

Whitley Parish Council

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

2. Open Public Forum(OPF) 19th Oct 2021

2.1. There were three members of the public present who while expressing interest in learning about the progress of the Action in connection with the Gale Common legal proceedings had no specific questions or matters to raise during the public forum.

2.2. The Chair closed the public forum.

Minutes of the Whitley Parish Council Meeting held on 19th Oct 2021 at Whitley & Eggborough Primary School Annex Building Ref – 06/22

3. **Present:** Cllr Walton, Cllr White, Cllr Blackburn, Cllr Cole, Cllr Humphrey Cllr Woodhead, 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. 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 14th Sept 2021:

6.1. The minutes of the Parish Meeting held on 14th Sept 2021 were agreed as a true record and approved for signature.

Action: Clerk to deliver a copy of the amended minutes of the Council meeting held on 14th Sept 2021 for signature by the Chair.

7. Opening matters for information and action as required:

7.1. **Gale Common Extraction Proposal:** Cllr Humphrey provided a update of the progress of the campaign referring to an email he had circulated to Parish Councils summarising the current position of the legal action.

- It is worthy of note the Went Edge Quarry planning application has finally concluded with full approval by the same planning committee conducting a similar debate and profile of voting for and against the proposal.
- Sharing of legal arguments between the various parties to the action have been completed and we are therefore approaching the final reckoning.
- The crowd funding campaign has raised a total of £840 to date from 19 contributors.
- Cridling Stubbs have indicated that in addition to the contributions that their Parish have committed should the matter proceed to completion they would pledge a further £1,500.

- Eggborough Parish Council have reiterated their decision not to become directly involved in the campaign nor make any contribution to legal costs.
- The Whitley and Eggborough Children's Primary School are increasingly distancing themselves for the issue offering no responses to recent emails.
- Laura and Charles from the Heck community are looking to organise fund raising events. They have both clarified their own position in that they consider Heck is not directly impacted by the Gale Common application. However, they recognise a greater issue and are seeking to promote a inter Parish Council collective to create a stronger platform to challenge the actions and decisions of North Yorkshire Planners. The long-term objective being to precipitate a wider campaign against the proliferation of planning applications that are approved contrary to the broader interests of local communities.

There has been recently an email exchange from certain members of the action group expressing frustration about the time focused on the financial constraints and worries of Whitley Parish in securing the necessary funds to meet legal costs in the event of an unfavourable result. A view that Whitley Parish Council consider to be insensitive and unsympathetic.

The Clerk outlined details of a conversation with Irwin Mitchell regarding the progress of the case. Presently there a no costs accruing however the matter is moving to the next stages during which the QC's from both sides will communicate with the designated judge presenting their final "skeleton arguments" and to agree a date for the actual judicial review. At such hearing the lawyers and judge will meet in the judge's chambers during which all the legal aspects and arguments of the case will be debated and reviewed. Any interested parties to the matter can attend this session as observers to the proceedings but will not be required or able to make any further representation. It is important to recognise that the issues to be considered with be technical and legal in nature.

Our solicitor could not be drawn on the chances of success for although our barrister considers our legal arguments to be robust there can be no guarantee of a positive conclusion. Nor can we be assured that should the decision fall in our favour and the planning application prove to be unlawful and rescinded a further application could be submitted during which the shortfall in the legal process could be rectified and this subsequent application be approved.

The meeting clarified the current financial commitment to the legal action. Based on chargeable hours billed to date the total sum due is £15,098.54 of which Whitley will have to cover £10,400. It was agreed it is important the planned public meeting go ahead.

Cllr Humphrey outlined the three options open to the Parish Council:

1. Call time and suspend the proceedings.
2. Call a public meeting open to the residents of Whitley village to discuss the status of the campaign and the judicial review and to establish the level of the support from the community in progression of the case.
3. Make a firm commitment to proceed with the matter to Judicial Review.

The meeting considered the options debating the merits of each with Councillors sharing their concerns and opinions about the three alternatives.

It was agreed that given the magnitude of the sums involved and its impact on the financial resources of the Parish a mandate from the public be sought. To that end a public meeting would be called as part of the normal Parish Council meeting to be convened in the Annexe of Whitley & Eggborough Children's Primary School for Tuesday 16th November 2021. To engage with the whole community in Whitley the meeting will be promoted through all social media platforms supplemented by a leaflet drop to all households. The aim to encourage as much engagement with and participation of the community. A comprehensive summary of the state of the legal case, including costs to date and anticipated future expenditure will be

shared to provide a complete picture of financial implications, and consequences. The leaflet will explain the objective of the meeting that the Council are seeking feedback from residents about their approval to proceed seeking a confirmation of yes or no to the action. It will be made clear that if they as resident of Whitley desire to have their wishes considered they must attend the meeting if not it will be concluded that their absence will indicate they are happy for the Parish Council to exercise their judgement in discharging its statutory responsibility to decide on behalf of the community.

Action: Cllr Humphrey prepare a leaflet to be distributed to all households in Whitley in addition to postings advertisements of the meeting on all Social Media platforms available to the Parish.

Consideration was given to arrangements that would need to be made to deal with contributions donated through the Just Giving page should the Council elect to suspend the legal action.

7.2. **Whitley Underpass:** Cllr Humphrey reported on the progress of the project. Positive references have been received from customers of Keith & Mary Jones painting contractors. Enquires have been made with Yorkshire Driveway Cleaning a commercial jet wash contractor based in Whitley Farm Close. They advised their jet wash system is industrial and as such may be too aggressive for application to the walls of the underpass. They will carry out a test to establish the viability of the process. If the solution proves to be impractical there are alternative chemical cleaning solutions that are far more benign.

Proposed: Cllr White **Seconded** Cllr Woodhead the Council accept the quote from Keith & Mary Jones for the painting of the underpass at £1,500. Passed unanimously.

Action: Cllr Humphrey liaise with Keith & Mary Jones in the acceptance of their quote for the painting of the underpass. Cllr Humphrey provide Selby District & North Yorkshire Cllr J McCartney with details of the costings for approval of grant funds.

It was noted the underpass lights are inoperative an issue that is being investigated by the North Yorkshire Highways department together with the cut back of the undergrowth and vegetation.

It is anticipated the refurbishment work will commence in Spring 2022 at which time the Parish Council will manage communication with the public about access to the underpass during the renovations.

7.3. **Remembrance Day Memorial:** A wreath laying ceremony will be conducted on November 14th at 11.00 am at the memorial in Daffodil Park. The PA system will be set up to relay the broadcast from the Cenotaph in Whitehall and observation of the two minutes silence.

A resolution that a wreath be purchased at a budget of £25.00 and plants for the memorial at a cost of £8.00 was passed unanimously.

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

8.1. Emails and postage.

- An email from Rigal Bennett, in response to Council's rejection of their request to purchase land in Gravel Hill Lane. Noted
- An email from a resident requesting the purchase of dog waste bins and signage to be located where the public footpath joins Whitley Farm Close, and the building where the canal meets Heck Lane. It was observed the properties on Heck Lane are not the

responsibility of Whitley Parish enquires about this location should be address to Heck Parish Council. **Action:** The Clerk to make enquiries with Selby District Council Refuse department to establish their policy on the collection of waste from additional dog bins sited at Whitley Farm Close,

- An enquiry from a resident of Blackthorn Close requesting consideration of the removal of trees inhibiting sunlight to the rear of their property. Noted and discussed in agenda items 11.1 below.

8.2. Social Media

- The issues of Gale Common and lighting of the underpass. A lamppost at the corner of Whitefield Lane that had not been operating but subsequently rectified has been referenced. Diagnosis of the problem revealed that the curb side undergrowth had affected the electrics which has prompted requests for the Parish to include the verges in the regular grass cutting. The curb is not a footpath and as such the Parish do not maintain the roadside edges as these verges are the responsibility of North Yorkshire Highways.

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. 2021/1198/FUL – Fulham House Farm, Fulham Lane, Erection of a storage building for agricultural machinery. Noted no comments.

9.2. 2021/0268/FUL – Land off Larth Close, Erection of 8 dwellings and garages. No further additional documents lodged in connection with the application apart from comments from Ecology on 1st August offering expression of no concerns and Environmental referring to potential issues of contamination of the site suggesting that appropriate studies need to be undertaken before permission is granted. Noted.

9.3. There were no planning applications granted for approval.

10. Council Finance & Administration:

10.1. RFO Report as at 19/10/2021:

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	2.78		Nil	55,210.80	Interest paid monthly
Santander Current Account (Cash Book)	18,131.33	8,443.45	3,170	11,048.04	No interest
Total Bank Balances				66,258.84	
Less following funds:					
Allocated Funds		Gale Common Judicial Review		20,000.00	
Allocated Funds		Crossing		5,000.00	
Total Allocated funds				25,000.00	
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.		41,258.84	
VAT due for reclaim				851.12	
Total Parish Unallocated Funds				42,109.96	

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 19th October 2021. The second tranche of precept was received in the month bringing the total receipts to £14,306. This amount included £5,000 grant from the "Road Safety Fund" to cover the installation of the pedestrian crossing. The aggregate expenditure to date is £28,852 which incorporates the provision for the cost of the pedestrian crossing of £5,000 and the provision for the Gale Common legal costs of £20,000. This generates a net deficit of payments over receipts of £14,546.

Total funds available to the council amount to £8,450 from cumulative precept monies and £33,659 from devolved funds.

The Councillors reviewed the expenditure on the grass cut of the verges and playground for the cutting programme to date. It is anticipated there will be a further two cuts to finish the season

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

Cheque No.	Payable to:	Amount: £
22483	J R Hunter – Clerk Salary	494.30
22484	HMRC – PAYE	123.60
22485	George Fillingham – Grass Cutting	1824.00
22486	Selby District Council – supply of litter bin	243.13

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: £
22480	Renato Bio – Tree management Daffodil Park	650.00
22481	J White – Christmas Tree	55.00
22482	B Crossdale – Gale Common Action Leaflets	50.00

11. Recreational Open Space in Whitley:

11.1. Parks and Verges:

- Parks & Playground Maintenance:** Councillors considered various items in connection with maintenance within the park and playground. Cllr White reported on several matters:

 - The mole catcher has been engaged in clearing the park and verges near the planter setting traps and removing moles. There is evidence that activity seems to be much reduced. The programme will be completed with removal of moles in Lee View park. An invoice for £120 will be submitted in due course.
 - Daffodil Park tree cutting has made a noticeable improvement to the landscape in the park that will make grass cutting and verge maintenance much easier.
 - The Coal Authority have attended and inspected the area and have rejected the application for funds to contribute to the management of the drainage issue as the application has been made outside of the time limits set at six years after the end of coal mining. **Action:** Drainage contractor Sweeting's to be contacted to establish timescales for the commencement and completion of the drainage work.
 - It was noted following the end of the nesting season the perimeter hedge of Daffodil Park by the A19 needs cutting. It was **resolved** a quote from Renato Bio of £280 for the cut of both side of the hedge be accepted. Carried unanimously. The objective being to finish the work in time for the Remembrance Ceremony on 14th November.
 - Following the expression of concerns about rust on the children's swing in the Park HAG's have undertaken an inspection and advised that oxidation of such nature is to be expected. This does not present any safety issue or reason for concern.
 - The insurance claim for the rectification of the HGV vehicle damage to the fence on Daffodil Park has been approved. **Action:** The contractor will be approached to commence repairs as outlined in their quote
- Management of Trees in Daffodil Park:** Cllr White commented on the state of the tree line between Blackthorn Close and Lee View. It was noted some work had been undertaken several years ago with coppicing of the Silver Birch Trees. It was agreed the tree line be re-examined to establish whether anything more can be done to manage the growth with advice and guide quotes being obtained from a qualified

specialist tree surgeon. It was speculated that such a programme of tree management could be expensive.

- **Verge cutting:** the quality of the verge cutting was discussed with the conclusion that there are a limited number of contractors available manage the work in the area. It was agreed that a final meeting with George Fillingham be arranged to review the quality of cutting during this year and to set objectives for the 2022 growing season.

12. A19 Safety:

- 12.1. **Vehicle Activated Signs Reports:** The problem in downloading speed data from the VAS has now been resolved. **Action:** Data collected from the sign concerning speed and vehicle movements will be collated and shared on social media.
- 12.2. **Pedestrian Crossing:** There is no further news on the programme for the installation of the pedestrian crossing. Contact with North Yorkshire Highways will be maintained to seek clarification about timescales.
- 12.3. **Community Speed Watch: The** Assistant Chief Constable of North Yorkshire has indicated community speed watch schemes may be granted approval at some point in the future. It is understood that risk assessments will need to be conducted to assess issues of health a safety. If schemes of this nature will be sanctioned the Parish would need to recruit volunteers to engage in monitoring activities.

13. A.O.B.

- Cllr White and Cllr Walton provided a summary of their meeting with a member of Tunstall management concerning their proposed initiative to provide support to the village as part of the company's engagement in social responsibility. Several areas of potential support were discussed including, maintenance of the stone planters, donations to the Christmas gifts for the over 80's, IT advice in the design and management of the Parish website, the offer of printing resource in the production of community leaflets or other communications, the provision of a skip for the collection of general household recycle waste, Perhaps even tours around the factory and financial contributions to improvement programmes in the village including an additional speed sign.
- It was noted the Christmas Tree has been purchased and is stored in the local garden centre awaiting planting outside the George and Dragon in due course. A Christmas lighting event will be organised in conjunction with the proprietors of the George and Dragon.
- The extent of overgrowth on the trees encroaching the pathway over the canal bridge in Templar Close was noted. **Action:** The Canal and River Trust and North Yorkshire Highways to be advised of the problem with a request for urgent remedial action.

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

- 14.1. **Next Parish Council Meeting:** Tuesday 23rd November 2021 at 7pm at Whitley & Eggborough Primary School.

15. Closure of meeting: 9:23 pm