

**MINUTES OF A MEETING
OF KIRKBY LONSDALE TOWN COUNCIL
HELD IN THE BECTIVE ROOM
LUNESDALE HALL, KIRKBY LONSDALE
ON WEDNESDAY 28th AUGUST 2024 AT 7PM**

Present: Councillors Paul Cassell (Chairman), Mike Marczynski, Nigel Martin, Malcolm Perrin, Robin Ree and Stuart Taylor.

Also in attendance: Westmorland & Furness Councillor Hazel Hodgson, 13 members of the public and Town Clerk Kevin Price.

The Chairman welcomed everyone to the meeting and said that, following a meeting between The Friends of Ruskin's View and Town Councillors, at which the outcome had been mutually satisfactory, item 7c on this agenda would not be discussed at this meeting. A proposal to withdraw minute 24/82d in the minutes of the meeting held on 17th July 2024 will be an agenda item at the next meeting.

24/85 Public participation:

- a. A question was asked regarding the re-opening The Brow (Stage 1) and what monies had been expended thus far, since the closure by the former Cumbria County Council and the Fairhurst report. Thanks were expressed to Councillor Perrin and the Technical Team for their work in making progress on this.
- b. The Council was again reminded of the decision to move forward on the Emergency/Resilience Plan and the lack of disabled access in the town. The Chairman said this is in hand and will be an agenda item at the next meeting.
- c. Mike Burchnall referred to the very useful meeting held between the Friends of Ruskin's View and Councillors. He asked that the letter referred to in minute 24/82d of the meeting held on 17th July 2024 should be withdrawn. The Chairman said that this would be an agenda item for the next meeting.

24/86 Minutes:

It was resolved that the minutes of the meeting held on 17th July 2024 should be signed.

24/87 Requests for Dispensations: None.

24/88 Declarations of Interest:

There were no Declarations of Interest in respect of any matters on the agenda.

24/89 The Ram:

Councillor Marczynski reported on the Memorandum of Agreement which had now been received. It was noted that 'lighting' on The Ram is not permitted, although it had been specifically stated in the original application that the structure would be lit. It was therefore agreed to delete this portion of the document.

It is a requirement that there is an annual inspection of The Ram and the plinth. Councillor Hodgson agreed to relay the Council's comments to W&F Council.

24/90 Ruskin's View/The Brow:

This is a summary of activities carried out by KLTC Technical Team during July/August 2024 in an effort to re-open The Brow footpath using a cost-effective approach that is low risk and safe for Public access. This summary is presented to the Chairman of Kirkby Lonsdale Town Council for the monthly Council meeting on 28th August 2024.

A recent Geotechnical Report commissioned by KLTC, written by Simon Ferley of Dentonside Geotechnical Consultants was submitted to Andy Brown, Senior Highways Manager at Westmorland & Furness Council on 26th July 2024. The report is available on the KLTC website and recommends partially re-opening a section of The Brow footpath from the top of Radical Steps to the first viewpoint. The report is backed up with strong evidence of 'no movement' to the footpath through eight months of independent survey monitoring data and a slope stability assessment with risk assessment from Simon Ferley.

This section of The Brow is deemed 'low risk' to the public and therefore safe to re-open with a few manageable caveats (see Technical Team Report No.7 for more detail, including correspondence with W&FC). On 8th August 2024, Andy Brown (W&FC) replied positively to the request to re-open part of The Brow and a date of 23rd August 2024 was agreed in good time for the August Bank Holiday weekend when people can once again enjoy Ruskin's View.

Temporary Heras fencing was installed just beyond the viewpoint to prevent the public from walking any further along the footpath which remains closed until further notice.

Incidents / Adverse events to date: Despite locked gates preventing public access along The Brow, many visitors and families continue to climb over handrails at the top of Radical Steps and walk along a well-worn path next to the footpath railings. A serious injury occurred this month when a man attempted to bypass the locked gates and climbed / jumped over the spiked iron railings impaling both legs on the spikes. This incident is being investigated by KLTC and a report will be issued next month.

Stage 1a. – Tree Management and Vegetation Clearance: Local tree surgeon Fred Gibson will commence work on cutting back dead ash trees and vigorous ivy growth strangling trees when the weather improves.

Stage 1b – Survey Monitoring of The Brow: Eight months of survey monitoring is now complete with all results recorded. The data shows no movement on the footpath or stone boundary wall near the Norman Motte. Cracks in the footpath show nominal movement of up to 1mm which is acceptable within survey tolerances and in particular flexible tarmac paving. It is agreed with Dentonside Consultants that monthly survey monitoring will continue for a further six months, up to and including December 2024. Costs will remain at the same rate as before.

Stage 2. - Drainage over the natural slope: Martyn Fawcett (Percolation Services Ltd) is due on site on 16th September 2024 to investigate an old Victorian stone culvert in St Marys Glebe Field that is running 'dry' but may have its outlet on the Brow slope. This will be investigated further and the full extent and condition of the culvert will be assessed. Ground Investigation along the footpath is planned over the next few months.

Dentonside will assist by writing the scope of work and three prices will be obtained from selected Contractors. Scoping will commence in October 2024.

Stage 3. - Erosion at river level: The team have contacted the Environment Agency and requested a site visit to discuss future plans and advise working at river level to protect the bottom of the slope against river erosion. Members also met with local quarry contractors TK Robinson who recently completed a riverbank strengthening project at Underley bridge. Discussions are ongoing.

24/91 Planning sub-group:

a. The following applications were considered:

2024/1342/LBC Fountain House, 8 Beck Head. Listed building consent for the reinstatement of original window to south gable. No objection.

2024/1139/FPA Crossdale, High Biggins. Conversion of a traditional detached domestic storage building to form a dwelling. Refusal is recommended:

The Council considers that this application to convert what is an existing out-building to Crossdale should be refused on several grounds, viz,

1) The conversion of what was created purely as an outbuilding for use of storage of bikes, garden equipment, bicycles etc should continue in that use as intended, and as per the initial planning permission and not be converted into a one bedroom accommodation,

2) The Council understands that there are restrictive covenants governing access to Crossdale and Hyning Bank, and that granting planning permission to convert this out-building to accommodation would be in breach of those access covenants which are mutually restrictive, for their owners own protection and were there purely for access to Crossdale and Hyning Bank and occasionally for wheelbarrow, etc, access to the rears of the adjacent long barn conversion.

The Council is objecting to the principle of considering any outbuilding to be fair game to be converted to a dwelling, regardless of its original intent, size, or location, as this creates a precedent.

2024/1414/LBC and 2024/1413/FPA Springs View, High Biggins. Listed Building Consent. Alterations to existing modern front extension including the removal and re-organisation of the wall between the living room and kitchen extension. The replacement glazing to "barn" arch window. Internal alterations to the existing truss to the living room and the introduction of a log burning stove and flue to replace the existing gas fire and balanced flue to the living room. Externally, timber shed to be replaced. No objection.

b. *The following decisions were noted:*

S/05/66 Land adjacent to Devil's Bridge. Change of use of land to create an enclosed private field offering safe and secure spaces for dog owners to book time slots to allow their dogs to play off lead; erection of perimeter and 'within field' fencing and gates and siting of a temporary storage container. Refused.

SL/2023/0723 Lodge Farm, High Biggins. Erection of rural workers dwelling (Resubmission of SL/2022/0476). Refused.

24/92 Westmorland & Furness Local Plan – Consultation 8th July – 9th September 2024:

The Chairman agreed to formulate comments to be submitted on behalf of the Council and will contact Councillors if any help is required.

24/93 Reports:

Councillor Hodgson reported as follows:

- a. She will ask W&F Council what was happening about the adoption by the Council of the Monument in Market Square; also regarding the future ownership of the Jinglyng Lane and Devil's Bridge toilets.
- b. A Highways team will be visiting the town between October and December to look at disabled access and other issues.
- c. Transport tenders are due to be awarded shortly and extra funding in available for rural transport.

24/94 Finance:

a. *It was resolved to pay the following accounts:*

Lakes Loos Ltd	£108.00	The Brow
Cardtoons	£43.20	Publicity flyers
Craig Bradshaw	£2,046.00	Maintenance contract
Malcolm Hughes	£1,194.00	Monitoring survey
Kendal Metal Works	£432.00	The Brow
Fawcett Percolation Services		
	£96.00	The Brow
A2A Advertising Limited	£90.00	Website

Dentonside Geotechnical Consultants	£1,129.70	The Brow
Lunesdale Hall	£84.00	Hire of hall
Lunesdale Hall	£520.20	Hire of hall (now up to date, The Friends having paid their share of this invoice)

- b. The monthly cash and budget statements were presented.
- c. It was confirmed that the Council will pay the second half this year's grant to the CIC (£6,000) at the next meeting and also the £3,000 promised towards the Christmas Fair.
- d. The Friends of Ruskin's View had produced a draft Memorandum of Understanding, which the Council felt was in excess of what is required and should be replaced with a simple protocol, that could be agreed at the next meeting.

24/95 Correspondence:

- a. The CIC has requested a meeting with Councillors to discuss the ongoing relationship between the Council and the CIC. The Clerk will arrange a meeting, probably on a weekday morning, and any available Councillors may attend.
- b. An email was received from Neil Anderson regarding publicity/contact details for the CIC, Community Cupboard and the Friends of Ruskin's View, and to ensure that these were easily available and at the same location. Councillor Ree agreed to look at the space on the notice boards and whether this was a feasible proposition.

24/96 Date of the next meeting:

***Wednesday 9th October 2024 at 7pm at the Bective Room, Lunesdale Hall.
Kirkby Lonsdale.***

The meeting closed at 8.40pm

Signed:

Dated: