



A- barth Onan Hag Oll! Representing One and All

## **REPORTS FOR DECEMBER 2011 MEETING**

### **AGENDA ITEMS 7.1 to 7.2**

## **Clerk's Reports for Meeting on 14<sup>th</sup> December 2011**

### **Summary of Decisions Required (Details in report):**

1. To note the Parish Council's current financial position as detailed in the report.
2. To authorise the Clerk's annual leave from 19<sup>th</sup> December 2011 to 2<sup>nd</sup> January 2012 inclusive.

### **Report:**

#### **7.1 Council's Current Financial Position:**

Appendices 1, 2 and 3 to this Report show the Council's financial position as at 7<sup>th</sup> December. There are no significant variances at present which have not already been explained to Members.

**The appendices to this report can be obtained from the Clerk or from the Financial Reports Page of the website.**

If Members have any queries on the accounts, I shall, of course, be pleased to address them at the meeting.

#### **7.2 Clerk's Annual Leave:**

With Members' approval, it is my intention to finish work at close of business on Friday 16<sup>th</sup> December and to return to work on Tuesday 3<sup>rd</sup> January. Obviously, there are statutory holidays within this period and therefore it will involve eight days from my leave entitlement.

JV Calvert,

Clerk

7<sup>th</sup> December 2011

## AGENDA ITEM 8.1

<u>Application No. and Applicant(s)</u>	<u>Address</u>	<u>Proposal</u>	<u>Date Received from Cornwall Council</u>	<u>Date Passed to Planning Portfolio Holder</u>	<u>Stithians Parish Council Recommendation</u>	<u>Date Returned to Cornwall Council</u>	<u>Date Decision Notification Received from Cornwall Council</u>	<u>Decision of Cornwall Council</u>	<u>Date of Cornwall Council's Decision</u>
PA11/05918 Ms R Johnson	Penhalurick Barton, Penhalvean	Conversion and extension of 2 redundant agricultural buildings to form 2 dwellings including formation of access and parking area and installation of sewage treatment plant.  Amended Application	27/07/11	27/07/11	Not Supported  Not Supported	07/09/11  19/10/11	16/11/11	Approved with Conditions	15/11/11
PA11/05903 Wendron Cricket Club	Wendron Cricket Club  <b>WENDRON PC</b>	Erection of Wind Turbine	25/07/11	25/07/11	No Comment	07/09/11			
PA11/06053 Mr B Johns	Adj 7 Roseline Estate  <b>WENDRON PC</b>	Erection of Wind Turbine	01/08/11	01/08/11	Not Supported	08/09/11			
PA11/07192 Mr J Ravey	Higher Lezerea Farm Lezerea Porkellis  <b>WENDRON PC</b>	Installation of a 50kW wind turbine, access road and ancillary associated development	N/A	12/09/11	Not Supported	21/09/11	18/11/11	WITHDRAWN	N/A
PA11/08577 Mr & Mrs Badcock	Tregolls Cottage Tregolls	Erection of Extension to Dwelling	19/10/11	19/10/11	Support with Conditions	17/11/11	03/12/11	REFUSED	01/12/11
PA11/07837 Mr Bruce Gilbert	Trevales Farm Bungalow	Installation of Solar Photovoltaic Array	24/10/11	24/10/11	Support with Conditions	30/11/11	30/11/11	Approved with Conditions	29/11/11
PA11/08716 Mr & Mrs Jeffery	4 Foundry Hill	Erection of annexe to form living accommodation	27/20/11	27/10/11	Support with Conditions	17/11/11	03/12/11	Approved with Conditions	02/12/11
PA11/07886 Mr P Symons & Mr S Thomas	Cam Farm, Cam	Conversion of barn to form two dwellings and associated works	07/11/11	07/11/11	Support with Conditions	17/11/11			

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PA11/09161 Mr Jim Ravey	Lower Nancrossa Farm  <b>WENDRON PC</b>	Erection of 3 50kW Wind Turbines 34.2m high	Information received from Press List	22/11/11					
PA11/09407 Mr D Hand	Fair View Cottage Tubbon Hill	Two storey extension to dwelling	22/11/11	22/11/11					
PA11/09421 Mr & Mrs G Mackfall	Elm Cottage Crelow Lane	Erection of two storey & single storey extension, porch extension & associated works	02/12/11	02/12/11					
PA11/10231 Ms C Savage	Vellandrucia Cottage Foundry Road	Erection of Extension	06/12/11	06/12/11					

## **AGENDA ITEM 8.3(a)**

**PA11/07837 – Mr & Mrs Gilbert – Installation of a 49.50 kW solar photovoltaic array, Trevales Farm Bungalow, Stithians TR3 7D.**

### **Decision Required:**

To support or oppose.

### **Recommendation:**

To ratify the submission of a response in support of the application subject to the condition specified in the report.

### **REPORT:**

Councillor J Tisdale and I visited the site on 26<sup>th</sup> November and met with the applicant Mr Gilbert. The application is for a 49.50 kW solar photovoltaic array. This application was originally intended to be presented to the full council at our November meeting, but on contacting the agent, Mr L Bernard of SCCI Energy, to make an appointment for a site visit, we were told that the application was to be withdrawn due to the change in the feedback tariff. It now transpires that the applicant was unaware of this and wishes to proceed with the application.

It is intended to install the array adjacent to the field hedge, where it should not be visible from the surrounding area. All cabling will be underground to where it will be connected to the existing supply poles. They will cover an area of approximately 12 m x 4.5 m and have a maximum height of 2 m.

We would request that as temporary structures they should be removed after a maximum period of 25 years or within 3 months if they are no longer producing electricity, and that the land is returned to agricultural use.

We would therefore ask that Members support the application on this basis.

In order to comply with the deadline set by Cornwall Council for the return of consultation responses, a response in support of the application subject to the above condition was submitted on 29<sup>th</sup> November. Members are therefore requested to ratify this action.

In actual fact, Cornwall Council conditionally approved the application on 29<sup>th</sup> November, the conditions being as requested by the Parish Council but with a six month period after cessation of electricity production rather than three.

**Cllr P Tisdale**

**28<sup>th</sup> November 2011**

**With Additions by the Clerk on 30<sup>th</sup> November 2011**

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## **AGENDA ITEM 8.3(b)**

**PA11/09161 – Mr Jim Ravey – Erection of 3 No. 50kW Wind Turbines 34.2m high – Lower Nancrossa Farm, Rame.**

### **Decision Required:**

To support or oppose.

### **Recommendation:**

Oppose.

### **REPORT:**

Councillor Nicholls and I visited the site on 8<sup>th</sup> December. Although the application site is not in Stithians, it is adjacent to our boundary and will have an impact on the Parish.

The application is for 3 x 50 kW wind turbines, each with a tip height of 34.2 metres and a blade radius of 9.6 metres, with ancillary buildings.

A “cost benefit analysis” is part of the planning process. In order to calculate the electricity output it is recommended that a 40m wind mast be erected for a period of 12 to 18 months. The applicant has failed to do this and is therefore unable to calculate the efficiency and financial benefits of the turbine with any accuracy. It is clear from the serious errors in the Planning and Design Statement that this is a generic document altered to suit this application, and we have serious concerns that no proper survey of this site has been undertaken. Page 21 states: *"The site of the infrastructure is some 450m north of the A303 road corridor"*. The A303 is over 130 miles away to the north east! Pages 29 and 30 refer to *'South Somerset Council'*, which clearly indicates that the applicant is carrying out blanket applications in the south west, not for the benefit of local residents, but obviously to take advantage of the profit generated by the Governments over-generous feedback tariffs, paid for by the tax payer.

In England, developers tend to decide on the distance limit they will adopt, many opting for 500 metres, some 800 metres, some no limits at all. Paragraph 22 of PPS22 in fact permits local authorities to set limits to the distance between wind farms and other existing developments, which can mean dwellings. Virtually no local authorities have made use of this with the exception of Devon County Council, who set a limit of 600 metres in 2009 in the case of a proposed development at Holsworthy. We would ask that Cornwall Council set a minimum distance of 1000 metres when so many residences are in such close proximity to a proposed turbine development.

The nearest residence is less than 120 metres from the nearest turbine. The houses on the A394 and Rame Cross are within 200 metres, Lestaynes Lane 250 metres and almost the entire village of Rame within a 350 metre radius.

It appears that the noise survey is also a generic report and takes no account of the continuous low frequency noise. There are two main types of noise from a wind turbine, mechanical noise from the gearbox and generator, and aerodynamic noise caused by passage of air over the wind turbine blades. The aerodynamic noise is amplitude modulated (“AM”) i.e. its volume rises and falls as the

turbine blades rotate. The noise is sometimes described as "blade swish". This is the noise nuisance with which we are most concerned and which can have a serious effect on people's health and well being.

On May 26<sup>th</sup> this year at the Court of Appeal in the case of MICHAEL WILLIAM HULME v SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT and RES DEVELOPMENTS LIMITED, Lord Justice Elias accepted the Inspectors statement that; 'On the basis of the evidence I have heard I am satisfied that the phenomenon is not fully taken into account in ETSR-R-97. The evidence before the inquiry, accepted by the inspector, was that if this is excessive it can interfere with the amenity of local residents and in particular can disturb sleep'. We are therefore of the opinion that a legal precedence has been set which indicates that ETSR-R-97 is flawed, and should not be used as a standalone method of testing noise levels.

Regarding the problem of 'shadow flicker', section 18 states: '*Properties greater than 210m away are unlikely to be seriously affected*'. This statement implies that this phenomenon may well create a problem for residents in Lestraynes Lane.

The site is also within 2 miles of the Roskrow turbines, and 1500 metres of the proposed turbine at Polkanuggo, which is currently subject to a forthcoming appeal. We would argue that this area is in serious danger of becoming saturated with wind turbines. Should this application be allowed, Rame would be bordered on both sides by wind turbines within less than 1000 metres.

Before this application is allowed to progress any further through the planning process, we would request that a proper wind survey is carried out along with a substantial and more accurate noise impact assessment. It quite clearly states in the attached documents that they are only a '*generalised assessment*'. We are aware from current complaints throughout the UK, that the blanket statement that '*over 144 metres they can't be heard*' is incorrect. We would also ask that at least one, but preferably two, large balloons are flown over the location of the proposed turbines for at least two weeks in order that the visual impact on the surrounding area can be assessed.

Section 10 of the Planning and Design Statement states:

*'The Green Company requested an EIA Screening Opinion for this proposed development from South Somerset Council. The EIA Screening Opinion request was submitted on 27<sup>th</sup> July 2011 and as yet no response has been received. However given the location and scale of the proposed infrastructure, it is our experience that an Environmental Impact Assessment will not be required.'*

This is certainly no surprise to us, as they probably had no idea where the site is! In a letter dated 10<sup>th</sup> August 2011 regarding a screening application for a turbine at nearby Pencoose Farm, the Secretary of State deemed that an EIA was required due to the proximity of a large number of residences and the proximity to the WHS, and we would therefore request that one is carried out for this site. These turbines would be visible from the entire Falmouth AONB, the nearby World Heritage site and 2 SSSI's within 3000 metres and the majority of the Lizard Peninsula.

It is also stated that trees and buildings will screen the turbines. Due to the height, location and openness of the landscape, it is highly unlikely that any vegetation would grow high enough to

shield such a development and certainly not to 34 metres (102 feet) and would, in any event, surely restrict their operation?

Should Cornwall Council be minded to approve this application, we would ask that this goes to the Planning Committee for consideration and would request that we be represented at that meeting.

We would therefore ask that members do not support this application on the basis of this report.

**Cllr P Tisdale**

**12<sup>th</sup> December 2011**

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### **AGENDA ITEM 8.3(c)**

**PA11/09407 – Mr D Hand – 2 Storey Extension – Fairview Cottage, Tubbon Hill.**

**Decision Required:**

To support or oppose.

**Recommendation:**

Support with conditions

**REPORT:**

Councillor Tisdale and I visited the site on 7<sup>th</sup> December and met with the applicant's agent Mr J Pryor.

Fairview is a small detached granite cottage sitting close to the road side on Tubbon Hill. The cottage is in principle a two up and two down with a small single storey kitchen added to the rear of the house. The site is restricted in size hence parking is provided on land on the opposite side of the road.

The application relates to a 2 storey extension which is proposed to be built in the limited available space on the Stithians side of the existing cottage. The extension is designed to incorporate a new kitchen on the ground floor and an additional bedroom above. Access to the bedroom would be via new, additional, staircase leading from the kitchen. The extension is designed to match the existing property both in finish, roof and window design. However due the fact the site is on a hill the extension will be slightly higher than the existing cottage to offset the appearance the design incorporates an additional new chimney.

As the proposed extension has its own internal staircase we were of the mind that the cottage could be separated and it was agreed with the agent that we should apply a condition such that the cottage should not be separated in the future.

**Cllr R Nicholls 8<sup>th</sup> December 2011**

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## **AGENDA ITEM 8.3(d)**

**PA11/09421 – Mr & Mrs G Mackfall – Erection of Extension – Elm Cottage, Crelow Lane.**

### **Decision Required:**

To support or oppose.

### **Recommendation:**

Support.

### **REPORT:**

Councillor Nicholls and I visited the site on 7<sup>th</sup> December and met with the applicant Mr Mackfall. Permission was granted on 26<sup>th</sup> April 2006 (W2/PA06/00314/F) for a single storey extension, and most of the structural work is already in place, that being, the foundations, floor and walls. Further work towards completion appears to have stalled for some time now and as the property has recently changed ownership, the new owners wish to complete this work. The floor area in the extension is currently acting as a lake and is causing water to rise up the walls of the existing building.

Although this application states it is for a two storey extension, it is in reality a modification to the permitted plans, but as the 3 year limit has lapsed, it requires a new application. It is intended that only part of the extension will be 2 storeys and it would still maintain the same footprint already granted under the existing permission. This alteration will give the front of the property a more uniform and balanced appearance in height. The applicant also wishes to remove the existing conservatory on the front of the property and replace it with a more traditional porch. The rear part of the extension will be slightly reduced in size, although due to its location on the site, this area is not visible from the highway.

The building is to be faced with natural re-claimed granite and the entire roof, which is presently covered in artificial slate, is to be removed and replaced with natural slate. It is also intended to remove all the plastic windows and doors and replace them with painted timber. There is no intention to alter the access as there will not be any increase in traffic on or off the site, and there is ample on-site parking available. The site has been visited on 6 occasions by Building Control, and there are no problems with anything on site.

We would therefore ask that members support the application on this basis.

**Cllr P Tisdale**

**8<sup>th</sup> December 2011**

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## **AGENDA ITEM 8.3(e)**

**PA11/10231 – Ms C Savage – 2 Storey Extension – Vellandrucia Cottage, Foundry Road.**

### **Decision Required:**

To support or oppose.

**Recommendation:**

Support - subject to our concerns being resolved.

**REPORT:**

Councillor Tisdale and I visited the site on 10<sup>th</sup> December and met with the applicant Ms Savage.

Vellandrucia Cottage is a small end of terrace granite cottage sitting close to the road side on Foundry road. The cottage is in principle a two up and two down a large, narrow garden to the rear of the house reaching down to a stream. The cottage is currently not occupied but undergoing extensive refurbishment.

The application relates to a 2 storey extension which is proposed to be built in the limited available space to the rear of the existing cottage. This extension would be in the form of an offset 'L' shape overlapping the rear of the existing building resulting in a complex roof alignment. Also a little strange is the fact that the upper floor profile differs to that of the ground floor thus it overlaps to provide a sheltered rear door and window to the side which opens out to a narrow space adjacent on to the neighbours outbuilding. The extension is designed to incorporate a WC/Shower, utility area, and breakfast/dayroom on the ground floor with an additional third bedroom, bathroom and landing/study area above. The extension encloses the rear wall of the existing building resulting in the loss of windows on both the ground and upper floors hence the design provides the existing bedroom with natural light by fitting roof lights. On the ground floor the remaining side window, less than 1m from the neighbouring building, appears to provide only limited natural light or ventilation for the kitchen area. The proposed new bedroom will also incorporate sliding patio doors with a glass Juliette balcony overlooking the garden.

The existing external finishes will remain unaffected where possible with the new extension walls finished in horizontal, cement faced weatherboarding, colour dark brown (giving the appearance of wood?). The new roof is to be clad in a mineral fibre slate roof with red clay ridge tiles.

Our site visit gave us a number of concerns:

- We believe that the proposed cement cladding, visible from the road, is not in keeping with the surrounding area where the other cottages are of granite construction.
- We believe that the cottage and proposed extension fall within the flood plain and no cognisance has been given to this within the design.
- The upper floor rear balcony overlooks the neighbouring cottages which are set back from the property.

**Cllr R Nicholls**

**11<sup>th</sup> December 2011**

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## **AGENDA ITEM 8.5**

### **Polkanuggo Wind Turbine – Appeal against Refusal of Planning Consent.**

#### **Decision Required:**

**Because of time constraints, to agree that the content of the Council's written representation to the Planning Inspectorate in relation to the appeal by Mr Bostock against refusal of planning permission for a wind turbine at Polkanuggo Farm be agreed by an e-mail vote, submitted by the Clerk before the deadline of 10<sup>th</sup> January 2012 and ratified by the Council at the January meeting.**

#### **REPORT:**

As Members are aware, the planning application (PA11/01283) submitted by Mr Bostock of Polkanuggo Farm for the erection of a wind turbine was refused by Cornwall Council on 31<sup>st</sup> August 2011 following representations made to their Planning Committee by your Chairman on behalf of Stithians Parish Council.

Mr Bostock has now lodged an appeal against the decision, which is to be decided on the basis of an exchange of *written* statements by the interested parties and a site visit by an Inspector.

Obviously, Stithians Parish Council made written comment at the time and those comments will be forwarded to the Inspector by Cornwall Council but, because of the procedure being adopted in this case, there is no opportunity to present anything further at a Public Hearing as your Chairman was able to do at the afore-mentioned Planning Committee.

It has not been possible to prepare a further written submission for consideration by Members at this meeting and it will need to be submitted by 10<sup>th</sup> January i.e. before the date of the next PC meeting.

For this reason, the Chairman has undertaken to prepare a report well before that deadline for circulation by e-mail to Members for comment, amendment as necessary and subsequent agreement before being submitted by the Clerk to the Planning Inspectorate before the deadline. Members are requested to agree to this.

Details of the appeal can be found at

<http://www.pcs.planningportal.gov.uk/pcsportal/ViewCase.asp?caseid=2165010&coid=2097410>

When first I visited the site, I was able to download a copy of Mr Bostock's Appeal Form but, unless I'm missing something, it does not now appear to be there. In case there is some data protection issue, I am not including it with this report but will e-mail it *confidentially* to any Member who requests it.

For Members' information, the reply sent in response to the consultation was as follows:

*This application was considered by SPC on 19th April 2011 at a meeting attended by some 25 Objectors to the application. It was resolved NOT to support the application as it is too close to neighbouring properties in terms of noise and health risk, and will affect the visual amenity of and*

*property values in the area. Full details of the reasoning behind the decision are included in the report considered at the meeting which should be read in conjunction with these comments. A copy of the report has been sent to the Case Officer. Should Cornwall Council be minded to recommend approval of the application, then it is requested that the matter be dealt with by the Planning Committee.*

Members should already have a copy of the report presented to the April Meeting but again, if any Member has deleted it for any reason, I can e-mail a copy.

**JV Calvert**

**Clerk**

**12<sup>th</sup> December 2011**

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## **AGENDA ITEM 9.1**

### **MARKING THE DIAMOND JUBILEE OF QUEEN ELIZABETH THE SECOND**

#### **DECISIONS REQUIRED:**

- 1. To note and accept the content of this report.**
- 2. To approve expenditure of up to £100 for the procurement and planting of a Copper Beech tree in the Old Playing Field on the opposite side of the Reg Toy Gap to the tree planted in 1953 at the site agreed by the Portfolio Holder as soon as possible.**
- 3. To accept the quotation of £65 from TM Garden Services for refurbishment of the Jubilee seat and environs at Gribbas Corner as detailed in the report.**

#### **REPORT:**

#### **COMMEMORATIVE TREE**

- 1 At the November meeting it was agreed to look into planting a Copper Beech tree in the Old Playing Field as was done at the Coronation in 1953.
- 2 I have consulted with Jim Lyle who advises that trees of larger size can be procured locally for between £50 and £70 locally.
- 3 A stake and tie will be included.
- 4 If the Council approves this report Jim will obtain a tree up to the agreed value.
- 5 Trees take and grow better if the planting hole is bigger. Tyrone Martin has agreed that he will dig and backfill a hole of about one cubic metre at the price of £30.

- 6 A site has been identified between the Reg Toy Gap and the Pavilion suitably distant from, but in line with, the 1953 tree about three yards from the hedge as advised by Jim Lyle.
- 7 If the Council approves this report the work and planting will be done as soon as possible.
- 8 This will enable the tree to have taken and be in full leaf by July 2012 when it is proposed that a plaque be unveiled by Janet Gluyas as previously discussed and agreed.

## **JUBILEE SEAT**

1. At our November meeting it was agreed that I would meet with Tyrone Martin and identify the work needed to refurbish the seat at Gribbas Corner installed at the 1977 Jubilee, which I have done.
2. The seat is structurally sound.
3. The metal frame needs scraping down and repainting.
4. The seat boards need scraping down and repainting.
5. The colours need to be agreed. I recommend that the frame is in black Hammerite and the seat and back in alternate black and yellow Hammerite.
6. The fixing of the seat to the ground needs to be improved. Currently it is cemented badly to the granite slab of the old pump and clamped to the Fingerpost. The slab can be drilled and some bolts inserted.
7. The old pump site will benefit from the weeds being removed and some pointing being replaced where necessary.
8. The whole will look much better if the Fingerpost is also repainted, which hopefully it will have been by that time.
9. The existing plaque will need polishing and may be supplemented by an additional plaque commemorating the Diamond Jubilee but time to look into that later.
10. Council is asked to approve the quotation of £65 (labour only, inputs to be supplied by Council via L A Phillips) now in order that Tyrone can work on the seat during the less busy winter period when the seat is also less used, to have it ready in time for the Jubilee in June.

Thank you  
Cllr James Biscoe

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## **AGENDA ITEM 10.1**

### **Clerk's Report for Meeting on 14<sup>th</sup> December 2011**

### **Christmas Decorations Competition**

#### **Summary of Decisions Required (Details in report):**

To decide upon the following:

- Appointment of Co-ordinator

- Appointment of Judges
- Date of judging
- Presentation of Prizes

Report:

Members have already agreed under Minute 17/11/11 to hold a Christmas Decorations Competition this year and resolved to discuss the finer detail at this meeting. It has been publicised in Spotlight (reproduced below) and, although Spotlight is on the website, a separate announcement has been placed on the website.

**STOP PRESS!**

**Stithians Parish Council have decided to run a competition for the best outdoor Christmas Decorations. Members will donate modest prizes. Judging and distribution of prizes will be done before Christmas. The whole parish will be included: Stithians, Longdowns, Herniss, Penhalvean, Trembroath, Goonlaze and all points in between. There will be two classes: Domestic and Commercial. Results and photos will appear on the website.**

In previous years when the competition has taken place, Members have donated prizes and several verbally indicated at the November meeting their willingness so to do. It would be helpful if Members would indicate their intention at the meeting.

I suggest that a Co-ordinator be appointed who may or may not be one of the judges (although it would make sense if he or she were) to receive the prizes and thereby determine how many prizes can be allocated to each category. He or she would also co-ordinate the actual judging.

Members need to appoint a minimum of two judges.

A date for the judging needs to be arranged, although this could be done by the Co-ordinator at a later date.

Previous practice was that the judges agreed amongst themselves when they had finished the judging and awarded prizes by knocking on the doors of the winners and handing them the relevant prize.

JV Calvert,

Clerk

7<sup>th</sup> December 2011

**AGENDA ITEM 11.1**

**FOOTPATHS HIGHWAYS AND ENVIRONMENT REPORT FOR DECEMBER 2011  
COUNCIL MEETING**

**DECISIONS REQUIRED:**

- 1. To instruct the Clerk to procure 100 tonnes of crushed granite (70 tonnes 3" plus or minus, 30 tonnes small) from Cornwall Council delivered to Mill Lane (waterworks end) as soon as possible estimated cost £750.**
- 2. To accept the quotation for £500 from Roger Strick for the initial phase of the works to Mill Lane.**

## **REPORT:**

### **MILL LANE**

- 1 Roger Strick and I met with two gentlemen from Cornwall Council at Mill Lane.
- 2 The CC men advised on the process and engineering aspects of the work which has been duly noted.
- 3 CC advised that the best material will be crushed granite of which they have a limited supply available to hand. It is recommended that the stone be acquired now while Cornwall Council have a supply and so that Roger can work on this during the winter months. 70 tonnes of 3"plus or minus and 30 tonnes of small. Stone is £4.50 a tonne and transport £30 per ten tonnes to Stithians Waterworks. The estimated costs therefore will be £750. Actual cost will be less as any VAT can be recovered.
- 4 They advised that the surface should be cambered towards the hill side of the lane so that water can continue to run down that margin as it naturally does thereby protecting the surface from erosion.
- 5 They advised to start at the leat end of the stretch most needing attention and to work back toward the waterworks.
- 6 Noted the site which the Clerk has already obtained Environment Agency consent to use as a dump for the materials about thirty yards down Mill Lane from the waterworks road. Roger will clear this of vegetation to receive the stone.
- 7 Once the stone is on site Roger will progress the works as rapidly as circumstances allow. The initial phase will be clearing the site for dumping the stone, scraping off the accumulated mud etc and filling the first section. Roger Strick quotes £500 for this to include hire of machines etc and labour.
- 8 If this approach is successful it will then be repeated further along Mill Lane once the leaks in the leat have been repaired by the riparian landowners. Cornwall Council are identifying the landowners via the Land Registry.

**Thank you**

**Cllr James Biscoe**

**FOOTPATHS HIGHWAYS AND ENVIROMENT PORTFOLIO HOLDER**

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## **AGENDA ITEM 12.1**

### **REPORT ON MINING VILLAGES REGENERATION GROUP MEETING 1<sup>ST</sup> DECEMBER 2012 AT LANNER VILLAGE HALL**

#### **DECISIONS REQUIRED**

- A To note and accept the content of the report.**
- B To task the Clerk with writing to the MVRG Secretary reminding her to include Parish Reports on the agenda of each future meeting.**

- C To task the Clerk with asking MVRG to include CNA agenda items on MVRG agendas to facilitate better representation of MVRG views to Cornwall Council.**
- C To note that the next meeting will be at Stithians on 2<sup>nd</sup> February.**
- B To agree to participate in the Trails project and develop two or three circular trails for Stithians Parish.**
- D To confirm that a maximum contribution of £500 to this project by SPC is agreed and will be taken from any underspend in 2011/12 with any extra that may be required to reach a sum of £500 coming from Reserves.**

## **REPORT:**

- 1 The meeting was attended by the Chairman, Clerk and Cllr James Biscoe
- 2 The only substantive business was a long discussion about a project to enhance the Mineral Tramways scheme.
  - 2.1 This will involve each parish in MVRG developing up to three circular trails.
  - 2.2 This will also apply to Parishes with no Mineral Tramways in them as is the case with Stithians.
  - 2.3 The concept is to try and encourage the “thousands of people using the Mineral Tramways...”to divert into the Parishes and sample their delights by spending money.
  - 2.4 Trails should use PRoW’s but can also include roads
  - 2.5 We need to map the route and provide what might be described as a Wainwright’s Guide briefly describing the route and items of interest along it and some photos.
  - 2.6 The project will provide some waymarkers for which I recommended the Constantine variety which we have now adopted.
  - 2.7 Surprisingly no leaflets will be produced.
  - 2.8 The information will be carried on a website and it is expected that trail users will either download or print the information before they set off or will use their smart phones to consult the website while they are engaged in trailing.
  - 2.9 Whether there will be sufficient ‘network’ to make this system work seemed not to be considered a constraint.
  - 2.10 Whether crowds (note the quote above about thousands of users) of people wandering round the place consulting their beeping and flashing smart phones constitutes enjoying the benefits of the countryside might be the subject of debate.
  - 2.11 Leaving that aside it will be worth our time and a bit of effort to produce the material which we might subsequently choose to produce as leaflets or as a St Day type booklet. We should also benefit from some additional waymarkers.
  - 2.12 I am happy to do some of the work on this and hope that the Walkers and others will be willing to assist with the narratives and photos of some.
  - 2.13 In addition to the circular trails, up to three super themed trails will be developed by the project which will likely be a genealogy trail, a half day horse riding trail and something else. It might be worth suggesting a Mining and Quarrying Trail as this is a Mining Villages Project. The term super here means that these trails will cover all the MVRG parishes.
  - 2.14 Funding of £6,000 has been secured and in addition Parishes have agreed to contribute £500 each, although Stithians, Gwennap and Carharrack have not budgeted for the expenditure but have agreed that the money “could be found” if necessary. It is suggested that the money be taken from any underspend in 2011/12

and Reserves should it be necessary. This will obviously reduce monies set aside for the Pavilion Redevelopment Fund.

- 3 The matter of the Historic Churchyard Project was briefly discussed. Ashley Wood reported that he and his daughter are repeating the data collection for Stithians Churchyards after Janet Ivey withdrew her work. The suggestion that a meeting of Historic Churchyards project be held did not meet with agreement despite having been agreed at the previous MVRG meeting.
- 4 The Agenda did not include Parish reports. Presumably this was an oversight as it had been previously agreed and implemented that each meeting would have a report from each Parish. We need to ask our Clerk to remind the MVRG Clerk to include this item for each meeting.
- 5 The Agenda also did not cover any of the items on the Agenda of the CNA meeting which followed immediately after the MVRG meeting such that those items were not the subject of a common stance when discussed at CNA. The Clerk is requested to ask MVRG to include CNA agenda items on the MVRG Agendas in order that MVRG can more effectively represent itself to Cornwall Council.
- 6 The next meeting is scheduled for Thursday 2<sup>nd</sup> February. It will be held at the Stithians Centre. The Clerk is to please arrange a booking for that day. We will need to provide tea and coffee for about fifteen people.

Thank you

Cllr James Biscoe

**FOOTPATHS HIGHWAYS AND ENVIRONMENT**

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## **AGENDA ITEM 13.1**

### **REPORT ON COMMUNITY NETWORK MEETING HELD AT LANNER VILLAGE HALL ON THURSDAY 1<sup>ST</sup> DECEMBER 2011**

#### **DECISIONS:**

**A To note and accept the contents of this report**

#### **REPORT**

- 1 The meeting was attended by the Chairman, Clerk and Cllr James Biscoe
- 2 Sarah Arden from Strategic Planning at Cornwall Council gave a presentation about the new National Planning Framework.
  - 2.1 The elements of 'localism' in the process are heavily circumscribed by technical advice and support from Planners and the need for approval of both the Cornwall Core Strategy and any Neighbourhood plans by an Inspector.
  - 2.2 Neighbourhood Plans, once passed by the inspector are then subject to a local referendum which is an untested mechanism in this context and may have unpredictable results. For instance a small number of electors turning out to vote could make the outcome unrepresentative. Members at the meeting felt that this move towards referenda represents a diminution of the established democratic process.

- 2.3 The best Mrs Arden could suggest as a definition of sustainability was to refer to the Brundtland definition ("development that meets the needs of the present without compromising the ability of future generations to meet their own needs") which, while valid, is very generic.
- 2.4 From the presentation and subsequent discussion it seems that economic aspects of proposals are now included in the consideration of planning applications. If this comes about it will be a good thing as applicants will have to make an economic case as well as a planning case. The suggestion in the discussion that most uses of farm land in Cornwall are not profitable was contentious and took no account of the functions of land use in ensuring sustainability and livelihoods. The idea that land in Cornwall is not in Class one or two (defined by soil type and slope basically) and is therefore of no value is disingenuous as such classifications take no account of its wider economic value. Other than that this presentation did not really impart any information which we do not already know.
- 2.5 It also seems that monetary or in-kind incentives made by developers to secure the support of Parish Councils are now acceptable. When these were described as bribes Mrs Arden did not disagree.
- 3 Simon Mansell from Cornwall Council gave a presentation on the Localism Act with particular reference to the Code of Conduct.
- 3.1 Unhelpfully, the presentation which was given differed significantly from the notes which had been sent out in advance.
- 3.2 The current system will probably end on 31<sup>st</sup> of March 2012 with all cases in the system being adjudicated under that system in the following few months.
- 3.3 Under the new system there will be a code which will be administered by Cornwall Council on behalf of Parishes at no cost to parishes.
- 3.4 The code will have to follow the Nolan Principles but can vary between parishes. It would obviously be easier and cheaper to administer if all had the same code but the legislation provides for flexibility due to the wise intervention of the House of Lords.
- 3.5 There will be no sanctions beyond censure and training available to support implementation.
- 3.6 Failure to declare interests will become a criminal offence.
- 3.7 A register of interests will be compiled by the Monitoring Officer which will be in the public domain and will be published on both Cornwall Council and the Parish website where Parishes have a website.
- 3.8 If allegations are made of breaches of the code under the new system the person cited will be informed of the complaint against them and of the name of the complainant.
- 3.9 There was a whole discussion about the disclosure of interests at Council meetings, what is registerable, disclosable and declarable. These three terms seem to mean the same thing, but note "seem to mean". If an interest is registered it does not need to be declared (or disclosed) at a meeting when relevant matters are discussed as long as the Member does not participate in the debate or vote.
- 3.10 It is permitted for a Council to provide in Standing Orders that Members with registered interests be required to leave the room when matters pertaining to those interests are discussed.
- 3.11 Surprisingly the Act provides that dispensation can be granted by the Clerk to overturn this requirement. This may change from being the Clerk to being the Monitoring Officer.
- 3.12 The presentation stated that the provisions about Members acting in their private or official capacities should be retained. You will recall that our Council agreed strongly

at our November meeting that this arbitrary distinction should be removed on the basis that Parish Councillors are Parish Councillors whatever they are engaged upon and that acting in a private capacity does not exempt them from behaving and acting appropriately for the office which the electors have entrusted to them at all times. The flexibility referred to above between Parish Codes should allow us to incorporate that variation. However, although Simon Mansell agreed in principle with that premise, as the High Court had in fact ruled differently in the case of Ken Livingstone, this would be unenforceable.

- 3.13 It was suggested that some association of Monitoring Officers might produce a draft code. It was also formerly mooted that NALC might produce a draft which would seem sensible. Alternatively we could consider using the old code less the provision referred to above as we agreed at our previous meeting, if no better options come forward in time.
- 3.14 In reply to a question, the presenter said he thought it unlikely that Officers would either have a separate code of conduct or be made to work to the same code as Members in the near future.
- 3.15 It was generally agreed that both the Localism Act and the National Planning Framework have been poorly prepared and that the legal provisions are woolly and poorly defined. It was thought that M' learned friends would be busy when the provisions come into force.
- 4 Mark James made some brief remarks about Active Partnering, repeating that they have some pilot schemes but not really adding much that we did not previously know. This process seems to have boiled down to Parishes striking whatever deal they can with Cornwall Council on particular issues and does not seem to be progressing beyond that. An interesting side issue arose recently in that Cornwall Council need to have a workforce available for emergencies, such as road gritting, dealing with floods and the like and that they need to have that workforce gainfully employed while not being used on emergencies. This therefore limits to some extent the amount of devolution of service delivery which can happen with Parishes.
- 5 Items for next meeting:
  - 5.1 Concern was expressed that the agendas for CNA meetings are being set by the CNA Manager to suit the needs of Cornwall Council rather than those of the Network. Mark James agreed that this is undesirable.
  - 5.2 Concern was also expressed that the request by CC to include the item on the agenda about Localism and the Code of Conduct was circulated to members of the Group for approval with a short deadline of less than one day.
  - 5.3 It was agreed that henceforth in the event of wanting to add items, the Manager would contact the Chairman of the MVRG well in advance of the meeting for agreement.
  - 5.4 Concern was also expressed that representatives from other Councils also attended this meeting. It was agreed that in the event that this was to happen again, such meetings would be extended in order to enable thorough exchange of views amongst the larger number participating.
  - 5.5 The next meeting will include: (A) Footpath Local Maintenance Partnership, (B) Revision of the Local Planning Criteria, (C) The new "Environmental Contract" won by Cory and due to start on 1<sup>st</sup> April.
- 6 Mark James circulated the Plain English Guide to the Localism Act. I have prepared a commentary on the provisions reviewed in that guide, which is attached and merely represents my personal views for the information of Members. If anyone wants a copy of the Guide, the Clerk has it electronically.

- 7 Next Meeting: this will be on Thursday 2<sup>nd</sup> February 2012 at Stithians Centre at 14.15hrs.

Thank you

Cllr James Biscoe

**FOOTPATHS HIGHWAYS AND ENVIRONMENT**

## **COMMENTS OF CLLR JAMES BISCOE ON A PLAIN ENGLISH GUIDE TO THE LOCALISM ACT**

- 1 This guide was furnished by Mark James of Cornwall Council to MVRG members.
- 2 It is dated November 2011.
- 3 Page 6 '..... in many cases Gov't will need to set out exact rules on how different rights will work. ....Parliament will also have the chance to look at rules and vote on them before they are made final.' So the fat lady has yet to sing. Probably a tactic to avoid over use of the U turn if there is a lot of shouting. ...'we aim for many measures to come into effect in April 2012'. Note we aim not measures will and does not say which ones. This is the plain English guide remember!
- 4 Page 7 general power of competence...powers to do anything an individual can. Not be able to impose a new tax as individual has no power to tax. Very good but Local Authorities have that power and can call a tax more than one thing. Airport Development Levy springs to mind. Car park charges at hospitals etc.
- 5 'Act ... more freedom.....The Act does however give the SoS power to remove unnecessary restrictions and limitations where there is a good case to do so, subject to safeguards designed to protect vital services.' What these safeguards are or what are considered vital services is not stated. 'Similar powers have been given to Fire and Rescue Authorities, Integrated Transport Authorities, Passenger Transport Executives, Combined Authorities and Economic Prosperity Boards.' (does Cornwall have one of these?). Sop pretty much business as usual by the sound of it. I am just surprised the police are not included as well. Perhaps they are included in Combined Authorities?
- 6 Standards board. '.... petty complaints can undermine and put them off standing for public office.' Does not say what the possibility of criminal proceedings might do for this?
- 7 Seems that only financial interests have to be declared? '..... Councillors involved in corruption and misconduct will face appropriately serious sanctions.' Does not say what is meant by corruption or misconduct or what sanctions will be put in place? Sounds like a lawyer's charter to me.
- 8 Business rates. Councils can offer discounts on business rates as long as they make up the shortfall from elsewhere. Does not seem to say that Councils will control business rates proceeds?

- 9 Directly elected mayors. Function of Local Government is not to lead but to represent the people who elect us.
- 10 Empowering cities and other local areas. Could this be used to transfer more functions to Cornwall as progress towards regional assembly? Not clear.
- 11 Other freedoms. Change of governance to committees from Cabinet and portfolio holders. This would be good for CC so that their members all have a function in the direct governance!
- 12 Community right to challenge. Devolution of service provision. We know this is a joke made bad if the resources to provide the service do not follow the function.
- 13 Community bid for assets. We know what this means here as well, leasing and funding the upkeep and operation but not the ownership of the asset which remains with CC. Also a joke.
- 14 Approval or vets of council tax. This is weasel words. SoS still sets the point at which they say rises are excessive so it is a de facto cap. Presumably if 51% of those who vote on such a ballot agree to huge tax rises then SoS will have no further say?
- 15 Transparency: non council officers pay. Very good but says nothing about consultants brought in when senior officers retire for what ever reason, and even in some cases come back as the consultant?
- 16 Fines and charges for rubbish collection. Does this mean HMG will pay for rubbish collection costs centrally? They stumped up 250 million as I recall for this despite all the banker driven austerity?
- 17 Reform to planning system. 'The result was a confrontational and adversarial system where many applications end up being fought over.' This of course is nothing like the courts where such issues will surely end up under the new system?
- 18 Duty to cooperate. Refers to cross boundary issues like trams. What about agriculture and wind farms?
- 19 Neighbourhood planning. Note speaks about influence not control and drawing up a neighbourhood plan not necessarily approving it. 'Provided.... is in line with national planning policy, with the strategic vision for the wider area (did the previous page not say that wider strategies were dead?).... able to vote.....' The reality is that any neighbourhood plan has to be approved by a planning inspector rather than by the local planning authority. 'Local planning authorities will be required to provide technical advice .... bring forward proposals..... providing they meet minimum criteria and pass referendum.' Does not say what the criteria are or who will lay them down. 'Benefits of affordable housing will stay within the community and be managed for the benefit of the community.' Note not by the community! Does not say who will be funding the developments under community right to build.
- 20 Requirement to consult on certain applications. Does not say which applications to be consulted on. Does not say that an application must be made and consulted on. That is what is needed not some vague pipe dream which Councils could then

be held to when a formal application is made. What is wrong with the existing outline planning application system?

- 21 Strengthening enforcement rules. It is not the rules which need strengthening but the capacity of planning authorities to implement them!
- 22 Community infrastructure levy. Allows some of the money to be spent on things other than infrastructure. How much and what can it be spent on? 'And crucially allows Government to require that some of the money goes to neighbourhoods.' Note that this is Government making this decision not local authority!!
- 23 Reform way plans made. ' Act will limit the discretion of planning inspectors to insert their own wording....' Note says will limit, not abolish and does not say by how much it will limit. How solid is this?
- 24 Nationally significant infrastructure projects. National level decisions seemingly with no consultation regardless of local implications? A nuclear waste dump in Camborne will be GOOD for you. No involvement not local government at all seemingly so where do people get represented when there is a three line whip?
- 25 Social housing tenure reform. No upper limit to length of tenancy. Does not seem to say what happens to those who hold existing tenancies?
- 26 Reform of homelessness. Seems to remove the right to refuse what ever is offered?
- 27 Reform of council housing finance. This sounds like washing HMG hands of council housing and making Local Authorities fund the whole thing so thereby having to raise rents of Council tax to pay? Nothing said about the proceeds of right to buy revenue.
- 28 National home swap scheme. Private renters move more often due to less security of tenure?
- 29 Social housing regulation. ....'tenant panels' sound like waffle boxes somehow?
- 30 Abolition of information packs. Does not say if energy performance certificates also abolished?
- 31 **SUMMARY:** Remembering that this is the plain English guide, this seems woolly and evasive on many matters alluded to above. What ever else is said it looks as if control of everything lies with HMG and possibly more than was previously the case in the light of the big infrastructure project provisions? We still don't know what this Act will mean as the rules and regulations remain to be worked out. April 2012 might see some measures in place but a lot more still in the process of definition. The Code of Conduct issues are also poorly defined. What will the adopted codes be? What sanctions will they have? Will the courts be resorted to rather than the standards board? Will this give a better result or not? Lastly the differentiation between private and public capacity needs abolition. Councillors are Councillors all the time what ever they are up to. How can they be respected and hope to be re-elected if other than when deemed on official business they can be less upright and worthy of respect? This was a dodge brought in to keep a certain person out of trouble and needs to be abolished.

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## **AGENDA ITEM 14**

### **Clerk's Report for Meeting to be Held on 14<sup>th</sup> December 2011**

Correspondence Received

#### **SUMMARY OF DECISIONS REQUIRED (Details in Report):**

- 1. To take whatever decision is deemed necessary following consideration of information from Cornwall Council on the future of recycling banks in the parish.**
- 2. To note information provided on a financial contribution fro Cornwall Councillor Neil Plummer towards the cost of the proposed cemetery.**

#### **REPORT:**

Since the last meeting, the following correspondence has been received:

<i>Date</i>	<b><u>Type</u></b>	<b><u>From</u></b>	<i>Subject</i>	<b><u>Action Taken/Requested</u></b>
		Cornwall Council	Recycling	See Section 1 of Report
<i>7<sup>th</sup> Dec</i>	E-mail	Councillor Plummer	New Cemetery	See Section 2 of Report

1. I have learnt that a letter is to be sent to all Parish Councils outlining Cornwall Council's proposals to remove many of their recycling banks throughout Cornwall with effect from 1<sup>st</sup> April 2012. Those at Collins Parc and the Institute appear on the list of banks to be removed. At the time of writing this report, the letter was not finalised but I have been promised details of it, if not the actual letter by the date of the meeting and will report further verbally as appropriate.
2. As Members are aware, I approached Cllr Plummer with a view to obtaining a contribution from his Community Chest towards the cost of the proposed cemetery. He has indicated that, depending upon the final cost of his Local Member Scheme at Tregolls, there may be some monies available. I await further information from him. Members are also aware I did suggest a contribution from next year's "pot" as well – one towards the purchase of the land and the other towards the cemetery itself but he hasn't mentioned that – I have reminded him. But to be fair, I don't suppose Cornwall Council have yet decided on next year's "pot". If I hear anything further, I shall report it verbally to your meeting.

JV Calvert

Clerk

**AGENDA ITEM 16****Authorisation of Payments – December 2011**Decision Required:

- 1. To approve payment of the sums shown in the report totalling £4,097.63 along with any sums in the additional report to be tabled at the meeting.**
- 2. To approve payment of any additional expenditure agreed by resolution during the meeting.**

**Report:**

The table below shows, as usual, invoices received since the last meeting as well as the usual monthly and other payments to be made. Figures in parentheses relate to the explanatory notes below the table.

Invoices received between the date of circulation of this report and the date of the meeting will be reported at the meeting as appropriate in a report tabled at the meeting.

<i>Type</i>	<i>Date</i>	<i>Payee</i>	<i>For</i>	<i>VAT</i>	<i>Total Amount</i>	<i>See Note</i>
Ch	14/12	Clerk	December Salary		1053.36	(1)
Ch	14/12	Clerk	November Expenses (Appendix 2)		57.91	(2)
Ch	14/12	HMRC	Clerk's Tax & NIC under PAYE (Dec)		507.07	(3)
Inv		Roger Strick	Footpath Maintenance - November		242.66	
Inv		Roger Strick	Footpath Maintenance - December		242.66	
Ch	14/12	T M Services	Playing Field Caretaker – December		516.67	
Ch	14/12	T M Services	Cemetery Maintenance – December		52.00	
Ch	14/12	T M Services	Lower Churchyard - December		60.00	
Ch	14/12	M White	Toilet Cleaning – December		75.45	
Ch	14/12	M White	Litter Picking – December		123.05	
Inv	16/07	Peter Williams	Playing Field Grass Cutting	74.80	448.80	
Inv	09/11	Office Smart	Paper & Printer Cartridge	5.25	31.50	

Inv	25/11	<i>Office Smart</i>	Paper & Toner Cartridge	<i>18.50</i>	111.02	
Inv	24/11	<i>SLCC</i>	Membership Renewal		223.00	(4)
Inv	23/11	<i>DMG Print</i>	Printing of "Spotlight"		297.00	
Ch	14/12	<i>Cllr P Tisdale</i>	Reimbursement - Printer Cartridges	<i>8.00</i>	47.98	
SO	01/12	<i>Bank</i>	Safe Custody Fees		7.50	
TOTALS				<i>£106.55</i>	<b>£4,097.63</b>	

Notes:

1. This is the Clerk's gross salary (£1,442.63) less the Income Tax and NI Contributions due from the Clerk under PAYE for the month of December.
2. It should be noted that this figure includes for miscellaneous, telephone and travelling expenses. A detailed breakdown of all expenses is appended to this report (Appendix 1).

**Appendix 1 may be obtained upon application to the Clerk**

3. This is payment to HMRC of the Clerk's Income Tax and the NICs from both the Clerk and the Parish Council as Employer. The actual amount due from the PC is £117.80, the remainder being the sums deducted from the Clerk's salary. As Members are aware, payments to HMRC are now made quarterly and this payment will be added to those previously authorised for October and November and paid in January making a total payment of £1,521.61, which is the amount of the cheque presented for signature. Payment is due by 19<sup>th</sup> January.
4. This payment comprises a subscription for SLCC membership of £157 and membership of the ILCM of £66.

JV Calvert,

Clerk

7<sup>th</sup> December 2011

## **Addition to AGENDA ITEM 16**

### **Additional Authorisation of Payments – December 2011**

**Decisions Required:**

**Members are requested to approve the additional payment shown in the table below in the sum of £67.78.**

**Report:**

Since the Agenda was circulated, the following invoices have been received:

<i>Type</i>	<i>Date</i>	<i>Payee</i>	<i>For</i>	<i>VAT</i>	<i>Total Amount</i>	<i>See Note</i>
Invoice	08/11	<i>SWW</i>	<i>Toilets - Monthly Invoice</i>		9.65	
Invoice	31/10	LA Phillips & Son Ltd	<i>Toilet Consumables</i>	9.69	58.13	
<b>Totals</b>				<i>£9.69</i>	<b>£67.78</b>	

**JV Calvert,**

**Clerk**

**14<sup>th</sup> December 2011**