

KIRBY HILL AND DISTRICT PARISH COUNCIL

(incorporating Kirby Hill, Milby, Thornton Bridge, Humberton & Ellenthorpe parishes)

MINUTES of the parish council meeting held at 7.00 pm on 13 November 2017, in the Coronation Hall, Milby (Notice having been given).

PRESENT: Cllrs Lawson (Chairman), Hick, Jones, Lister, Merson, Smailes, Widdows, Wilkinson, DCllr Brown, NYCCllr Windass (from 7.15pm) and Martin Rae (Clerk).

Public: Gareth Owens and Thomas Wilkinson

1. APOLOGIES for absence: None

2. CODE OF CONDUCT/REGISTER OF INTERESTS: Cllr Wilkinson 8b&f - as tenant farmer of land subject to applications, Cllr Merson 4d, Cllr Lister 7c

3. MINUTES of the meeting of 11 September 2017, having been distributed previously were accepted as a true record and duly signed by the Chairman.

Matters arising - none

Item 6b. taken at this time to allow DCllr Brown to go on to another meeting. See below.

4. FINANCE

Clerk reported:

- a) Balance at 13 Nov 2017 **£5,103.07** (Anticipated carryover 31 March £3,500)
- b) Coronation Hall rent of room – **payment agreed**
- c) AA Foster Grass cutting – 2nd half year + 3 extra cuts **£415.00 Payment agreed**
- d) Martlets Food/Agricultural Services (Cllr Merson) fuel/equip expenses for 7 cuts on Milby Island **£210+VAT payment agreed**
- e) Royal British Legion wreath donation (S137) **£35.00 paid**
- f) Boroughbridge Community Care donation (S137) **£30.00 paid**
- g) Kirby Hill United Benefice Magazine donation (S137) **£30.00 paid**
- h) HMRC (for July/August/Sept) **£97.38 paid**
- i) HBC Precept 2nd half year **£2,000 rec'd**
- j) Northern Electric wayleave **£49.38 rec'd**
- k) Langthorpe Parish Council – Milby Island project contribution **£300.00 rec'd**

5. CORRESPONDENCE

- a) **HBC Parish Estimates. Precept 2018/19** – Letter requesting parish estimates for 2018/19 precept. Clerk had previously distributed a document outlining a budget for the coming financial year and correlating precept amount with estimated carryover (reserve funds) Cllr Wilkinson proposed a precept of £4,000, the same as the current year. Seconded by Cllr Merson. Unanimously **agreed**. The clerk estimated this would leave a carryover at end of March 2019 of £2,500-£2,800. Clerk to submit budget and precept application to HBC by end of December **ACTION CLERK**
- b) **Newby Hall Estate Office** – Confirmation that the estate will contribute £300.00 to the Milby Island maintenance in 2018 (Milby Island Project)

6. COUNCILLORS' REPORTS & MEETINGS

- a) **NYCC** - NYCCllr Windass reported on the Allerton Waste Recovery plant, which was now more or less fully operational, taking rubbish from the whole of North Yorkshire and putting electricity into the national grid. It only remained for the operators to find a market for the excess heat and Amey Cespa had therefore approached the Sugar company based in the Cayman Islands and Dubai. NYCC owned the land next to the incinerator and had agreed to sell it to the sugar beet processing company. Heads of Agreement had been signed and a contract would follow if the planning application gained approval. Cllr Merson challenged NYCCllr Windass about the sale of the land for what many considered to be a low price. He asked why it had not been put on the open market where a very much higher price could have been achieved - perhaps for residential development. Cllr Windass explained that the sale decision was made by the Executive Committee of NYCC, of which he was not a part and that it could not be 'called in', despite Cllr Merson's repeatedly

asking why he had not, on behalf of his constituents who expected accountability, challenged the land sale.

Having described the severe implications of the proposed sugar beet factory for the local area in terms of traffic and visual impact he explained his difficult position and why he was 'sitting on the fence' and not committing himself in advance so that he would be free to speak once the planning application was in.

Cllr Windass also reported on the new local bus services. The 1A service to Harrogate had been a purely commercial operation but had not proved viable. The replacement 21 service from Boroughbridge would run on a two hourly basis and terminate in Knaresborough.

On a cheerier note he reported that North Yorks now stands in the top 15% in the country for GCSE results.

The chairman asked about the MSA situation. Gareth Owens was present at the meeting and as leader of the Kirby Hill RAMS was able to report that there were delays due to Highways England having put a 6 month hold on HBC's ability to determine the application and to the need also for more environmental information. He expected the application would go before the Planning Committee in February or March 2018.

DCllr Brown pointed out that there was no provision for an MSA in the emerging Local Plan.

- b) HBC** - DCllr Brown reported that he had arranged to meet Julian Smith MP on 8 December to discuss the sewage situation in the area and Yorkshire Water's continuing failure to take any action. He hoped Julian Smith would facilitate a meeting between himself and the Chief Executive of Yorkshire Water. All Cllrs agreed that it was totally unacceptable that there should often be raw sewage on the streets in the Boroughbridge area because of YW's failure over several years to make necessary improvements to the infrastructure. Cllr Brown had gathered some evidence to use in his meeting, mostly from Boroughbridge and Langthorpe, and asked for any in the Kirby Hill area. Cllr Lister had photographic evidence of sewage flooding in Leeming Lane and agreed to send this to Cllr Brown.

ACTION CLLR LISTER

Regarding the planning application from Future Habitats for 87 dwellings in Kirby Hill (see 8f. below) Cllr Brown reported that he was working with Gareth Owens to provide statistical evidence that the area is becoming over-developed and taking a totally disproportionate share of the District's new housing development. The chairman distributed to the group copies of Mr Owens' statistical analysis, showing that the number of houses in the parish council's area is projected to grow two and a half times by 2020 if all of the proposed housing developments currently known about are permitted. Cllr Lawson remarked that there was now an issue of trust in the consultation system since he had on three separate occasions during the Sites Allocation consultation been assured by three different officers that the area to the north of Kirby Hill would no longer be included.

7. ONGOING AND OTHER MATTERS – UPDATES

- a) Milby Island Management Project** – Cllr Merson, who will manage the project and the 2018 maintenance contract, reported on the satisfactory funding situation and recent meeting with the Canal and River Trust, whose staff are being very supportive. The Trust is paying for welcome and interpretative panels and for a number of benches and a picnic table. Cllr Merson also reported on the recent work NYCC Footpaths and Rights of Way Dept. had done to improve the footpath from the pumping station near the road bridge to the point where it reaches the canal towpath.
- b) Parish Representation – Email address database** It was agreed to put this item on hold until the position regarding the new GDPR (General Data Protection Regulations), due to come into force in May 2018, was clearer – especially regarding the storage of email addresses and the need for parish councils to register under the Data Protection Act.
- c) Overgrown public footpaths** - The chairman thanked Cllr Lister for the work done to the Church Lane footpath (linking Milby with Kirby Hill) and the footpath on the northern edge of the Harron Homes site. Cllr Lister reported, however, that he had been fined by the RPA (Rural Payments Agency) for being too brutal with the hedge cutting in the Church Lane footpath. The chairman offered the council's support to Cllr Lister, should this prove necessary in his discussions with the RPA.
- d) Village parking complaints & village green issues.** The clerk had written to the resident of Manor Drive who had left a car parked for several weeks on the green. The resident removed the car and the clerk had written to thank him. It had been confirmed at a Village Greens Management course recently attended by the clerk that parking on registered village greens was definitely not permitted, nor were any rights of way to private properties permitted (unless created before the

land was registered as a green). The clerk had previously distributed to all councillors a briefing note he had written following the course. This was intended to clarify certain issues concerning the green and to confirm that the creation in the 1960's of the road access to Manor Drive and the other two driveways across the green to Manor Drive properties had been illegal. This was because the Nidd Estate at the time had given permission to the County highways department and to the developer to 'breach' the verge *after* the application by the then parish council to register the land as a village green had been accepted by the County Council.

- e) **Online banking** The clerk requested the use of the online banking facility since more and more payments and receipts were now by BACS and it would enable the clerk to check the account at any time. It would also enable, for security reasons, other named councillors to have view access to the account. The clerk suggested that invoices could be signed and countersigned by the chairman and another councillor if payment was to be by BACS. Cllr Merson proposed that the clerk should proceed with HSBC registration for online banking and this was seconded by Cllr Wilkinson. Cllrs unanimously agreed. The clerk would bring the necessary papers to the next meeting for authorisation. **ACTION CLERK**

- f) **2018 meeting dates** the clerk proposed the following Mondays:
8 Jan 12 March 14 May (inc AGM) 2 Jul 10 Sept 12 Nov
Cllrs to let clerk know asap if any of these are not suitable

8. PLANNING

a) **17/02632/FUL**

Ward's Barn Tinkler Lane, Milby - Mr & Mrs P Greenwood

Conversion and extension of barn to form one dwelling and installation of package treatment plant.

PENDING

b) **17/03414/EIAMAJ**

Land comprising OS Field 3300 Marton-le-Moor - Applegreen Plc

Outline application for a proposed Motorway Services Area (MSA) on west side of A1(M) with vehicular access over bridge from and to southbound carriageway and partial diversion of A168, with associated infrastructure and staff access from B6265

PENDING

c) **17/03376/REMMAJ**

Land comprising field at 439826 467466 Milby - Miller Homes

Reserved matters application under outline planning permission 15/04164/OUTMAJ for erection of up to 145 dwellings with appearance, landscape, layout and scale considered.

PENDING

d) **17/03131/LB**

Kirby Hill House, Church Lane, Kirby Hill – Mr & Mrs Hawkesworth

Listed Building consent – replacement of fenestration.

GRANTED

e) **17/03343/FULMAJ**

Broomfield Farm, Thornton Bridge – Sally Farms Ltd.

Erection of a free range egg production unit and formation of associated access track, turning area, hardstanding, feed bins and landscaping.

PENDING

f) **17/04318/OUTMAJ**

Land comprising field 438887 468593 Church Lane Kirby Hill – Future Habitats Ltd

Outline application for up to 87 dwellings with access considered

(Cllr Wilkinson declared with regret that his interest in this matter was prejudicial and the clerk asked councillors if they wanted him to leave the meeting during discussion of this item. Cllrs Smiles proposed that he be allowed to remain. This was seconded by Cllr Merson and agreed by the rest of the council)

CLLRS AGREED (with Cllr Wilkinson abstaining) THAT THE PARISH COUNCIL SHOULD OBJECT TO THE APPLICATION ON PLANNING GROUNDS THAT WOULD INCLUDE: OVER-DEVELOPMENT; THAT IT WAS CONTRARY TO ASPECTS OF THE LOCAL PLAN CONCERNING LAND TO NORTH OF VILLAGE; HARM TO LANDSCAPE; LACK OF REQUIRED CONSULTATION AND CONCERNS ABOUT THE ROAD LAYOUT IN PROPOSED DEVELOPMENT ALLOWING POTENTIAL ACCESS TO FURTHER DEVELOPMENT IN ADJACENT FIELD.

The chairman asked the clerk to draft a response accordingly and distribute it to councillors prior to submitting it to HBC

ACTION CLERK

Next Meetings (2018) **8 January 12 March 14 May (inc AGM) 2 July 10 September 12 November**

Meeting ended at 8.40pm

Signed.....Date.....