

Minutes of the July monthly meeting of the Pontyclun Community Council held in the Pontyclun Community Centre, Pontyclun, at 7.00 p.m. on Tuesday 14 July, 2009.

PRESENT: Community Councillors J G Davies, P Griffiths, J V Huish, Ms S Jenkins, R G Norman, M Rea, S Rogers and Ms C Willis

Also in attendance:

Approximately 150 members of the public

1. **Apologies for absence**

Apologies for absence were received on behalf of Councillors Ms V A Cale and D Clayton-Jones

2. **Declarations of interest**

None were made.

3. **Residents' concerns**

Community Council owned land in Brynsadler

Dr Brendan O'Reilly, Chairperson of the Pontyclun Action Group, addressed the Council. He raised the matter of the Community Council's decision to sell the strip of land bordering the river Ely in Brynsadler.

Dr O'Reilly stated that there was considerable opposition to the sale as demonstrated by a petition containing the signatures of 920 residents plus a further 17 letters which had been sent to the Council. A further letter of opposition had been sent to the Council from the Pontyclun Action Group.

Dr O'Reilly further stated that the Council was well aware of public opinion but despite this had continued with its plans to sell off the land. As a result of the Council's intransigence and its failure to listen to members of the public, residents had no confidence in certain members to carry out the work for which they had been elected.

Dr O'Reilly drew attention to the Members of the Council living in Groesfaen. He was of the view that Groesfaen was not a part of Pontyclun and that the Members living in Groesfaen should absent themselves from discussions about land in Brynsadler.

Dr O'Reilly referred to the reasons given previously by the Council for wishing to proceed with the sale of the land. He said that these were not valid reasons, in his view. Dr O'Reilly referred to the cost to the Community Council in engaging 3 separate firms of solicitors to offer advice. He asked for the cost of obtaining this advice. He further believed that certain councillors were not competent in fulfilling their roles. He cited the case of Westminster politicians where accountability was required and stated that accountability was also required of politicians in Pontyclun. Dr O'Reilly invited the Council to resign and stand for re-election. In the event that councillors were not prepared to resign he asked that the Clerk address each of the points contained in the letter from the Pontyclun Action Group.

Following Dr O'Reilly's presentation a number of other members of the public addressed the Council. The following comments were made:

- "the people of Pontyclun don't want to sell the land, why does the Community Council wish to sell?"
- "how does the public wind up the Community Council?"
- "the environmental study carried out by the Borough Council showed that there are valuable species of flora and fauna on the land"
- "what would happen if Cardiff Council tried to sell Roath Park? Pontyclun has no park so we must retain the land"
- "the land was bought specifically for the people of Pontyclun 3 years ago. Why does the Council now want to sell?"
- "how many letters of support for selling off the land have been received?"
- "the Community Council has always wanted people to attend its meetings. Now that you've got the public you don't want to listen to them."
- "take the green bits away and you lose the things that go with it. Things then start to deteriorate."
- "Rhondda Cynon Taf already suffers from a negative image. "
- "Bio diversity means the things that make life pleasurable."
- "put back the pride and say the land will not be sold."

- “we don’t want a walk. We want the land left alone.”
- “he names of those wanting to sell should be recorded in the minutes.”
- “you have no mandate to do what you are proposing – say its not going to happen”
- “you will need to provide us with the name of your auditor”
- a feasibility study has been undertaken to provide access to Station Terrace.”
- “the landowner of land next to the Community Council owned land has bought land at the end of Station Terrace.”

Councillor Huish stated that the land had been bought three years earlier by the former administration of the Council. The purchase had been entered into in a rush as the result of a deadline imposed by the Welsh Development Agency. No risk assessment of the land had been carried out and nobody had any idea what hazards may be transferring to the Community Council above or below ground. The District Valuer drew attention to some of the responsibilities which would transfer to the Council if the purchase went ahead.

Councillor Huish continued by saying that the District Valuer had originally valued the land at only £1,000 but later increased his valuation to £10,000. An alternative valuation placed the value of the land at £16,000. It was a year later when the Community Council found out that it could not access the land it had bought. It was clear from a letter received from the adjacent landowner’s solicitors that the right of way on adjacent land was an agricultural right of way and not a pedestrian right of way. Access to the Community Council’s land could not be obtained. This legal opinion had subsequently confirmed by two separate firms of solicitors engaged by the Community Council.

Councillor Griffiths said that in 2006 the former administration of the Community Council managed to persuade the Welsh Development Agency to place an agricultural covenant on the land. What was intended was a pedestrian right of way on adjacent land which the Community Council did not own. After the Council had purchased the land it transpired that the right of way was an agricultural right of way and not a pedestrian right of way. He urged the current administration to look at the position again and create a pedestrian right of way on to land owned by the Council.

The owner of the land adjacent to the land owned by the Council addressed the meeting. He pointed out that he had, earlier, offered to buy the Community Council’s land for £30,000. He had also offered, as part of the proposed purchase, to create a riverside walk. Had this offer been accepted the Council would have benefited by £30,000 and the public would have gained a riverside walk. He was at a loss to understand why the Community Council had refused his offer.

In defence of the decision to refuse the offer of the adjacent landowner it was stated that a judgement was taken that the land would be better protected if was in public ownership. It was emphasised that application could be made for covenants on land to be removed.

Councillor Griffiths stated that he was unhappy over the process adopted by the current Council administration in arriving at a decision to sell the land. He would be raising the issue with the Ombudsman.

RESOLVED: That the Council, noting the verbal and written comments made, re-affirm the decision taken on 12 May, 2009, to dispose of the land and that the Clerk give due notice in the local press of the decision to sell the land by public auction.

Following this lengthy item of business the Chairperson announced that the would be an adjournment for 10 minutes.

4. **Police matters**

(a) **Reports from the police**

RESOLVED: That as no representatives of the police were present, this item of business be deferred to the next monthly meeting of the Council.

(b) **Reports from Members**

Councillor Norman referred to abusive remarks which had been made to his wife by some members of the public in connection with the sale of the Council owned land in Brynsadler.

Councillor Norman stated that he had been involved in public life for many years before becoming a member of the Pontyclun Community Council and was always prepared to respond to people's views in person, over the telephone, or by fax. He asked that if anyone disagreed with his views they make their views known to him and not make personal attacks on his family.

RESOLVED: That Councillor Norman's concerns be noted.

5. **Minutes of the Community Council's meeting of 9 June, 2009**

RESOLVED: That the minutes of the Community Council's meeting of 9 June, 2009, be approved as an accurate record subject to the inclusion of a reference to a ruling from the Chairperson, in response to a claim by Councillor Griffiths, that it was not necessary for the resolution to

dispose of Council owned land in Brynsadler to be preceded by a Notice of Motion since an item on Council owned land in Brynsadler was already included as an agenda item for that meeting.

6. **Matters arising**

(a) **Pontyclun Community Centre Car Park**

(i) **Legality of car parking charges in Pontyclun**

The Clerk reported that he had contacted the Borough Council and queried the legality of the recently introduced car parking charges at the Community Centre car park.

The Clerk had pointed out that the contribution of £20,000 made by the Community Council to the former Taff Ely Borough Council was made on behalf of Community residents. He underlined that having made a significant contribution it was grossly unfair for those same residents to now have to pay car parking charges.

In reply, the Borough Council stated that the contribution received from the Community Council had been used towards construction costs and conferred no rights in the land on which the Centre had been built and the adjacent car park.

Councillor Rea stated that several representations had been made to the Borough Council about the inequity of car parking charges in Pontyclun. In particular, the charge for all day parking in Pontyclun is £10 whereas the charge for all day parking in Sardis Road car park, Pontypridd, is only £2 per day.

Councillor Huish added that the new regime of charges was not working in Pontyclun since the Community Centre car park was hardly used and traffic congestion in side streets had increased significantly. Councillor Huish also compared the car park in Pontyclun with the car park facilities at the Tonyrefail Community Centre where car parking remained free. Requests for an urgent review of car parking charges had been made to the Borough Council.

RESOLVED: That the reports be noted.

(ii) **Tonypandy car park**

The Clerk reported that he had also taken up with the Borough Council the apparent failure to introduce car parking charges at Tonypandy car park.

The response from the Borough Council had been that the car park at Tonypandy had not been excluded from the new charging regime. The Borough Council had received representations from local traders about a different form of tiered charges. The Borough Council was considering the traders' proposals carefully and, as a result, the car park had been omitted from the Order introducing charges at other Borough Council owned car parks. Charges for the car park would be introduced in coming weeks.

RESOLVED: That the report be noted.

(b) **Proposed International Business Park**

The Clerk advised that notices advertising the public meeting being convened by neighbouring community councils opposed to the resurrected planning application for major development on land surrounding Junction 33 on the M4 had been displayed in all Pontyclun Community Council noticeboards.

The Pontyclun Community Council had been represented at the meeting by the Chairperson and Vice Chairperson when detailed aspects of the proposal were explained by officers of Cardiff City Council.

It appeared that the proposals were not confined to the immediate land around Junction 33 and the effects of any development would extend far beyond Junction 33 and have an impact on community councils in Rhondda Cynon Taf. It was confirmed that Rhondda Cynon Taf County Borough Council had been asked to submit its observations on the planning application as an adjacent authority although the impression given by the Cardiff City officers was that no comments had been received from the Borough Council. Subsequently, Mrs Jane Cook, Service Director for Planning at Rhondda Cynon Taf, had provided the Vice Chairperson with a copy of the letter opposing the application which had been sent to Cardiff City Council.

The public meeting agreed to send a letter to the City Council opposing the plans for development at Junction 33. A copy of the letter was attached at Appendix 2 to the Community Council's agenda.

RESOLVED: (i) That a copy of the letter at Appendix 2

be placed on the Community Council's noticeboards.

- (ii) That a copy of the letter at Appendix 2 be placed on the Community Council's website

(c) **Environment Act, 1995**

The Clerk reminded the Council that at its previous meeting he had been asked to summarise the information relating to the Environment Act, 1995, on the Borough Council website and report back to the Council.

The Clerk advised that Appendix 3 to that evening's meeting contained an overview of the Borough Council's air quality monitoring process and identified eight areas within the Borough where there were concerns about air quality. Additional information on air quality had resulted in the original eight areas being reduced to four areas. One of the four, at Mwyndy, was within the Community Council's boundaries. Details of air quality monitoring at Mwyndy were attached at Appendix 4 to the Council's agenda.

Councillor Rea added that close attention was being given by the Borough Council to the presence of nitrogen dioxide in the air at Mwyndy. The concerns about air quality at Mwyndy were particularly important given the proposals for development in the area. Councillor Rea referred to complaints he had received about "sooty deposits" in the Mwyndy area. The complaints had been investigated. Subsequently, an industrial process in the area had been stopped.

RESOLVED: That the reports be noted.

7. **Notice of Motion**

The Council received the following Notice of Motion from Councillor Jenkins:

"In response to the widespread public interest in the land that the Community Council owns at Brynsadler Mill, the Council resolves to retain ownership of this land. It will work with residents in adjacent properties to agree public access to this land at Millfield. It will work with residents, including school children and residents' groups to form a Brynsadler Mill Environment Group which will take responsibility for creating and maintaining public access to the land and the river bank and fostering ecological diversity."

The Clerk advised that when he received Councillor Jenkins's signed Notice of Motion on he had doubts about its validity since it appeared, if adopted by the Council, to reverse a decision of the Community Council taken on 12 May, 2009. This would be contrary to the Community Council's Standing Order 41 which prohibits a reversal of a Community Council decision taken within the previous 6 months.

Immediately on receipt of the Notice of Motion the Clerk contacted One Voice Wales for guidance. The response was to confirm the Clerk's thoughts on the validity of the Motion. Unfortunately, the guidance from One Voice Wales was not received before 8 July, 2009, the deadline for the publication of the Community Council's agenda for 14 July, 2009. The advice was received on the day after the publication of the Council's agenda. A copy of the Clerk's enquiry together with a copy of the One Voice Wales response was sent to Councillor Jenkins for her information.

Upon a request for the suspension of Standing Orders, the request did not gain sufficient support.

- RESOLVED:**
- (i) That Councillor Jenkins's Notice of Motion not be discussed as it would be contrary to the provision of the Community Council's Standing Orders.
 - (ii) That there be no suspension of the Community Council's Standing Orders.

8. **Matters reported for decision**

(a) **Council owner land in Brynsadler**

(i) **Reply from Gaskell and Walker, the Council's solicitors**

No discussion took place under this item of business.

(ii) **To discuss the report of the Clerk containing e-mails from members of the public**

No discussion took place under this item of business.

(iii) **To discuss a letter from the Pontyclun Action Group**

No discussion took place under this item of business.

(iv) **To discuss a letter from the Clos Brenin Residents' Association Committee**

No discussion took place under this item of business.

(v) **To receive 41 No. Letters of Objection**

No discussion took place under this item of business.

(b) **Rhondda Cynon Taf Local Development Plan (2006 – 2021)
Consultation on Site Allocation Representations**

The Council received information from the Borough Council inviting the Community Council to comment on representations made on Site Allocation Representations.

RESOLVED: That the Council repeat the comments it had expressed some months earlier.

(c) **Storage of hazardous substances**

(Councillors Rea and Huish declared an interest in this item of business and took no part in the Council's discussions)

The Council discussed an invitation from the Borough Council to comment on a planning application to store hazardous substances at the L'Oreal site in Talbot Green.

The Council was of the view that other hazardous substances were safely stored on site and felt that this application, if granted, would require the applicant to observe appropriate safety precautions.

RESOLVED: That the Council offer no comments to the Borough Council on this application.

(d) **Weekly Planning Notifications**

The Council discussed the applications for planning consent, as they were seen to affect the Community of Pontyclun, contained in the latest Weekly Lists.

RESOLVED: That the following comments be made to the Borough Council:

Application No. 09/0622/10

That while the Community Council is not opposed to the application, it has concerns that by utilising roof space the proposal would affect the ridge line and have an incongruous appearance on the street scene.

Application No. 09/0656/10

That while the Community Council is not opposed to the application, it has concerns that by utilising roof space the proposal would increase the height of the ridge line and have an incongruous appearance on the street scene.

(e) **Payment of creditors**

RESOLVED: That payment be approved to the creditors listed in Appendix 15 to the Council's agenda.

9. **Matters reported for decision since the despatch of agendas**

None were reported.

10. **Matters reported for information**

(a) **Employment of a summer student**

The Clerk reported the employment of a student for the purpose of assisting the Council's Handyman during the summer months. The same student had been employed for the last three years and his work had been found to be of a very high order.

RESOLVED: That the report be noted.

(b) **Taff Ely Ramblers' Association**

The Council received a letter from the Secretary of the Taff Ely Ramblers' Association in which he thanked the Community Council for the assistance of the Handyman in re-opening a public footpath in Mwyndy. The footpath had previously been closed by the erection of a barbed wire fence. The Handyman had achieved the re-opening of the footpath after consultation with a local farmer.

RESOLVED: That the report be noted.

(c) **Hanging baskets**

The Council received a letter from a resident in Miskin who wished to thank the Community Council for the erection of hanging baskets in Miskin. The resident wondered whether the Community Council would consider the erection of more hanging baskets in Miskin in 2010. A member of the public present at the Council meeting supported the proposal to extend the Council's hanging basket scheme in 2010 and suggested that hanging baskets be also erected in Talygarn.

RESOLVED: That the Council place Miskin and Talygarn on the list of possible areas for the extension of the hanging baskets scheme in 2010.

(d) **Community Council's Allotment Competition, 2009**

Councillor Norman reported on the latest position on the 2009 Allotments Competition.

Councillor Norman also advised that a list of prize winners would be handed to the Clerk for inclusion with the agenda papers for the Community Council's September monthly meeting and for display in the Council's noticeboards.

11. The meeting ended at 9.20 p.m.