

STILLINGFLEET PARISH COUNCIL
MINUTES OF AN ORDINARY MEETING HELD REMOTELY ON
THURSDAY 4 FEBRUARY 2021

20072 **Welcome and Apologies:**

The Chair welcomed all those attending the meeting remotely as follows:

Councillors: Paul Elmhirst, John Cook, Lesley Collingridge, James Atkinson, Sally Lewis, Richard Daniel, David Swinglehurst, Juan Brooks

Clerk: Ruth Swales

Local Councillors: Cllr Neil Reader. Cllr Richard Musgrave,

Parishioners: Nigel Kemp, Ross Powell, Frances Coad, Nicky Lossoff, Suzanne McCloud.

There were no apologies.

20073 **Declarations of Interests:**

Cllr Elmhirst passed the chair of the meeting to Cllr Cook to consider declarations of interest.

20073.1 Cllr Swinglehurst made a declaration of interest in the agenda item 20081.1 appertaining to the ByeLaw Charity Field and agenda item 20078 re 2 planning applications relating to Stillingfleet House.

20073.2 Re agenda item 20077.1 i. Council were advised that after consultation with the YLCA the advice received was that those 4 councillors whose drains cross the green and discharge into the beck should declare a potential conflict of interest in the discussion regarding the drainage repair at Banbury House (previously known as Heron's Flight). As a result Cllrs Elmhirst, Lewis, Atkinson and Brooks declared their interest and applied to Council for a dispensation to participate and vote on agenda item 20077.1 i. The remaining councillors approved these dispensation requests on the grounds that prohibiting half of the councillors present from participating in the vote would be too great a proportion and impede the transaction of the Council's business. Cllr Cook handed the chair back to Cllr Elmhirst.

20074 **Briefings by Cllr Musgrave (North Yorkshire County Councillor):**

20074.1 **Consultation by Selby District Council on its new Local Plan:**

Cllr Musgrave provide a briefing on the development of a new Local Plan for Selby District which when approved will set a framework for future development in the district up to 2040 advising that it will be used by the Council to guide decisions on planning applications and to support the development of new housing, business growth and local services such as schools.

Cllr Musgrave advised that the second round of consultation on the preferred options under that plan includes three possible options for a major housing development (initially 1260 dwellings) at either:

- a) Burn Airfield
- b) Church Fenton Airbase or
- c) Land to the south of Escrick Road between Stillingfleet and Escrick.

He advised that the consultation is taking place now, until 12 March and that residents, businesses and community groups can get involved by visiting www.selby.gov/localplan. Following this genuine consultation

exercise the comments received will inform the final version of the plan which will be subject to further consultation before it is sent to the Secretary of State when it will be subject to examination by an independent inspector.

Cllr Musgrave offered the Parish Council assistance in framing its feedback and observations into that process.

Council were advised that there will be two virtual public meetings to provide information about the Local Plan including the proposed "preferred" sites and provide members of the public with a chance to ask questions. Any parishioner is invited to attend these meetings and join using the links below.

11 February 2021 (Starts at 6:30pm) [Join live event](#)

16 February 2021 (Starts at 6:30pm) [Join live event](#)

Cllr Musgrave invited councillors to direct any questions they have regarding the plan to him.

Council **RESOLVED** to maximise communication of the consultation by sharing information via its website; through the Stillingfleet Gazette and the Community Chat page.

Council **RESOLVED** that Cllr Elmhirst would reach out to the Chairs of the Parish Councils at Escrick, Kelfield, Riccall, Cawood and Naburn in order to co-ordinate collection of observations and comments on the potential impacts for the local villages.

20074.2 **Local Government reorganisation:** Cllr Musgrave provided an update regarding the devolution and proposed local government reorganisation advising that two alternative configurations of local councils had been put forward for consideration and that Parish Councils would be invited to contribute to consultation on these changes in the near future..

20074.3 **Stillingfleet Mine Site** (Ref: NY/2016/0251/FUL.)

Cllr Musgrave advised that the soonest date for the planning hearing into the proposed change of use of part of the former coal mine site, Escrick Road, Stillingfleet.would be March 2021.

20075 **Public participation:**

The Chair invited members of the public in attendance to raise any concerns, questions or suggestions they may have. The Chair reminded those present that any questions or comments raised in the public participation session would not require an immediate response from Council but if the issue was on the agenda then it would be discussed by councillors under the appropriate agenda item.

20075.1 Frances Coad wished to urge all parishioners to engage with the consultation process under the Local Plan development and suggested in framing responses focus should be on the positive reasons for selecting the two alternative preferred options at Burn airfield or Church Fenton as well as the negative implications of the Stillingfleet plot.

- 20075.2 Nigel Kemp referred to drainage repair work he had instigated and asked whether any decision had been made in relation to the proposal he had sent to Cllr Elmhirst in which he had set out the proportion of the costs he was seeking the Council to reimburse. Nigel was advised this matter would be considered under agenda item 20077.1 i.
- 20075.3 Ross Powell indicated that he believed there was a need for a full discussion about the drainage problem so that everyone could understand all perspectives before any decision was reached by the Council.
- 20075.4 Suzanne McCloud wanted to inform the Council that there had been many comments on the Community Chat page about the problem of dog fouling particularly on Stewart Lane and asked what more the Council could do to address the problem. Suzanne was advised this matter would be considered under agenda item 20079.2

20076 **Minutes from last meeting:**

Council **RESOLVED** to approve the minutes of the Parish Council meeting held on 3 December 2020 and the extraordinary meeting held on 17 December 2020. Chairman will initial and sign both sets of minutes as a true record.

20077 **Matters Arising from the last meeting:**

Council received information on the following ongoing issues and decided further action where necessary:

20077.1 **Village Green:**

i **Drainage repairs outside Banbury House (previously known as Heron's Flight):**

In view of the declared potential conflict of interest Cllr Elmhirst asked Cllr Cook to chair this agenda item.

Cllr Cook reminded Council of the legal advice that Council had obtained in relation to the drainage repair costs. That advice is that it is the householders responsibility to maintain their drains running under The Green and that Council has no legal obligation to indemnify any alleged negligence of any independent contractor. Therefore Council is not liable for any costs of repairing damage alleged to have been caused by Hagrapat nor has Council any legal power to pay such costs. Cllr Cook stated that the path open to Council to consider is whether Council should make an ex-gratia payment to Nigel Kemp under the power conferred under section 137 of the Local Government Act 1972. To do this Council needed to conclude that the payment is "in the interests of, and will bring direct benefit to, their area or any part of it or all or some of its inhabitants".

Cllr Cook invited each councillor in turn to share their views on the situation ahead of votes being taken on the matter. With permission from the Chairman Nigel Kemp clarified some technical points on the drainage repairs. After due consideration of the quantum of any ex-gratia payment and the terms that might attach to that offer Cllr Elmhirst proposed a £500 payment be made to Nigel Kemp in recognition of his work on the sewage pipe on condition that all the affected householders waive in writing all rights to bring legal proceedings against the Council. The motion was seconded by Cllr Swinglehurst. Council **RESOLVED** unanimously to offer an ex-gratia payment of £500 to Nigel Kemp provided that all the impacted

householders confirm that they do not hold the Council legally responsible for the alleged negligence of Hagrapat and that any specific allegations of liability are unequivocally withdrawn by all affected households. Cllr Elmhirst will draft the offer letter to Nigel Kemp.

With permission from the Chairman Ross Powell sought confirmation that if any of the affected households chose not to accept the terms then the ex-gratia offer would be off the table. He was referred to the Resolution just passed.

Cllr Cook handed the chair back to Cllr Elmhirst.

- ii **Easements in relation to the Fearndale development** : Council were advised that there was no recent update from our solicitors handling this matter and that the Clerk will chase up a response.

- iii. **Weed wiping**: Council were advised that the Drainage Board had advised that it was not appropriate for them to undertake the weed wiping of the dense growth of docks along the dredged margins of the beck but that the Council could ask the Drainage Board to make a contribution towards the cost of the treatment should the work be commissioned. Council **RESOLVED** to obtain a quotation from Fallon to undertake this weed wiping.

20077.2 **The future management of The Green / Play Area**

Cllr Elmhirst advised Council that there is uncertainty as to whether the Rural Payments Agency Stewardship Scheme would continue into 2021. It was suggested, therefore, that it would be appropriate for Council to consider the future management and use of the Green and other public areas in the context of benefit to Stillingfleet residents. Consideration should also be given to community obligations in supporting national policies calling for climate change initiatives and addressing environmental concerns regarding protection of fauna and flora populations, including exercise health and safety, dog walking, parking and footpaths. It was agreed that Council should engage with the community in these ambitions.

20077.3 **Sewage system proposal:**

Cllr Elmhirst advised that there was no further update re whether Yorkshire Water have accepted they have a duty to provide a public sewer but that their assessment of the current sewerage arrangements was on-going.

20077.4 **BT Telephone Box:**

Cllr Lewis advised that her enquiries of Naburn PC re the costs they had incurred in adopting their BT phone box had not been very illuminating as they hadn't faced any subsidence or safety issues. In order to fully consider the proposed adoption of the Stillingfleet phone box Council **RESOLVED** to seek quotations by tender to rectify the subsidence problem, make safe the structure and refurbish the box for use as a community library.

20078 **Planning Matters:**

Council noted receipt of the following planning applications: (full details of each can be found on the Selby DC planning public access site under each reference no.)

- An application for listed building consent for a single storey orangery extension at Stillingfleet House, Stewart Lane, (ref 2020/1291/LBC). The Council's observations have been submitted.
- An application to build a 3 bedroomed dormer bungalow on land at Tiger Island, Stewart Lane, Stillingfleet as a substitute for the agricultural workers dwelling which was the subject of an earlier application under ref 2017/1324/FUL (new ref 2020/1289/FUL). The Council's observations have been submitted.
- Application to construct a 1.5 storey extension contiguous with 2 storey extension to the rear of 1 Croft Cottages, York Road (ref 2020/1309/HPA). No observations were submitted.

20079 Matters raised by Councillors:

20079.1 Climate Change:

Cllr Cook referred to the Friends of the Earth Climate Action which explores what local councils might do to help tackle climate change in their local area. Council agreed to factor in aspects of this action plan to the proposed survey of the village green and thereby encourage the views of parishioners of how Stillingfleet might make a positive contribution.

20079.2 Problem of dog fouling:

Cllr Lewis updated Council on the recurring problem of dog fouling which has been particularly prevalent recently on Stewart Lane. Council applauded the initiative that has been taken by some residents to post notices along the verges of Stewart Lane to deter offenders. Council **RESOLVED** to investigate whether Selby DC would commit to emptying a dog waste bin on Stewart Lane should Council decide to purchase a further bin.

20080 Financial Matters:

20080.1 Council noted recent receipts and closing balances as:

Recent receipts:

Rural Payments Agency re 2020 Stewardship scheme	£2,201.62
Interest on NS&I account	£36.60

Closing Balances:

Parish Council current account	£9,973.49
Parish Council NS&I account	£5,119.97

20080.2 Council **RESOLVED** to make the following payments:

Solutions for payroll	£12.05
HMRC re Clerk's tax (Nov/Dec)	£42.80
Samantha E Lyth re annual hosting of the website and renewal of the SSL licence	£90.00
Council noted payment of Clerk's salary for Nov & December	

Chairman's initials

20080.3 **Internal Audit 2020/21 year-end**

Council **RESOLVED** to appoint the YLCA's Internal Audit Panel as its independent internal auditor for 2020/21 financial year end.

20081 **Charity Field:**

20081.1 Cllr Elmhirst advised that Keith Warters of Cundalls Estate Agents has offered to speak with Cllr Swinglehurst (the existing tenant) with a view to renewing the Farm Business tenancy of the Charity Field for a further two year period backdated from 1 October 2020.

20081.2 Council noted the closing balance on the Charity Fund as at 31 December 2020 was £5,570.16.

20081.3 Council noted that the Charity's annual return for the year ending 31 March 2020 had been submitted to the Charities Commission quoting zero income and £2,484 expenditure. Zero income was explained by the fact that there had been a period of 15 month intervening period in the receipt of rent on the Charity Field which crossed an accounting period.

20082 **Dates of future Meetings:**

The date of the next ordinary meeting was confirmed as Thursday 1 April 2021 at 7.00pm. If it is permissible to hold face to face meetings by then, the parish council meeting will be preceded by the annual meeting of the Parish commencing at 6.30pm.

Signed as an accurate record of the meeting held on 4 February 2021	PAUL ELMHIRST	1 April 2021
	CHAIRMAN	