

Whitley Parish Council

1. The meeting was opened at 7.00 pm by the Chair Cllr Walton.

2. Open Public Forum(OPF) 15th Feb 2022

2.1. Three members of the public were present at the meeting along with Selby District and North Yorkshire County (SD&NYC) Cllr McCartney.

Cllr McCartney commented on the additional graffiti painted on the walls of the underpass. An eyewitness spotted an individual in late 20's who had carried out the offense on completion of which headed off in the direction of Eggborough. Assurance was given that Selby Council Road maintenance team will clean the walls, but it may take some time to schedule the work.

Cllr McCartney advised he has been pressing the new Police and Crime Commissioner Zoe Metcalfe and NY Highways department for action in the deployment of average speed cameras at sections of the A19, and A63 where collision rates are high and there is little scope for traffic calming measures. In the past North Yorkshire police have been reticent to approve installation of speed cameras but there is now growing interest in the siting of cameras at strategic locations. The costs could be more than offset by the increase fines that would be levied on offenders.

Cllr McCartney indicated that he had sought to arrange a public meeting with Zoe Metcalfe (Police & Crime Commissioner NYC) but had settled for a virtual meeting. The session will be joined by Parish Councillors from Eggborough and councillors from one of the smaller villages in the Osgodby Ward. Some of the issues that will be addressed are: the unique geography of the region bordering three other counties, the primary and arterial network of roads passing through the ward M62, A1, A19 and A64 that facilitate cross border crime; the magnitude of fly tipping in the area. In preparation for the session Cllr McCartney will be seeking comments from residents about concerns that can be feedback during the virtual meeting.

Cllr McCartney advised that work on the installation of the Pedestrian Crossing will begin during March.

A resident shared their frustration about the extend of speeding on the A19 and cited the many incidents of speeding with 80% of traffic passing through the village who are breaking the law. He raised a series of questions; why the speed camera van is only located on the southern end of the village, why 30mph signs cannot be erected along the whole stretch of roadside in the village; why there are no effective traffic calmers installed on the road. It was pointed out the installation of 30mph speed signs are prohibited by law along roads that are provisioned with urban street lighting.

Councillors pointed out that the Parish has in the past lobbied Selby District, North Yorkshire County Councils and North Yorkshire Police to implement traffic management measures that will serve to reduce the speed within the community. They reiterated their resolve to continue to petition for improvement in approaches to speed control along the length of the A19.

2.2. The Chair closed the public forum and proceeded to the conduct of the Parish meeting.

**Minutes of the Whitley Parish Council Meeting held on 15th
Feb 2022 at Whitley & Eggborough Primary School Annex
Building Ref – 0922**

3. **Present:** Cllr Walton, Cllr White, Cllr Blackburn, Cllr Cole, Cllr Humphrey. Cllr Woodhead, Selby District and North Yorkshire County (SD&NYC) Cllr J McCartney and Clerk to the Council J Hunter.

4. **Apologies for absence:**

4.1. All Councillors were present at the meeting.

5. **Disclosure of interest:**

5.1. Cllr Blackburn and Cllr Cole advised that they were resident on Whitefield Lane and as such would be directly impacted by the proposed HGV movements from the Gale Common site.

5.2. There were no other interests registered.

6. **Minutes of the Whitley Parish Council Meeting held on 18th Jan 2022:**

6.1. Cllr White commented that there were some typographical errors in the minutes. Subject to correction of these errors the minutes of the Parish Meeting held on 18th Jan 2022 were agreed as a true record and approved for signature.

Action: The minutes to be amended accordingly and the Clerk to deliver a copy of the amended minutes of the Council meeting held on 18th Jan 2022 for signature by the Chair.

7. **Opening matters for information and action as required:**

7.1. **Gale Common Extraction Proposal:** Councillors with regret acknowledged that the judge's determination of the High Court Judicial Review was the rejection of the grounds to set aside the decision of the planning approval. The Clerk outlined details of an online meeting with our legal team and QC who made observations of the reason for the failure to achieve a favourable judgement. The nature of the case was based on two elements:

- Whether the Officers Report had sufficiently taken into account the issue of other harms the proposal would inflict on the community tested against the standards and policies specified in the Local Development Plan and the National Policy Planning Framework.
- Are the buildings on the site and the consequent movement of traffic from the site appropriate development in the green belt and were alternative options in the transport of the material properly considered

Our QC observed that the judge had chosen to focus more on the minutes of the actual planning committee meeting rather than the officers report. Whilst recognising there were errors in the report the judge had concluded that such errors could have been corrected and therefore had no material effect on the final decision. The judge had adopted a forgiving and benevolent interpretation of the officer's report

The judge was passive in the review and made no enquires nor raised any questions concerning any of the arguments presented by either of the parties. It is also worth noting that the judge in the introduction to his written determination articulated the benefits of the actual scheme and made no reference to the arguments that were presented by our QC on the detrimental impacts and consequences of the application.

Our QC advised that he considered there were opportunities and grounds to support an application for appeal. Such an appeal would progress through two stages that would need to be commenced with 21 days of the issue of the determination. The first stage would be to make direct application to the high court citing appropriate grounds for the appeal which would need to be supported by credible arguments that either there is a reasonable prospect of the appeal succeeding or there is something with the case that is of wider interest.

If the first stage was successful and we were given permission to go ahead to lodge an appeal in the High Court we would then have the option to progress to court hearing at which stage protective cost orders would be set.

Councillors questioned whether such an appeal would be heard again by a judge with little experience in planning law. We had been informed by our QC that given the nature of the case it is highly likely the matter would be heard by either of 3 eminent high court judges all experience in planning law.

The Clerk advised the meeting that in further consultation with our solicitors and barrister that so convinced were they of the merits of the case they were prepared to manage the appeal on a conditional fee arrangement, in essence a no win no fee basis. This would mean there would be no legal fees unless the appeal was successful and if successful any of their fees would be payable by North Yorkshire County Council under a protective cost order.

The meeting considered the practicalities of continuing the legal case and the inherent risk. The sole exposure to the financial resources of the parish council would be in the event of an unsuccessful conclusion of the appeal. In such circumstance as our legal team are sharing the risk our cost exposure will be limited to the value of the protective cost order which at a maximum would be £10,000.

The risk can be managed given that at the conclusion of the first stage, the application to appeal, the value of the PCO would be quantified. If at this point Whitley Parish Council have been unable to secure the funds to cover such costs, progress to the next stage (the appeal) would be ended. Under the terms of the CFA there would be no legal costs incurred.

The progress of the application to appeal and consideration by the High Court may take several months during which time settlement of the PCO for the original case will be suspended. In addition, any further action by EP UK in commencing preparation for and extraction of the PFA from the Gale Common site must be put on hold.

The notification to residents and interested parties of the determination of the judgement and the conclusion of the original case was discussed with the conclusion that given the High Court decision is on public record notice should be posted on the Parish social media platform. In addition, it was agreed that a virtual meeting be arranged with the other Parish Councils who have contributed to and been involved in the case to update them on the current circumstances and explore their continued engagement with the action.

Notwithstanding the potential appeal the meeting recognised there remains an outstanding liability of £10,000 arising from the Protective Cost Order set by the high court in granting approval to proceed with the original case. This sum was agreed and determined at the behest and with the approval of the campaigning group of Parish Councils, namely Cridling Stubbs, Womersley, and the private resident of Heck Parish Council. It is important to remember that the contract with our legal team and the accruing financial responsibility was drafted under the name of Whitley Parish Council merely as a vehicle through which the PCO liability could be mitigated and limited. There remains a collective responsibility from all members of the campaign group. Indeed, the original instructions to our legal team were channelled through the Chair of Cridling Stubbs Parish Council. The manner, timing, and contributors to the settlement of the PCO remains an outstanding issue to be resolved.

The Parish Council resolved to instruct Irwin Mitchell to proceed with an application to appeal the decision based on the terms of the Conditional Fee Arrangement on a no win no fee basis. Carried Unanimously.

Action: Clerk to confirm to Irwin Mitchell by email the Parish Councils decision to proceed on a CFA basis.

Action: Clerk to arrange a virtual meeting with Parish Council members of the campaign group to update them on the current position.

Action: Cllr Humphrey to post notice and details of the High Court determination following the original appeal.

- 7.2. **Whitley Underpass:** Cllr Humphrey reported that the offensive graffiti on the walls of the underpass has been painted over by the Selby Council highways maintenance team. Since this work had been completed there has been a further incident with a much more extensive application of spray paint artwork. Although not offensive the action brings into question the future policy of the Parish Council in dealing with anti-social behaviour of this nature. Does the Council repaint the walls after every attack, once a year or abandon any attempt to redecorate? The meeting discussed the options including seeking involvement of the community payback team to assist in the repainting and the application of anti-graffiti paint as a deterrent. It was noted that offers have been made by a local supplier to provide anti-graffiti paint.

Cllr Humphrey advised that the Highways department have scheduled repairs to the fencing that will be delivered in due course.

- 7.3. **Queens Jubilee:** The organisation of events in celebration of the Queens Platinum Jubilee was discussed with possible options considered including the planting of a commemorative tree in Daffodil Park.

Action: Consideration of events and the arrangement for the organisation to be discussed in the next Parish Council meeting in March.

- 7.4. **Community Litter Pick:** It was agreed a community litter pick will be organised to be held during May.

- 7.5. **All Saints Notice Board:** The practicalities in the movement of the notice board from All Saints Church to suitable alternative location in the village was discussed. Quotations for the removal have been sought from a resident in the community. It was noted that request for access to the notice board must be directed to the Parochial Church Council who will refer the matter to the archdeacon for the diocese of Leeds.

8. **Correspondence received:** The Clerk summarised the details of correspondence received by email or post.

8.1. Emails and postage.

8.1.1 Notice of Parish Council elections will be held on 5th May. Nomination papers for each Councillor will be required to be delivered to Selby District Council. If there are more than 7 individuals lodging nominations for consideration, there will be an actual election for the Parish Council.

8.1.2 An email from a pressure group "20 is Plenty" lobbying for the initiation of a speed limit on local roads of 20 miles per hour. The group is requesting promotion of an online survey for completion by residents of the Parish Council encouraging support for the reduction in traffic speeds.

Action: Cllr Humphrey to add details of the campaign and link to the online survey of the Parish Council Facebook pages.

8.1.3 An email from SD&NY Cllr McCartney advising of an “Enforcement Review” by the NY Police, Fire and Crime Commissioner considering the introduction of average speed cameras on selected and appropriate roads. Invitations are extended for comments on observations on the policy revision.

Action: Clerk to write on behalf of the Council to the commissioner’s office supporting the amended policy and the introduction of average speed cameras on the A19

8.1.4 An email from the Yorkshire Local Council Association forwarding a summary of undertakings in the “Levelling Up” White Paper.

8.2. Social Media

8.2.1 Cllr Humphrey reported on the comments and postings of social media pages. Issues of traffic movement through the village and extent of dog mess on roads and pathways. Comments have been made that although Selby District do not intend to increase their precept, North Yorkshire County Council have notified their own council tax will be increased. It was agreed that the fact that the Whitley Parish precept will continue at the same level as previous years be posted onto the Facebook pages. The clearance of the Rosslyn site has given rise to speculation on the intentions of the developer. It was noted no planning application has been lodged with Selby District Council.

9. Planning matters: The Clerk provided a summary of the planning applications made in the month for review and consideration by the Council.

9.1. 2022/0085/TPO – 9 All Saints Grove – crown lift to a maximum of 4 m from ground level, crown thin and remedial pruning. Noted no objections.

9.2. 2021/1537/REM – Land at All Saints Court – reserved matters application, including appearance, landscaping, layout, scale, and access for approval. No further comments or submission from statutory interested parties. The application is awaiting a decision.

9.3. 2021/0268/FUL – Land Off Larth Close, erection of 8 dwellings and garages. The Clerk advised that, given the amendment to the application with a reduction of the number of builds from 8 to 6 dwellings, a further objection to the proposal has been lodged on behalf of the Council. This objection is based on the same grounds as previous submissions, being in appropriate encroachment of the Green Belt.

9.4. 2021/1440/HPA(retrospective) – Beech Tree Cottage, erection of 1.2 to 1.5 metre wall front boundary wall. Cllr Walton registered a declaration of interest in the property. The application has been granted planning approval – noted.

9.5. 2021/1355/HPA – 23 Blackthorn Close, two storey extension to side of existing property. Planning application granted – noted.

10. Council Finance & Administration:

10.1. RFO Report as at 15/02/2022:

Bank/Account	Income since 1 st April 2021	Expenditure since 1 st April 2021	Of which is devolved fund expenditure	Current Balance	Notes/Comment
Santander Deposit	4.15	40,000.00	Nil	15,212.51	Interest paid monthly
Santander Current Account (Cash Book)	64,069.58	61,910.40	3,650	3,519.34	No interest
Total Bank Balances				18,731.85	
Less following funds:					
Allocated Funds					
Allocated Funds		Crossing		5,000.00	
Total Allocated funds				5,000.00	
Parish Council Bank Funds		Legal Action and Complaints against the Council. Future Development and Facility Provision –Buildings. Future Development and Facility Provision – ROS. Future Development and Facility Provision -Nature Reserve. Unexpected/unforeseeable expenditure.		13,731.85	
VAT due for reclaim				9,161.13	
Total Unallocated Parish Funds				22,892.98	

The Clerk presented his report on the financial position of the Parish Council referring to income and expenditure statements providing details of receipts and payments for the period from 1st April 2021 to 18th Jan 2022. The total income itemised in the summary was £22,146 that included donations towards the Gale Common judicial review being contributions from Womersley Parish Council of £1,500 and from a resident of the village of Heck of £2,500. The grant from the Selby District Community Fund of £1,900 has been received and is included in the total income. The aggregate expenditure to date including the legal fees in connection with Gale Common was £28,348 generating a deficit of £6,202 to date.

The meeting reviewed the statement of financial resources which showed that after recovery of VAT and settlement of the above referenced grants, donations, the total cash resources will be £16,794.

The Clerk advised that the above figures do not include the anticipate contribution towards the legal costs of the Gale Common action from Cridling Stubbs Parish Council which remains outstanding.

10.2. **Accounts Payable:** The following payments were approved for settlement by bank transfer.

Cheque No.	Payable to:	Amount: £
22502	Irwin Mitchell	29,970.00

10.3. **Accounts Payable retrospectively:** The following retrospective payments made by bank transfer since the last council meeting were approved.

Cheque No.	Payable to:	Amount: £

10.4. **Bank Transfer:**

Transfer	Payable to:	Amount: £
from	Whitley Parish – Santander Deposit Account	-25,000.00
to	Whitley Parish – Santander Current Account	25,000.00

11. Recreational Open Space in Whitley:

11.1. Parks and Verges:he

11.1.1 **Parks & Playground Maintenance:** Councillors considered various items in connection with maintenance within the park and playgrounds.

- **Daffodil Park Drainage;** Cllr White questioned whether given the change in the financial resources of the Parish the order for the commencement of the drainage work be deferred and application for grant funding be explored to secure additional funds. There is a community support fund managed by the Two Ridings Foundation under an initiative sponsored by Selby District Council titled “Heart of Selby Fund”. In addition, SD&NY Cllr McCartney advised that the CEO of Selby District Council M Crane manages a discretionary fund, application to which will be opened in May 2022. There are also sums available that are within the remit of Tom Jenkinson the Corporate Development officer of NYCC.

Action: An application to the Heart of Selby Fund to be progressed and alternative funding sources investigated.

- **Dog Mess:** The extent of the Dog Mess in Daffodil Park was discussed and the measures that can be taken to discourage such anti-social behaviour. Options included, a leaflet distribution to be conducted by Councillors and volunteers to individuals using the park, encourage residents to report offenders to the Selby District Dog Warden, publishing of guidance and polite notice on Whitley social media platforms, the provision of poo bag dispensers in Daffodil Park and the posting of additional signage.

11.1.2 **Management of Trees at rear of Blackthorn Close:** The email from a resident on Blackthorn Close requesting the management of two trees at the rear of his property was discussed. Cllr White presented details of a quote for removal and cut back of the trees in question. The maintenance exercise, in principle, was considered by the Council as a reasonable request given the state of the two trees in question. However, at a cost of

£1,500 the expenditure presents a significant burden on the finance of the Council. It is beyond the financial capacity of the Parish to routinely manage all trees in the village. After due consideration it was agreed that an Ash tree should be removed, and an Oak tree be pruned with a 50% reduction.

Action: Cllr White approach the resident and share the decision of the Parish Council requesting a contribution towards the cost of the work.

11.1.3 **Daffodil Park Hedge Cutting:** Cllr White advised that approaches have been made to the local farmers requesting they cut the perimeter hedges facing the A19, prior to the commencement of the bird nesting season.

11.1.4 **Verge cutting:** Cllr White confirmed that prior to the new growing season a meeting with the Grass Cutting contractor George Fillingham will be arranged to confirm the schedule of verge and park cutting for 2022.

12. A19 Safety:

12.1. **Monitoring of traffic speed on A19:** It was agreed that the Clerk will write to the Police, Fire and Crime Commissioner in support of their initiative for the amendment of the policy for the introduction of average speed cameras in routes throughout North Yorkshire.

Cllr White advised that speed reports from the vehicle activated sign have been posted on social media, in addition to the results of the camera van deployment. It is worth noting that 100 speeding violations were booked with offenders booked onto speed awareness courses.

12.2. **Community Speed Watch:** Cllr White advised that five people have volunteered to join the speed watch. The next stage will be the submission of a form to North Yorkshire police registering the details of the volunteers, following which police officers will attend the village and agree locations of the monitoring observations. Councillors are welcome to participate. The routine is straight forward, volunteers will attend in hourly shifts once or twice a week in pairs, one taking the measurements with the speed gun the other recording the details. The information will be forwarded to the traffic network in Northallerton, following which letters of speeding breach will be posted to the registered owners of the offending vehicle.

13. A.O.B.

- Cllr Humphrey advised of a broken pane of glass on the bus shelter opposite Church Row. This had been previously reported some weeks ago.

Action: Cllr White to email a member of the passenger transport team of NYCC to request an update.

- It was noted that the Selby District Council website still shows Simon Humphrey as Chair of the Council. **Action** Clerk to chase up correction.
- Clerk to communicate with the regional police inspector to enquire into the current level of criminal activity within the community.

14. Confirm the date, time and place of next meeting:

14.1. Next Parish Council Meeting: Tuesday 15th March 2022 at 7pm at Whitley & Eggborough Primary School.

15. Closure of meeting: 9:26 pm

Date.....

Chair's Signature.....