

MUDFORD PARISH COUNCIL

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MINUTES OF A MEETING OF THE PARISH COUNCIL – Thursday 29 September 2016 at Mudford Village Hall at 7pm

PUBLIC SESSION

A number of residents attended to speak about planning application 16/03738/FUL West Farm, West Mudford Road, Mudford - Retention of enlarged site for use as vehicle haulage contractor's yard and retention of use of workshop for manufacture of concrete products and ancillary office space. They wished to raise the following:

- A number of letters had been submitted to the planning consultation and the PC had been copied into these.
- The road was not suitable or safe for heavy lorries
- Operating hours would be antisocial and not suitable for a residential area
- Properties on roadside were being seriously disturbed
- There had been an increase in vehicle movements, with employees making their way to work as well as increased HGV movements.
- The lane has issues with flooding issue and alternative routes to West Mudford Farm were not suitable.
- The application states that vehicles turn left out of the site, this will not be possible when the road is flooded
- The size of the operation will devalue properties
- Often residents' drives are being used to allow vehicles to pass
- There appear to be discrepancies between the application and what is actually happening. Activities for which planning permission is sought (and additional activities not applied for) appear to be already happening.
- The Transport Statement submitted in support of application states at 3.3 that the applicant has a licence for 8 vehicles 8 trailers. This was challenged - another company (3G) appeared to own this licence.
- 7.2 The statement notes that the applicant had been operating since May 2015 - query about whether the yard had been operating without a licence before this date.
- Query about why the licence was granted, when this was advertised, whether the local authority was informed, and whether the correct process was followed, particularly in relation to suitable environment, and safe access
- Query about why there appear to be no conditions on the operator's licence, especially in relation to the weight restriction.
- The statement refers to a licence for 8 vehicles licence – there seem to be 14 vehicles in the yard (including Gunning and 3G) the reality is not consistent with the planning application.
- Query about progress with the certificate of lawfulness application. It was noted that to date, no determination notice had been received.
- Lorries on the lane constitute a danger to pedestrians and cyclists. Residents spoke of their experiences since lorries had been using the lane, they felt at risk, the lorries and trailers were too heavy.
- If authority does not give permission for the concrete works then there will be no need for the lorries.
- Mudford is an agricultural community - this is verging on an industrial operation.
- There do not appear to be any local (Mudford) residents employed at the site.
- A sales operation is taking place contrary to what is stated in the application.
- COL application suggests that there will be little impact to residents yet no impact assessment has been carried out.
- The application suggests that some lorries leave the yard at 5am, in reality they leave at 4am. The whole approach has been too laissez-faire, the operation is continuing unimpeded.
- Different agencies/ authorities do not appear to working together. The link between the operator's licence and the planning application is not clear. One has happened without the other.

The Vice Chairman noted that the Environmental Health Officer had stated that the noise was not a legitimate objection despite many residents reporting interrupted sleep.

		Action
702	1. Attendance and to receive any apologies for absence and to consider acceptance of the reasons. Present: Stephen Bartlett SB (Chairman) Tony Cavalier TC (Vice Chairman) June Lydon JL, Geraldine Mabey GM, Phil Sargent PS, Nick Lanigan NL, Diane Vaughan DV. In attendance: Tony Capozzoli (District Councillor) Mike Lewis (County Councillor) Sue Graham (Clerk) approximately 18 members of the public. There were no apologies.	
703	2.Declarations of Interests. Update dispensation regarding decisions relating to planning application Planning Application 14/02554/OUT. This would be considered at Item 14: Challenge to development at Up Mudford.	
704	3.Reports. To hear reports from: County Councillor. Mike Lewis reported the following: <ul style="list-style-type: none">• Hinckley Point C agreement had been signed. This would bring benefits to the local economy, especially employment in the construction industry.• SCC cabinet meeting budget discussions had been misrepresented. To clarify: discussions had centred around the	

<p>705</p> <p>706</p> <p>707</p> <p>708</p> <p>709</p>	<p>risk that if no action was taken to address shortfalls in funding, a deficit in the region of £24m would result. It was <i>not</i> the case that there was currently a £24m deficit.</p> <ul style="list-style-type: none"> • There was a new Chief Executive at SSDC. It was suggested that the PC may wish to take him around the Primrose Lane site. <p>District Councillor. Tony Capozzoli reported the following:</p> <ul style="list-style-type: none"> • He was pushing for repairs to be carried out on the railings outside the village hall • Area East Councillors had recently looked recent building as a result of planning approvals in area east. Significant work had taken place on Hadspen House and this was well worth a visit. • Employment land is in short supply in the area and SSDC had appointed a Councillor with responsibility for developing this. • Support for concerns voiced in public session reference the West Mudford Farm planning application. <p>Police. The police were not in attendance. The clerk had spoken to the PCSO and asked for an update on progress with securing CCTV for areas around the playing field. The PCSO wished to encourage residents to phone 101 with details of any incidents.</p> <p>Village Hall Committee: Jean Jones thanked the Parish Council for its help with advertising the hall. Usage of the hall had been falling and its availability as a venue for hire had been publicised to other council areas. A new noticeboard would be installed and work on the website was ongoing. The village hall coffee morning had raised £450 for Macmillan.</p> <p>Parish Environment Warden. GM reported the following:</p> <ul style="list-style-type: none"> • The Spinney had been cleared. • It would be necessary to obtain quotes to have the overhanging trees on the bridge cut back. There had been incidents of fly tipping in Hinton and on the road to Trent (sofas, fridges, building waste, clothing) the enforcement officer at SSDC had been informed. <p>Clerk</p> <p>The clerk noted that correspondence had been received from SSDC asking the Parish Council to consider adopting a statement condemning any form of racism, intolerance, bigotry or xenophobia. RESOLVED: It was proposed and unanimously agreed to adopt the following statement: <i>‘We are proud to live in a diverse and tolerant society. Racism, xenophobia and hate crimes have no place in our country. Our council condemns racism, xenophobia and hate crimes unequivocally. We will not allow hate to become acceptable. We will work to ensure that local bodies and programmes have the support and resources they need to fight and prevent racism and xenophobia. We reassure all people living in this area that they are valued members of our community.’</i></p>	<p>SB/TC</p>
<p>710</p>	<p>6.To approve as a correct record the minutes of the Parish Council Meetings held on 29 July 2016, 1 September 2016 and 9 September 2016.</p> <p>RESOLVED: It was proposed and unanimously agreed to approve the minutes as a true and correct record of the meeting held.</p>	
<p>711</p> <p>712</p>	<p>7. To consider the following planning applications and make recommendations to the planning officer:</p> <p>16/03738/FUL West Farm, West Mudford Road, Mudford Retention of enlarged site for use as vehicle haulage contractor's yard and retention of use of workshop for manufacture of concrete products and ancillary office space. SB explained the application, and invited observations.</p> <p>TC suggested that it was necessary to compare the transport statement with the statement from previous operator. There were a number of discrepancies as follows:</p> <ul style="list-style-type: none"> • Para 2.1(i) Operating hours. The operating hours are quoted as between 0600 and 1730hrs. Local experience suggests that the operating hours start as early as 0410hrs. • Para 2.1(ii) The statement declares that there is no retailing of concrete products from the site. Local experience suggests that there is a retailing business operating. In addition, it has been reported that there is a sign from the applicant's business in Galhampton redirecting members of public to West Farm and manufactured products are openly displayed in the yard inviting the public to purchase on site. The applicant had also admitted to council members during a recent site visit that retail sales occurred at the premises thereby bringing additional traffic movements to site. • Para 3.2 The historic description notes that vehicles operated between 0700 and 2000hrs Monday to Friday with typically seven two-way trips per day. This is an error. The site previously operated one two-way HGV trip per day as stated in the Statement of truth from Mr Parker. • Para 7.3 This states that it can be reasonably argued that the current use generates a volume of traffic very similar to that which previously existed. The PC noted that there is no comparison between two operators in reality. The volume of commercial traffic is not comparable with that which existed before as well as the associated early morning use of the road by such large vehicles. <p>Further concerns were noted as follows:</p> <p>Drainage</p> <ul style="list-style-type: none"> • The plans show a pipe from new yard straight into the river – the PC was not convinced that the drainage of 	

<p>713</p> <p>714</p> <p>715</p> <p>716</p> <p>717</p>	<p>yard would be suitable for the collection of diesel waste and that yard wash-down would be suitably collected and cleansed before collection into watercourse (River Yeo)</p> <ul style="list-style-type: none"> • The drainage pipe currently has no non return valve • A soakaway would not operate efficiently in this area of clay soil within the flood plain. An interceptor would be required. <p>Environmental, including flooding.</p> <ul style="list-style-type: none"> • Adjacent properties already suffer from flooding in the lane in front, the wake from lorries pushing through the flood water will cause risk to the foundations and interior of those cottages. • Unsuitability of unclassified road and A359 for use by lorries of this size and frequency. It was noted that the applicant had indicated that they would be happy to discuss making passing places. However, there is not the room for passing places of the size required, there are very few verges in this section of road but high banks limiting visibility, and ditches alongside the road. • Concerns that the weight limit for A359 between Sparkford and Lyde Road of 7.5 tonnes would not be observed with the applicant’s lorries and trailers weighing up to 44 tonnes • Increased diesel fumes caused by multiple lorry movements are unacceptable and a health risk for residents of properties on the lane and in the vicinity especially in the summer months when bedroom windows need to be open during the night. Lorries pass within 3 metres of these properties • Concern that storage of fuels and lubricants would cause a considerable fire risk and environmental risk. <p>Vehicle Licence.</p> <p>Attention was drawn to the transport statement and in particular section 3.3 – ‘the applicant has an operator’s licence.’ The business to which the operator’s licence applied was queried, it appeared that this related to a business other than the applicants business (3G) and it was questioned whether this constituted a licence for current activities relating to the applicant’s business. It would appear that businesses under different signage and ownership cannot use one licence as an “umbrella” to operate</p> <p>It was also noted that there were several key requirements that should be fulfilled for such a vehicle licensing application. It appeared that the site did not meet the requirements in some respects as follows:</p> <ul style="list-style-type: none"> • Requirement 1. Site to be large enough – the enlarged site would come very close to the river, the parking site has been raised by 1.5 metre on the flood plain, restricting flood capacity. • Requirement 2. Safe Access – this is questionable. Access from main road A359 to the site entrance at West Farm is not suitable for this number of heavy vehicles (as described above) although it was acknowledged that access from lane into site is adequate (gateway is wide enough.) • Requirement 3. Environmentally acceptable location – the site is a high flood risk area; the road between farm and church floods regularly (as described above.) <p>RESOLVED: It was proposed and unanimously agreed to recommend refusal.</p> <p>RESOLVED: It was proposed and unanimously agreed to raise concerns about the granting of a licence in a letter to VOSA copied to SSDC, noting that it appeared that due consideration had not been given to the following:</p> <ul style="list-style-type: none"> • Weight restriction of A359, • Environmental impact on the access from A359 to West Farm • It is not in an environmentally acceptable location (flooding - road and river) therefore not consistent with key requirements • Safe access on and off the site • In addition more than 8 vehicles and trailers have been operating from this site • The vehicles have been operating from as early as 0410hrs 	<p>Clerk</p>						
<p>718</p>	<p>8 To receive the following determination of planning notices:</p> <p>The following notices were read out:</p> <table border="1" data-bbox="159 1612 1404 1792"> <tr> <td data-bbox="159 1612 359 1713">16/02937/FUL</td> <td data-bbox="359 1612 917 1713">Erection of a detached car port and attached domestic workshop / garden store room, Manor Farm Cottage Up Mudford, Mudford</td> <td data-bbox="917 1612 1404 1713">Grant permission with conditions</td> </tr> <tr> <td data-bbox="159 1713 359 1792">16/01213/FUL</td> <td data-bbox="359 1713 917 1792">Construction of a dirty water lagoon. Applegarth Green Farm, Up Mudford, Mudford.</td> <td data-bbox="917 1713 1404 1792">Grant permission with conditions</td> </tr> </table>	16/02937/FUL	Erection of a detached car port and attached domestic workshop / garden store room, Manor Farm Cottage Up Mudford, Mudford	Grant permission with conditions	16/01213/FUL	Construction of a dirty water lagoon. Applegarth Green Farm, Up Mudford, Mudford.	Grant permission with conditions	
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<p>719</p> <p>720</p>	<p>9. Other planning matters:</p> <p>TPO update- notice of modification of tree preservation order – removal of T3, T4, T5 and group 2 from the order. The reason for the modifications had been queried at a previous meeting. The Tree Officer had explained that an objection had been received from the Developer’s Agent and SSDC had reviewed the inclusion of some of the trees concerned. It had decided to remove some of the lower quality Ash trees which had a high predicted mortality rate. The order would remain, securing the future of the majority of the trees. SB noted that not all ash trees would necessarily be affected and the PC expressed disappointment about the loss of the historic pattern of (potentially viable) ash trees.</p> <p>CPRE Briefing note re policy SS2 of NPPF. Receive and consider any actions arising. This briefing note outlined NPPF policy SS2 which should ensure that the community is asked in advance about the development they want and that</p>							

721	<p>development should only go ahead if the community supports it.</p> <p>Re 16/03544/OUT Hales Meadow. Receive planning obligations proposals from SSDC and agree any actions arising. The S106 proposals had been received, the clerk reported that she had clarified some issues regarding previous s106 proposals with James Divall. The Council noted the correspondence.</p>	
722	<p>10.Council Matters</p> <p>Discuss frequency of meetings. Consider holding monthly meetings. This was agreed.</p>	
724	<p>Cemetery</p> <ul style="list-style-type: none"> • Cemetery Warden's Update. PS reported that he had cleaned the chapel. Some of the windows were rotten. 	PS
725	<ul style="list-style-type: none"> • Memorial for previous cemetery caretaker – update. PS had obtained quotes for suitable plaques and suggested appropriate wording. RESOLVED: It was proposed and unanimously agreed to purchase a brass (lacquered) plaque, mounted on mahogany to be purchased from the Parish Projects budget. PS to provide details of quotes to clerk. 	PS
726	<ul style="list-style-type: none"> • Topple Test - Cemetery Headstones Risk Assessment. (Update) PS reported that there was no deterioration with the headstones concerned. 	
727	<ul style="list-style-type: none"> • Receive quotes for tree work at Cemetery and agree any actions arising. Three quotes had been received. These were considered. RESOLVED: It was proposed and unanimously agreed to accept the quote from C Lee (cemetery maintenance budget) 	Clerk
728	<ul style="list-style-type: none"> • Cemetery Website Database – consider purpose and usage and agree and actions arising. The clerk had been asked to query this at a previous meeting. She reported that the cemetery website had never been fully utilised and if the council would like to take this site off line now, Vision ICT would credit £30 to the annual fees of mudfordparishcouncil.gov.uk site. RESOLVED: It was proposed and unanimously agreed to remove the website and to investigate the possibility of including a page on the existing PC website. 	Clerk
729	<ul style="list-style-type: none"> • Agree exclusive rights of Burial: Cecil Thomas Wills. RESOLVED: It was proposed and unanimously agreed to approve the exclusive rights of burial for Cecil Thomas Wills. 	Clerk
730	<p>Playing Field and Play area</p> <p>To receive playing field inspection reports from the relevant councillor and agree any actions arising. A number of issues had been reported:</p> <ul style="list-style-type: none"> • Broken fence. This appeared to have been deliberately broken by motorcyclists. A temporary repair had been carried out by SSDC. Three quotes had been obtained for repair of the fence, these were considered. RESOLVED: It was proposed and unanimously agreed to accept the quote from KM Dike. (recreation maintenance budget) • Bench. The concrete base had been chipped away as if to remove the bench, Councillors had removed the bench before there had been opportunity to steal it. KM Dike had been asked for a price to reinstall and bolt the bench. RESOLVED: It was proposed and unanimously agreed for the clerk to agree this provided the price was under £100 (recreation maintenance budget) • Broken Bin. It was agreed that this remained fit for purpose and a replacement was not required. 	Clerk
731	<p>Receive SSDC annual playing field inspection report and risk assessment. This had been circulated amongst Councillors. The report was acknowledged. The PC was aware of the faults identified in the report and would continue to monitor.</p>	Clerk
732	<p>Signage – update following advice from SSDC. The clerk reported that she had sought advice from SSDC about whether the PC could erect a sign to say no alcohol or glass allowed. The price was likely to be less than £50. RESOLVED: It was proposed and unanimously agreed that a sign should be ordered.(Recreation Maintenance budget)</p>	Clerk
733	<p>Update on issues with broken glass / broken fence / vandalism at the playing field, this was discussed, it was frustrating not to have police representation.</p>	Clerk
734	<p>Highways and Parish Paths</p> <p>To receive reports regarding highways and agree any actions arising. PS asked an update from Highways on the sunken manhole cover by village hall.</p>	Clerk
735	<p>Flashing Speed Signs – Update. There had been further problems with downloading data, a further attempt would be made in the coming week.</p>	Clerk
736	<p>Obstructions to pavement, overgrown hedges, Main Street, Mudford – update. The obstructions had been cut back.</p>	Clerk
737	<p>Speed Camera at Shop – consider request for it to be removed. The shopkeeper had asked for the camera to be removed to improve the shop frontage, he believed that there was no right to insist that the camera remained. Councillors noted the PC wish for it to be retained as a deterrent but supported the reasons for the request. It was agreed that queries should be made about the possibility of re- siting the camera.</p>	Clerk

738	Maple Tree -Church Cottage. Felling the tree was considered - SB reported that it was the wrong type of tree for this space and too close to the buildings. Complete removal was considered appropriate before it fell or caused root damage / subsidence. Three quotes were considered to fell this tree. RESOLVED: It was proposed and unanimously agreed to accept the quote from C Lee. (Maintenance budget)	Clerk
739	Noticeboards –update. The shopkeeper had been approached and had agreed to have the refurbished noticeboard sited outside the shop. This had been arranged and would be installed within the next week. (Budget Line: Parish Projects)	

740	<p>11. FINANCIAL MATTERS:</p> <ul style="list-style-type: none"> Expenses policy – consider and adopt Councillors’ Expenses policy. The PC was required to follow the recommendations of the SSDC remuneration panel with regard to the payment of travel and subsistence. The recommended policy did not allow for the payment of a lunch meal, the clerk had queried this with the District Council and had been advised that this was the policy. However the recent CIL Hearing, TC had bought lunch and under the current policy could not be reimbursed. 																																																																																																																																					
741	<ul style="list-style-type: none"> Consider making subsistence payment (lunch) on 9 August as part of attendance at CIL Hearing. TC declared an interest in this item. Councillors considered making a payment under s.111 LGA 1972 as they felt the lunch was part of the council’s business and an exceptional expense which would not occur regularly. RESOLVED: It was proposed and unanimously agreed to make this payment. 																																																																																																																																					
742	<ul style="list-style-type: none"> To approve the cash book and bank account reconciliation for July – September. RESOLVED: It was proposed and unanimously agreed to approve the cashbook as set out below: 																																																																																																																																					
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BANK ACCOUNT STATEMENTS																																																																																																																																						
Current Account		£ 100.00																																																																																																																																				
Business Account		£ 28,659.74																																																																																																																																				
Business Reserve Account		£ 26,977.05																																																																																																																																				
TOTAL BANK ACCOUNTS		£ 55,736.79																																																																																																																																				
Add outstanding lodgements																																																																																																																																						
Less outstanding cheques	161 (536.98)165 (345.79)166 (63.50)167 (36.00)		982.27																																																																																																																																			
Balance			£ 54,754.52																																																																																																																																			
743	<ul style="list-style-type: none"> To consider ytd budget expenditure. YTD budget expenditure was circulated and checked by Councillors. 																																																																																																																																					
744	<ul style="list-style-type: none"> To approve the following accounts for payment and two signatories for cheques:- <p>RESOLVED: It was proposed and unanimously agreed to approve the following payments. TC and PS to sign cheques.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;">Salaries</td> <td style="width: 60%;">September 2016</td> <td style="width: 20%;"></td> <td style="width: 10%; text-align: right;">£520.86</td> </tr> <tr> <td>HMRC</td> <td>Tax and NICs</td> <td></td> <td style="text-align: right;">£4.40</td> </tr> <tr> <td>Postage Telephone Mileage</td> <td>July - September</td> <td></td> <td style="text-align: right;">£53.04</td> </tr> <tr> <td>Burrows Hutch</td> <td>Professional services (CIL, planning advice and representation)</td> <td></td> <td style="text-align: right;">£1,320. 00</td> </tr> <tr> <td>T Cavalier</td> <td>Mileage / expenses</td> <td></td> <td style="text-align: right;">£25.10</td> </tr> <tr> <td>SSDC</td> <td>Play area annual inspection and risk assessment</td> <td></td> <td style="text-align: right;">£94.20</td> </tr> </table>	Salaries	September 2016		£520.86	HMRC	Tax and NICs		£4.40	Postage Telephone Mileage	July - September		£53.04	Burrows Hutch	Professional services (CIL, planning advice and representation)		£1,320. 00	T Cavalier	Mileage / expenses		£25.10	SSDC	Play area annual inspection and risk assessment		£94.20																																																																																																													
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745	<ul style="list-style-type: none"> To note the following receipts. The following receipts were noted: <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">Description</td> <td style="width: 30%;">Amount</td> </tr> </table>	Description	Amount																																																																																																																																			
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	VAT repayment	£2,007.25		
	Bank Interest July, August	£5.18		
	Interment of ashes, exclusive rights of burial late Cecil Wills	£155.00		
	Interment of ashes, exclusive rights of burial late Michael Harris	£155.00		
	Other finance matters.			
746	Audit – update. The clerk reported that the notice of conclusion of audit had been received and relevant notices displayed on the noticeboard and on the website.			
747	Pension – receive correspondence from the Pensions Regulator. Consider pension contributions for clerk. The clerk noted that the declaration of compliance had been started and she would complete this. The clerk fell into the category in which she had a right to opt in, and if she requested to be put into a pension scheme the employer must accommodate this and enrol in a pension scheme and pay regular contributions. The clerk was choosing not to opt in to a scheme. However she would ensure that the Council registered with a suitable scheme to allow for contributions to be made should this change in the future.			
748	Budget – make arrangements to set budget for 2017-18. It was agreed that the vice chairman and clerk should meet and prepare a draft budget to be considered at the next meeting.			
	12 Correspondence. Consider the following correspondence and agree any actions arising.			
	From	Subject		
749	Community Council for Somerset	Invitation to training event	GM had volunteered to attend the afternoon session on CIL on 6 th October.	GM
750	NALC	Community Led Housing Survey	The survey had been completed	
751	CPRE	Invitation to AGM 13 October 12.45pm	No councillors were available to attend	
752	SALC	Local Government Finance Settlement Capping Consultation	Councillors considered this consultation and the impact on Parish Councils of referendum costs. It was agreed that the Clerk should respond in line with NALC advice.	CLERK
753	SCC	Removal of library stop- Hinton	This was noted.	
754	13 LIST OF ITEMS DISTRIBUTED AND AVAILABLE SINCE LAST MEETING: Rural Services Network News Bulletins; Somerset Waste Partnership Newsletters; Yarlinton Homes – Is social housing for you?; PCC Policing priorities consultation; Yeovil Bike Festival; PCC Newsletter; Somerset County Council Joint Strategic Needs Assessment; Speed Indicator Device reports; SWP briefing; Village Agent Project; SSDC Health and Well Being Newsletter; Area East Committee Agenda; LCR circular; SALC - Neighbourhood planning bill information and letter from Gavin Barwell MP, Voluntary Sector Forum meeting; Hinkley Point C Community Fund; SSDC Lets end Loneliness in South Somerset; SSDC HELAA Presentation.			
755	14 Challenge to development at up Mudford Update dispensation regarding decisions relating to planning application Planning Application 14/02554/OUT. The dispensation was updated to include an up to date list of Councillors and agreed.			
756	RESOLVED: It was proposed and unanimously agreed to exclude the press and public under <i>s1 (2) Admissions to Public Meetings Act 1960 as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.</i>			
757	Approve closed minutes of meetings held on 29 July, 1 September, 9 September 2016 RESOLVED: It was proposed and unanimously agreed to approve the minutes of the meetings.			
758	Planning Application 14/02554/OUT. Receive update on legal / professional advice and consider any actions arising, including relating to Community Infrastructure Levy and attendance at Examination Hearing. An update was provided.			
759	15. NEXT SCHEDULED PARISH COUNCIL MEETINGS: Thursday October 27 th ; November 24 th 2016. Further meetings will be called as necessary usually on the last Thursday of the month.			