

## **TOCKWITH WITH WILSTROP PARISH COUNCIL**

Minutes of a Council meeting held on Wednesday 19th March 2008 in the Village Hall

The new Fire and Safety Regulations are in place and everybody was asked to sign the attendance book on arrival and departure. The Emergency Escape Plan is now agreed and it is placed at the Hall entrance at every meeting and attendees notice drawn to it.

**Chairman:** Councillor C Saunders

**Present:** Councillors Mrs Scholey, R Ward-Campbell, C Billenness, M Kennett, P Pick

**In attendance:** Mrs J Bygate (Internal Auditor), Mrs G Firth (Clerk to the Council),  
5 members of the public

The Chairman welcomed everyone to the March Council meeting.

**Apologies for absence** - were received from District/County Cllr Savage, Cllrs Mrs Wardman, N Waller, P Kirby and I Robinson.

### **2. . Police Matters**

The Chairman had spoken with PC Haydon and reported to him the recent issues arising under Police Matters.

PC Haydon is hoping to have a base in the village and subject to discussions with North Yorkshire Police the venue may be the Village Hall.

Cllr Billenness asked that it be reported that the fishermen's car parks were being used at night for smoking dope. As the fishing season has now closed there should be no use of the car parks day or night.

### **Minutes of the last Meeting and Exempt matters**

The Minutes, having been circulated and taken as read, were agreed as a true record, subject to an addendum concerning thanks for the resolution of the problem of the footpath over the ditch along the footpath to the river alongside Daltons, and signed by the Chairman. The Exempt Minutes were agreed as a true record and signed by the Chairman.

### **Matters arising from the Minutes**

Signs for the noticeboards and the Play Area had been obtained by Cllr Saunders.

### **Public Questions or Statements**

*Standing Orders were suspended.*

Litter along Fleet Lane, Tockwith Lane – concern was expressed that, in spite of HBC having been notified about the problem, nothing had been done yet.

Junction of Kirk Lane/Main Street – the road is sinking in the middle and is a danger to cyclists/motor cyclists. The Highways Authority has been informed but no remedial works done yet.

Footpath – from old Marston Station level crossing to Tockwith across the Marston Moor Battlefield is lacking footway marking/direction signs.

Wilstop Lodge Farm – a recent planning permission should have resulted in a footpath diversion application, not seen by the PC.

Land opposite Southfield Lane on Kirk Lane/Tockwith Lane – a large entrance has been made, hedges removed and lots of fencing erected.

Daffodils have been destroyed on Southfield Lane corner by parents of schoolchildren driving and parking over them. Some means of preventing parking on this verge is required.

Dog dirt – concern was expressed at the worsening situation of people not clearing up after their dogs.

*Standing Orders were resumed.*

Resolved that the Clerk write to HBC about the litter problem, NYCC about Kirk Lane, corner of Southfield Lane, the PROW Officer about the footpaths, HBC Enforcement about the unauthorised entrance/hedge removal and HBC about dog dirt.

Thanks were expressed to Cllr Pick for clearing up Southfield Lane.

### **Village Hall**

Mrs Steed was invited to report.

A Public OPEN Meeting had been held and there had been a very disappointing attendance.

Work is ongoing to survey Tockwith and surrounding villages to ascertain the level of support for the viability of the Hall in the future. Cllrs Saunders and Billenness agreed to help with proof reading the draft survey.

The VHMC is happy to support the Police surgery in the VH.

VH CH – There have been many problems with the system during the last few months, leading to a loss of revenue to the VHMC as user groups have had to cancel 3 meetings. Engineers have attended and cannot pinpoint the fault. The Clerk visits the Hall regularly and will continue to re-pressure the system in order that user groups are not affected in the future. The boiler is working but the system has a leak which is not immediately locatable. The system will continue to be monitored.

Mrs Steed and Cllr Billenness will liaise over the photographic survey/record of the condition of the Hall so that the Lease can be progressed. The Clerk to inform the Solicitors that this is being done.

All user groups have been informed about the CCTV system being operational.

The VHMC thanked the PC for the grant given this year.

### **Report by County Cllr/District Cllr**

Cllr Savage had sent a report via e mail which the Clerk read out:

Press cuttings from the Yorkshire Post and Yorkshire Press regarding BCB application were made known. Cllr Savage has put out a press release and spoken at length to Radio York. Paperwork and agenda item for HBC Planning Committee meeting on 27th March also sent.

Cllr Savage had attended NYCC meeting at Boroughbridge Partnership held at Minskip. Several

matters the PC will be consulted on but Cattal and Kirk Hammerton railway stations still remain a big issue with the railway company not doing anything regarding parking etc.

Skewkirk Bridge, proceeding with a budget of £130,000 but still slow on the legal side Cllr Savage had met with the 3 families affected by flooding in Cowthorpe, 2 members of the EA and 1 from MMIDB. Awaiting the EA to come back with answers, the river bank has been seriously eroded on the Cowthorpe side with the bank totally destroyed. The EA are looking at possible finance to assist the 3 households.

Most of the month has been taken up with the BCB application either at TRA & local meetings, Community meetings and a mass of e mails from the whole of the Marston Moor Ward.

Cllr Savage met with the Leader of HBC in Tockwith and members of the public. Cllr Gardener showed support against the application which can be found on the TRA website.

### **Correspondence**

Additional items 43 to 51 were made known.

Quotation for VH rear doors – authority was given to the Clerk to proceed with this work. The Clerk to contact by telephone the owner of the field off Marston Road regarding a permissive footpath

### **Planning**

from last month:

The Barn, Goosemoor Farm, Cowthorpe – formation of tennis court and erection of 2.75m high perimeter fencing. *The Council does not object to or support the application but wishes to make comments or seek safeguards requesting that there should be a restriction on any lighting proposed for the tennis court in the future.*

This month:

Wilstrop – removal of 10m length sections from various hedgerows to allow the laying of a water pipe. *No objections.* Wilstrop Lodge Farm – erection of detached double garage. *As the garage has to be relocated due to the culvert there are no objections.*

129, Prince Rupert Drive – erection of side conservatory. *No objections.*

The Old Rectory, Cowthorpe – erection of side conservatory. *No objections.*

Niddway, Kendal Gardens – erection of detached dwelling. *The PC objects to this application on the following grounds: The proposed large dwelling would have a detrimental impact on the adjacent terraced properties to the west, being overbearing, intrusive and overlooking leading to loss of light, loss of privacy and being oppressive to the much smaller adjacent properties which have restricted back gardens. The proposed dwelling would lead to a very cramped site with both it and Niddway having restricted amenity space. The access is considered inadequate to accommodate all the traffic which would be generated by a new five bedroomed dwelling as well as current traffic levels accessing Niddway. There is not a proper cul-de-sac with turning head and any overspill car parking would impact on numbers 2 and 4 Kendal Gardens. Parking allowed for in the proposal would lead to the front of the properties on this site resembling a car park.*

1, Kendal Lane – erection of first floor side extension and pitched roof over front porch (revised scheme) *The PC objects to this application on the following grounds: Although the height of the ridge has been reduced in this revised scheme, there are still two dormers over the garage and a large extension to the rear. This proposal is considered too overbearing and oppressive to the*

*adjacent bungalow. The residential amenity of the bungalow will be affected if not removed altogether.*

East House Farm Barn, Marston Road – erection of rear conservatory. *No objections.*

Concern was expressed at the proliferation of tyres on the airfield, which are being used to screen vehicles. Tyres are also being used to help as a sound barrier. Resolved that the Clerk write to the Fire Service and Environmental Health expressing concern about the number of tyres and the potential for hazard if they should catch fire.

It was reported that an Appeal has been lodged against refusal of planning permission for a public house in Cowthorpe.

Planning – BCB – HBC Planning Committee will discuss the application on Thursday 27th March at 2pm.

Cllr Billenness proposed that the PC pay up to £50 for a bus to take Cllrs and objectors to the meeting. Resolved that the PC pay for the bus.

Cllr Billenness had attended a meeting of the Overview and Scrutiny Committee of the Yorkshire and Humber Regional Assembly. It is the responsibility of the local waste planning authority to deal with planning and environmental matters. Cllr Billenness had spoken with Martin Dale of BCB at the recent public exhibition and asked for operational data on the plant in Iceland, which was not forthcoming. He is trying to obtain this information from other sources.

Cllr Pick stated that a lot of local farmers are opposed to the proposals as livestock could be affected and organic farmers put out of business.

**Planning decisions – approved with conditions:** Land east of East House – tree works

**Enforcement Case – notification and result of investigation** Marston Moor Airfield – increase in number of buildings and parked vehicles

### **Accounts**

#### Bank balances (as at 19/03/08)

Lloyds TSB current a/c	2,500.00
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Lloyds TSB Deposit a/c	9,186.52
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#### A/c's to pay/ratify

Almond Associates (CCTV)	3301.70
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Mrs G Firth (salary to 31/3, expenses to 19/3)	440.69
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C Saunders (sign for Play Area)	10.00
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Authority was given to the Clerk to progress the pothole repair in the VH car park, order more stationery supplies and instruct a qualified engineer to repair the CH system.

Resolved that the Bank balances be accepted, and accounts be paid/ratified as above.

**Date of next Meeting: WEDNESDAY 16th APRIL 2008 in the Village Hall, immediately following the Annual Parish Meeting which starts at 7.30pm**

Cllr Saunders and Mrs Bygate gave their apologies for the April meeting. Cllrs were reminded to prepare their reports for the APM. The Chairman thanked everyone for attending and declared the meeting closed.

## **NOTES FROM COMMUNITY MEETING held on Tuesday 11th March in Tockwith Parish Church**

Mrs Jenkins, Church Warden, gave health and safety advice.

Cllr Clive Saunders, Chairman of Tockwith with Wilstrop Parish Council opened the meeting by welcoming everyone and introducing Peter Torrible and Frances Wickham, from The Land and Development Practice, Mrs Gill Firth, Clerk to the Parish Council, Carey Trenchard, Tockwith Residents' Association (TRA) Treasurer, Jane Lee, TRA Secretary and Caroline Alliott, TRA Committee Member.

The Chairman said the purpose of the meeting was to come together as a group/alliance to try and see a way forward in opposing the BCB planning application.

Peter Torrible Mr Torrible, the planning consultant engaged by the TRA to try and achieve the right result, began his presentation by briefly outlining the planning system.

The Planning System and the reasoning behind Government Policy has to encompass new technologies and climate change and aims to: i) reduce the amount of waste going to landfill, ii) dispose of that waste without carbon emissions and iii) provide energy from waste.

In North Yorkshire, at both North Yorkshire County Council (NYCC) and Harrogate Borough Council (HBC) a new Local Development Framework is emerging. In North Yorkshire County Council's Minerals & Waste Development Framework Core Strategy Document, paras. 6.12 and 6.15, it is stated that there is no specific reason for new technologies and new facilities are not required.

There is a problem of Statute in that a PPC Licence must be obtained for such operations as well as planning permission. If alternative legislation to control operations is in place, it is not for the planning authority to make decisions on such issues. There is concern at the narrowness of consideration by NYCC as they do not appear to have proposals to deal with such applications. If planning permission is obtained the Environment Agency could be applied to for the PPC Licence and the two processes could advance together.

### Where are we? –

The Business Park is authorised for Use Classes B1, B2 and B8. There is concern at the sensitivity surrounding the application because of the high chimney stack and the nature of the hazardous waste which may contain toxins etc. The main problem is the uncertainty about the application:-

- The Environment Agency requires a higher chimney stack, which would create more visual intrusion, in order to have a wider dispersal area
- The ratio of domestic to hazardous waste is not known and therefore the content of the resultant gases cannot be known
- It is not known where the energy produced by the process will go
- It is not known where the waste to be processed will come from

All the above issues need to be addressed. It is only fair and reasonable that the application be transparent and that such new technology be managed properly. The application should be monitored carefully and specialist advice sought. Resources required include specialists eg the Atomic Energy Authority, Noise, Traffic, Health and Landscape consultants and monetary support from the community to allow the TRA to continue their work.

At South Milford, an explosives factory in a Grade 2 Listed Building was proposed. A community of 1393 (on the electoral roll) raised £35,000 between February and October. The application did

not go ahead so not all that money was used but will be used for future community projects.

It is important to monitor NYCC, BCB, new Government Advice and Planning Policy Statements as this application proceeds. PPS 4, of September 2007, sustainable economic development, states that Local Authorities should separate certain types of development from vulnerable localities. If the application was refused by NYCC, consideration of addressing any Appeal would follow. The planning system is involved and very expensive.

The Land and Development Practice will address the terms of planning and land use.

### **Question and answer session**

Q. In light of the complex planning application and emerging technology it is believed NYCC does not have the resources/ability to decide the application. Could the application be called-in?

A. This enters the political arena. The Secretary of State would only call-in applications to do with regional and/or national importance. It is not felt that this application falls under Article 14 as a call-in matter. Section 38 of the 2004 Act states NYCC would have a duty to refer to the Government Office any application outside the planning policy in operation. It is believed the Government should insist on a pilot project in an isolated location to test this new technology. A pilot plant so near to Tockwith village should be resisted.

Q. The greatest concern with this application is that it is so near to a residential area. Has the consultant dealt with other applications of a similar nature?

A. Yes. The Proximity Policy states that such operations should be close to areas of habitation to reduce the need for carrying waste over long distances.

Q. Should this application be granted permission, what other avenues would be open to the community?

A. There is no right of appeal against planning permission, only application for a judicial review regarding the process not the decision. There may be an opportunity to go to the High Court in terms of Human Rights legislation but this would be extremely costly.

Q. The Yorkshire & Humber Regional Assembly has given support to this application. How much weight would this support carry?

A. The Assembly is made up of representatives from the region, mainly from West Yorkshire conurbations. It is unusual for such a body to support a private planning application.

Q. It is alarming that the emissions are to be controlled by the applicant/operator. These should be checked by an independent agency. How can we be sure the emissions will be safe?

A. The management of such a plant must be adequate. Environmental Law, not planning law, states that such operations should be run by "fit and proper persons".

Q. Within the PPC process is there any opportunity for the community to be consulted/able to comment on the application for a Licence?

A. There is no public consultation during the process but the public can make comments if the Licence application is known about.

Q. The Environment Agency want the chimney to be 'lifted', suggesting that the emissions will disperse over a wider area?

A. No reason has been given why dispersal over a wider area is suggested and no definition of the chimney height required to do so. It is believed plume modelling should be demanded by the public to allay fears on this matter.

Q. Uncertainty arises about the content of the plume. The amounts of household waste/hazardous waste are not known. Household waste could contain hazardous elements which are not known or controlled?

A. This is why specialists are required to address these complex issues.

Q. The BCB Environmental Statement says the emissions from the plume will be the maximum permitted in the European area under present legislation. What will happen when Waste Incineration is reviewed?

A. Not known.

### Spending strategy

A statement was read out by the TRA Treasurer. Thanks were expressed to all who had given donations, in money or in kind. There is enough money to cover current costs. A long and expensive campaign is anticipated and much more money will be required to cover ongoing expenses.

### Developing a Plan of Action

It is important to consolidate and organise fund-raising events to meet future expenses. It is down to the community to work together to continue fighting this application.

It was suggested other communities in the Selby area who had had success in similar campaigns, particularly Thorpe Willoughby, should be contacted. Nigel Adams agreed to provide details.

HBC Cabinet Member for Planning & Transport spoke of the application being discussed at a planning committee meeting to be held on 27th March. HBC is a statutory consultee. It is important to lobby both District and County Cllrs and attend the committee meeting to show the strength of local opposition to the application. Details to be provided on the Tockwith.net web site.

A spokesman from the Thirsk area, where an incinerator is being proposed, spoke of the farming community being affected and the NFU having clout, as well as Organic farmers in conjunction with the Soil Association. It is important to get all local parishes involved. Local businesses and residents can be lobbied and donations sought. Estate Agents, who in a worst case scenario would see property prices fall locally, could also be approached.

Bilton in Ainsty with Bickerton Parish Council take the issue seriously, as they are dependent on Tockwith for their infrastructure, ie School and shops and support the TRA campaign. Has the TRA solved the issue of reclaiming VAT by passing bills via the Parish Council ? It was stated that the Parish Council cannot do this legally.

The core group could recruit personnel from the community to provide time, talents and fund raising abilities.

The Chairman of Tockwith Junior Football Club said a donation had been given to the TRA but there appeared to be apathy in Tockwith and people were unaware of the application and the fight against it. A fund raising event would be held to help the cause.



A TRA committee member said the TRA could not fight this campaign alone. Help is desperately needed – i) join the TRA, ii) give a donation, iii) give time to helping the campaign. Attendees were asked to leave their contact details at the end of the meeting. A resident spoke of apprehension about the future of the village and the fact that the TRA is carrying this anxiety on behalf of the community.

As this is an election year, residents were encouraged to stand for the Parish Council as a way of helping their community.

It was suggested that using locally sourced products could be a way of leading fund raising and increasing awareness. Local businesses should be made aware of the campaign and asked for contributions. An auction of promises was another suggested fund raiser.

The Chairman expressed thanks to everyone for coming, asked them to give their details before leaving and declared the meeting closed.