

Pre-Meeting Business: The Chairman stated that Mr. Wyatt was present as a representative of the local press and was not a member of the Parish Council.

Public Participation: Mrs. Weinling asked if signs requesting children to respect local residents could be placed in the play area. Mrs. Warner advised that signs with the current rules are in the process of being replaced. Mrs. Woodhouse had noticed that the weeds on the pavements had been sprayed about a week ago and she wondered why this had been done so late in the year. Dr. Wade-Martins felt that spraying should be done by May at the latest. Mr. MacEwan said that, following a long dry spell, the weeds hadn't grown much at all until July. The Clerk will attempt to obtain a spraying timetable from the County Council. Mrs. Payne asked if the Parish Council could carefully consider its future policy towards planning and to particularly bear in mind that there were approvals for 59 houses (not yet built) with applications for a further 13 houses undecided. She also wondered if any plans had been made for the sum of £40K due to be received in respect of the agreement to site the telecommunications mast on the playing field. It was confirmed that no decisions have yet been made in this matter. Mrs. Bent repeated her concern with the traffic on Holt Road and the size of some of the vehicles. She asked who would be responsible if her fence was knocked down. It was confirmed that the person causing the damage (or their insurance company) would be liable. Ms. Ketteringham referred to the mast and it was confirmed that a request had been made to increase the total height by placing a dish (one meter high, 30 cms in width) at the top.

North Elmham Parish Council

**Minutes of the
MEETING OF THE PARISH COUNCIL
held at 7.30 p.m. at the Sports Pavilion on
Wednesday 2nd August 2017**

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098 Those Councillors Present Were:

Mrs. J. Borgnis (Chairman), Mr. J. Brown, Mr. T. Fitzalan Howard, Mr. P. Grainger, Mrs. A. Keeble, Mr. J. Labouchere, Mr. C. MacEwan, D. P. Wade-Martins and Mrs. D. Warner

Also in Attendance: Mr. K. Webb (Clerk), Mr. G. Bambridge (District Councillor), Mr. M. Wyatt (Elmham News + Dereham and Fakenham Times) and 11 parishioners

099 To Consider Apologies for Absence:

Mr. M. Phillips and Mr. C. Smith

100 To Receive Declarations of Interest:

The Chairman reminded the meeting that, should the occasion arise, interests should be declared by Councillors as soon as this was realised, and the interest should be minuted. Mr. Fitzalan Howard declared an interest in respect of the possible siting of the telecommunications mast.

101 Minutes of Meeting held on Wednesday 12th July 2017:

Resolved to approve the minutes as a true and accurate record. Agreed by all.

UPDATED INFORMATION AND MATTERS ARISING

102 Land Management Matters (item 070)

- (a) Village Green The new play equipment has been installed.
- (b) Cathedral Ruins Mrs. Keeble said that the auto cutting machines have been booked and are due to arrive within the next two weeks.
- (c) Cathedral Meadows Edward Cockerton's memorial seat needs attention and the required work is to be done by Mr. Borgnis.
- (d) Broom Green Nothing to report
- (e) Millennium Wood Mr. Woodcock had offered to take the rest of the timber and reduce the height of some of the piles of brash. Another parishioner had asked if he could buy some of the wood. The two will together remove the wood and some of the brash at no cost to the Parish Council. All agreed with this course of action.
- (f) Bridleway on disused railway line Nothing to report
- (g) Prince William Wood Nothing to report

103 Street Lights (item 071)

Light number 57 is ready to be reinstated. The costs will be shared 50/50, as previously agreed, with the house owner.

104 Highway Matters (item 072)

Mr. Grainger said that attempts had been made for three and a half months to get a response from the Police and Crime Commissioner. Inspector John Papworth (Dereham Police) had reported that two cars had recently carried out safety checks. It had been proposed that P.C. Amy Lucas would co-ordinate a meeting between the District Council, the County Council (Highways), the Parish Council, the police and Westcotec to discuss the best way to proceed and the options available. All agreed that Mr. Grainger should proceed with this course of action. (Proposed by Dr. Wade-Martins and seconded by Mr. Brown). Mr. Brown said that there had recently been an accident on Station Road involving three vehicles. Mr. MacEwan had sent two e-mails to George Freeman (Member of Parliament) as agreed at the last meeting but no response had yet been received. Parishioners are encouraged to contact him as well.

Work on the trod from the King's Head crossroads towards the allotments is to start in the week commencing 21st August. Dr. Wade-Martins reported that the subsidence problem on Cathedral Drive has been resolved and that the potholes requiring attention have been marked with white circles. No action has been taken regarding the muddy patches on the safe route to school so this matter will be chased again.

- 105 Eastgate Centre (item 073)**
Nothing to report
- 106 Pavilion and Playing Field – Play Area (item 074)**
Nothing to report
- 107 Dog Fouling (item 075)**
Nothing to report
- 108 Allotments (item 076)**
Nothing to report
- 109 Community defibrillator (item 077)**
Nothing to report
- 110 Play equipment and car park proposals (item 078)**
Nothing to report
- 111 Community Farm (item 079)**
Nothing to report
- 112 Detailed information map for village/Notice and Information Boards (item 080)**
Nothing to report
- 113 Volunteers (item 081)**
Nothing to report
- 114 Village Maintenance (item 082)**
Nothing to report
- 115 Village Institute Hall (item 083)**
Nothing to report
- 116 Village Resilience Plan (item 084)**
Nothing to report
- 117 Bus routes (item 085)**
Nothing to report
- 118 Discussions with the Mid-Norfolk Railway Company (item 086)**
Dr Wade-Martins reported that a very worthwhile meeting had taken place with Lanpro, developers of the land at Station Yard, and the railway company. Mr. Labouchere was also in attendance. As a result, the following submission is to be made to Breckland Council:-

Dr. Wade-Martins and Mr. Labouchere attended a meeting between the site developers, "Lanpro" from Norwich, and the railway company on Monday 24th July. It was explained that the Parish Council had no problems with the principle of the site being developed for housing and it was a matter of agreeing the details, primarily about the Safe Route to School. The site is still owned by Mr. Simon Thompson and the current application is to seek approval on Reserved Matters covering landscaping, layout and access.

For the Parish Council there are two issues relevant to the application:

- Insuring that the Safe Route to School across the site entrance is fully safeguarded.
- That a way can found within the development to provide a legal pedestrian outlet onto the railway line and then for the railway company to allow us to join this onto the footway along the railway line north of the buffers.

There will be a need for the railway company to build a new station platform and somehow provide a car parking area for the platform as there would need to be adequate provision for car parking. There may not be a car park at Thuxton station but through traffic there is minimal compared with Back Lane/Station Road. The main road is too busy and too dangerous to allow a situation to develop where car drivers are left with no option but to park along the main road or indeed along the streets of the new development. The railway company will no doubt have this in mind in their discussions with the developers.

There will also be a need to involve two other parties in the access negotiations: the County Highways Authority and the Office of the Road and Railways Regulator. The latter in particular has very strict controls over issues affecting level crossings and they will need to be satisfied about the safety of trains, road traffic and pedestrians.

The railway company are willing to agree a southern extension of the footpath from the buffers to the new access onto the estate but they will require the Parish Council to provide and maintain a fence to separate pedestrians from the railway track as far north as the buffers. To the north of the buffers a fence will be their responsibility.

Because of the last-minute nature of the applications, all these issues still need to be resolved.

It was agreed that the developers, the railway company and the Parish Council will need to negotiate arrangements on all the above matters.

The Parish Council responds to the consultation from Breckland by urging them to withhold consent until all the above matters have been resolved and a revised application to Breckland has been submitted.

119 Website (item 087)
Nothing to report

120 Neighbourhood Plan (item 088)
Nothing to report

121 Shared Access – telecommunications mast (item 089)

The Chairman stated that the decision to proceed with the installation of the mast had been made at the last meeting. Since then, notification had been received from Breckland of the prior approval and granting of a one metre extension pole to support the installation of three dishes and two ground based equipment cabinets. Neither Shared Access nor Breckland Council had considered it necessary to inform the Parish Council of this new requirement. Shared Access subsequently confirmed that there would be two cabinets - the electrical meter cabinet and the Tef Lancaster cabinet. In addition, there are three antennae on the pole, with one dish on the extension pole. This has a 300mm diameter. Mr. Labouchere felt that reasonable steps had been taken to address all concerns. He stated that he had been very upset by a lengthy e-mail sent by a parishioner to Elmham News, and copied to the Parish Council, which in his opinion, was personally insulting to the Chairman. Mr. Brown stated that the project was first discussed at the meeting in March and it was time “to get on with it”. Mr. Grainger said that apparently the increase of one metre in the height of the pole was considered not sufficiently significant by the District Council that the Parish Council needed to be consulted. We should register our view on this, expressing deep displeasure at the lack of courtesy shown over such an important local issue. All members agreed with this and were appalled by the way in which Breckland Council had acted. Mrs. Warner agreed with Mr. Labouchere’s comment that, with projects of this kind, there are a few people who are affected more than others. It is hoped, however, that the considerable benefit for the whole village will be recognised.

Mr. Labouchere reiterated his belief that all complaints had been addressed. He felt the mast would prove to be of enormous benefit to the village and its residents. He proposed that the project should proceed with Parish Council support. This was seconded by Mr. Brown. Six members voted in favour and there were two abstentions (Dr. Wade-Martins and Mr. Fitzalan Howard – previously declared interest).

122 Report from District Councillor

Mr. Bambridge reported that Breckland Council will be giving out grants for this year and next year only. There is to be a Local Lottery fund for grants but this will take some six months to set up. The Safer Neighbourhood team were asked to look at the main road through the village and, as a result, some 190 motorists were stopped. Traffic measures in respect of the Northern Distributor Road around Norwich need to include the road to North Elmham. Mr. Bambridge says he was very concerned that the Parish Council had not been consulted regarding the alteration to the telecommunications mast application and asked to receive a copy of the complaint which is to be forwarded.

Details of the Local Plan are on the District Council website. The final draft has been published and was finally approved with three small amendments. It is to be signed off on 3rd August and will go to the printers the following day. Unfortunately, the district’s land supply has been reduced to 4.6 years. This means that the levels of control will be reduced with appeals against refusal more difficult to defend. It is hoped that the land supply will be increased to 5 years again before too long.

123 Report on Breckland planning meeting (plus Local Plan and Nighbourhood Plan) (item 090)

The Chairman had attended a meeting of the Town and Parish Council Forum in May. The following points were worth repeating:-

- a) It is possible to appeal against a refusal of a planning application but a Parish Council or third party cannot appeal against an approval. It is possible, however, to apply for a judicial review which deals with process.
- b) The District Council takes into account material considerations but not non-material matters such as loss of property value and loss of view.
- c) A Neighbourhood Plan starts with parishioner consultation. Some villages have produced a statement detailing how they would like their parish to develop. A Neighbour Plan, however, gives more authority. The cost is in the region of £20K (grants of up to £13.5K available) and would take about two years to produce. It is advised to involve a consultant with planning experience. The matter will be discussed at the next meeting.

124 Fire precautions in public buildings in the village

Dr. Wade-Martins said that there are four public buildings in the village where people gather. These are the Pavilion, the Eastgate Centre, the Institute and the Church. It was agreed that Mr. Brown would ask the Fire Inspector to look at the Pavilion. It was agreed, in principle, to purchase two smoke alarms and to review the position regarding fire extinguishers. The Eastgate Centre has four smoke detectors. Mr. Brown, who is a trustee of the Institute, will raise the matter at the next trustees meeting. Officials of the Church are responsible for their own arrangements.

125 Accounts for Payment and Schedule of Income

a) Resolved to approve the following Accounts for payment:-

2/8/17	D. Tyson (pavilion cleaning – July)	£112.50
2/8/17	K. Webb (Clerk’s pay for July)	£524.16
2/8/17	HMRC (tax on Clerk’s pay for July)	£74.40
2/8/17	Norse (monthly grounds maintenance)	£822.66
2/8/17	J. Duffield (work in Cathedral Ruins)	£342.50
2/8/17	Anglian Water (playing field from 8/4/17 to 7/7/17)	£106.30
2/8/17	Mole Country Stores (bait)	£22.68
2/8/17	Norfolk County Council (design of traffic calming scheme)	£1,500.00
2/8/17	K. Webb (Clerk’s expenses from 1/4/17 to 31/7/17)	£73.80

(Expenditure approved by all members)

b) Schedule of Income:

14/7/17	Pavilion lettings	£180.00
21/7/17	HMRC (refund of VAT)	£970.70

Balances (as at 26/7/17):- Current a/c - £52,012.83, Business Premium a/c - £22,353.19

126 To Consider Planning Applications and Determinations:-

a) Applications

- (i) Application for agreement of the appearance, landscaping, layout and scale of 19 residential dwellings and the access routes within the site (3PL/2017/0863/D) – Land at Station Yard, Station Road, North Elmham (Dr. Wade-Martins and Mr. Labouchere had attended a meeting with the site developers, Lanpro, and the railway company. A number of matters requiring attention were identified and, as a result, Breckland Council is to be asked to postpone the current application and then request it to be resubmitted when the issues have been addressed. Proposed by Dr. Wade-Martins, seconded by Mr. Labouchere. All in favour).
- (ii) Shared Access – erection of 15m monopole with 1m extension pole to provide mobile electronic communications services (3BT/2017/0004/BTM) – Recreation Ground, Holt Road, North Elmham
- (iii) Brookside development – a detailed report regarding the current position had been received from Peter Cox (nplaw) as follows:-

I refer to our telephone conversation this morning and as promised I set out below some personal observations on this matter which I hope is of use to you at your meeting tomorrow evening.

1. As I told you, we are at long last on the cusp of completing the Section 106 Agreement which will enable the Council to issue the decision notice (planning permission). The final documents have been signed by the Applicants/Owners (the Marks) and are now with the Council for sealing. Once that has been done (I anticipate today or tomorrow) I can complete the Section 106 Agt. As promised I will send you an electronic copy of the completed Deed for the Parish Council's records. I am quite happy for you to send copies of the Deed on to your members if you want to as it is a public document.

2. The Agreement will be registered as a Local Land Charge. That ensures that any purchasers of the Site from the current Owners (the Marks) purchase with full notice of the Agreement and its obligations and are thereby on notice that they have to comply with the requirements of the 106. Put another way around, they cannot argue that they purchased without knowing about the 106 and are thus not bound by it. Additionally the 106 itself provides (in accordance with the provisions of the Town and Country Planning Act 1990) that any successors in title to the current Owners (purchasers from the Marks and any subsequent purchasers from the first purchaser and so on) are bound by the terms of the 106.

3. A principal term of the 106 will be to require the Owner (any successor in title) to provide firstly a minimum of 7306 sq.m of Open Space on the Site, secondly a Community Car Park and thirdly "footpath links" within the Site – these being defined as the provision firstly of footpaths linking the Site respectively to Holt Road, Cathedral Drive, the Millennium Wood and secondly of a footbridge linking the Site to the North Elmham Voluntary Controlled Primary School

4. Those obligations (ie in para 3 above) will be secured in general terms by the Section 106 Agreement.

5. The precise detail of each of those obligations will be settled by the submission by the Applicant/Owner of respectively an Open Space Works Specification, a Community Car Park Works Specification and a Footpath Links Works Specification. The Section 106 Agreement provides that in respect of each requirement (ie Open Space, Community Car Park and Footpath Links) Development of the Site must not be Commenced until and unless in respect of each of the 3 facilities, the extent and layout of the facility has been agreed with the District Council and each of the 3 relevant Specifications has been submitted to and approved in writing by the District Council. Key points to note about this stage:

- a. It does not take much to Commence Development in Planning law. Partial digging of a foundation trench will suffice
- b. The Parish Council could usefully be the “eyes and ears” of the District Council in this regard – although under the 106 the Owner is required to give notice of Commencement in any event.
- c. As you will see, the Owner needs to get all 3 Specifications agreed in advance of Commencement. If a start is made before they will breach the terms of the 106 and the District Council will be entitled to take restraining action under the terms of the 106.
- d. This Specification stage is (as I have previously advised you) the stage to get all the relevant detail agreed and included in the relevant Specification. I am sure the Parish Council will want to play a part in this- especially as it intends ultimately to take over ownership of each facility and will therefore want to ensure that each is of the highest standard and meets its expectations. The District Council will be expecting such an approach anyway but the Parish may want to consider making early formal contact with the District and laying down a clear marker of its interest in and desire to be involved at the outset in the negotiations over the content of each of the Specifications.

6. Once each of the Specifications have been agreed, then the 106 provides that no Dwelling on the Site may be Occupied until each of the Open Space, the Community Car Park and the Footpath Links have been provided by the Owner all and each entirely in accordance with the terms and content of the respectively agreed Specifications. Note carefully that at this stage the trigger relates to Occupation. Buildings may start to be constructed (and some even finished if the Owner so desires) but NONE may be Occupied until each of the 3 facilities has been laid out and provided in accordance with the relevant Specifications.

7. Once the steps in paragraph 7 have been complied with, the Owners has to maintain each of the 3 facilities to a standard approved by the Council until each of the 3 facilities has been transferred to the Nominated Body (in all probability the Parish Council but see further below).

8. Thereafter the Owner may not permit the Occupation of more than 80% of the Dwellings on Site until the ownership of each of the 3 facilities has been transferred to the Nominated Body on standard terms which includes a purchase price of £1 in each case. The District Council will specify who is the Nominated Body and it is provided in the 106 that the FIRST choice/option is to be the Parish Council. Only if so some reason does the Parish Council not want to take a transfer will the District Council go to “Plan B” – which is to require the Owner to set up a Management Company and transfer the facilities to that Company. In either case the Nominated Body is not required to accept a transfer unless the facilities have been provided and maintained in strict accordance with the requirements of the relevant Specification.

I hope this is clear. I think it covers all of the matters which we have discussed in our last 2 telephone conversations. Needless to say if you require anything further from me either before or after tomorrow’s meeting, do please feel free to e mail me or telephone me (01603 223677).

(Mr. Labouchere expressed concern that the developer’s vehicles would need somewhere to park when the work commenced. It would not be appropriate for them to park on the road).

- b) Determinations**
None

127 CORRESPONDENCE –2/8/17

- 1) Aon – important information regarding our insurance policy
- 2) CPRE Norfolk Alliance and pledge re “damaging new housing targets” (confirmed that the Parish Council would not support this campaign)

128 Announcements

Mr. MacEwan said that he had no alternative but to resign from the Parish Council due to a change in personal circumstances; he is shortly to commence a new role in Scotland. He thanked everyone for their support and said that he would continue to help the village whenever he could. The Chairman expressed appreciation for his contribution to the Parish Council and all his hard work.

129 Agenda items for next meeting:

Neighbourhood Plan
Wheelie bin stickers

130 Next Meetings:

Wednesday, 13th September 2017 at 7.30 p.m.

There being no further business, the meeting closed at 9.28 p.m.

Chairman

Date

