

MINUTES – PLAY SUB-COMMITTEE – 25 JULY 2022

In attendance:

Councillors: John Cook, Lesley Collingridge, Joanne Sears

Play Stillingfleet (PS): Ross Powell (PS Chair), Sally Lewis

Clerk: Ruth Swales

Apologies for absence were received from Emma Powell

Play2207: Committee Composition

- Following a change to the Parish Council chairmanship Cllr Cook proposed that Cllr Juan Brooks (the new chair) should join the Play Area Committee. Proposal to be ratified at full Council on 4 August 2022.
- Play Committee agreed that Cllr Cook should chair this meeting.

Play2208: Planning permission:

- Ross advised that Martin Grainger, Head of Selby DC Planning had now replied to the committee's challenge that planning permission was not required. In summary he stated that in arriving at their decision planning SDC had needed to consider definitions as set out in the Commons Act, how they apply to section 55 of the Town and Country Planning Act 1990 (as amended) and had also taken advice from the Commons Registration Officer at NYCC and SDC's Legal officer.
- SDC's conclusions are that under the Commons Act 2006, the formation of a playground is considered to be a use consistent with the use and enjoyment of the land as a common (eg sporting and recreational use) and that under section 55 of the Town and Countryside Planning Act 1990 (as amended) that planning permission is not required for a playground as it is not a material change of use.
- Therefore SDC advised that the planning application had been closed and the fee of £231 returned to SPC.
- However, SDC advised that under the requirements of the Commons Act 2006, the formation of a play area and associated works may need consent from the Planning Inspectorate (PINS) and also recommended contacting Natural England on whether an environmental impact assessment is needed due to the SINC designation.
- Ross pointed out that the Green is registered as a Village Green and not as Common Land on NYCC's register and therefore his interpretation was that consent from PINS is not required.
- Further professional opinion had been sought from Katie Atkinson ((KVA Planning Consultancy) whose opinion was that the Section 38 of the Commons Act does not generally apply to registered town or village greens (a view consistent with the NALC LTN 56) and that Council should go ahead and build the playground without seeking consent from the PINS.
- Cllr Cook enquired whether the grants that had been promised from the National Lottery and the Two Ridings Foundation were conditional upon obtaining planning permission. Ross advised there are no conditions imposed by the National Lottery and

that he had advised the Two Ridings that SDC had now confirmed planning permission was not required.

- The Committee concluded that it would recommend to full Council that it should resolve to go ahead and build elements of the playground that could be funded from the grants already secured. Ross agreed to obtain an up to date refreshed itemised quotation from Playscheme so full Council could decide on which of the various components should be prioritised.

Play2209: Paying for the aborted ecological survey:

- The Committee noted that the ByeLaw Field Charity Committee had resolved to fund the cost of the survey from the £2,200 which had already been budgeted for the play area in the Charity's 2022/23 budget. On the strength of this resolution Ross had instructed the Ecologist to undertake the survey before SDC's response on the planning decision had been received. The work has since been halted but an invoice for work to date has been received for £350 + VAT.
- Committee agreed that this should be settled from the Charity account and the VAT claimed back by Council.
- Cllr Sears is to draft a letter to SDC (for the Clerk to send) to express strong disappointment that SDC had taken 9 months to reach a decision which had incurred avoidable costs and to seek reimbursement for the aborted survey.

Play2210: Update on grant applications:

- Ross advised that at present there were no further grant applications in the pipeline although he is to speak to John Cattnach regarding possible funding from the NYCC Locality budget.
- The Clerk offered to enquire of SDC when CIL funds might be payable to the Council for the Stillingfleet Service Station development.

Signed as an accurate record of the meeting held on 25 July 2022	JOHN COOK Acting Committee Chair	Date
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