

AYSGARTH & DISTRICT PARISH COUNCIL

Draft Minutes of the Meeting of the Parish Council held on 23rd November 2023 At Aysgarth Institute at 7.30pm

Present: Parish Cllrs: John Dinsdale (Chair), Linda Cooper, Rob Cromey-Hawke, Margaret Jones, Chris Parker, Alison Sayer, Robert Walker, Peter Windle, David Wood

In Attendance: Mrs F Cartwright - Parish Council Clerk
Mrs P Pointon - Website Administrator/Press Release

Members of the public: 2

- 1. Consideration of Apologies for Absence** - Apologies were given and accepted from Parish Councillor Wilman
- 2. Minutes of Parish Council meeting held on** - The minutes of Meeting held on 5th October 2023 were approved as a true and correct record
- 3. Declaration of interest** - Cllr Parker declared an interest in Item 7 Planning Application **R/57/49A** Bishopdale Bunkhouse, Thoraby. Cllr Cooper declared an interest in Item 7 Planning Application **R/58/96B** Rear of the Reading Room, Westfield Lane, Thoraby.
- 4. Matters arising from the last meeting**
- 5. Highways/Street Lights/Bins**

Historic/Ongoing - Further updates were not available on the following matters:

- Bridge at Bishopdale
- Spickles Lane - Aysgarth & Burton-Cum-Walden
- Mill Lane, Aysgarth
- Dangerous Tree Thornton Rust Road
- Water/ice at Kelspring, Aysgarth Thornton Rust Road
- Solar Lights nr Doctors Surgery, Aysgarth
- White lining Parking Bays in small layby in Aysgarth
- Plans for revisiting Church Bank, Aysgarth

Actions:

- Clerk to chase Highways re previous e mails sent re Kelspring, Aysgarth, given weather conditions.
- Cllr Cooper had received a report that tall 3ft shrubs were obstructing road at Fern Lee, Thoraby. Clerk to let Highways know.
- Clerk to let Highways know of narrow footpath outside Colmans, Aysgarth which was not suitable for wheel chairs or prams.

6. Financial Matters

6.1 The council resolved to authorise the following payments:

Date/Inv #/Chq	Payee	£	Description
101073	F Cartwright	169.56	Clerk Pay - November 23
101074	F Cartwright	10.00	Clerk Expenses - November 23
101075	F Cartwright	169.56	Clerk Pay - December 23
101076	F Cartwright	10.00	Clerk Expenses - December 23

Inv 100004877	NYC	90.00	Grit Bin, Newbiggin
Inv 3562075	Business Stream	15.43	Rock Garden Water July - Oct 23
Inv 106151	Solicitors	3,607.20	First interim bill (Thoralby Moss Acc)
Inv HH2284401826	WBW	966.00	Stewardship 2023 (Thoralby Moss Acc)
Total		£5,037.75	

The Parish Council agreed to pay Mr M Cooper for 2023 grass cutting services once the invoice was received providing it was in line with quote previously agreed.

6.2 Income Received since the 05.10.23 Meeting:

Date	Remitter/Ref	£	Description
30.10.23	J Dinsdale	85.31	Rock Garden Donations

The payment of £70 for the let of Hawe Lane, Thoralby remains outstanding.

7. Planning - To consider the following Planning Applications:

Written Pre-Planning Advice re Colman's of Aysgarth

The owners of Colman's of Aysgarth asked to address the meeting.

They referred the Parish Council to the Written Pre-Planning Advice re Colman's of Aysgarth Paper sent to YDNPA which was also e mailed to the Clerk and circulated to the Parish Council on 14.11.23. They said that the YDNPA aim to respond by 05.12.23 and if favourable they would then apply for planning permission which would likely be e mailed to the Parish Council in January 24 when they will be away on holiday. They would therefore like to engage with the Parish Council now and answer any questions the Parish Council may have at this early stage.

In part due to costs increasing for electricity, insurance, waste, etc. they would like to apply to YDNPA for more flexibility at their camping and caravanning site. They explained that they would like to be able to use some of the camping pitches for motorhomes or caravans during the months when it was cold for campers e.g. Spring and Autumn. As a result of the closure of the touring site at the Aysgarth Falls Hotel and the increasing popularity of smaller camper vans they have been exploring ideas to have increased flexibility. Their current agreement with the Caravanning and Camping Club is for 10 camping pitches and 5 for motorhomes and caravans. They are looking to having a mixture of up to 10 motor caravans, camper vans, caravans and up to 10 tents but still have their maximum of 15 pitches. There would be no change to the layout of the site.

They feel that the changes meet with the 2 objectives of the YDNPA T1 and T2 Tourism. The changes would also benefit Aysgarth village in the Spring & Autumn when currently the camping pitches are less utilised. Visitors will use local facilities such as the Post Office and Pub. They actively sign post guests to the local amenities as part of their check in process.

Cllr Cromey-Hawke enquired as to what do they see as the biggest challenge to get through planning. They replied that they feel that their plans meet the YDNPA criteria.

Cllr Wood enquired as to whether the problems with the neighbouring property waste had been resolved. They confirmed it had been resolved.

Cllr Cooper enquired about the licence and length of stay. They replied that there would still be a 28-day maximum limit on how long a motorhome or caravan could be parked there, it is not residential.

There was a separate discussion about the narrow footpath outside the front of their site which is not suitable for wheel chairs or prams.

The Parish Council thanked them for coming to the meeting, and they left the meeting.

Item # 12 YDNPA Zoom Planning Training Seminar 19.10.23

Cllr Cromey-Hawke handed out the slides from the YDNPA Zoom meeting 'Planning in the Yorkshire Dales - Parish Council Seminar'.

Cllr Cromey-Hawke said that he had found the seminar to be very interesting. It was frustrating that only one representative from each Parish Council could attend as he found it very useful and felt that all Councillors would also have benefitted from attending.

The meeting was chaired by Jim Munday (Secretary of State appointed member for YDNPA). Speakers/presenters were Peter Stockton (Head of Sustainable Development) and Katherine Wood (Senior Planning Officer South).

There were technical issues during the 'zoom' meeting which prevented questions from being asked during the meeting. Questions were answered by e mail two weeks after the seminar. The below points were either covered during the seminar or after in response to questions from Cllr Cromey-Hawke arising from the Seminar or on behalf of the Parish Council from the October 23 Parish Council meeting.

The YDNPA Planning Authority/Team default position to planning is they are here to say yes as planning is about people's dreams.

- **1. How would you describe the role of the Parish Council in the planning decision making process - a pivotal role, mandatory consultees which is summarised on Slide 3 - 'why it matters'**
- **2. What weight of influence does a Parish Council response have in the planning decision-making process (Slide 2)**
- **3. Does that weighting change if application goes to Planning Committee** - Not answered specifically, but it was explained that Parish Council's carry a significant influence as Slide 4 shows - Parish Council are one of the 2/3 'delegated decision-makers'.
- **4. How can Parish Council maximise value of responses and comments** (Slide 5 summarises this)
Breakdown of voting on planning applications by Parish Council is not relevant. The important point is the substance of the response. The Parish Council response should be succinct and decisive e.g. support or object not just comments as comment does not 'help' a decision as the YDNPA don't know if Parish Council contradicts the case officer.
- **5. Can YDNPA Planning Team/Dpt hold individual agencies to account. If so, how and to what end There is a feeling that agencies pay lip service to important matters they commit to during the planning decision-making process.**

YDNPA response: 'Our remit as the Local Planning Authority determining a planning application is limited to consulting agencies such as Yorkshire Water as the statutory undertaker responsible for water supply and foul water drainage on certain scale and type of development. They provide us with advice on relevant drainage matters directly related to the development proposed, for example, connections to the existing system, ensuring drainage of foul and surface water is to separate systems. We also consult the Lead Local Flood Authority regarding surface water drainage for major developments to advise on matters such as sustainable drainage system design.

Statutory undertakers, such as Yorkshire Water, are regulated under separate legislation which is enforced by Government agencies such as OFWAT and the Environment Agency. Planning Authorities do not have any powers to regulate them or enforce breaches of the legislation that regulates them. The situation is the same with other statutory undertakers e.g. the highway authority, electricity companies etc.'

- **6. Conceptually/procedurally what part do covenants have to play in a planning decision - i.e. restricted community use? In practice, if covenants are in place, should they not effectively 'veto' any application that deviates from the terms of the covenant in any part?**

YDNPA response: 'Covenants in the sense of a covenant on a property that is passed on from one owner to the next do not (or very rarely) have a part to play in planning as they are effectively agreements between one individual and another person and not something the planning authority is party to or has any control over (unless the covenant referred to is by way of a planning legal agreement in place - see below). So planning applications can be considered and even permitted despite a restrictive covenant being in place because that covenant can be dissolved or changed by agreement between the parties involved. If planning permission is granted on a property, this does not override any covenants in place. For example, you refer to a covenant limiting a property to a community use. Planning permission may be granted for an alternative use, however, there would remain a separate legal restriction preventing the alternative use, unless the covenant is then removed or amended.

It should be noted that a Section 106 agreement is the planning equivalent of a covenant – an agreement between the developer and the planning authority that is charged on the property and so is passed on from one owner to the next and can be enforced by the planning authority. S106's in the National Park tend to cover the occupancy of houses (local occupancy and affordable housing), financial contributions towards infrastructure provision or environmental improvements, restrictions on land transactions, etc.'

Other Key points made were as follows:

- Planning office run pre-application clinics for residents every 14 days currently a mixture of in person and virtual
- Consultees given 21 days - can contact the case officer before submitting response to discuss a case, and can ask for extension from case officer if a PC meeting is not within the time window for responses
- Less than 50% of applications are valid on receipt
- Signposting towards new FAQ page on the YDNPA website
- New technical guidance coming for YDNP Dark Sky in November 23 which affects public lighting which could impact Parish Councils
- Local Plan Progress Report:
 - Population has dropped 3.5% in YDNP since 2011 despite national increase - 32% is over 65 above national rate
 - Local Plan not only focussed on building development
 - Main policy changes slide:
 - Expected 20% 2nd home within YDNP vs 4% nationally
 - 20-40 new affordable houses per year needed, majority of what is built
 - House prices in South of YDNP higher than North
 - Additional 20 settlements to be allowed new housing
 - 2 x large sites (Embsay and Threshfield) more than 100 houses at each - not had development that size in 20+ years
 - Local Plan Policy will be finalised in December 2023 and shortlisted in January 2024. Comments in January & February 2024. Options will be decided in Spring 2024 and the Local Plan published in Summer 2024.

The Parish Council thanked Cllr Cromey-Hawke for attending the seminar and summarising the content.

New Applications

R/57/8G - Householder planning permission for demolition of existing front porch and rear conservatory, erection of front two storey and rear single storey extensions, alterations to fenestration and internal layout alterations at Bishop Garth, Newbiggin, DL8 3TD - **The Parish Council agreed to support the application due to the run-down nature of the existing structure, the changes will make it safer to live in and no negative impact to neighbours. Routine maintenance alone would not support the upkeep of the building. Action - Clerk to e mail YDNPA.**

R/57/49A - Full planning permission for proposed extension and conversion of holiday let to form 1no. local occupancy dwelling at Bishopdale Bunkhouse, Cross Lanes, Thoralby, DL8 3TB - **The Parish Council had no comment to make.**

Planning Committee Meeting - 14.11.23

R/51/146 - Full planning permission for change of use of no more than 30% of the gross internal floor area to be used as accommodation for caretakers, artisans and exhibitors involved in the primary community use in the remainder of the property. This involves the change of use of elements of the building from class F1 to class C3 at Aysgarth Methodist Chapel, Chapel Lane, Aysgarth, DL8 3AE

The Parish Council expressed disappointment in the decision taken by YDNPA to approve conditionally.

Action - Clerk to e mail YDNPA requesting Traffic Management Plan and clarification as to why a s106 had not been put on this application.

Additional Information Loaded to YDNPA Portal

R/53/36 - Full planning permission for the installation of a 25m lightweight lattice mast with 3no. radio antennas, 3no. transmission dishes, radio equipment housing, solar array comprising of 36no. solar panels and 2no. ground-based cabinets along with ancillary development and proposed access track (circa 145m) for the purpose of telecoms at Gilbert Lane (NGR: E394078 / N481344), Bishopdale, BD23 5JB - **The Parish Council had no comment to make.**

The previously considered planning applications are showing on the YDNPA Citizens Portal as:

Approved (Conditional)

R/51/25L - Major Planning Application - Full planning permission for 14 holiday lodges and facilities, alongside refurbishment of and extension to existing hotel at Aysgarth Falls Hotel, Aysgarth, DL8 3SR (**approved conditional 19.10.23**)

R/53/34A - Full planning permission for creation of an all-weather farm track at Land off B6160, Ribba Hall, Bishopdale Lane, Bishopdale, DL8 3TG (**approved conditional 25.10.23**)

Approved (S106) - none

Withdrawn/Final Disposal - none

Under Consideration

R/59/50C at Hardbanks Barn, Thornton Rust, DL8 3AS (**Reg date 20.04.20**)

R/51/54M at Birkbeck House, Aysgarth, DL8 35R (**Reg date 30.11.20**)

R/58/49A - Full planning permission for change of use from agricultural barn to short term holiday let, including rebuilding of lean-to in local stone; installation of ground and roof mounted solar PV panels, package sewage treatment plant, borehole and subterranean LPG tank at Marion's Barn, Westfield Lane, Thoralby

R/58/96B - Full planning permission for erection of single storey dwelling for local occupancy, together with installation of air source heat pump and solar panels at Land to the Rear of the Reading Room, Westfield Lane, Thoralby, DL8 3SU

R/58/65G - Full planning permission for erection of 1no rural workers dwelling, conversion of barn (Barn C) to short term holiday lets with associated garages (as approved under application reference numbers R/58/65C and R/58/65F), extension of existing site office (Barn F) to provide kitchen facilities (as approved under application reference numbers R/58/65C and R/58/65F), erection of 1no agricultural barn (Barn D) and provision of new internal site access road at Howesyke Farm, Bishopdale Lane, Bishopdale, DL8 3TG

R/53/27J - Full planning permission for the erection of a 3-bedroom rural workers dwelling at Kidstones Farm, Bishopdale, Leyburn, DL8 3TG

R/51/149 - Full planning permission for conversion of barn/store to 1no. holiday let at Hazel House, Aysgarth, DL8 3AD

- Cllr Cooper said that The George Inn Public House in Thoralby continued to be closed. **Action - Clerk to query whether this was a breach of planning with YDNPA.**

8. Thoralby Moss and Thornton Mire (Standing Item)

- **Thoralby Moss Legal matters** - The Clerk advised that she had not received a response from Cllrs to her e mail of 06.11.23. Cllr Cooper requested a breakdown of the solicitor's work carried out re interim invoice # 106151. **Action - Clerk to write to the solicitor.**
- **Carbon Capture Swaledale & Wensleydale Environmental Farmer** - The Parish Council decided not to go ahead.
- **Yorkshire Peat Partnership Project** - The Parish Council decided not to go ahead.
- **Land Registration Thornton Mire and Flout Moor, Aysgarth** - The Parish Council decided not to go ahead with the Carbon Capture Initiative and therefore the land registration was put on hold.

9. Edwardian Rock Garden, Aysgarth (Standing Item)

- **Quick Response (QR) Code for Rock Garden Donations** - Clerk updated that she had visited Thirsk HSBC branch to obtain forms for the new bank account, but the application process is now online only. **Action - Clerk and Cllr Cromey-Hawke to have a look on the online portal.**

10. Report on YLCA Richmondshire Branch meeting 23.10.23

- Cllr Dinsdale reported that he had attended the meeting and found it useful.
- The pollution from sewerage systems was discussed. An e mail group is being set up 'Save Our Ure'. Pip Pointon expressed an interest in being involved.

11. Report on Upper Dales Health Watch Meeting 22.11.23

- Cllr Dinsdale summarised that there were plans for a new Doctors Surgery at Catterick with chairs for two dentists for non-private patients and a Minor Injuries Facility. The UDHW had sent a letter of support.

12. YDNPA Zoom Planning Training Seminar 19.10.23

Covered during Planning Section

13. Grass Cutting 2024 (Circulated)

It was noted that a response would be received from Mr M Cooper in due course for Grass Cutting cost increase for 2024.

14. Precept 24/25 (Circulated deadline 31.12.23)

The Parish Council discussed the Financial Forecast circulated.

The Parish Council agreed to increase the Clerk's hourly rate from £14.48 to £15.48 per SCP19 per YLCA e mail dated 07.11.23. The Clerk said that she was happy to receive the increase from April 24 rather than April 23. **Action - Clerk to advise the Payroll Bureau.**

The Parish Council agreed to set the Precept request at £11,500.00. **Action - Clerk to submit form to NYC.**

15. Correspondence (Circulated) E mail dated:

The Parish Council considered the correspondence received and commented as indicated below:

- 29.09.23 from Solicitor - Change in solicitor
- 01.10.23 from P Pointon - Thornton Rust News Page on Aysgarth & District Parish Council Website
- 05.10.23 from P Pointon - Declaration of Interests (received on day of previous Parish Council meeting not discussed at 05.10.23 meeting). P Pointon said that the Parish Council had dealt with the matter so no need to discuss.
- 06.10.23 from solicitor - Provision of copy of letter
- 06.10.23 from Bishopdale resident - Outcome to letter dated 23.09.23
- 09.10.23 from P Pointon - Advert on Aysgarth & District Parish Council website. The Parish Council agreed to continue with the arrangement of Wensleydale Concerts receiving free advertising on the Parish Council website as a gesture of goodwill for support provided to P Pointon in administering the website.
Action - P Pointon to advertise that paid adverts were available on the website.
- 10.10.23 from NYC - Precept 2024/25 (close date 31.12.23)
- 12.10.23 from YDNPA - Invite to Autumn Parish Forum Wednesday 25.10.23 at 7pm (Zoom)
- 16.10.23 from NYC - Draft Housing Strategy Consultation: 2024-2029
- 19.10.23 from Ruth Annison - Support for DalesBus856 - **The Clerk had responded per the e mail circulated.**
- 23.10.23 from NYC - Four-week consultation into polling districts and polling places in North Yorkshire
- 24.10.23 from Bishopdale resident - Acknowledging receipt of PC response dated 22.10.23
- 26.10.23 from NYC - Local Plan excluding YDNPA
- 31.10.23 from NYC - Complaint re alleged breach of Code of Conduct of Councillor
- 03.11.23 from YDNPA - Planning Committee Meeting on 14.11.23 to discuss R/51/146 Chapel, Aysgarth
- 06.11.23 from NYC - Follow up re complaint re alleged breach of Code of Conduct of Councillor
- 06.11.23 from solicitor - Interim fee Thoraby Moss
- 07.11.23 from NYC - Parish Precept 24/25 Calculator
- 07.11.23 from NYC - Acknowledgement of PC response re alleged breach of Code of Conduct of Councillor
- 07.11.23 from YLCA - National Joint Council Cost of Living Increase from April 23
- 08.11.23 from PCSO - Requesting Parish Council Meeting Dates for 2024
- 09.11.23 from NYC - Public Engagement in Planning - Consulting on the Draft Statement of Community Involvement Local Plan
- 14.11.23 from Colmans of Aysgarth - Details of Written Pre-Planning Advice sent to YDNPA
- 16.11.23 from NYC - Introductory Webinar for the North Yorkshire & York Local Nature Recovery Strategy

16. Proposed 2024 Parish Council Meeting Dates

The Parish Council agreed the following dates for 2024 to be held at Aysgarth Institute at 7.30pm:

11th January
15th February
4th April
23rd May (Annual General Meeting)
4th July
5th September
3rd October
21st November
Dates may be subject to change

17. Any Other Business

- **Post Office, Aysgarth** - Cllr Sayer commented that the Post office was only open on certain mornings and enquired as to whether there is any funding available. The Clerk advised that she had already provided the Council e mails for grants to the owner of Aysgarth Garage in advance of the Post Office opening.

Date of next meeting - Thursday 11th January 2024 at 7.30pm at Aysgarth Institute.

Meeting closed 9.45pm