

Whitley Parish Council

1. The meeting was opened at 7.00 pm by the Chairman Cllr Humphrey

2. Open Public Forum (OPF) 10th September 2019

2.1. A member of the public expressed an issue with regard to cars speeding along the narrow lanes of Silver Street during the day and especially during commuting hours. The stipulated speed along the upper stretch of the road is 60 mile and hour. This is dangerous and a great risk for pedestrians including dog walkers using the road. They requested that given the Councils acknowledged concerns in respect of speeding through the village the Parish Council would consider making direct representation to the Highways Authority to amend the speed limit from 60 mph to 30 mph.

Cllr Humphrey in accepting these concerns agreed that the Council would pursue the matter with the appropriate County Authority. In addition, he advised the personal representations could be made through the 95 Alive initiative a road safety partnership operated through a group of local authorities. The 95 Alive website provides a portal through which any road issues can be reported that will prompt action in direct response to any issue submitted.

2.2. The issue of the number of HGV's using Silver Street was discussed with the conclusion that the problem is not too significant and not exclusively due to lorries heading towards the mushroom farm. The Clerk advised the meeting that he had approached the transport department of the farm who had given him an undertaking to ensure that all operators are informed of the traffic restrictions on this stretch.

2.3. A member of the public raised concerns regarding the condition of the road surface on Silver Street.

Minutes of the Whitley Parish Council Meeting held on 10th September 2019 at Whitley & Eggborough Primary School Annex Building Ref 08/19

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

4. **Apologies for absence:**

4.1. All Councillors were present at the meeting.

5. **Disclosure of interests:**

5.1. There were no disclosures of interest by any member of the Council.

6. **Minutes of the meeting on 16th July 2019 of Whitley Parish Council**

6.1. The Councillors agreed that the minutes of the Whitley Parish Council meeting held on 16th July 2019 are a true record and accordingly the minutes were signed by the Chairman Cllr Humphrey.

7. Opening matters for information and action as required:

- 7.1. **Gale Common Extraction Proposal:** Presentation from EP UK Investment Ltd (EPUK) owners of the Gale Common Ash site. Cllr Humphrey welcomed four representatives from EPUK; an EPUK board member in overall responsibility of the extraction project, his colleague who is the project manager, together with a planning consultant and an environmental consultant whose respective firms have been engaged to act for EPUK in connection with their planning application.

7.1.1. **Outline of the current status of the planning application:** The planning application was submitted in June 2019 to North Yorkshire County Council (NYCC) following some 9 months of pre work which incorporated various presentations including Whitley and Cridling Stubbs to engage with the community. The application will be considered and determined in committee which is scheduled to meet on 12th November 2019. NYCC planning department have initiated consultation with the relevant statutory and interested parties and issued letters requesting responses within stipulated time frames. It is noted that Whitley, Womesley and Cridling Stubbs have been granted extensions to the response deadlines. Comments have already been received to which EPUK will provide a response and forward to NYCC planning to upload onto their planning portal for inspection. In addition, an undertaking was made to copy the details of the response directly to the respective Parish Councils.

7.1.2. **Questions from Councillors & Public:**

7.1.2.1. Cllr White sought and received clarification that there were no changes to the plans presented to NYCC; specifically, Whitefield Lane is to be used as the only route for the removal of the waste; lorry movements will be 6 days per week starting at 7.00 am to 7.00 pm on week days and 7.00 am to 1.00 pm on Saturdays; there will be 250 wagon movements per day; according to the figures presented this will go on for the next 25 years; the proposal to re-route Whitefield Lane is dependent upon securing a certain number of supply contracts. In the absence of such contracts the wagons would pass directly by people's homes on Whitefield Lane and the on to the A19 where they will pass more homes and Whitley Children's primary school.

7.1.2.2. The team when questioned confirmed that Highways England had rejected any proposals to add an additional junction onto the M62. New junctions onto the Motorway network would only be considered for significant developments such as business parks, or industrial sites but not for a single project.

7.1.2.3. The team where questioned as to whether the option of using the slurry pipes through which the ash was originally transported from Eggborough Power Station to Gale Common was considered. This was rejected as the amount of water needed to hydrate the dry ash had a critical environmental impact and there was insufficient area at the Eggborough Power station to lay out the slurry for subsequent drying.

7.1.2.4. The team where questioned whether the option of building a factory to fabricate the blocks on the Kellington or Gale Common site to avoid moving the ash had been considered.

7.1.2.5. The team responded that prior to the application a whole series of options had been considered; transport by rail, transport by canal, pumping of the slurry back to Eggborough and the establishment of block manufacturing on site. These were all good ideas that had be considered and that EPUK would "love to do";

they have not been excluded but all these were for future developments. However, the proposal as of the present movement is that EPUK Ltd wish to extract 1 million tonnes of ash and transport it to their customers by road. This is the proposal on which the planning application is based. The team are committed in the future to looking at other transport alternatives but EPUK customers do not have the links to canal or rail networks to make such options viable.

- 7.1.2.6. The Environmental consultant advised the meeting that various alternatives in the road shipments had been considered including sharing the traffic flow over several routes but more people will be affected; ultimately for the time being the best option for the transport by road considered by EPUK and the Highways Authority is through Whitley, the impact on which residents will be mitigated by adding an additional road running parallel to Whitefield Lane.
- 7.1.2.7. A member of the public raised questions concerning the efficacy of the proposed measures including road movements and the addition of an extra junction on the A19 and was advised that as assessed against the British Standard Method the results show there would be “ No significant impact” in respect of noise, road capacity or pedestrian movements.
- 7.1.2.8. A member of the public questioned the impact of the heavy pollutant from 250 lorry movements over a 5-day working week on the health of the lungs of children in the local primary school. The Environmental consultant advised the meeting that the air quality assessment which takes into account the current base line from the Motorway and A19 traffic concluded that the additional lorry movement would have no significant impact based on the “Standard Method”. The meeting challenged the consultant questioning whether the standard method is the appropriate measure to assess impact in these particular circumstances. The school is set below the motorway and A19 so that fumes will therefore drop down and accumulate in the proximity of the primary and nursery school to adversely affect the lungs of young children. The problem and limitation in applying the standard method is that it will be applying tests over a wider area than the size of the school and a biased interpretation of statistics will lead to inappropriate conclusions.
- 7.1.2.9. Cllr White questioned whether EPUK had considered suspending operations of traffic movement during the school drop off and pick up times in the morning and afternoon during which time there is considerable traffic from not only parents but employees leaving the Tunstall factory, coupled with a busy school crossing point on the A19. The team responded that adjusting the volume of traffic movements at certain times of the day had not been considered and the purpose of attending meetings was to obtain such feedback.
- 7.1.2.10. Cllr Humphrey raised a series of questions exploring the reasoning for the decision to route all traffic movement through Whitley. He presented the argument that if a certain level of traffic movement through Whitley triggers the incidence of a significant level of disturbance, prompting the re-alignment of Whitefield Lane to mitigate the effect of such disturbance, then if traffic movements were maintained below this level then disturbance will be minimised. Given this fact spreading the movement of traffic over all available routes to the M62 will mean that although residents from more villages will be affected, the level of disturbance will be less for everyone. The key point is that EPUK are suggesting there is a critical levels of traffic movement above which the consequential impact on residents will be significant below which the consequential impact on residents will be insignificant. In such a case why is the spreading of the traffic movement over the three

available routes out of Gale Common not a better scenario for Whitley and the environment? Spreading the traffic over a wider area must have a lower impact on the environment than concentrating movement into a single area.

- 7.1.2.11. The planning consultant for EPUK advised that the proposed solution was considered by NYCC and Highways to be the best route. Cllr Humphrey challenged the EPUK team over how in this case best was measured. Best for business or best for the environment? The planning consultant responded that it was best for safety and the quickest route and that it was the preference of Highways. Cllr Humphrey concluded that on this basis the proposed solution was not based on environmental concerns and summed up the position of the Parish Council who consider the traffic movements proposed in the planning application to be the wrong decision, it is unfair on Whitley and not the most environmentally friendly solution.
- 7.1.2.12. The meeting was also advised that although their meetings with Highways was not minuted the evidential communications with Highways is documented on the NYCC planning portal with the responses to preapplication enquiries and responses to the EPUK scoping opinions on environmental assessments, biodiversity, landscaping and highways.
- 7.1.2.13. A member of the public a homeowner on Whitefield Lane questioned the adequacy of Whitefield Lane to handle the number of heavy lorries that will use the road given the extent of old mineshaft workings under the road. They observed that they are prevented from erecting an extension to their own home given the risk of subsidence so how can the current road be capable of withstanding the proposed traffic volumes. The EPUK observed that their planning application was supported by all the necessary information required by the authority including coal mining risk assessment and road condition surveys. The EPUK environmental consultant surmised that if the Highways Authority were concerned about the suitability of the road they would have requested a financial contribution from EPUK to make good any defects.
- 7.1.2.14. EPUK confirmed that they had acquired an option to purchase a section of land from Whitefield Lane to Garnsway on which it will be their intention to construct a new road parallel to Whitefield Lane to accommodate additional traffic once the quantity of ash movement has exceeded a trigger point of 400,000 tonnes per annum. The section of the planning application covering the new road construction includes coal mining risk assessment surveys; the planning consultant expressed confidence in the planning authority to manage any safety issues that could arise if the land was not fit for purpose due to its susceptibility to mining subsidence.
- 7.1.2.15. A member of the public pressed their point concerning the quality of the existing Whitefield Lane to handle the increased traffic movement and questioned what action will be taken by EPUK if following the commencement of the traffic movements cracks begin to appear in the properties on Whitefield Lane.

Action:

The team from EPUK being unable to provide an immediate response to this query assured the meeting they would further investigate the issue and provide a direct response to what they agreed was a justifiable concern and query

7.1.2.16. Cllr Humphrey made it clear that Whitley village is a notorious area for road subsidence due to the extent of mine workings; the village has a history of properties collapsing, and room size fissures appearing across fields. He urged the EPUK to understand that lorry movements to the extent that is proposed in the planning application will have a significant impact at whatever level of measurement.

7.1.2.17. Cllr Cole sought further details about the new road build and was advised that once the trigger point of the annual sale and shipment of 400,000 tonnes of product is reached construction of the new road will commence, which is anticipated to be at the start of 2021. The construction project will take approximately 9 months during which time road disruption will be limited through traffic management on Whitefield Lane and A19. EPUK further reminded the meeting that the building of the new road will not commence until annual shipments from the site reach the trigger of 400,000 tonnes. Below this level according to calculations applying the "British Standard Methods" there is no significant environmental impact in using Whitefield Lane.

7.1.2.18. Cllr Walton explored the possibility that given the failure of EPUK to achieve the trigger sales volume that the new road will never be constructed and in which case speculated that EPUK would seek extensions to their application going beyond the current 25 years.

7.1.2.19. A member of the public questioned whether the increased quarrying activity will have an impact of air pollution in the village given the prevailing wind direction. The environmental consultant provided assurances that the dust management plan for the site ensured that dust levels from the site will remain at a minimum. The ash is maintained in a wet consistency at a 20% moisture level and is similar to wet sand on the shoreline of any beach. Ash on the site has been continually moved throughout the history of its operation without any effect on neighbouring villages; over a million tonnes have been relocated within the site in the past two years adopting the same processes that will be applied to the loading of the ash for outward shipment. Dust management will also be facilitated as the extraction process is from the inside out digging the ash as lava would be removed from the bottom of a volcanic caldera. Any noise pollution from the additional equipment will also be baffled by this approach to extraction together with the natural barrier afforded by the landscape of the site boundary; the hill of the nature reserve.

7.1.2.20. Cllr White and Cllr Humphrey summed up the position of the Council on behalf of residents the plan is purely business and gives no regard to the residents of Whitley their children or grandchildren. It is the intention of Whitley Parish Council to vigorously object to the planning proposal.

7.2. **Gale Common Extraction Proposal:** The Clerk advised the meeting that Katie Atkinson the planning consultant engaged to act on behalf of the Parish Council was in the process of preparing a draft response to the planning application that will be completed on 18th September. He informed the meeting that having approached Rachel Pillar Planning Officer for NYCC an extension for the delivery of the Whitley Parish Council responses to the planning application had been granted to 27th September 2019.

Action:

7.2.1.1. Draft report to be received from the planning consultant and forwarded to Councillors for their review.

7.2.1.2. Clerk secure and extension for NYCC Planning department for the delivery of the response from the Council to 28th October 2019.

7.2.1.3. Extraordinary Council meeting to be convened for 1st October during which Councillors will consider the draft report and agree on next steps in finalising the response including further meetings with planning consultant face to face or otherwise.

7.2.2. Cllr Humphrey informed the Council that he had received a request from a community group based in Cridling Stubbs concerning a petition that they are setting up objecting the Gale Common Extraction Project and requesting that notice of the petition be added to the Whitley Parish Council Facebook Page. Publishing of the notice was agreed.

7.3. **Parish Council Vacancies & Co-option:** Following the receipt of expression of interest in the position of Whitley Parish Council the meeting discussed the furtherance of the co-option process.

7.3.1. Cllr White expressed his understanding of the current situation that based on information obtained by the Clerk from Selby Democratic Services given the nature of the circumstances of the vacancies following the recent Election in May that there is no formal procedure requiring the vacancies to be advertised by Selby Council or by Whitley Parish Council. Acknowledging that the vacancy had been promoted during the statutory procedures accompanying the parish election and a subsequent insertion in the Parish newsletter he feels that every opportunity should be used to advertise the vacancy and suggested that for a suitable period 21 or 14 days the vacancy could be promoted via the notice board, social media pages and web site to provide the maximum notice.

7.3.2. Cllr Humphrey expressed his view that the Election process together with the circulation of the Parish newsletter provided the requisite notice. Two candidates had come forward both of whom are eligible, are local and had they put themselves forward as candidates in the May Elections would now be appointed unopposed to serve.

7.3.3. Cllr White sought confirmation that both candidates are available to attend meetings, are willing to attend appropriate training courses and are willing to take the lead on Council projects or issues.

7.3.4. **Proposed:** Cllr F Blackburn proposed that T Whitehead and D Broadbent be co-opted to the Whitley Parish Council. **Seconded:** Cllr S Cole **Carried:** Unanimously.

7.4. **Sale of Parcel of Land:** Given the intended use to which the purchaser will apply the land it is unanimously agreed to reject the offer.

Action: Clerk to advise Rigal Bennet of Council decision.

7.5. **Gale Common Motor Cross:** The Clerk provided an update on the progress of Selby planning enforcement in connection with the Motor Cross. A request for information by Selby Planning Enforcement had not been responded to by the operators and consequently a Planning Contravention Notice has been served. A site visit by the enforcement officer has just been conducted the results of which we are awaiting details. A freedom of information request had been lodged requesting copies of the forecast events for the year to November 2019 which forms part of the planning conditions.

7.5.1. Selby District and NYCC Cllr John McCartney informed the Council that to his knowledge the operators have failed to lodge any details of forecast events. The operators are also in breach of health and safety legislation in the reporting of accidents

on the site. Cllr McCartney put the Council on notice that he understands a further planning application is to be submitted by the operators on the site in connection with construction of bunds. Such an application could put on hold any enforcement action however based on further clarification he was advised that notwithstanding the lodgement of an application it is reasonable to expect the continuation of enforcement action given the particular breach in question is in respect of the number of meets per month that has no connection with the construction of bunds. It is worth noting that Selby Council and Selby Health and Safety are however taking much greater notice of the activity of the Motor Cross operation.

7.5.2. Cllr White suggested that any further representations and complaints lodged in connection with the ongoing breaches made to Selby Planning enforcement should be copied to the leader of the Council.

Action:

Clerk to continue pressing Selby Planning Enforcement for update and action copying in any correspondence to the leader of Selby District Council.

7.6. **Community Litter Pick:** Cllr White advised that following the success of the community litter pick conducted in April 2019 he proposed to organise another event and suggested the weekend of Saturday 19th October or Sunday 20th October.

Action:

The details of the litter pick to be held on 19th October 2019 be promoted on the Whitley Community Facebook.

7.7. **Whitley Allotment Association:** Cllr White undertook to prepare the revised Whitley Allotment Association agreement giving effect to the change in the paragraph concerning the letting of plots to residents outside of Whitley village.

Action:

Revised agreement to be tabled at next months Council meeting for signature.

8. **Correspondence received:** The Clerk advised the meeting of correspondence and emails addressed to the Council for their consideration –

8.1. An email was received from the national Climate Change Action group promoting their activities and inviting the Parish Council to organise events and or community groups in support of climate change campaigns. The communication was noted.

8.2. An email was received from British Telecom providing due notice of the remove of the phone box in the village opposite the bus stop by Gravel Hill Lane with an offer to sell the phone box to the Council at a nominal cost of £1.00.

Action: Consideration of the purchase of the phone box to be added as an agenda item for the Council meeting in October.

8.3. Cllr White enquired about the location of the general correspondence folder circulated between Councillors. Cllr Humphrey advised that the folder was in his position.

- 8.4. Cllr White raised concerns regarding the receipt of notices and communications from Selby District Council and cited the absence of notice of an open invitation to a communication meeting of Parish Councils with Selby District Council and the promotion of events and meetings from Southern CEF.

Action: Clerk to make enquires with support officers at Selby District to ensure that Whitley Parish is included within all the departmental circulation lists.

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

2019/0836/ATD	Mrs Caroline Oades	Whitefield Farm Whitefield Lane Whitley Goole North Yorkshire DN14 0HX	Prior notification for the change of use of agricultural building to 3 dwellings (Use Class C3) and associated operational development
2019/0815/OUT	Mr & Mrs Philip Johnson	Land off Larth Close Whitley Goole East Yorkshire	Outline planning permission for the erection of 4 detached bungalows including means of access (all other matters reserved)
2016/1094/OUT	Mr & Mrs Philip Johnson	Street Record Larth Close Whitley Goole East Yorkshire DN14 0GZ	Outline planning permission for the erection of 4 detached bungalows including means of access (all other matters reserved) 4 objections permitted 12th June 2017 permission expiry date 12 Jan 2020
2014/1135/OUT		Street Record Larth Close Whitley Goole East Yorkshire DN14 0GZ	Outline planning permission for the erection of 10 dwelling houses including means of access (all other matters reserved) Dismissed

Action:

Councillors to review the nature of the application of provide comments if appropriate.

10. Council Finance & Administration:

10.1. RFO Report as at 10th September 2019

Bank/Account	Income since 1 st April 2019	Expenditure since 1 st April 2019	Of which is 106 expenditure	Current Balance	Notes/Comment
Santander Deposit	184.98	1,000.00	Nil	72,622.02	Interest paid monthly
Santander Current Account (Cash Book)	5,917.33	4,938.59	1,076.00	1,461.34	No interest
Total Bank Balances				<u>74,083.36</u>	
Less following funds:					
Protected 106 funds		3 x Play areas/ROS and the Tree Lines.		51,728.45	
Other protected funds		A19, WHS Defibrillator fund		2,644.65 355.00 <u>69.60</u> 3,069.25	
Total Protected funds				55,297.70	
PC Reserve 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.		12,401.40	
Total protected/reserve funds				67,199.10	
Balance:					
Unprotected funds available to the Council		Current account balance + 106 Funds available to transfer		<u>6,884.26</u>	Includes cheques payable in 10.2

The Clerk presented his report on the financial position of the Parish Council and tabled an income and expenditure statement providing details of receipts and payments during the year to date.

10.2. **Accounts payable:** There were no cheque payments requiring approval.

- 10.3. **Accounts payable retrospectively:** The following cheque payments made following the council meeting of 16th July 2019 prior to the meeting of 10th September 2019 were approved.

Cheque No.	Payable to:	Amount: £
22374	J Dickinson – install notice board on Daffodil Park	70.00

11. Recreational Open Spaces in Whitley:

- 11.1. **ROS and Play Areas:** The Clerk advised the Council that the play area inspection by HAGS has been schedule for completion during September 2019.

11.2. **Parks and Verges:**

11.2.1. Grass Cutting: It was noted that although a request had been submitted for the inclusion of a grass cut of the verge from Silver Street to Millford the cut remains outstanding.

11.2.2. Daffodil Park hedge cutting: Cllr White will speak with the farmer whose field borders Daffodil Park with a request that he may consider trimming the boundary hedge on behalf of the Council.

11.2.3. Nature Reserve park maintenance: the cutting on some of the paths through the nature reserve continues to be inadequate. The Clerk advised the meeting that he had been informed by Bedford Mowing following instructions received the area had been recently cut. Cllr White undertook to visit the site and inspect the quality of the work.

11.2.4. Padlock for park gates: Cllr White advised that the padlock securing the gate into Daffodil Field is missing and therefore proposes to acquire a replacement chain and lock.

11.2.5. Park keepers: Cllr White reported on a site meeting along with Cllr Humphrey and the Clerk with two specialist garden contractors to seek recommendations and explore the provision of their services in the management and care of the Daffodil Field. The hourly charge rate was £35 per hour, contracting for 2 hours per month would require a budget in the order of £600 to £700 which falls well within the ringfenced allocation for Daffodil Park. The Council expressed their approval of the notion of engagement of these individuals to provide creative input into the horticultural design and improvement of the park.

Action: Cllr White to prepare a draft specification of the nature of the services to be contracted as a basis for discussion.

- 11.3. **Community Payback:** Cllr White reported that community payback team activities are continuing, and he expressed thanks to a Whitley Resident who replaced missing fencing at the entrance to the park. Cllr White reported that the team have been engaged on a whole range of activities around the village and estimated this amounted to hundreds of man hours given to the community, he understands that access to such a resource will continue to be available into the future. Critical to the service provision is the access of the payback team to public toilet facilities. These are presently offered by Whitley and Eggborough Church in recognition of which he suggested a donation be made to the Church.

Proposed: Cllr White a contribution of £50 be made to Whitley and Eggborough Church in recognition of their support to the Community Payback team. **Seconded** Cllr Humphrey
Carried: Unanimously.

11.4. **Replacement bench on Whitefield Lane:** The Clerk advised that the bench has been delivered and is awaiting the services of Jake for installation.

11.5. **Rosslyn Vacant Property:** Selby District and NYCC Cllr John McCartney referred to s215 of the Town & Country Planning Act that provides Councils the ability to issue an enforcement notice on any property or landowner requiring maintenance or repair action on untidy land. He explained that despite his attempts to encourage enforcement action Selby District Council is reluctant to use the Act.

Action: Clerk on behalf of the Council to write to Selby District Council Chief Executive seeking enforcement action in the maintenance and management of the Rosslyn derelict property that is not only unsightly but dangerous.

11.6. **Christmas Tree:** Cllr White informed the meeting that the acquisition of the permanent Christmas tree was progressing with the aim of planting at the George and Dragon site sometime at the end of October or beginning of November

12. A19 Safety Matters:

12.1. **Speed Camera Data:** The review of data was held over to the next meeting.

12.2. **HGV traffic movement through village:** The Clerk informed the meeting that he had spoken with the transport manager of the Mushroom farm and requested that he remind HGV drivers of the restrictions on Silver Street.

13. A.O.B.

13.1. Selby District and NYCC Cllr John McCartney informed the meeting that Learning Lane is to be total resurfaced in 2020 and pending completion of this the yellow lining and parking restrictions is placed on temporary hold.

13.2. Selby District and NYCC Cllr John McCartney updated the meeting on his understanding that the Monk Fryston Speed Campaign group have successfully persuaded North Yorkshire Police to approve and support the installation of average speed cameras in their village. Cllr McCartney undertook to investigate the details and report back.

13.3. The Clerk advised the meeting of his text communication with Amanda Coney concerning the return of the historic documents to Cllr Blackburn and her undertaking to return all outstanding material upon her return from holiday.

13.4. Cllr White sought update on response from Highways in connection with the complaint regarding the poor quality of the surface dressing.

14. Confirm date and time of the next council meeting:

14.1. **Next Parish Council Meeting:** Tuesday 15th October at 7.00 pm Whitley & Eggborough School Annex Building

15. **Meeting Closed:** 9:00 pm

