

**Minutes of the Extraordinary Meeting of the Parish Council of Berkswell, held in  
The Jubilee Centre, Station Road, Balsall Common on  
25<sup>th</sup> September 2014 at 6.30pm**

**1. Attendance**

Cllrs A Cambage, S Cooper, D Hitchcock, R Lloyd, and G Lock (Chairman).  
Ms L Barr, Mr & Mrs Tennyson, Mr B Lupton (Berkswell Hall Stables),  
Ms C Sullivan, Mr K Tindall.  
Borough Cllr T Diccico.  
Mrs S Butterworth (Clerk).

**2. Apologies**

Cllr K Howles, Borough Cllr D Bell, Mr M Saunders (SMBC).

**3. Declarations of Interest**

Cllr Lloyd declared an interest as Chair of the Local Action Group HHAG.

**4. Planning Applications**

***2014/1212 – Nailcote Farm, Nailcote Lane***

***An installation of a Solar PV Park with inverters, fencing, CCTV, soft landscaping, new footpath link, new mobility kissing gates, access road, switch gear and other ancillary equipment. Including the diversion of public footpath M186.***

Cllr Lloyd confirmed he could not find any reference to the footpath on the Planning Department website but suspected SMBC would approve the diversion of the footpath. A letter had been received inviting representation at the Planning Committee on 1 October 2014. Berkswell PC and other parish councils could attend and it should be decided who would speak. Cllr Lloyd agreed to represent Berkswell PC at the meeting. Cllr Diccico confirmed Borough Councillors could also attend and agreed to speak on behalf of Berkswell PC.

Cllr Lloyd confirmed objections had been submitted regarding the initial application and it should be stated that, as the footpath diversion was not on the website, this aspect should be brought to a future meeting.

***2014/1632 – Truggist Hill Farm, Truggist Lane***

***Retrospective planning consent for the retention of a 20m x 50m menage.***

Cllr Lloyd stated there had been no retrospective application for the hard standing. This was an agricultural area turned into hard standing and rain water flowing from the area had damaged the Kenilworth Greenway. Sharren French, Enforcement Officer had been investigating the situation but the Parish Council had not been kept up to date on the matter. Cllr Diccico agreed to follow this up on behalf of Berkswell PC.

Cllr Lloyd stated official change of use had not been applied for in respect of: change of use from agriculture to an animal feed business; a large fleet of lorries being parked on hard standing; or for an extension of the hard standing to accommodate other items in addition to lorries.

It was agreed to oppose the application as, in conjunction with the other changes of use where planning permission had not been sought, it contributed to the flooding and damage to The Greenway.

***Berkswell Estate, Tree Felling***

Ms L Barr advised the meeting of communication with SMBC and responses received to date. She had telephoned SMBC on 20 August 2014 to enquire whether permission had been applied for with regard to the tree felling, as no such application had been seen. Ms Barr was advised they had advice from the Forestry Commission which overruled planning applications. At the request of residents of Berkswell Hall, an Enforcement Officer had visited the site. An official complaint had been registered by residents.

Cllr Lock had received an email from M Saunders (SMBC) confirming that once investigations were concluded they would report their recommendations to Planning Committee on 29 October. Although they did not propose to consult the parish council or neighbouring residents about the report they would be happy to present views on the matter to members, in the body of the report.

Cllrs Lloyd and Cooper confirmed they had emailed objections to SMBC. Cllr Lloyd stated the Forestry Commission had nothing to do with planning applications or SMBC and that their website stated that as well as obtaining a felling licence other legal requirements needed to be taken into consideration. The 'box' had not been ticked on the application stating this was a conservation area, even though the form was very clear and inaccuracies could be actionable under the Fraud Act.

Cllr Lock stated the Forestry Commission guidelines were inadequate and exceptional remedies needed to be applied as this was a conservation and amenity issue. Residents had not been given an opportunity to have an input into the consideration of works within a conservation area. Cllr Lloyd stated that when an application is made consideration is given as to which trees within a conservation area should be retained – this had been missed as there had been no consultation. Cllr Lock stated the Parish Council should demand replacement of root balled trees of some maturity at cost to the landowner. The cost would motivate the landowner to maintain the area and set a precedent to prevent this happening in the future.

It was agreed that the Parish Council would reply to Mr Saunders to ensure consultation with the Parish Council under The SMBC Charter and that the Parish Council should be involved with residents in deciding which area contributed to amenity and ensure planting with benefit to the landscape.

Cllr Lloyd suggested a site visit with Parish Council, SMBC, landowner and residents.

**5. To discuss HS2 matters**

***Appointment of Counsel, budget and other resources necessary for Select Committee Hearing.***

It was proposed by Cllr Lloyd and seconded by Cllr Lock to instruct Ms Annabel Graham Paul to act as barrister for Berkswell Parish Council. This motion was unanimously agreed. It was agreed to request a breakdown of costs and Cllr Cooper suggested negotiating a fixed fee.

It was proposed by Cllr Cooper and seconded by Cllr Lock to appoint Ms Linda Felton as solicitor (at a fixed fee of £2400+VAT) to represent Berkswell Parish Council. This motion was unanimously agreed.

A resolution was passed to instruct Agents BDB to stand down. Cllr Cooper agreed to obtain advice from AGP's Clerk of Chambers on the correct procedure for the handover of Agents. This was unanimously agreed.

***Review meeting with Junior Barrister on 22 September 2014.***

Cllrs Lock, Lloyd and Cooper had attended a very successful meeting with Annabel Graham Paul (AGP), Junior Barrister on 22 September. The meeting had been to clarify the instruction process. AGP had explained the whole process leading up to Hearing and advised of the format of files to be submitted with reference points, keeping the message brief with 'winnable points'.

AGP had agreed to a site visit to meet with the Parish Council and witnesses. This would determine the case to be taken to Hearing. Counsel would work with and coach witnesses only when instructed to do so by the appointed solicitor.

Discussion regarding the tunnel was needed as AGP had suggested major requests should be made first.

Cllr Lloyd stated it would be important to agree locally which bodies are presenting which issues and proposals should be submitted as soon as possible.

It was agreed to obtain AGP's availability with a view to arranging a site visit before the next meeting on 16 October 2014.

Discussion took place to decide upon the procedure for submission of documentation to ensure AGP would not be inundated with information. It was agreed the Clerk would be the point of contact with all correspondence being passed through the Clerk. All councillors could individually submit draft correspondence to the Clerk and should a difference need to be resolved Cllr Lock as Chair would make the final decision.

Cllr Lloyd suggested a Sequence of Hearings be drawn up and submitted to the solicitor via the Clerk.

***Discuss date of workshop for local petitioners.***

A discussion took place to establish how the Parish Council might support residents and whether it would be helpful if cases were tested by the Parish Council. AGP had suggested the Parish Council could pick up 50% of cost to residents. Mr Tindall stated 'ordinary people' would present without representation from a barrister using the emotional aspect of their petition. Cllr Lock stated the Parish Council should welcome requests for financial assistance from residents and assess these on an individual basis. Ms Sullivan informed the meeting HS2 Ltd had visited her home. Discussions had taken place regarding current trains and HS2 and she had been advised 'it would be a different type of noise'. Many questions had not been answered. She had been advised she would not need a barrister for a petition based on emotion.

It was agreed to arrange a workshop for local petitioners with the date being emailed to petitioners once agreed.

**6. Next Meeting**

Ordinary Meeting of the Council, Thursday 16 October 2014 at 7.15pm, The Jubilee Centre, Station Road, Balsall Common.

The meeting closed at 8.30pm.

Mrs S Butterworth  
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16 October 2014