss. Biodiversity will be lost when any development takes place on the field. Removal of hedgerows will increase the size of the net loss. The PC is asked to take special note of the ecology report which was produced in relation to application 19/0244. The report very clearly advises against removal of the hedgerows because of the harmful effect it would have on wildlife. The PC is asked to remind the City Council of the reports findings and its opposition to removing the hedgerows.

- Drainage. One of the main points of objection to development on this site, over many years, is drainage (Our Cumbria County Councillor is very well informed on this). The developer has yet to come up with a workable drainage solution for surface water. Because soil infiltration tests in 2019 failed, the original soak away scheme has been abandoned. Now the developer proposes diverting surface water from his site into the highway drain on Monkhill Road. However, that drain discharges into a watercourse on private land, the owners of which do not consent to the scheme.

The hedgerows themselves are enormously valuable in terms of absorbing surface water. The current plan to replace the field with tarmac, bricks and concrete will clearly create further issues with surface water, but by removing the hedgerows and replacing them with driveways and stone walls is madness. Such a proposal puts the rest of the village at considerable risk of further flooding.

- Amenity and Privacy. The hedgerows provide obvious amenity to local residents and it was for this reason, together with reasons of privacy, that the Development Control Committee insisted on retention and enrichment of the hedgerows. The hedges are currently to be retained to screen the development, thereby softening the impact of its intrusion into the centre of the village. The hedges must be retained for their amenity and privacy value. It should be noted that the ongoing development of 3 new homes at the Eastern entrance to the village was conditional upon the retention of its hedgerows.

- Listed Buildings. Previously the Planning Case Officer has relied upon retention of the hedgerows when supporting applications to build on the site, on the basis that the hedgerows mitigate the adverse effects of new development on the setting of nearby listed buildings (Fairfield and Hall Farm). It was the presence of the hedgerows which led to the Planning Officer's conclusion (see applications 16/0387, 19/0244, 19/0535), that less than

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substantial harm would be caused. If the hedges are removed then it is inevitable that substantial harm will be done to the setting of those listed buildings.

Road Safety. A secondary effect of removing the hedgerows will be to increase the risk of road traffic collisions. The developer wants to remove the hedgerows so that he can introduce 2 driveways from his development onto the main Carlisle road and 4 driveways onto the Monkhill road. This will increase the risk of collision with vehicles using those roads. There is a particular risk regarding Fairfield. The driveway into Fairfield is such that vehicles entering from the East are required to swing into the opposite carriageway. This manoeuvre has to be carried out with care due to the risk of collision from ahead and behind. In October 2019 the owners of Fairfield were involved in a serious collision when turning into their drive and hit by a following vehicle which attempted to overtake on the inside. This caused significant damage to both vehicles and destroyed a gatepost which prevented the offending vehicle rolling into the front garden on its roof! The risk of collision will be increased because the developer proposes to create a new driveway directly opposite Fairfield's driveway. The possibility of vehicles emitting from that driveway would introduce an additional point of potential collision.

Planning Applications, Decisions, Enforcement & Correspondence up to 12.04.21**

Decisions: Grant Permission for: Appn Ref: 20/0695 & Appn Ref: 21/0039

Applications

Proposal : Change 2No. Velux Windows to Dormer to rear Elevation

Location : Cross House, Burgh by Sands, Carlisle, CA56AN

Appn Ref: 21/0197 Grid Ref: 332744559123

The Parish Council made no observations regarding this Application.

Proposal: Removal of Hedgerows to facilitate the future development of the the residential allocation

Location: Land at field 3486, Monkhill Road, Moorhouse, Carlisle

Appn Ref: 21/0001HDG

Burgh by Sands Parish Council strongly object to this Application for the removal of hedging as they did in a previous Application 19/0244 and draw attention to the ecology report in respect of the Application and its impact on Wildlife

Since 2016 hedge retention has been a condition of development on the basis that the hedgerows surrounding the site were to be retained.

The Parish Council wish to reinforce these points in order to protect and enhance the character of the site and the area and to ensure its that its appearance is satisfactory.

- In accordance with all the Objectives in Securing Good Design of Policy SP6 of the Carlisle District Plan 2015 – 2030 and especially with regard to hedging in this Application points 2, 4, 5,6,7,8,and 9 these hedges should not be removed.
- The Hedgerow Legislation 1997 The regulations only permit the removal of hedgerows of this kind in limited circumstances. The developer has planning permission but attached is a condition that the hedgerows in question be retained and enriched and so the developer does not meet any of the statutory grounds for removal.
- Carlisle's own Planning Policy set down at G16 of the CDLP 2015 – 30 states that unacceptable or unjustified loss of hedgerows will be resisted by the council.
- There is no reason to remove the hedgerows as if the developer maintained the hedge and removed invasive undergrowth overgrown branches from the Hedge beside the B5307, the width of the foot way would be more then adequate and would not impede pedestrians. It would appear that the reason for removal of the hedge is in order to allow driveways of more homes onto a busy B5307
- Appendix 1: R12 of CDLP 2015 - 30 states that 'The roadside hedge is likely to provide a habitat for wildlife and should be retained'
- Carlisles Planning Documents refer to the area West of the city where hedgerows are a defining characteristic and that these are at risk by development
- The Government recommended in 2019 to Planting 40% more hedgerows to combat Climate change to which the Council is committed and to opposing hedgerow removal.
- The hedgerows will contribute to the absorption of the increased surface water created by any development.
- Retention of the hedges will provide privacy and lessens the impact of a development in the middle of the village and the effect to the setting of nearby listed buildings.
- Other recent developments have retained their hedges as a condition of Planning approval.

Proposal: Erection of 9no. Dwellings & Associated Access/Infrastructure (Outline)

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Location : Land adjacent to Chapelfield Lane Thurstonfield, Carlisle,

CA56HP

App 21/0212

Objections

Policy HO2 (Windfall sites)

5.12 States that new residential developments in the rural areas will be focussed in sustainable locations . There is a Chapel in Thurstonfield and a very infrequent Bus service and no other facilities and was not included in Policy HO 1

There have already been other houses built or approved in the Village and a pending Application., amounting to over 22 Houses plus this Application and another pending (15) in total.

The Parish Council notes that both the Highways and the LLFA have concerns and That Carlisle City Council Development Management have recommended refusal of this Application because of 10 points regarding inadequate details - outlined in their Consultation on this Application 21/0212

There have already been flooding problems within the village.

The Council feels that this site although within the Village is an unacceptable intrusion into the countryside and will not enhance the community being in a prominent location.

On these grounds, Burgh by Sands Parish Council objects to this Application

Appn Ref : 21/0269

Proposal: Erection of Agricultural Workers Dwelling (Outline)

Location : Land Adjacent to the South of Moorpark Farm, Thurstonfield, Carlisle, CA56HB

Burgh Parish Council Objects to this Application on the grounds that not enough detail has been provided.

Financial Report & Risk Assessment : Cheques to be signed. **

Appointment of new Clerk

The parish Council carefully considered applications for the Post of Clerk and after due consideration voted to offer the post to Michelle Russell subject to References for a probationary period of 6 months.

Grants BBSSRA Drainage :It was decided to find out exactly when the drainage grant money presently being held by the Parish Council will be needed as if this is not to be used in the near future then the money will be out back into the Budget and used for other projects. BBSSRA can then reapply for the Grant , **LED lighting for Burgh by Sands Village Hall** : It

was decided to match fund the Grant from the City Council of £650.00

Playground in Burgh: We are waiting for clarification regarding the 106 Money so that work can begin on the Playground asap. Cllr Mckerrel will make enquiries on our behalf.

Speed activated device at the West end of the Village: This is due to be installed on the 16th April

Signpost restoration work:Dave Gosling will begin work when the weather is warm enough for the paint to set.

Toilets on the Green at Burgh:It was decide to install the Portaloo at the end of April to mid October.

Rifle Range Fires : There was a very large unattended fire on Good Friday Photos of which were sent to the Environmental Health Officer.

CCCllr T Allison asked that this item be put on the Agenda again as he is consulting the County Council Planning Department.

Thurstonfield Green : It is hoped to buy some new benches and landscape the Green, re-siting the street furniture. Cllrs Ferriby and Ghey will discuss some options for the Green.

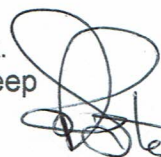
Replacement Wooden Notice Boards for Thurstonfield and Dykes

field/Longburgh

It was decided to buy 2 more Notice Boards as part of this ongoing project.

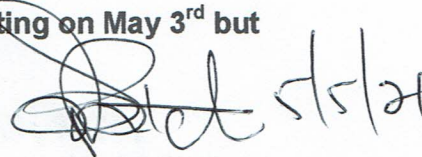
Face to Face Meetings: Burgh Village Hall will be available after being deep cleaned for Face to Face Meetings from the beginning of June.

No Councillors Reports

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Items for the next Agenda: Footpaths and the Unclassified Road, Speeding Contractors, Rifle Range Fires and Dog Fouling

Date for next the Annual Meeting and Parish Meeting on May 3rd but unsure of this date because it is a Bank Holiday



Bank Account and Funds Available Financial Risk Assessment Report

Balance as per Bank Statements	
Cumberland Building Society Current	7368.29
Cumberland Building Society Deposit	16181.68
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30-Apr-21	23549.97
Income not yet on Bank Statements	
City of Carlisle Precept	17200.00
Cumbria County Council Grant	2000.00
	19200.00
Payments not yet on Bank Statements	
000250 BHIB	-525.19
000251 CALC	-250.98
000252 SWARCO Traffic	-4591.39
000253 Andy Roo	-65.99
000254 Ian Rumney	-117.00
000255 Burgh by Sands Parish Hall	-100.00
000256 Borderloos	-45.42
000257 P L Gauntlett	-70.00
	-5765.97
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	36984.00
Payment Requests Awaiting Approval/Pending	
Grass Cutting Contract/Landscaping	-2402.00
Clerk Salary	-4250.00
General Admin Expenses	-2429.00
Insurances	-75.00
General Grants	-2350.00
Hall Rentals	-50.00
General Maintenance	-2695.00
Fixed Assets	-5000.00
Portaloo Hire	-762.00
Allotment Maintenance/Rent	-180.00
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	-20193.00
Funds Available as at 05.05.21	16791.00

BURGH BY SANDS PARISH COUNCIL

Parish Council Financial Report

Meeting date 05.May 2021

The following payments have been made after they were approved at the Parish Council finance committee meeting held on 12.04.21

Burgh by Sands Village Hall	Grant Approved	£650.00
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Payments made since last meeting.

None

The following requests for payment have been received or are pending:

BHIB	Insurance Renewal	£525.19
CALC	Annual Subscription	£250.98
SWARCO Traffic Ltd	SID Installation	£4591.39
Andy Ross	Water Pump	£64.99
Ian Rumney	Grass Cutting	£117.00
Burgh by Sands Parish Hall	Hall Rental	£100.00
Borderloos	Portaloo Hire	£45.42
P L Gauntlett Accounts	Intrenal Audit	£70.00

Parish Clerk and Responsible Financial Officer: Mrs Isobel Elsdon

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