

Berkswell Parish Council – Ordinary Meeting 9 February 2017

Minutes of the Ordinary Meeting of the Parish Council of Berkswell held in the Balsall & Berkswell Hornets Clubhouse, Berkswell on 9 February 2017 at 7.15 PM.

Item	Topic	Action by
	<p>1. Open Forum Parishioners of Berkswell were invited to address the Council on any relevant matter for a maximum of three minutes. Wendy Wilson mentioned the item on BBCs Midlands Today regarding building on greenbelt sites. ITV are now coming on Monday 13 February to do a report on the same topic.</p> <p>2. Attendance: Cllrs Burrow, Drake, Holmes, Lloyd, Hitchcock & Edwards, Cllr Dicicco (SMBC), the Clerk and 31 members of the public.</p> <p>3. Apologies for Absence: Cllr A Cambage, Cllr D Bell (SMBC), Keith Tindall</p> <p>4. Acceptance of Apologies: Accepted</p> <p>5. Declarations of Interest</p> <p>a. Declarations of interest were received from Cllr Burrow re item 10c and Cllrs Lloyd & Hitchcock as trustees of the Jubilee Project (Item 12c).</p> <p>b. No written requests for disclosing pecuniary interests had been received</p> <p>c. No new requests for dispensations had been received. Cllr Burrow has an ongoing dispensation in respect of his declared pecuniary interest in the proposed development on the Barratt's Farm (Ordinary Meeting 12/01/17 Item 5c) which expires on 17 February 2017.</p> <p>6. Confirmation of Minutes The following minutes were approved and signed by the Chairman: Ordinary Meeting of the Council held on 12 January 2017 Extraordinary Meeting of the Council held on 17 January 2017</p> <p>7. Matters arising from the previous meeting for attention: None</p> <p>8. Borough Councillor's Report and Parish Councillor's Opinion Cllr Bell (SMBC) submitted the following report:</p> <ul style="list-style-type: none"> • Both Parish Councils are working hard regarding their responses to the draft local plan but, if as it looks at present, there are differing views on where houses should be situated, then there is a danger that the work will be wasted. Some common ground would be a great help. • Cllr Bell has met with Virgin Media who are to dig up the "whole" of Balsall Common over the next 8 months and they gave promises to keep us advised at each stage. • The closure of Berkswell station car park for resurfacing will create problems, unfortunately the extension is not yet on the cards. • Tammy Rowe has been helpful with regard to litter collection in the village centre. • If the parish council are in agreement, they could write to Perry Wardle, Ashley Prior and Nick Page stating that the centre of the village can barely cope at present with parking let alone when further houses are completed. Council agreed to send an appropriate response. <p>9. Committee Appointments: None to report</p> <p>10. Solihull Plan Cllr Burrow gave a brief overview of the current situation:</p>	Clerk

	<ul style="list-style-type: none"> • lots of residents’ responses are needed, consultation closes on 17 February, • BPC are producing a leaflet to help residents with their responses. John Cairns has distributed leaflets on two previous occasions and has offered to help again. The BPC submission will be in 2 parts. Part 1 is about the number of houses and where they are sited, Part 2 is about everything else (infrastructure etc). <p>a. Council received a briefing from Councillor Drake on the key themes from the residents’ survey conducted at the Councillors' surgery on Saturday 28th January. Cllr Drake reported that a summary of responses has been compiled. Key issues included; a dislike of the scale of proposed developments; the planned use of greenbelt; and why brownfield sites or the new village proposal, haven’t been considered. Also residents feel that parking is oversubscribed, public transport is inadequate, local services are full/busy already. Regarding future developments, residents want buffer zones between existing and new housing with green space and play areas included. A summary of residents’ responses will be attached to the Council’s submission. Cllr Drake emphasised that the Council’s submission should not be regarded as being in place of individual’s submissions. Council thanked Cllr Drake for his efforts. Cllr Howles reported on the work being carried out by Stansgate Consulting – The Council’s Part 1 submission will be written professionally under the guidance of councillors.</p> <p>b. The Council discussed its position on the principle, within the SMBC draft plan, to build 1,150 homes around Balsall Common in addition to those planned under the 2012 Plan (excludes consideration of mitigation etc). Council agreed its position is that this is too many houses.</p> <p>c. The Council discussed its position on the principle within the SMBC draft plan to build 800 homes on Barratt's Farm (this excludes consideration of mitigation etc). Cllr Burrow stepped out of the meeting because of his declared pecuniary interest and Cllr Drake took the chair. Cllr Hitchcock commented that he is against the scale of development, which would result in the loss of many trees, the likelihood that surface runoff will be increased, the natural habitat of wildlife could be destroyed, ecology will be damaged, the area will lose the “value of our health” (pollution will increase), and hedgerows will be removed which will impact on wild creatures. Cllr Lloyd believes that SMBC’s greenbelt argument contravenes national rules, traffic will increase on feeder roads (e.g. Hallmeadow Road), there is no proper boundary to the greenbelt so more houses could be added at a future date, and this development would be in the narrowest part of the Meriden Gap. Cllr Howles objected to the massive expansion of Balsall Common village (approximately a 19% increase), and believes it is not necessary to make such an incursion into greenbelt where there are other alternatives (PDL options). It was believed that the land marked for development on the draft plan is not all currently available for development as Barratt’s farm is under multiple ownership. It was felt that there were good reasons for objecting and that 300 houses off the list of PDL sites, plus ad hoc developments, should be enough, also there is a better alternative site</p>	
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	<p>with green buffers with only 2 property owners, with good access etc. Council agreed its position is that they object to this development.</p> <p>d. The Council discussed its position on the principle within the SMBC draft plan to build 200 homes on land adjacent to Windmill Lane (this excludes consideration of mitigation etc). Council concluded that this is greenbelt land with no justification for building there. Council agreed that its position is that they object to this proposal. Residents reported that they will produce a report for submission to SMBC (co-ordinated by Wendy Wilson) on this site to cross reference with BPC response.</p> <p>e. The Council discussed its position on all other aspects of the SMBC draft plan including, but not limited to, mitigation, infrastructure (both green and built), concept plans, highways/access issues, the spending by SMBC of the proceeds of development and the development of village farm. Specific items discussed were:</p> <ul style="list-style-type: none"> • Village Farm - A number of residents attended the meeting to object to the proposed development of Village Farm which would be designed to improve village farm and build homes for young families. Cllr Burrow suggested that this development should not go into the Solihull Plan and could be considered by the NDP. Council supported this view. • Bypass – the bypass is mentioned in the draft local plan. The council agreed they didn't support the bypass without evidence that traffic volumes justify one and without such a bypass being used to justify building on the greenbelt. A recent SMBC Highways survey indicated that 6,000 vehicles enter the village from the south and 8,500 leave the village northwards on a daily basis Monday to Friday. The balance is an indication of the extent of local traffic. The existing traffic lights at Kelsey Lane are at capacity (these protect Balsall Common from traffic at rush hour). It is believed that a new road (by-pass) is likely to generate more traffic. Also many HGVs use Balsall Common as a short cut when the M42 is closed. 2 years ago DfT said there was not the evidence to justify a bypass. Councillor Lloyd added that the HS2 Environmental Statement had stated that the new line would not require road infrastructure change. If DfT think the same now, then Council would not support a bypass by extending Hall Meadow Road through Barratt's Farm. • Other issues – these are covered in the draft part 2 submission (available on the Parish Council's web site) and include: <ul style="list-style-type: none"> • Balsall Common centre, • insistence that national planning guidelines are followed • car parking at Berkswell Station (Cllr Burrow is surveying the number of cars parking on Hall Meadow Road this week) • adequacy of bus & train services, • impacts on facilities for dog walkers/runners etc, • insisting on green gaps between existing and new homes, • ensuring safe access to developments (e.g. not MHL) • maintaining connectivity of habitats (retain hedgerows, streams etc), 	
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- additional schooling to avoid congestion, current school system of importing children should not continue etc.
- asking for an inset study to develop a master plan for Balsall Common as a whole.
- ensure that homes for elderly people (single storey) are considered
- request that all monies raised from any development should be spent in the Balsall Common area.

Various suggestions were made by members of the public for potential inclusion in either Part 1 or Part 2 of the report.

Finally, it was reported that Cllrs Burrow, Howles & Hitchcock had met with the developers of Grange Farm. The meeting was not to talk about the development but to discuss the concept of a new village off Cornets End Lane and to find out their views on the Solihull Planning process. Feedback from this meeting will be incorporated into BPCs response to the Draft Local Plan.

Cllr Burrow asked the public if there was anything else that should be addressed. A resident asked how many houses would BPC accept?

Council felt that 300 – 400 for Berkswell was reasonable. It was agreed to make a comment in the response about a reasonable limit being set on the increase in size of Balsall Common. Tony Diccio advised the need to propose different sites (and present the argument) if current proposals are unacceptable and he believes this will be listened to by SMBC.

- f. The Council discussed the leaflet to be sent to residents containing advice on responding to the Solihull Housing Plan. Council agreed the content of the leaflet which will be distributed on 11 & 12 February across the whole parish. The purpose of the leaflet is not to tell people what they should say rather than help with completion of the forms.

11. Planning Applications

- a. The following list of planning applications was discussed by the Council.

Ref	Location	Proposal	Response Date
2017/00025	Leafy Nailcote Lane Berkswell Solihull	Two storey extension to the rear of property.	10.02.17
2017/00202	18 Turnpike Close Balsall Common Solihull CV7 7SD	Two storey extension	24.02.17

The Council had no objection to either of the above planning applications.

12. Financial Matters

- a. The following payments were approved:

BPC

BPC

Invoices for Payment	Approval	Cheque No	Gross Amount £	VAT £
Clerk's February salary (including one off payment approved 08/12/16 Item 24)	Admin	001892	2,237.74*	0
A Burrow – Reimbursement of cost of literature re the Local Plan NDP "Surgery"	Admin	001893	147.24	13.04
R Lloyd – Reimbursement of hire cost of the Jubilee Centre for Local Plan NDP "Surgery"	Admin	001894	30.00	0
D Edwards – Reimbursement of Land Registry Fees	Admin	001895	8.00	0
HM Land Registry – Registration fee re The Spinney (see item 16a)	Admin	001896	40.00	0
Total			2,462.98	13.04

* Council noted that the amount payable to R Wilson is £0.20 higher than payroll records to reflect an underpayment of £0.20 in January 2017.

- b. Payments received: - Council noted a £4 cheque from the Land Registry has been received in respect of overpaid fees.
- c. Grant Applications – Council considered the grant application from the Jubilee (Community) Centre for an initial grant of £2,000 to allow the Centre to refocus itself and provide time to resolve legacy issues. Cllr Dickey presented the justification to the Council. He explained that the trustees needed short term funding to move from where the Trust is now to make it a more stable facility for the local community. The proposal is to have a group of friends to the centre who will elect a board of trustees. Cllr Dickey confirmed that Balsall PC have not been approached for funding. Council agreed to support the centre for up to a year on the basis it will be self-financing thereafter. Council consequently approved the grant application. 3 in favour 1 against (Cllrs Hitchcock & Lloyd did not vote as they are trustees).
- d. Internal Audit Report – Nothing to report.

13. Reserves' Policy – In light of setting the 2017/18 Budget, Council approved the following revision to the Council's Reserves Policy:

Reserves Policy

The following is the Council's reserves policy:

General Reserves – it is the Council's policy to maintain its general reserve at a level commensurate with the value of the annual budget. In order to maintain general reserves at this level Council will, during the Annual Budget Setting process, consider using reserves to reduce the Precept Charge for a given year and make a contribution out of reserves to fully fund the annual budget.

Designated Reserves – it is the Council's policy to designate reserves to meet possible future demands on its resources from on-going issues where

timing and scope is not sufficiently defined, to enable provision to be made in the Council's budget and three year financial forecast.

The following are currently the areas to which the designated reserves may be applied:

*In 2017/18 Council agreed to earmark £29k of its reserves to provide for:
Berkswell Scouts New Club House (£4k);
Jubilee Centre (£5k) and
the Balsall Common Centre Project (£20k).*

14. Risk Management – The Clerk reported that an internal audit of the Council's accounts for the period 1 October to 31 December 2016, to be undertaken by Cllr Howles, had been arranged for 10 February 2017

15. Correspondence:

- a. Council noted a letter of thanks from the Berkswell Scout House Appeal for the Council's grant pledge of £4,000.
- b. Caroline Spelman MP had responded to the Clerk's letter to her expressing Council's concerns over the funding of Core Curriculum in Primary Schools after Berkswell CoE Primary School had applied for a grant to help fund core curriculum activity. Dame Spelman's response was as follows: *The Government has recently revised the funding formula for schools and overall Solihull is better off by 3%. However, some primary schools have seen a reduction and I have been to see the Education Minister, Nick Gibb MP about this.*

16. Ongoing References

- a. Review of inventory of land and assets: Council noted and approved the payment of £40 to HM Land Registry for the Registration of the Spinney.
- b. Neighbourhood Development Plan

Council had received the following motions:

- i. To agree the proposal, from Councillors Burrow and Drake, as set out in their document "The Way forward for an NDP for Berkswell Parish" (see attached).
- ii. To agree an alternative proposal, from Cllr Lloyd, to amend the document "The Way forward for an NDP for Berkswell Parish" to make clear the Balsall and Berkswell NDP Steering Committee should continue its work in accordance with a timetable agreed by the Council, with funding from the Council, provided its Terms of Reference are changed so that the Steering Committee complies with the Standing Orders of the Council.

Motion ii. (considered first as it was a proposed amendment to Motion i.) was proposed by Cllr Lloyd and seconded by Cllr Hitchcock.

After Council consideration of Motion ii, it was put to a vote and the results were; For Motion ii: 3 (RL, DH & KH) - Against Motion ii: 3 (DE, AB & RD). The Chairman made the casting vote against Motion ii which was, therefore, lost.

Motion i. was then proposed by Cllr Drake and seconded by Cllr Burrow. Council then considered Motion i. After some debate and on the basis that the proposals would not take effect until legal advice has been obtained, Motion i. was put to a vote and the results were; For Motion i: Unanimous.

- c. Local Plan Working Party – This was covered in Item 10 above.
- d. Traffic Calming – Cllr Edwards reported that the next meeting to discuss the Berkswell Traffic Improvement Project is scheduled for 18 March.
- e. HS2 – There was nothing new to report.
- f. The Well – Council noted that an arrangement has been made with Eaton Environmental Ltd to test the Well water the next time pollution is evident, in accordance with Minute Ref: 170112 17h.
- g. Kelsey Lane bus shelter improvement – Council approve that the Grounds Maintenance contractor will clear away overgrown vegetation from around the bus shelter at a cost of £60 to make way for J Hubbard & Son Ltd to carry out renovation works approved at the last Ordinary Meeting of the Council (Minute Ref: 170112 17i).
- h. Tree Issues – Council noted that planning approval has been granted in respect of Berkswell PC’s application (2016/03164) regarding work to be conducted in the Conservation area in accordance with the Midland Forestry Arboricultural Report. Midland Forestry have been awarded the contract to carry out the work (Minute Ref: 170112 17j).
- i. Taxibus service – There was nothing new to report
- j. Jubilee Project – See item 12 c. above.
- k. Unrecognised Rights of Way – Council noted that the Clerk had written to SMBC seeking clarification of when the cut-through from the A452 to Marsh Lane and the alley from Huggins Close to Station Rd in Balsall Common, will be added to either the List of Streets or to the Definitive Map.
- l. Public Rights of Way – Council noted that the Clerk had written to SMBC asking for their thoughts on how we can work together, for the benefit of path users, on the general condition of the path network, and the time taken to deal with difficulties that arise.
- m. Cornets End Quarry restoration – Council noted that the Clerk had written to SMBC asking for a meeting to discuss the reinstatement of the land affected by gravel extraction at Cornets End as there is concern that reinstatement is well behind schedule.

17. Removal and additions to Ongoing References

Removals: Broadband in Rural parts of the Parish

Additions: Unrecognised Rights of Way

Public Rights of Way

Cornets End Quarry restoration

18. Training and Meetings

- There were no reports from attendance at events or meetings

19. Heritage and Community

- a. “Double Expenditure” – Council to consider the resolution that the Parish Council reports at its Annual Meeting its expenditure on functions which in a non-parished area would have been funded by the Borough Council. This item was carried forward to a future meeting

The Way forward for an NDP for Berkswell Parish (Item 16bi)

1. Background and issues

- 1.1. Balsall PC gave notice to terminated joint NDP agreement in December 2016
- 1.2. Termination of the agreement does not of itself end the joint NDP process.
- 1.3. The legal status of the current joint NDP committee is unclear after the end of the two month notice period of the termination of the joint NDP agreement. There are many opinions on this but no Legal Opinion. There has been no formal communication with SMBC by either Berkswell or Balsall PC although Berkswell PC has had an exploratory discussion following our PC discussion on 12th January 2017. Practically, the current NDP Committee's role as a joint committee working for both PCs to produce a joint NDP is at an end because of Balsall PC's position.
- 1.4. Since Balsall PC's notification, no major progress has been made at all on an NDP except for a very good report by Andrew Livingstone concerning the Heart of England Academy and some work on a job profile and recruitment approach for a dedicated clerk/secretary following the resignation of the Balsall PC clerk who met this role of the committee. Little significant progress was made in the preceding 2 to 3 months for various reasons much to the frustration of the independent committee members.
- 1.5. In order to progress a Berkswell Parish NDP the following steps are required
 - 1.5.1. The current NDP area needs to be "de-designated" by both Parish Councils applying for this and the appropriate SMBC committee agreeing to it
 - 1.5.2. Berkswell PC must then apply for a designation for Berkswell Parish
 - 1.5.3. This will be subject to a six week public consultation by SMBC
 - 1.5.4. The appropriate SMBC committee must then consider and approve the requested designation
- 1.6. Berkswell Council has resolved that it will not write to SMBC requesting de-designation of the current NDP area until three conditions are met (minute 17b 12 January 2017). In summary
 - 1.6.1. SMBC confirms a Parish based NDP is acceptable
 - 1.6.2. That we have expert opinion that Parish based NDPs covering Balsall Common is likely to be acceptable to the Independent Examiner
 - 1.6.3. There is an agreement between the two Parishes on how issues cross Parish boundary will be handled to ensure that the Independent Examination can be successfully passed
- 1.7. The NDP Committee has undertaken much useful work.
 - 1.7.1. Significant canvassing of residents groups to establish issues they consider important
 - 1.7.2. Significant data from the sites exhibition, the free comments section of which has not been analysed
 - 1.7.3. Input from Berkswell, Heart of England and Balsall Common Primary School
 - 1.7.4. Some canvassing of business groups to establish issues they consider important
 - 1.7.5. It is understood that no canvassing has taken place of
 - 1.7.5.1. The Shops in Balsall Common
 - 1.7.5.2. Berkswell Estates, Kinorigo and other significant employers or farms
- 1.8. All of the above indicates many more months of delay and the potential loss to our Community of some enhanced CIL payments that come with an approved NDP

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2. A proposed way forward

Our aim must be to move ahead quickly despite the delays inherent in removing the old designation, agreeing with Balsall PC how to handle issues of common interest and the new designation process.

2.1. It is therefore proposed to

2.1.1. Run actions in parallel in relation to the legal designations and information gathering next steps of any NDP process. This will minimise projected delays

2.1.2. Seek the help of the current non Councillor members of the current NDP Committee to progress the information gathering.

2.2. This will be achieved by establishing a Berkswell Parish NDP Steering Committee (interim) which will commence work on a Berkswell NDP. Its key objectives will be to

2.2.1. Take the necessary legal steps to achieve a Berkswell Parish designation whilst meeting minutes 17b conditions including finalising terms of reference for the committee

2.2.2. Take all possible actions to prepare community questionnaires for residents and businesses for use once designation is granted

2.2.3. Identify suitable consultants to assist with the NDP project.

3. Committee membership

3.1. Councillors Drake, Burrow & Lloyd and such other Councillors appointed by the Parish Council

3.2. A representative from the BCVRA and Berkswell Society will be invited to join

3.3. Other representatives of the community including business will be invited to join to create a committee of not more than 6-9 members and broad community support.

3.4. The Committee will appoint a Chairman and Secretary

4. Financial authority

4.1. The Committee will have authority to incur costs booking rooms for meetings and stationary/publicity costs up to a value of £100 per item

4.2. Authority to incur costs must be formally minuted

4.3. All other expenditure must be authorised by the Parish Council

5. Terms of Reference

5.1. The Committee will operate within the standing orders for Berkswell Parish Council

5.2. The Committee will establish full terms of reference for approval by the full Parish Council as a matter of urgency both to manage its own affairs and as part of the Designation request documentation.

5.3. The Committee will have the authority to establish working groups or work with cross community groups who want to help including members of the previous joint NDP Steering Committee, to progress its work. The Committee is authorised to meet the room hire and stationary costs of such working groups.

6. Letters of thanks and invitation

6.1. The Parish Council should write to all current independent members of the joint NDP Steering Committee and Keith Tindall and Wendy Wilson (who resigned recently) thanking them for all of the work that they have undertaken.

6.2. The Parish Council should invite the current independent members of the joint NDP Steering Committee to help with Berkswell Parish's next step in seeking community views and in particular the questionnaire(s). Obviously they cannot legally continue as an NDP Committee but could function as an NDP Support Group providing help to any Council working on a NDP in our community. Such a letter to be signed by the PC Chairman and composed by Councillors Drake,

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Lloyd and Burrow and delivered to the joint NDP Committee in sufficient time that it can be considered at the 14th February 2017 meeting of the joint NDP Committee. Councillors Drake, Lloyd and Burrow to be authorised enter into discussions to finalise the appropriate way forward.

Richard Drake
2nd February 2017

Andrew Burrow