

HOLCOMBE ROGUS PARISH COUNCIL

Minutes of the January Meeting

Held in the King George V Memorial Hall on Thursday 26th January 2023 at 7pm

APPROVED

- 1.1 **Present:** **ACTION
TO BE
TAKEN**
Councillors: Adam Pilgrim (Chairman), John Butler, Rupert Snook, Sally Barker & Nikki Orchard
District Councillor Jo Norton
Parish Clerk/Responsible Financial Officer (RFO) Mrs Leslie Findlay
20 residents attended for the discussion about Pondground Quarry Firing Range
Apologies:
Parish Councillor Jane Lock
- 1.2 Due to work commitments Councillor George Triggs has resigned with immediate effect. The Council were very sorry to see him leave and were grateful for the work he had done on the public rights of way and climate change.
- OPEN FORUM**
- No matters raised as the meeting went straight on to the discussion of the Pondground Firing Range.
- 1.3 **Declaration of Interests:** None declared
- 1.4 **Minutes of Previous Meetings and Matters arising**
The November Minutes were approved and signed by the Chairman as a true and correct record and unanimously approved by all Councillors.
- 1.4.1 **Matters Arising:**
Pondground Quarry Firing Range
The Council had received a further submission on application 22/00907/FULL and the Chair of Planning (Cllr Butler) outlined the comments that the PC were going to raise and then asked the public for any further input. All these comments will be collated by Cllr Butler and circulated to Councillors for their approval prior to being submitted to MDDC. *The submitted report will be available on the website, on the Notice boards and attached to these minutes.*
All the residents left the meeting at this point. **JHB
LF**
- 1.5 **Environment**
- 1.5.1 **Public Rights of Way:**
Although George Triggs has resigned, he will be submitting the Public Rights of Way annual form to DCC via the Clerk. **LF**
- 1.5.2 **Canal Report**
Cllr Pilgrim will raise the comments made in the Heritage Statement for the Pondground Firing Range application with the GWJAC. **AP**

1.6 Highways

1.6.1 To report on work carried out by Highways Dept:

The potholes at Kennel bridge (by Knowles Farm) had been repaired but the recent hard frosts have removed all the repair work and it has once again become a hazardous bit of road. *Clerk reported on DCC website reference W231584408*

1.6.2 There are still potholes at Wiseburrow Farm and along the road past Whipcott (reference number W23158441). It is important that everyone reports these on the DCC website <https://www.devon.gov.uk/roadsandtransport/report-a-problem/report-a-pothole/>

1.6.3 The Council is very grateful to Stephen Hasell for gritting the roads in the village during the recent cold spell. Unfortunately, this cannot be guaranteed as the Snow Wardens have been unable to assist with the gritting due to heavy work commitments. The grit bins have been filled so grit is available to use on the public roads. Please report to the Clerk if a bin needs refilling.

1.6.4 Quotes for grass cutting in 2023-24 were discussed. All quotes are excluding vat.

1. Countrywide Grounds Maintenance
7 cuts of both DCC verges and the Playpark £1380.00
2. MDDC – 7 cuts for playpark £ 549.64
7 cuts of DCC verges £410.56
2 cuts of the hedges in the playpark £330

The Parish Council approved the quote from MDDC to cut the grass in the Playpark and the DCC verges. *Clerk to action.*

LF

1.6.5 MG Groundcare

Quote for weed spraying from Pound Hill up to the Court (twice a year)- £75 per spray
Quote to trim vegetation along the stream at the bottom of South Street (three times a year) - £48 per strimming

The Council accepted the two quotes from MG Groundcare. *Clerk to action.*

LF

1.7 Planning

1.7.1 **Applications decided out of Committee:**

22/02300/CAT Notification of intention to remove 1 Prunus tree within the Conservation Area at the Dower House – *No objections*

1.7.2 **MDDC Decisions:**

22/01884/HOUSE Installation of 12 replacement windows and 2 doors at Squirrel Cottage – *granted full planning permission*

22/02031/CAT Notification of intention to lift the crowns of 7 trees and 1 Conifer tree by 5-6m within the Conservation Area at Thatches – *No Objections*

22/02300/CAT Notification of intention to remove 1 Prunus tree within the Conservation Area at the Dower House – *No objections*

1.8 The Mary Fewings Playpark

1.8.1 The gate hinge to close the pedestrian gate has been supplied and fitted by T McCabe free of charge. The Council are very grateful to Tim.

1.8.2 Annual Inspection of the playpark. Comments raised were:

1.The Carousel - The item is not compliant with the requirements of the relevant standards. This has been referred back to Sutcliffe Play for their response.

LF

2. Dry bearings on the Mixed swings – Clerk to action

3. mole hills on the grass and around the goalposts. – Clerk to seek guidance from MDDC – *no further action as in a rural location*

It was noted that there was a cap missing on the multiplay(toddler). The caps have now been purchased from Sutcliffe Play and will be replaced on the item.

1.9 Clerk/Finance

1.9.1 Income

Monthly interest in December £20.13, total interest so far £60.21

1.9.2	It was resolved that the following expenditure was approved for payment by the RFO:			
	Amount £	BACS/cheque	Payable to	Comments
	Approved outside of Council meeting as no meeting in December (Councillors emailed their approval)			
1.9.2.1	8.00	BACS	L Findlay	Parish News – Clerk copy
1.9.2.2	273.60	BACS	SCRIBE	Annual membership
1.9.2.3	47.00	BACS	MG Groundcare	Strimming
1.9.2.4	432.00	BACS	MDDC	Playpark inspections
	January expenditure:			
1.9.2.5	36.00	BACS	DALC	preparing for Elections course
1.9.2.6	15.98	BACS	L Findlay	2 x memory sticks
1.9.2.7	37.99	BACS	L Findlay	Printer cartridges
1.9.2.8	54.00	BACS	Parish online	Annual subscription
1.9.2.9	12.78	BACS	Sutcliffe Play	3 x yellow caps
1.9.2.10	50.00	BACS	Devon Communities	Annual membership

1.9.3 Councillors approved and signed the Statement of Accounts for January.
Mr P Russell had carried out an interim internal audit on the accounts in January, this is available to view on the HRPC website. Actions taken by the Clerk following the audit are attached to these Minutes.

1.9.4 The Council approved and adopted the 2019 NALC Model Standing Orders.

1.9.5 The Council approved and adopted the new Financial Regulations.

1.9.6 The Council approved and adopted the Diversity and Equality Policy

1.9.7 The Council approved and adopted the Dispensations Policy. It was resolved that a Full Council would be required to authorise a dispensation.

1.9.8 The updated Asset Register showing the serial numbers for the laptop and projector was approved and signed.

1.9.9 The Nat West digital form to add an authorised signature (Cllr Sally Barker) has been completed and submitted.

1.9.10 Councillors approved a grant of up to £750 to go towards a celebration of the Coronation. Clerk to advertise.

LF

Correspondence

1.10 All correspondence had been circulated to the Councillors.

The Council had received a thank you letter from the Citizens Advice bureau for the donation.

The Village Hall Trustees sent a letter thanking the Council for their donation to provide the curtains.

1.11 Matters brought forward for information or future agenda.

Councillor vacancies We have three vacancies, if anyone is interested, please contact the Clerk for further information. **ALL**

There are local Elections in May and the annual meeting must be between the 10th -25th May inclusive. HRPC will be holding their meeting on Thursday 25th May.

There being no further business the meeting closed 8.20 pm. The next Full Council Meeting will be on Thursday 23rd February 2023 at 7pm in the Village Hall. **ALL**

Adam Pilgrim
Chairman Holcombe Rogus Parish Council

ACTION TAKEN BY CLERK FOLLOWING THE INTERIM INTERNAL AUDIT

GOVERNANCE AUDIT

DOCUMENTS/PROCESS

ACTION REQUIRED

ACTION TAKEN

Standing Orders

Require amendment

Updated Standing Orders (model2019)

Ethical Framework

Dispensation Policy required

Dispensation Policy written

Equalities & Diversity Policy required

Policy written

Register of Interests on website

Link to MDDC website put on HRPC website

Council & Council Meetings

Publication date on Agendas

Publication date now on the agenda

Financial Regulations

Require updating

2019 financial regulations adopted

Risk assessment

Review risk assessment to play park

Monthly risk assessment of playpark carried out by MDDC and a n annual ROSPA inspection

Social Media

No social media presence

Not expecting to have a social media presence

Human Resources

Clerk Contract

Contract being updated

Staff Handbook

Recommend a staff handbook is in place

Disciplinary and grievance policies are in place and only one employee. All councillors are directed to the HRPC website and made aware of the various policies (standing orders, code of conduct etc)

INTERNAL AUDIT

Asset Register

Revised asset register needs signing and serial numbers to be included

Asset register as at Jan 23 updated with serial numbers

Time sheets

Clerk does not submit timesheets

Timesheets not required by PC but overtime is granted when applicable

Risk

Back up of IT system

Two memory sticks purchased and have started monthly back ups with one memory stick going to the Chairman at each meeting

VAT

Claim will be made at end of financial year

HOLCOMBE ROGUS PARISH COUNCIL

Clerk – Mrs Leslie Findlay

c/o Ayshford House, Westleigh, Tiverton Devon EX16 7HL

Tel: 01884 820424 Email: clerk@holcomberogus-pc.gov.uk

MDDC Planning Services

Development Management

Phoenix House

Phoenix Lane

Tiverton

Devon EX16 6PP

5th February 2023

Dear Sir/Madam,

APPLICATION 22/00907/FULL

**RETENTION OF DISUSED QUARRY FOR USE AS TWO FIRING RANGES AT Devon & Cornwall
Constabulary Pondground Quarry Holcombe Rogus**

These are the further comments of Holcombe Rogus Parish Council ("Council") following a meeting of the Council held on Thursday 26th January 2023 to consider the above application and further submissions on behalf of Devon & Cornwall Police ("Police Authority").

1. Failure to follow guidance appropriate to firing range

- 1.1. It is considered that there are serious failings on the part of MDDC in its consideration of this planning application.
- 1.2. MDDC has been sent copies of reports from acoustics consultant Parker Jones Acoustics dated 23rd June 2022 and 14th July 2022 and L F Acoustics dated 22nd October 2022.
- 1.3. These reports clearly show that shooting at Pondground Quarry has caused a significant adverse impact on the local community.
- 1.4. Although there are no specific guidelines in relation to noise levels for firing ranges, it is necessary to utilise the most appropriate guidance when assessing potential noise impacts.

- 1.5. It is clear that the most appropriate guidance to be considered is that of the Chartered Institute of Environmental Health (“CIEH”). Their clay target shooting guidance should be followed. This is because the type of noise from firing ranges is very similar to clay shooting. It is worth noting that the CIEH guidance has been adopted by the MOD (including for its training grounds) and many local planning authorities.
- 1.6. Nevertheless, MDDC Environmental Health Officer (“EHO”), who is not an acoustics expert, has refused to consider CIEH guidance. It has not been possible for Parker Jones Acoustics (and LF Acoustics) to engage in a meaningful dialogue with the EHO. This Council is advised that the EHO does not have a proper understanding of the assessment of noise. Comments by the EHO, such as reference to “distant pops and bangs”, indicates a complete lack of appreciation of the seriousness of the issues. In this context, MDDC is referred to particulars of further EHO comments set out in a letter dated 2nd September 2022 from Ruston Planning to MDDC. The EHO is unwilling to instruct an independent noise consultant to assist MDDC in carrying out a proper assessment of noise issues in order to evaluate the potential for adverse impacts.
- 1.7. The failure of the Police Authority and EHO to follow appropriate guidance means that the due diligence process being undertaken by MDDC is flawed.
- 1.8. The shooting noise level at Pondground Cottage as measured by Parker Jones Associates reached 85dB. This is 30dB above the recommended noise level limit of 55dB. The 55dB noise level limit has been widely accepted by planners and regulators and is the standard against which acoustic reports for firing ranges should be judged.
- 1.9. It should also be noted that complaints about the use of Pondground Quarry have escalated because the Police Authority have doubled the use of the quarry and, it is understood, are using noisier weapons.

2. Planning statement of CL Planning Limited dated 4th January 2023 submitted on behalf of the Police Authority

- 2.1. Clearly the noise impact arising from the use of Pondground Quarry is the key issue and there is, in the opinion of the Council, nothing in the NPPF which could possibly justify the grant of planning permission for activities that would continue to inflict the level of harm that has been clearly demonstrated by the report[s] of Parker Jones Acoustics and LF Acoustics.

- 2.2. Paragraph 7.4 of the Planning Statement of CL Planning Limited purports to show that the noise readings reported are similar to those in the Parker Jones Acoustics report and LF Acoustics report. This is not the case and should not be relied upon. An hourly average methodology is not an appropriate way to measure noise in this case and is unreliable.
- 2.3. In view of the Council's comments in this letter, it is **not** agreed that the advice of the EHO is a significant material consideration in favour of the grant of planning permission.
- 2.4. It is worth noting that Policy DM4 of the NPPF (Pollution) indicates that planning permission will only be granted if there is no negative impact on health, natural environment, and general amenity.
- 2.5. CL Planning highlight paragraph 97 of the NPPF (which is a general statement about the need to recognise and support development required for operational and defence purpose). Whilst the Council recognise the importance of the Police Authority's work, this is outweighed by the substantial negative impacts that have been identified.

3. Ecology and natural environment and comments of CL Planning on behalf of the Police Authority

- 3.1 As indicated by the NPPF, planning policy has an environmental objective namely to protect and enhance the natural, built, and historic environment including helping to improve biodiversity and combat pollution.
- 3.2 Pondground Quarry overlooks the Grand Western Canal which is a Conservation Area
- 3.3 The activities at Pondground Quarry will clearly have a significant impact on the Conservation Area and surrounding land. There is a need for an ecology report both in relation to the quarry itself, the canal Conservation Area and adjoining land. The comments of the Grand Western Canal Advisory Committee dated 30th August 2022 have simply been ignored. Pondground quarry is itself designated as a "priority habitat" by the BAP (biodiversity action plan).
- 3.4 In The Wildlife Trigger table statement submitted by the applicant has been

incorrectly completed since the firing ranges are in a Quarry of more than 0.1hectare within woodland. It is acknowledged on behalf of the Police Authority.in the recent Planning Statement, that the area of the ranges is 0.4of a hectare. A Wildlife Report needs to be conducted on this site prior to consideration by the MDDC Planning Committee.

3.5 In relation to protected sites and areas and protected species and development there is clear guidance to planning authorities on the Government website as to how local planning authorities should review planning applications and discharge their obligations.

3.6 It is not apparent to the Council that any steps have been taken by MDDC/EHO to carry out a proper assessment of these important matters in accordance with Government guidance and obtain independent reports.

3.7 Furthermore, it should not be forgotten that, given that the past use of the quarry, the issue of the leaching of contaminated water into the Canal and other watercourses creates a significant environmental risk.

4. Historic Significance Statement submitted by Daniel J Metcalf on behalf of the Police Authority.

4.1. The historical information provided about the surrounding area over many years and the changes that have taken place is interesting but is considered to be largely irrelevant.

4.2. This does not address the key issues arising from the planning application, namely the health and well-being of the local community arising from the intolerable noise over many hours, together with substantial adverse environmental and ecology impacts on the Grand Western Canal Conservation Area and other land.

4.3. The exclusion of consideration of adverse impacts on Greenham Barton and Cothay Manor are not understood; these are exceptional properties of historic significance

(Grade 1 Listed), and have the potential to be adversely affected by the current development proposals.

5. Conclusions

- 5.1 Pondground Quarry firing range is no longer suitable for a modern police force: it is not fit for purpose. The Police Authority needs a site that has modern facilities that can achieve the noise limit of 55dB (as per the CIEH recommendations) which has been adopted throughout the country by the police authorities, the MOD and local planning authorities. Given the size of Devon and Cornwall there will be ample space to have modern facilities that can comply with the recommended noise level of 55dB as clearly articulated in the acoustic reports of Parker Jones Acoustics and LF Acoustics Limited. Pondground Quarry has not been used since 24th May 2022 and this should continue to be the case.
- 5.2 The acoustic data provided by the Police Authority has not been fully explained and does not follow the correct guidelines for assessing noise for firing ranges and the EHO has refused to obtain an independent noise assessment.
- 5.3 Clearly, the recommended noise limit of 55dB cannot be adhered to, and the Police Authority will need to find alternative facilities elsewhere.
- 5.4 There has been a complete failure of the Police Authority and MDDC planning even to recognise the seriousness of the adverse impact of a firing range on ecology, the Grand Western Canal Conservation Area and Country Park, and wildlife. These matters have been dismissed out of hand.
- 5.5 Such due diligence as has been carried out by MDDC planning is, in the Council's opinion, not credible. In these circumstances, the Council considers that no reasonable planning authority should approve the requested planning permission for the continuance of the use by the Police Authority.
- 5.6 Accordingly, planning permission must be refused.