

Whitley Parish Council

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

2. Open Public Forum(OPF) 27th July 2021

2.1. There were no members of the public in attendance. North Yorkshire and Selby District (SD&NY) Councillor J McCartney and Eggborough and Whitley District (E&W) Councillor M McCartney joined the meeting making comments and observation on several agenda items. Details of their respective contributions are included in the minutes of the meeting summarised below.

Cllr J McCartney commented on the decision to establish a new unitary authority in April 2023. North Yorkshire County Council will be based in Northallerton and will take over all aspects of work undertaken by the present network of District Councils all of which will be dissolved. Council elections will be held during 2022 to appoint 104 Councillors, 2 for each area who will upon taking up office support the transition as the appropriate management structures are set up by the officers of the new authority.

2.2. The Chair closed the public forum.

Minutes of the Whitley Parish Council Meeting held on 27th July 2021 at Eggborough Village Hall Ref – 04/22

3. **Present:** Cllr Walton, Cllr White, Cllr Blackburn, Cllr Cole, Cllr Woodhead, and Clerk to the Council J Hunter.

4. **Apologies for absence:**

4.1. Apologies were received from Cllr Humphrey.

5. **Disclosures of interest:**

5.1. It was noted that Cllr Humphrey, Cllr T Woodhead, and Cllr S Cole are members of the Gale Common Action Group. A community group campaigning against the Gale Common Ash Extraction planning application.

5.2. There were no other interests registered.

6. **Minutes of the Whitley Parish Council Meeting held on 22nd June 2021:**

6.1. The minutes of the Parish Meeting held on 22nd June 2021 were subject to some minor typographical adjustments agreed as a true record and approved for signature.

Action: Clerk to deliver a copy of the amended minutes of the Council meetings held on 22nd June 2021 for signature by the Chair.

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

7.1. **Gale Common Extraction Proposal:** Councillor enquired of SD&NY Cllr McCartney's position regarding the campaign for Judicial Review. As a member of the planning committee who granted approval for the extraction does he have to remain independent? Cllr McCartney advised that as the planning has been approved there are no restrictions upon his capacity to offer advice and comment on the legal case. He suggested that Howard

Ferguson from the constituency office of Nigel Adams be contacted to share his insights and experience of the process of judicial review. Cllr White enquired into the status of Eggborough Parish Council concerning their involvement the campaign. E&W Cllr McCartney undertook to approach Eggborough Parish Councillors to establish their position and intentions in offering practical support.

The Clerk summarised the current legal costs incurred to date at £14,954 with contributions pledged from Womersley and Cridling Stubbs Parish Council and a private resident of Great Heck totalling £4,792. The net liability of Whitley Parish stands at just over £10,000.

The legal process going forward will be for a High Court judge to consider the arguments presented in the application papers to assess the merit of the case and either reject or grant approval for Judicial Review at the same setting cost limitations. Preliminary feedback from the judge is that it has been determined that the matter is designated of significant legal interest. As such it is highly likely the case will be approved and put forward for hearing possibly within 2 to 3 months with contribution to opponent costs, in the event of the loss of the case, limited to £10,000. In total Whitley Parish Council face a total legal bill of £20,000 being £10,000 costs to date and the potential of £10,000 of costs which amount is covered by Parish Council Reserves.

Progressing the case to full legal review will incur additional legal costs of £25,000 to £30,000 which amount will need to be covered by crowd funding.

Councillors expressed their concerns about the degree of financial commitment from the other Parish Councils in the campaign group and recognised the requirement for urgent action in the progress of crowd funding.

Cllr Woodhead provided a brief outline of the activities of the campaign group in the establishment of a Just Giving page, and the design of a comprehensive social media campaign to communicate with residents and Parish Councils throughout North Yorkshire to seek support. In addition, communication with local press was discussed.

Action: Special meeting of Councillors to be arranged to discuss progress of the crowd funding campaign.

- 7.2. **Whitley Underpass:** SD&NY Cllr McCartney reported that Eggborough Parish Council have agreed to partner with Whitley Parish Council in the maintenance of the underpass. A meeting between Cllr Humphrey, SD&NY Cllr McCartney, E&W Cllr McCartney and members of Eggborough Parish Council is to be convened to progress plans and ideas for the refurbishment of the underpass, including painting of walls, resurfacing and improved lighting. Painting of the railings is also to be considered although it was recognised this is a substantial requirement that may be postponed until completion of the initial refurbishment. Funding of the work could come from various sources, including grant applications to Selby District council, donations from local business. SD&NY Cllr McCartney also reminded the meeting that he and E&W Cllr McCartney have sums within their own remit and control that they can allocate to such community projects.

Action: Cllr Humphrey to organise a planning meeting with Eggborough Parish to establish proposals with costings in anticipation of funding application.

- 7.3. **Christmas in Whitley 2021:** The Councillors confirmed the plan to purchase a new Christmas tree to be planted in front of the George and Dragon. It is the intention, if possible, to organise a tree lighting ceremony with the support of the proprietors of the George and Dragon

- 8. Correspondence received:** The Clerk summarised the details of correspondence received by email or post.
- 8.1.** An email from the administrator of Whitley and Eggborough Community Primary School advising that due to holidays the Council meeting scheduled for the 19th April 2022 could not be hosted at the school. Noted date to be rescheduled to 26th April 2022.
 - 8.2.** An email from Selby Planning notifying of an online meeting to introduce the Local Plan Additional Consultation to consider update to the list of preferred options. It was noted that the reference in the plan to Whitley & Eggborough was in respect of the addition of a development request appertaining to land at Eggborough Power Station; there are no additional developments in Whitley presented for consideration.
 - 8.3.** An email from Area 7 highways that although installation of traffic mirrors can be permitted under new regulations the criterion for approval is such that application for a mirror on Gravel Hill lane will be refused. Noted.
 - 8.4.** An email from the Chair of Selby District Council requesting support for this year’s appeal that will be for the Motor Neurone Disease Association, St Leonard’s Hospice and The League of Friends of Selby War Memorial Hospital. Noted
 - 8.5.** An email from a resident on College Farm Close advising that the plants in the planters were inhibiting the view of cars exiting onto Selby Road. In response, plants have been cut back and the resident informed. Consideration will be given to the nature of flowers to be planted next year.
 - 8.6.** A posting on social media complaining of the extent of dog mess throughout the village including the Daffodil Park. Noted.
- 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.** 2021/0412/COU – 42 Whitley Farm Close, Change of use of land to footpath through easement area. Noted no comments.
 - 9.2.** 2021/0533/HPA, Sunnymede, Doncaster Road, Erection of rear single storey extension. Noted no comments.
 - 9.3.** SD&NY Cllr McCartney mentioned a recent enquiry from Harron Homes requesting feedback on a preliminary development proposal for the build of new homes on land opposite All Saints’ Church. Cllr McCartney explained the history of the proposal and advised of his negative response to the development and assured the meeting that if Harron Homes wished to progress then a pre planning consultation would be initiated that would provide ample opportunity for Whitley Parish Council to question and present objections.
 - 9.4.** There were no planning applications granted for approval.

10. Council Finance & Administration:

10.1. RFO Report as at 20/07/2021:

Bank/Account	Income since 1 st April 2021	Expenditure since 1 st April 2021	Of which is 106 expenditure	Current Balance	Notes/Comment
Santander Deposit	1.86		Nil	55,209.88	Interest paid monthly
Santander Current Account (Cash Book)	13,631.33	4,693.42	1,610.00	10,298.07	No interest
Total Bank Balances				65,507.95	
Less following funds:					
Protected 106 funds		3 x Play areas/ROS and the Tree Lines.		35,538.58	
Other protected funds		Crossing		5,000.00	
Total Protected funds				40,538.45	
Parish Council Unprotected 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.		24,969.50	
VAT due for reclaim				506.60	
Total Unprotected Funds				25,476.10	

The Clerk presented his report on the financial position of the Parish Council with reference to detailed income and expenditure statements providing details of receipts and payments for the period from 1st April 2021 to 27th July 2021. Total income from precept, road safety grant and allotment rents amounts to £9,805. This compares with actual and notional expenditure to date of £17,656. The notional expenditure covers the initial forecast amount of cost of installation of the pedestrian crossing of £5,000 and the council's share of legal costs to date in respect of the Gale Common Action of £10,000. The resultant net deficit of expenditure over income is £7,851. The Balance Sheet shows Cash Reserves of some £66,014 that include devolved funds of £35,869, and the sum set aside for the pedestrian crossing and to cover Gale Common Legal costs, leaving a balance of £15,145 of precept reserves.

It is worth noting that should the Parish choose to suspend the legal case and the £10,000 cost limitation applied precept reserves would reduce to £5,145.

Although the grant funding of the pedestrian crossing is £5,000 the actual cost is anticipated to be £3,400 generating a surplus of £1,600. If, under the terms of the grant, this amount of

surplus is not required to be returned it is the intention of the Council to set aside this surplus for use in A19 improvements.

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

Cheque No.	Payable to:	Amount: £
22474	George Fillingham	1,824.00
22475	TWM	529.80
22476	NYCC Whitley & Eggborough CP School	78.00
22477	P Harrison – internal audit	56.25

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. Annual Governance and Accountability Return (AGAR) 2020/21:

10.4.1. **Receipt and review of internal audit report.** The Clerk circulated the internal auditors report enclosing the signed audit declaration and advising there were no matters to raise.

11. Recreational Open Space in Whitley:

11.1. Parks and Verges:

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

- Cllr White reported that he has been in contact with Calor Gas requesting attention be given to a cut back of the hedge that bounds their enclosure in Daffodil Park.
- It was noted that in the past 18 months there has been little attention given to the management of the Parks in the village as there has been no one available to undertake the work. It is hoped that as North Yorkshire County emerges from the Covid restrictions the community payback team will become active once again to provide support.
- Cllr White referenced the quote of £8,000 from a specialist company to rectify the drainage problem in Daffodil Park the payment of which would come out of the reserve funds. He provided feedback from his enquiry with “Ground Works” the not-for-profit organisation who had carried out the original planning of the park. The manager of the initial project confirmed their understanding that drainage was not part of the scheme. Cllr White suggested that the state of the drainage in the park is such as to render the facility inaccessible to the public during the Winter and early Spring. Urgent consideration needs to be given to assessment of the options and action taken to rectify the drainage problem.

Action: Drainage in the park to be included as an agenda item in the next meeting of the Parish Council in September.

- The Clerk reported that following the incident on the A19 and damage to fencing and the hawthorn hedge in the Daffodil Park a claim has been lodged with the haulage contractor's insurance company. Quotes for the replacement of the fence and hedge have been sought.

Action: Quotes to be obtained from local fencing contractors.

- Cllr White reported on damage to the post by the Whitley Farm Close gate into the park. Quotes will be sought for contractors for review.

Action: Quotes to be obtained from local fencing contractor.

11.1.2. **Management of Tress on Daffodil Park:** Cllr White reported that the cutting of the Hawthorn Hedges by the Playground in Daffodil Park remains outstanding. To expedite completion a suitable contractor has been identified who has quoted £280.

Resolved: Cllr White engage the contractor to cut the Hawthorn Hedge in Daffodil Park.

Cllr White noted that the trees in Daffodil Park need some trimming and management and to that end a quote has been received of £650 from the same contractor to carry out the necessary work. Following completion of the Hawthorn trimming the tree management will be considered at the next meeting of the Parish.

11.1.3. **Litter bins:** The bins have been ordered and we are awaiting deployment as soon as possible.

11.1.4. **Verge cutting:** SD&NY Cllr McCartney advised that any issues concerning overgrown vegetation encroaching onto pavements and pathways of private land farmer's fields etc should be referred to Area 7 Highways department. The inspectors of which department will promptly contact the landowner requesting verge cutting. Follow up action will be taken if there is no response to such request. It was noted by Councillors that this was not the experience within Whitley such reports have already been submitted to Area 7 with no subsequent action.

The Clerk outlined the functional arrangement in the management of the grass cutting. The Parks and Play Areas are subject to a motorised mower cut, while the verges are cut by petrol strimmer. The use of the strimmer rather than mower is due to the extent of the infestation of moles; the contractor is unwilling to apply a mover to the verge areas. Councillors expressed dissatisfaction with the quality of the cutting of the verges throughout the village, questioning the adequacy of the cut of the perimeter of the Daffodil Park, the cut of the tree line at the rear of Lee View, and the verges on College Close and Church Row. However, the Council recognise the problem of the expansion of the mole population and will address this issue.

Action: Clerk to consult with George Fillingham about the extent and quality of the cut in Lee View and Daffodil Park.

11.1.5. **Whitley Nature Reserve:** The meeting referred to the state of the unkempt state of the paths and hedges in the Nature Reserve.

12. A19 Safety:

- 12.1. **Vehicle Activated Signs Reports:** Nothing to report.
- 12.2. **Pedestrian Crossing:** It is anticipated that the installation of the pedestrian crossing will be schedule for commencement during September.

13. A.O.B.

- Cllr White advised that quotations have been received for the shed to be installed in the Allotment details of which he will share with the Council for approval.
- The confer hedge on the Garmsway Care Home is encroaching on the public pathway and needs cutting back.

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

- 14.1. **Next Parish Council Meeting:** Tuesday 14th Sept 2021 at 7pm at Whitley & Eggborough Primary School.

15. Closure of meeting: 9:15 pm