

Dear Councillor

You are summoned to attend a **Meeting of St Austell Bay Parish Council** to be held on **Thursday 21 October 2021** at **5.30 pm** in **The Pattern Hall, Charlestown Road.**

*Julie Larter*

Julie Larter  
Clerk  
15 October 2021

07873 383400  
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*Please note that under the Openness of Local Government Bodies Regulations 2014 this meeting may be recorded*

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## AGENDA

**1. Apologies for Absence**

**2. Minutes of a meeting of the Parish Council held on 9 September 2021**

*To resolve that the minutes of the above meeting be signed as a correct record of the meeting.*

*Pages 4-11*

**3. Matters to note**

*To receive a verbal update from the clerk on matters progressed since the last ordinary meeting*

**4. Declarations of Interest**

(a) Pecuniary Interests

*Declare those interests which have been declared on your Register of Financial Interests relevant to the agenda of the meeting. Whenever the item is being discussed, including public participation, you must leave the room and not take part in the discussion or decision.*

(b) Non-registerable Interests

*You must declare Non-registerable Interests at the start of the meeting or whenever the interest becomes apparent. Then when the matter is being discussed, even during public participation, you must leave the room and not take part in the discussion or decision.*

(c) Dispensations

*To consider any requests for dispensations relating to items on the agenda*

(d) Gifts and Hospitality  
*To declare any gifts or hospitality*

*Please call the Clerk before the meeting if you have any queries about these matters.*

**5. Chairman's Announcements**

*To allow the Chairman to make any announcements.*

**6. Cornwall Councillor' Report**

*To receive a report from Cllr James Mustoe*

**7. Public Participation**

*The Chairman will invite Members of the public to address the meeting.*

*15 minutes will be allocated for public participation (this can be extended at the Chairman's discretion). Each person addressing the Council will be allocated a maximum of two minutes.*

**8. Planning Applications and Related Matters**

*(a) To consider a response to the following application and any planning applications received after publication of this agenda:*

(i) PA20/09731 – 4 Garden Walk, Duporth: Construction of single storey extension with new sun terrace above and alterations to existing property *(revised plans)*

(ii) PA21/07474 – Polmear Farm, 32 Quay Road: Conversion of existing garages to form ancillary self-contained accommodation to Polmear Farm

(iii) PA21/07841: 179 Charlestown Road: Proposed summer house and decking

(iv) PA21/07953: 181 Charlestown Road: Works to trees covered by a TPO namely Group (G1) – unmanaged group of trees and laurel shrubs – 1 x Silver Birch, 1 Lime and Laurels – crown raise to 4m for access, to remove branches resting on the boundary fence and to be able to manage the ground around the trees

(b) To note the outcome of the following planning application: PA21/01311 – Land South of Duporth Road: Full planning application for proposed 2 units of affordable housing at land adjoining 31 Charlestown Road in conjunction with outline application for 6 open market housing on Duporth Road and proposed off road parking on Crinnis Road. *This application has been withdrawn*

(c) St Austell Bay Neighbourhood Plan  
*To note that the Plan was passed at referendum*

**9. Consultation on the Regulation of Jet Skis**

*To agree a response to a Government consultation on the regulation*

of jet skis

Pages 12-14

<https://www.gov.uk/government/consultations/strengthening-enforcement-of-the-dangerous-use-of-recreational-and-personal-watercraft>

**10. Cornwall AONB Unit: A Monumental Improvement**

*To consider writing a letter of support for lottery grant funding*

Pages 15-16

**11. South West Coast Path Closure**

*To note the current situation*

**12. Working Parties**

(a) Traffic Working Party

(i) *To agree Terms of Reference*

(ii) *To discuss the outcome of a meeting held on 15 October*

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(b) History Working Party

*To note a report on a meeting held on 14 October*

(c) Environment and Climate Crisis Working Party

(i) *To consider purchasing resources for the Diggers and Doers*

(ii) *To note a report on a meeting held on 12 October and discuss possible ways of improving communication with residents*

**13. Highways Matters**

*To note any concerns*

**14. Financial Matters**

(a) *To consider a request for grant funding from Light Up Charlestown*

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(b) *To note that the Annual Audit has now been completed*

Appendix (i)

(b) *To note that emergency repairs have been made to a noticeboard in Charlestown Road and ratify the expenditure*

(c) *To approve expenditure on a replacement front cover for the noticeboard at Higher Porthpean*

(d) *To consider the purchase of a wreath for the war memorial in Higher Porthpean and approve expenditure*

(e) *To note the current financial position and authorise payments*

Appendix (ii)

**15. Meetings/Training Attended**

*To receive an update from meetings or training recently attended by members or the Clerk*

**16. Correspondence**

*To note correspondence received since the last meeting*

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**17. Dates for the Diary**

*To note any forthcoming dates for members' diaries*

**18. Dates of future Parish Council Meetings**

*18 November, 16 December, 20 January, 17 February, 17 March, 21*

April



**MINUTES of a MEETING of ST AUSTELL BAY PARISH COUNCIL held on THURSDAY 9 September 2021 at 6.00pm in The Pattern Hall**

**Present:** Cllrs Bill Leach (Chairman), Sue Leach, Nick Foster, Nigel Chatterjee, Jackie Bull, Richard Hallows, Trudy Reynolds, Mike Norris, Sandie Tilsley

**In attendance:** Cllr James Mustoe CC; 10 members of the public

**(21/066) Apologies for Absence**

There were no apologies.

**(21/067) Minutes of a Meeting of the Parish Council held on 15 July 2021**

It was **RESOLVED** that the minutes of a Meeting of the Parish Council held on 15 July 2021 be signed as an accurate record of the meeting.

**(21/068) Matters to Note**

The Clerk reported that it has been a busy summer with lots of comments from residents and visitors particularly around traffic and parking.

The toilets have been exceptionally busy with around 250 (paying) visitors each day, and consequently they have taken a battering. The new entry systems are ready but there is a shortage of stainless steel for the surrounds so installation has been delayed.

The hall protocol has been revised and the temporary limit on numbers has been lifted. Bookings are really taking off from next Monday.

The Clerk encouraged the use of the Post Office outreach service as the Post Office is now monitoring its use and the facility could be withdrawn if more people don't start using it.

There is no news on the Charlestown Character Assessment and the Clerk reported that she is waiting for a decision from Historic England on the listing of the Rashleigh Car Park.

The Clerk reminded those present that it is the neighbourhood plan referendum on 16 September.

**(21/069) Declarations of Interest on Items on the Agenda**

There were no declarations of interest.

**(21/070) Chairman's Announcements**

The Chairman welcomed Cllr Sandie Tilsley to the council and wished her well for her forthcoming wedding. He thanked people for their good wishes during his recent ill health.

## **(21/071) Cornwall Councillor's Report**

Cllr Mustoe tabled the following report:

I hope you all at least survived the incredibly busy summer season. The weather now seems to have taken a turn for the worse but it was nice to be able to enjoy the weather while it lasted.

I met with residents, Cormac and the Parish Council to discuss car parking problems on Duporth Road. Some short term fixes to deter parking in hazardous areas with cones were agreed and implemented, and will stay in place until covid regulations end, which is currently on 30 September.

As well as this, some long term proposals to tackle parking in the area while helping the residents in the cottages at the bottom of the road, were proposed.

Cormac have now replied which I can present as follows:

*'At our meeting recent meeting at Duporth Road, we discussed a residents parking scheme for the handful of cottages where we stood.'*

*Cornwall's policy on Residents' Parking is contained in the Traffic Management Parking Policy Statement agreed by Cabinet in 2016.*

*In summary, residents' parking will only be considered as part of a wider transport strategy for a town, as introducing it with a piecemeal approach can result in commuter or other visitor parking migrating to neighbouring residential areas. As I mentioned on site, in relation to Charlestown, we received enquiries about parking concerns along Charlestown Road, Church Road (and Julie Larter had also shared a recent enquiry about this road) as well as the Castings Drive area, so these residents wouldn't be happy if a small scale scheme were to be considered at Duporth Road.*

*The process of reaching a concluded scheme, if taken forward, is very time consuming and costly (with surveys, pre-consultation and TRO consultation), and to recoup costs of consulting, implementing and running schemes, this income is only likely to cover costs where a high percentage of residents purchase permits. Experience from this process is that, in most cases, strategic residents parking schemes are unlikely to be supported in most of Cornwall's towns, and small schemes do not usually work due to impacts of displacement parking and not being easily enforceable within existing regimes.*

*Having said all that, there is a small opening in the Community Network Panel highways scheme – the FAQs for this says:*

*Q17. Can residents parking requests be included in the Network Highways scheme?*

*Residents' parking schemes will usually not be eligible for this funding unless the following can be evidenced:*

- local support for the scheme (not requiring further surveys at cost to the CNA);*
- that the scheme is affordable (most effective residents' parking schemes need to cover large areas to avoid displacement parking – such a scale is unlikely to be affordable);*
- The scheme is enforceable (remote schemes not on existing enforcement routes will cost more for the enforcement service)*
- The scheme will not result in displacement parking (introducing small scale schemes often push the non-resident parking into adjacent streets)*

*Here are a couple of links to the details of how the schemes are run, and the costs involved:*

[on-street-residents-parking-guidance-jan-2018.pdf \(cornwall.gov.uk\)](#)  
[Resident Parking Zones - Quick Guide \(cornwall.gov.uk\)](#)

*As you can see, this is quite a complex and an emotive issue. Unfortunately we often have individual residents who think a scheme will solve their problems but getting consensus from other residents, particularly when they have to pay, means that getting a viable scheme in place is not often straight forward. Also, it is noted that there are more properties for space available in the bay opposite the cottages at Duporth Road, so I am not sure how well received that would be either.'*

Regarding the limited waiting bay option opposite the cottages, Cormac would be grateful for details from the community and associated timings that might be acceptable to all residents in that area. Rachael did not think the costings would change much. I would be happy to work with the parish council to get his information from the residents, perhaps via a leaflet drop?

Turning to the vegetation defects that were discussed at the site meeting, Cormac confirmed that defects are categorised depending on highway safety risk. Whilst there may be evidence of growth encroaching into the highway it doesn't necessarily constitute a safety concern warranting immediate attention.

I reiterated the need for work to be done on this corner given what I believe are clear health and safety concerns and Cormac have now raised an instruction for the vegetation to be removed following the concerns raised by the community.

Finally, turning to the wider issues around Church Road that were touched on at the meeting, Cormac were keen to say that any new double yellow line or similar restrictions can be put forward by the Parish Council for consideration under any future community network-style highways schemes. The detail on the new scheme is yet to be given but I will be happy to support the Parish Council and local residents with any new schemes that come forward that ease parking and congestion issues in Charlestown and indeed, the wider parish.

Cormac also said that they would not oppose any potential park and ride scheme but that it would be for the parish council and any third parties to organise and run, as they would not have a role to play in it.

I met with a Cornwall Council officer on Porthpean Beach to discuss the signage and infrastructure around this site, which is in urgent need of review.

Subsequently, I have commitments from Cornwall Council to regularise the dog ban signage, remove out of date signage and infrastructure, remove large amounts of rubbish that had been allowed to pile up by the toilets and replace single bins with double bins, thus giving more capacity for the waste collection infrastructure at the beach. I await these points to be actioned.

I also met with Simon Hannaford from the RNLI at Porthpean to discuss safety awareness and signage across the whole of the coast of the Mevagissey and St Austell Bay Division.

I remain in regular contact with Cornwall Council's planning officer around the hybrid planning application at Duporth that has attracted comment. I will provide a further update once there is something substantive to give.

In enforcement matters, following my request in May, I had confirmation yesterday that Cornwall Council will be allocating a planning and enforcement officer to be dedicated to Charlestown. I hope this will help with the issues around the village and harbour, avoid duplication and things being missed from the council and ensure that the importance of the World Heritage Site continues to be recognised.

I have continued to report issues of ASB in our coastal waters to the appropriate bodies when the situation merits it. The Parish Council may be interested in responding to the Government's consultation on better regulating the use of personal watercraft aka jet skis, which went live on Monday:

<https://www.gov.uk/government/news/government-to-clamp-down-on-dangerous-use-of-jet-skis-with-new-legislation>

I have scheduled the first organised beach cleans that we have been able to hold in over 18 months, in conjunction with Three Bays Wildlife Group as part of the Marine Conservation Society's Great British Beach Clean Week. The one in St Austell Bay Parish will be taking place on Sunday 26 September at Porthpean beach. All equipment will be provided by me and Clean Cornwall.

Finally, yesterday I was honoured to be invited to an unveiling of a memorial plaque to commemorate those men from Porthpean village who lost their lives in the two world wars. Thank you to Kathy Stills for putting in years of work to get to this point. It was a moving service.

The Chairman thanked Cllr Mustoe for his input into the traffic issue and said that last year the council met with the Highways Officer regarding Duporth Road and the possible installation of residents parking bays, but the cost was c£7500 – c£10,000 per bay. It is a difficult problem to try to resolve as there are similar issues on Charlestown Road and in Church Road. He wondered whether the situation had been exacerbated in the last 2 years because of the Covid situation.

### **(21/072) Public Participation**

A member of the public expressed concern about planning applications PA21/07841 and PA21/07952 relating to 179 Charlestown Road. Another member of the public questioned whether an application for a change of use should have been submitted as this is a former orchard.

A member of the public enquired about the 3 allocated time limited parking spaces near Charlies coffee shop on Charlestown Road. Cllr Mustoe is to contact the Highways Officer for further information.

A member of the public stated that the recent public consultation had no value. No cost benefit analysis had been undertaken and he felt that the questions were biased.

A member of the public expressed his concern that a letter sent to the council regarding plots X and Y had not been replied to. The Chairman said that the letter did not indicate that a reply was requested. The member of the public also said that he felt that comments made by residents should be made public and had asked for a copy of the comments. The Clerk had checked with the Information Commissions Office that it was acceptable to forward these on, which it is and she had previously explained that she would provide the comments when her workload permitted. The member of the public felt that the answers to plots X and Y did not show overwhelming support. The Chairman said that he admitted that there was a mistake in the questionnaire in that tick boxes for Plots X and Y should have been greyed out.

### **(21/073) Planning Applications and Related Matters**

(a)

(i) PA21/07952: 179 Charlestown Road: Works to trees namely Ash (T1) – fell, Ash (T2) – fell, Sycamore (T3) – pollard to 4m height, Ash (T4) – pollard to 4m height: all subject to a Tree Preservation Order

(ii) PA21/07841: 179 Charlestown Road: Proposed summer house and decking

As the Tree Officer has asked for additional reports, the applications were deferred to the October meeting for consideration.

(b) The outcome of the following applications received during the summer break was noted:

(i) PA21/06714: 181 Charlestown Road: Works to trees namely row of Limes (G1) Crown lift to 3m retaining the large lowest laterals – subject to a TPO  
*Application was deemed invalid.*

(ii) PA21/07384: Charlestown Battery – Works to trees within a Conservation Area:  
Felling of trees and vegetation  
*Decided not to make a TPO*

(b) The Clerk updated members on the following applications:

(i) PA21/01311 – Land South of Duporth Road: Full planning application for proposed 2 units of affordable housing at land adjoining 31 Charlestown Road in conjunction with outline application for 6 open market housing on Duporth Road and proposed off road parking on Crinnis Road

*Following discussions with the planning officer, the agent is considering withdrawing the application.*

(ii) PA20/09731 – 4 Garden Walk: Construction of single storey extension with new sun terrace above and alterations to existing property

*Amended plans are to be submitted. The applicant has offered to attend a parish council meeting to answer questions and neighbours have been consulted.*

### **(21/074) Parish Consultation**

The results of the consultation were noted. Cllr Hallows asked whether a postcode analysis had been undertaken, but Cllr Sue Leach said that this was not possible as not all respondents gave their postcode. Cllr Bull stated that the consultation was undertaken at the request of a group of residents who wanted more public involvement in the decision making process and that it was intended to act as a flavour of what residents think about the parish council taking over the plots of land.

### **(21/074) South West Coast Path**

The Clerk reported that Section 25 agreements have been drafted and sent to all affected landowners. Until they have all been agreed, Cormac cannot proceed with the roll back.

Work to East Cliff, Charlestown is due to commence w/c 1 October and a compound will be set up prior to this. The work is scheduled to take approximately 5 weeks.

### **(21/075) Highways Matters**

(a) Parking in the Parish

A number of complaints had been received over the summer regarding traffic and parking and Cllr Bull suggested that as a solution could not be found tonight, a working party should be set up to look at the traffic/parking problem across the parish. The Highways Manager would be invited to attend the first meeting and Cllr Mustoe offered to be involved. Residents from each problem area would be invited to express their concerns and the group would draw up a list and consider the problems in a whole parish approach. Terms of Reference will be considered next month. Cllr Bull asked for a clarification of costs previously provided to the parish council.

A resident of Charlestown Road stated that she does not have any private parking and it is very stressful when she cannot find anywhere to park. Some residents have already moved out of the village as a result of the problem, causing more family homes to be converted into holiday homes. The member of the public asked whether a scheme for residents parking permits could be put in place for the summer months as she felt that residents' needs should be put over those of visitors.



A member of the public expressed concern at the proposal for ANPR cameras on Quay Road. Cllr Mustoe stated that he had been contacted by a resident about enforcement of any such scheme and Planning Enforcement said that it is a matter between residents and the landowner. However he reported that he has asked for a named Enforcement Officer for the area.

Cllr Chatterjee queried whether there had been a public consultation before the installation of additional double yellow lines in Charlestown and the Clerk confirmed that there had.

(b) 20 Is Plenty

Cornwall Council is looking for expressions of interest in being included in the scheme. It was **RESOLVED to put forward the following roads for inclusion in the scheme. Charlestown Road – entire length from end of current 20MPH restrictions; Church Road - entire length; Duporth Road entire length**

(c) Footpath 26

It was noted that The Cornwall Council Footpath 26 St Austell Bay (Part) (Land West of Anneth Lowen, Carlyon Bay) Public Path Diversion Order 2021 was made on 5 August.

(d) Any other concerns

Cllr Reynolds informed the meeting that an entrance to a field recently sold at auction has had an entrance onto the road created and that there is a current enforcement case relating to this.

**(21/076) Regatta Playing Field**

The Clerk reported the working party met on 19 July and the new play area was opened on the same afternoon. The play area has been very well used over the summer. On 22 July there was a photoshoot with the St Austell Voice. The Clerk reported that she is waiting for Cormac to undertake repairs to the goalmouths. There is still no progress with the flooding problem. The next meeting of the working party is on 26 October.

**(21/077) Environment and Climate Change Working Party**

(a) It was **RESOLVED to change the name of the working party to the Environment and Climate Crisis Working Party**

(b) Working party

Notes from meetings held on 20 July and 3 September which had been previously circulated were noted. The notes are available on the website. Cllr Reynolds explained that the planning checklist could act as an aide memoire to councillors when considering planning applications.

Cllr Reynolds asked whether the parish council would meet the cost of printing flyers to be circulated to residents and it was **RESOLVED that the parish council would meet the cost of printing flyers if they were produced in-house.** Flyers will be distributed later in the year.

Cllr Reynolds mentioned the Peoples Climate Festival which is being held in St Austell on 29 November.

**(21/078) Code of Conduct Complaint**

The outcome of the following Code of Conduct complaints was noted:

Case No CCN013/21/22: Complainant Miss A Browning; Subject Member Cllr B Leach

Case No CCN013/21/22: Complainant Miss A Browning; Subject Member Cllr S Leach  
Both cases have been dismissed.

Cllr Chatterjee said that some members of the public may not like the outcome of everything the council discusses, but decisions are the responsibility of the whole council and that he was saddened that a member of the public felt they had to issue a Code of Conduct complaint.

### **(21/079 Financial Matters**

(a) AONB Monumental Improvement Project

The council has been approached by the AONB unit for a donation towards the project. The Clerk was asked to respond by saying that this doesn't meet the council's grant criteria and the council would require more information. However provided the money was ring fenced to the Black Head fort project the council would consider making a donation at the point at which the unit intended to work on the Black Head project.

(b) The current financial position was noted and payments made in August were ratified. As this meeting had been brought forward details of September's payments will be circulated later in the month and will be ratified in October.

<b>Payee</b>	<b>Purpose</b>	<b>Amount</b>
SWW	Water for hall	£ 27.50
SWW	Water for toilets	£ 103.50
Lloyds Bank	Credit card	£ 336.98
JB & J Kneale	Quarterly lease	£ 212.50
BT	Telephone and internet	£ 83.28
BT	Clerk's mobile phone	£ 24.00
SSE	Electricity for toilets	£ 106.07
Wicksteed Leisure	Regatta field improvements	£ 54,086.49
Cornwall Signs	Sign for toddlers' play area	£ 42.00
Blenheims Estate & Asset Management	Monthly estate service charge	£ 12.00
Biffa	Annual litter bin servicing – Trenarren	£ 280.80
Staff/CPF/HMRC	Salaries and oncosts	£ 3,191.38
Duchy Defibrillators	Annual monitoring charge for Duporth Bay unit	£ 192.00
Zurich Insurance	Additional premium for Regatta field play equipment	£ 225.10
Vision ICT	Additional email account	£ 21.60
Wallgate	Annual service plan for handwashers	£ 1,197.00
Cornwall Waste Solutions	Monthly waste collection	£ 19.80
Lyreco	Toilet rolls	£ 127.06
Starboard Systems	Accounting software subscription renewal	£ 561.60

It was noted that Cllr Chatterjee has checked credit card receipts.

### **(21/080) Meetings/Training Attended**

19 July – Cllrs Bull and Hallows together with the Clerk attended the Regatta Working Party meeting  
 20 July and 3 September – Environment and Climate Crisis working party meeting  
 10 August – The new Chairman of the Church Hall Trustees introduced herself to the Chairman and Cllr Bull  
 10 August – Cllrs Foster and Bull met with Cllr Mustoe and the Highways Manager to discuss issues on Duporth Road  
 18 August – Clerk attended a briefing by Cornwall Council on Cornwall Council's finance and the new way of submitting precept demands  
 8 September – Chairman and Cllr Sue Leach attended the unveiling of a plaque in Higher Porthpean commemorating those lost in the first and second world wars.

### **(21/081) Correspondence**

A list of correspondence had been previously circulated and in addition the following correspondence was received after publication of the agenda:

- Invitation to attend Code of Conduct training
- Request for comments made by respondents to the parish consultation
- Letter from Cllr Martin Alvey about Cornwall Council's campaign to ban the sale of environmentally damaging surf boards
- Details of a consultation on the use of jetskis (this will be on next month's agenda)
- Copy of correspondence regarding a complaint to Cornwall Council's Licensing and Environmental Health departments regarding music on Charlestown harbour
- Details of Cornwall Council's consultation on its Safer Cornwall initiative
- Notification that Historic England is considering amending the entry for Charlestown Harbour including the harbour piers and quays and the inner basin

### **(21/082) Dates for the Diary**

16 September – Neighbourhood Plan Referendum

### **(21/065) Dates of future Parish Council Meetings**

21 October, 18 November, 16 December 2021, 20 January, 17 February, 17 March, 21 April 2022

The meeting closed at 7.53 pm

Chairman

Date

### Jet Skis in St Austell Bay and Department of Transport National Consultation

There has been some comment on the increase in use of Jet Skis (now also known as Private Watercraft-PWC) in the St Austell Bay area with potential for conflict with recreational swimmers, other boat users, fishing, mussel farming activities and wildlife. They are highly noticeable due to the noise and water disturbance that they create. The local increase in use is on trend with UK-wide figures where there are approximately 14-16,000 PWC with about 1,200 new craft arriving each year. Statistics suggest that there are over 300,000 PWC users who enjoy this activity in the UK on a regular basis.

Although the riding of PWC is, in most cases, conducted sensibly and safely, the number of serious incidents has been increasing. Over the past 10 years there have been 11 fatalities involving PWCs noting that not all of these were related to incidents involving other water users and since the beginning of 2020, there have been 4 fatalities related to dangerous driving on jet skis. At least one incident involving a conflict between a jet ski and swimmer has been reported in our area.

The need for amended regulation to cater for PWC became evident in a court case involving a PWC where the user was charged with manslaughter, rejected on appeal because the definition of “ship” in section 313(1) of the MSA 1995 “including every description of vessel used in navigation” has been established for over a century and the ‘jet ski’ did not fall within the legal definition. A Department of Transport consultation <https://www.gov.uk/government/news/government-to-clamp-down-on-dangerous-use-of-jet-skis-with-new-legislation> is underway and is seeking inputs from interested parties.

The aim of the draft Merchant Shipping (Watercraft) Order is to bring PWC, recreational and other descriptions of watercraft within the scope of relevant provisions of the MSA 1995 and the Harbours Act 1964. The key impacts will be to:

- enable enforcement authorities to prosecute the owners and users of watercraft where these endanger ships, other watercraft, structures, or individuals.
- extend relevant safety regulations so that they apply to all watercraft.
- enable owners to voluntarily register all watercraft should they wish to do so.
- applying the offence of conduct endangering ships, structures, or individuals regardless of whether the watercraft involved was seagoing or the master was employed.
- making watercraft owners liable for unsafe operation.
- powers to enable enforcement authorities to detain unsafe watercraft.
- applying relevant safety regulations made under the MSA 1995 in a way that is appropriate and proportionate, and enabling future regulations to be made specifically for watercraft if required.
- facilitate voluntary registration of watercraft on the UK Ship Register.
- the proposals will also bring PWCs and other watercraft within scope of the provisions of the Harbours Act 1964 which uses the same definition of “ship” as the MSA 1995. The Department anticipates that this will further assist, for example, harbour authorities in developing Harbour Directions to assist in the effective management of their waters.

Under the current system, local authorities (LAs) have the power to regulate speed and nuisance driving through byelaws, with the power to fine those breaching the rules up to £1,000. Although many LAs have introduced speed limits, signage, and ID tags to prevent accidents, there are unmanaged waters around the UK and, since the beginning of 2020, there have been 4 fatalities related to dangerous driving on jet skis, which these laws will help to prevent. Bringing recreational and personal watercraft in line with laws in place for boats will ensure tougher sentences for reckless driving across all waters. Using concepts already within similar merchant shipping legislation, Article 3 of the draft Order defines “watercraft” as any type of craft which:

- a. is situated wholly or partly in water
- b. is used, or is capable of being used, to carry one or more persons.

- c. is less than 24 metres in overall length.
- d. exemptions are included for ships or fishing vessels, for which the MSA 1995 already makes separate provisions for safety, any unpowered craft which is less than 2.5 metres in length or any product such as an inflatable dingy designed or intended for use in play by children under 14 years old.

The DoT believes that this definition will capture all relevant PWCs, recreational and other watercraft such as speedboats as well as larger unpowered craft and bring them within scope of the MSA 1995 and Harbours Act 1964. Should any owner or user of a watercraft within this definition fail to comply with relevant safety requirements then they will, in future, be open to prosecution by the relevant enforcement authority. 4 options for enforcement powers have been identified by the DoT:

**Option 1 – Do nothing** Without new national legislation there would continue to be a gap whereby enforcement powers for PWC riders and users of other similar watercraft may not be available depending on the circumstances and location of the misuse. Self-regulation, training and awareness raising of the risks and dangers of misuse has not, so far, abated the numbers of incidents occurring. Doing nothing therefore offers no opportunity to improve the current situation.

**Option 2 – Introduce new primary legislation** This option would require introducing a new Act of Parliament and would take significantly longer to develop, consult, and bring any new legislation into force. By establishing a separate regime this option would also create a disparity between the legislation, rules, and offences for different vessels in use on the water. This could, potentially, cause confusion within enforcement authorities.

**Option 3 – Legislation under the Railways and Transport Safety Act 2003 (preferred)** Make legislation under section 112 of the Railways and Transport Safety Act (RTSA) 2003 to extend the relevant provisions of the MSA 1995, and related regulations, to encompass recreational watercraft and PWCs. This is the Department's preferred option and is the most efficient way to bring recreational watercraft and PWCs within scope without affecting the significant amount of merchant shipping and safety legislation already in place.

**Option 4 – Amend the MSA 1995 definition of “ship”** The current definition of ship has been established for over a century and provides that “ship includes every description of vessel used in navigation”. Given the large number of instruments, history, detailed and technical nature of many of these provisions, any move in this direction could quite easily have unforeseen and unintended consequences. There would also be a significant cost implication to the public purse in the bureaucratic process of reviewing vast swathes of existing legislation and making potentially complicated amendments or exclusions where applicability might not be suitable for recreational watercraft and PWCs.

## Department of Transport Recommendation

The Department's view is that recreational watercraft and PWCs should be brought within scope of existing merchant shipping legislation to ensure that there is consistency and parity across all ships, recreational watercraft and PWCs in the United Kingdom.

This will bring recreational and personal watercraft, such as jet-skis and speedboats, under the same laws as those who operate ships, meaning tougher sentences for those caught driving dangerously.

Under the current system, local authorities (LAs) have the power to regulate speed and nuisance driving through byelaws, with the power to fine those breaching the rules up to £1,000.

Although many LAs have introduced speed limits, signage, and ID tags to prevent accidents, unmanaged waters remain around the UK.

Bringing recreational and personal watercraft in line with laws in place for boats will ensure tougher sentences for reckless driving across all waters.

St Austell Bay Parish Council is an “interested party” and will respond to the consultation. So far, a concern has been raised about voluntary as opposed to compulsory registration of watercraft on the UK Ship Register with support for the DoT’s preferred Option 3.

Dear St. Austell Bay Parish Council,

In 2019, the Parish Council kindly supplied a letter of support for the Cornwall Area of Outstanding Natural Beauty's (AONB) heritage project, A Monumental Improvement as part of our development stage funding application made to the National Lottery Heritage Fund. The project is looking to tackle the current limited understanding of scheduled monuments in Cornwall as sites of national archaeological significance, and to establish a wide ranging activities programme to engage local communities with heritage, develop skills, create jobs, improve health and wellbeing and increase physical and virtual access to the sites. Ultimately, the project hopes to remove as many of the 40 sites as possible from the heritage at risk register which is managed by Historic England.

With your support, and that of our funders, partners and landowners, we were successful in our funding application and the project was officially launched in January 2020. During the development stage of our project, we have:

- Commissioned the Cornwall Archaeological Unit to survey the 40 sites and create bespoke management plans for each
- Undertaken ecological appraisals of all 40 sites
- Tested an activity programme with a focus on improving health and wellbeing
- Worked with the Sensory Trust to explore how we can engage new audiences and understand barriers to access
- Examined the current project audience and worked on developing links to new ones
- Commissioned an Interpretation Plan to improve knowledge of, and access to, the sites

We are now coming to the end of our current funding period and are looking to make an application to the National Lottery Heritage Fund for a grant of over £400k, with a view to the project's delivery stage commencing in 2022.

**The delivery stage of the project will aim to:**

- Implement the bespoke management plans to help stabilise the scheduled monuments
- Deliver an extensive activity programme to engage more people with heritage
- Stimulate volunteering within the Cornwall AONB and provide training opportunities to help improve health and wellbeing of local communities, working closely with social prescribing
- Equip landowners, volunteers and community groups with the training and knowledge needed to sustain the monuments and the ecological environment around them
- Implement an interpretation plan to connect people with the monuments, accessible both onsite and offsite
- Undertake education and outreach at our sites to encourage a wider range of people to visit heritage sites
- Create two new apprenticeships and fund two full time staff roles for two years

In St. Austell Bay Parish specifically, we are working to protect Black Head Fort (Historic England list entry number: 1004391), which is designated as "at risk" by Historic England. The project aims to run an exciting activity programme at this site, which includes:

- Historic England heritage school's teacher training to encourage more school children to engage with the history of the monuments,
- Ecological 'Toolbox' talks where an ecologist will speak about the species found at the site and teach participants how to identify them,
- Archaeological training for volunteers to enable them to monitor coastal erosion,
- Yoga, forest bathing and meditation sessions delivered by an external contractor during the summer months,
- Active Cornwall cycling sessions – encouraging active travel to the sites and organising unique site visits,
- Monument Celebration Week – celebrating the monument through activities like running workshops, guided walks and stands with experts to engage with the public.

Furthermore, we will be improving the interpretation provision to educate and inform both residents and visitors to the sites.

We would be very grateful if you would consider providing us with new a letter of support for funding the delivery stage of the project which we could submit alongside our application to the National Lottery in November 2021. As the grant process is highly competitive, letters of support will go a long way in demonstrating to the lottery the vital nature of this project. We are already working closely with the landowners of the 40 sites, as well as with local community groups and partners who are lending their backing. However, there are a myriad of ways in which this project is benefitting, and can continue to benefit, local communities such as the ones you support, and so we would be very grateful to also receive a letter from the Parish Council which reflects the importance of this heritage project in protecting over 4,000 years of Cornish history.

Please find attached a presentation which gives a more detailed overview of the Monumental Improvement project, as well as a template letter of support which we would be grateful if you would consider providing by the end of October. We welcome any questions and would be happy to speak in more detail about the project with you.

Thank you in advance for your continued support.



## **Traffic Working Party Terms of Reference**

### **Background**

St Austell Bay Parish Council has received numerous complaints over the past 3 years regarding a lack of parking for residents in Charlestown and Duporth Road, inconsiderate and dangerous parking on Porthpean Beach Road, Charlestown Road, Church Road and Duporth Road, high volumes of traffic, speeding traffic and lack of consideration for residents.

### **Purpose**

To liaise with stakeholders to identify all issues regarding transportation and highways around the parish and establish solutions.

### **Membership**

- The group is a working party of St Austell Bay Parish Council
- Membership is to be determined annually by the parish council, but to be a mixture of councillors and non-members
- Non-members agree to abide by the council's Code of Conduct

### **Meetings**

- Meetings are to be held as required. They are not required to be held in public, but in the interest of good practice, notes should be kept
- One councillor is to be responsible for reporting activity to the parish council

### **Budgetary Responsibility**

- The Traffic Working Party does not have delegated powers to spend money. All recommendations for expenditure are to be put to the full council for consideration

St Austell Bay Parish Council

Grant Application Form

Name of organisation LIGHT UP CHARLESTOWN	Project title CHRISTMAS LIGHTS
Address of organisation CHARLESTOWN	Amount requested £250
If a registered charity, what is the registration number or I hereby declare that this organisation is non-profit making ✓	
Purpose of the grant request To enable the purchase of extra Christmas lights for Charlestown Village.	What will be the benefit to the residents of St Austell Bay parish It has been a particularly hard year for many of us, so having the village lit up at Christmas will be an opportunity for the community to come together and enjoy a feeling of joy and goodwill.
Approximately how many people will benefit from this grant THE PARISH AND ALL RESIDENTS	
I hereby declare that to the best of my knowledge the information given on this application form is correct. Should any grant offered not be used in accordance with the terms and conditions set out by the parish council, I undertake to repay the amount to the parish council on demand.	
Signatory	Date 8-9-2021
Name and Position in organisation TREASURER	

Enclosed: Copy of latest bank statement (s) L

**Agenda Item 21 - Correspondence Received Since 9 September**

- Cornwall Council's Town and Parish Council newsletters
- Various communications from Cornwall ALC
- Complaint about parking in Porthpean car park
- Details of finance training
- Correspondence regarding proposed parking restrictions in Quay Road
- Consultation on Sky Primary School and Eden Project Nursery
- Cornwall AONB newsletter
- Invitation to the Chairman to attend St Austell Town Council's Mayor Making Ceremony
- Request for more litter bins in Charlestown
- Invitation to attend the People's Climate Festival on 27 November
- Invitation to attend and Open Day at St Austell Foodbank on 15 October