



## FOXEARTH & LISTON PARISH COUNCIL

Minutes of the Parish Council meeting held on Saturday 10<sup>th</sup>. June 2017 at Foxearth Village Hall at 9.45am

Present: Cllr T. Clayton (Chairman), Cllr M. Posen (Vice-Chairman), Cllr W. Binks, Cllr K. Robson, Cllr C. Cox, Cllr P. Cox & Kevin Money (Clerk to the Council).

There were also 22 members of the public in attendance

**055/2017 Chairman Welcome.** The Chairman welcomed everyone to the meeting and then signed the declaration of office after being appointed Chairman at the May AGM meeting

**056/2017 Apologies for Absence.** Were received from ECC D. Finch & DC I. Parker

**057/2017 Declaration of Interest**

To declare any Disclosable Pecuniary, Pecuniary or non-Pecuniary Interest relating to items on the Agenda

Cllr M. Posen declared a pecuniary interest in planning item 17/00171/TPOCON and will leave the meeting at that point of the agenda

**058/2017 To approve the Minutes of the meetings of Foxearth & Liston Parish Council**

To receive and agree the minutes held on Saturday 25<sup>th</sup>. March 2017

Cllr C. Cox proposed and Cllr P. Cox seconded that the minutes are a true and accurate record of the meeting. **This was agreed Unanimously.**

To receive and agree the minutes of the last meeting held on Saturday 27<sup>th</sup>. May 2017

Cllr K. Robson proposed and Cllr M. Posen seconded that the minutes are a true and accurate record of the meeting. **This was agreed Unanimously**

The Clerk informed the meeting that he had received an email from a Foxearth resident complaining about Councillors being predetermined in the planning application. The Clerk read out the email to the meeting. It read

*It would appear that my email of yesterday has arrived too late in that xxx has now also documented his predetermination in respect of the Stafford Park planning application. In consequence I am now registering my formal complaint against these 2 councillors and I claim that they have acted in a predeterminant manner and have therefore disqualified themselves from any active participation relating to consideration of the Stafford Park planning application that is set to come before the council at its meeting on Saturday 10 June 2017 in contravention of section 25 of the Localism Act. I therefore expect appropriate action to be taken such that democratic process is preserved and I reserve my right, should it prove necessary, to raise this matter with the district monitoring officer. I would appreciate your confirmation of receipt of this communication.*

The Clerk, having acknowledged the email, then sought advice from the BDC Monitoring Officer whose advice was sent to him in an email which the Clerk read out to the meeting. It read

*To summarise. There has been a further consultation in relation to the planning application for Stafford Park, Members have responded in their personal capacity and there is now a meeting to determine the Councils response.*

*In terms of Council decision making; whilst the Council has looked at the position before and provided a response, it is open for the Parish to reconsider the matter as there is new*

information. They may come to a substantively similar response, affirm the previous comments or reverse the position, all options are open and the Council has the power to do this.

*Member Interests: You advise that there are no members with Code interests in relation to the application, the only issue is that they have made comments in the process. The making of comments is in and of itself not a cause for an interest to be created, this needs to be something more direct and linked to the Members interest categories.*

***The key question is one of predisposition/bias/predetermination.***

*Members are entitled to have views on issues and to have indicated where their preferences and beliefs would take them. This is predisposition and is entirely permissible. The difficulty comes where you get to extremely strong and fixed opinions where the Member concerned has no intention of listening to any views or comments and is fixed into a permanent single view.*

*It is worth noting that s25 of the Localism Act 2011 affirms that just because a Member has made comment elsewhere they are not to be taken as being predetermined. This should be seen as giving comfort to Members to be able to take part notwithstanding comments they have made.*

*“Members should only participate in the debate where they are open to considering the views expressed and considering them on the basis of the information provided and the situation as it currently stands. Where Members have a fixed view which they refuse to consider varying to any extent they should not take part in the debate.”*

*It may well be that the Members have a strong view but are prepared to accept that clearly the parish may have a differing view over relative merits of issues or the way in which the points are put forward this would be acceptable.*

#### **059/2017 Public Participation Session**

The Chairman invited questions and observations from members of the public present. It was agreed unanimously by Councillors not to put a time limit on the Public session.

Regarding the amended Stafford park planning application, Parish Councillors informed the meeting that they are happy to inform residents about the revised application. Cllr C. Cox asked if residents had seen all the amendments on BDC website. Some residents had not seen the revised application on the website.

The residents were asked if Councillors could help them with any additional information on the revised plans. Residents agreed to have the Councillors supply them with the new revised details.

Residents asked about

- Babergh DC – Landfill site
- Traffic pack plan
- No schools in Foxearth. 110 houses being built in Long Melford
- No doctor’s surgery in Liston
- Present application and amendments are too dense
- Does BDC accept the problem with access? The Chairman read out part of the response that the Parish Council submitted in July 2015.
- Transport numbers bears out no reality to actual numbers
- All residents now have cars and use them more than when Liston was a small village
- ECC raised numerous concerns about highways
- Protected Lane is not viable as the passing areas are too small
- Road measurements have been over-exaggerated by 20%
- Houses on the site is better than having heavy industry. However, Savills cannot let unit’s due to difficult access to and from the site.

After the residents had finished asking questions and making statements, the Chairman asked if any resident wished to talk in favour of the application and / or the amendments.

No resident asked any questions or submitted any views in favour of the application or revised plans at this stage of the meeting.

The Chairman then went onto the rest of the agenda

### **060/2017 Planning Applications**

#### **15/00565/OUT & B/15/00649/OUT – Stafford Park, Clare Road, Long Melford**

Amendment(s) to the application Outline planning application for the proposed development of up to 100 dwellings and the change of use of an existing building to create up to 22 apartments and a community centre, to enable your remediation of the adjoining licensed landfill site to the north

F&L decision:

The original Objection from Foxearth & Liston Parish Council still stands notwithstanding the amendments of the application. Councillors decided to amend their previous objection as follows:

In consultation with the residents of Foxearth and Liston at a meeting on Saturday **10<sup>th</sup>. JUNE 2017**, the Parish Council of Foxearth & Liston would like to continue to register its **OBJECTION** to the above planning application and amendments for the following reasons:

- (1) The Amendments to the application still contains many anomalies and incorrect statements, which can be construed as misleading.
- (2) The application does not fulfil the requirements necessary for a Sustainable Development, as per government and regional guidelines, and it does not fit into the BDC strategy of future residential development.
- (3) The Traffic Management assessment is still flawed and gives an incorrect interpretation of the real situation vis-à-vis traffic movements and the suitability of local roads for the number of households proposed. The traffic plan as proposed in the amendments is not realistic. There is no public transport in easy walking distance, the traffic plans proposing routes A, B, C are not feasible and will:
  - (a) Erode existing verges;
  - (b) The peak traffic estimate is some 2.5 times higher than the peak when it was a factory and for much of its economic life the factory was served by a railway line. Add to the average hourly vehicle movements along the former B1064 (currently 200 per hour) as evidenced by vehicle movement logs as part of the weekly Speedwatch monitoring exercises in Foxearth;
  - (c) Will affect a protected lane;
  - (d) Will add to the bottlenecks for traffic using the bailey bridge (temporary) at Rodbridge, which has single carriageway with priority from Foxearth & Liston & Borley directions;
  - (e) There is only 1 bus stop shown as being in Foxearth which is only for school buses and there are no longer any weekly service and 'shopper' buses to Sudbury.
  - (f) Policy & Road safety: The Parish Council urgently asks that the BDC planning committee to consider these reports.
  - (g) ECC and SCC Highways submission: The Parish Council also asks the BDC planning committee to look into these reports.
- (4) The application does not take account of BRLP 78 Countryside and BRLP 79 Special Landscape Areas policies. The proposed site is not an 'urban' brownfield site and does not have the appropriate infrastructure for such a proposed 'New Neighbourhood'. The site was not included in the BDC Site Allocation Plan and is currently on a recognised Flood Plain area.

(5) The proposals infer that, although in Essex, the new housing will be a satellite for Suffolk and therefore have no benefits for Essex villages.

Following extensive consultations with parishioners in Foxearth & Liston, the overwhelming view is that the majority of residents are opposed to the development, as currently proposed. The Parish Council wishes to draw your attention to the many objections already received by BDC from both individuals as well as local & national bodies.

(6) The hydrology report is very equivocal with unquantified risks downstream on the Stour.

(7) There is concern how the local schools will cope with such an influx of families

(8) The contamination that requires remedial action was there when the developer purchased the site. Indeed, there was significant concern that BDC and the Environment Agency had not enforced action before now. Some residents had heard suggestions that IFF had provided a bond to cover the costs of decontamination and felt that BDC should investigate this. The need to remediate the contamination caused by a previous owner should not be taken as a basis for giving special treatment to permit enabling development.

(9) Residents fully accept that more houses are needed and that brown field sites should form a significant share of sites. However, brownfield usually implies an urban site and much policy, including the latest White Paper from the Government, caveats brown field sites with the word 'suitable'. The residents consider the site wholly unsuitable for residential development and suggest that the developer look again at a proposal within the existing B8 and B2 planning permission.

(10) The application site falls outside the spirit and the perceived definition of a brownfield site

(11) The development is in a sensitive natural environment with protected species (otters, newts etc.) and of high environment value

(12) The NPPF on brownfield site states "not to permit development on sites of High Environmental value"

The Parish Council therefore requests that Braintree District Council Planning Committee **REFUSE** this application.

Whilst considering these amendments the Parish Council sought the views of all residents speaking for and against the planning application with the amendments at the meeting. This decision by the Parish Council was reached following a comprehensive two-way discussion with the residents.

Cllr C. Cox proposed and Cllr K. Robson seconded that the above report be submitted to BDC planning department by Monday 12<sup>th</sup>. June 2017. **This was agreed unanimously**

**Cllr M. Posen left the meeting**

**17/00171/TPOCON** – Glebe Cottage Sudbury Road Foxearth CO10 7JB

Notice of intent to carry out works to trees in a Conservation area – T1 and T2 are both Conifers, proposed work is to reduce in height by removing the top third of the tree, and shape the remainder

F&L Decision: No comment

**Cllr M. Posen re-joined the meeting**

**Date of Next Full Council meeting 15.07.17 / 09.09.17 / 04.11.17**

**Future meetings in 2018**

**10.02 / 10.03 / 05.05 Electors meeting / 12.05 AGM / 14.07 / 08.09 / 10.11.18**

There being no further business the Chairman closed the meeting at 11.10am and thanked everyone for attending

Signed.....15<sup>th</sup>. July 2017

**Anthony Clayton**

DRAFT