



**MINUTES OF THE PARISH COUNCIL MEETING HELD ON MONDAY
8th JUNE 2015
AT 7.30 PM. AT KEMPSEY COMMUNITY CENTRE**

PRESENT: - Cllr Geens (Chairman), Cllr Patrick, Cllr Michael, Cllr Waller, Cllr Bevan, Cllr Frazer-Cann, Cllr Hodgkins, Cllr Hanmer, Cllr Pugh, Cllr Smith and Cllr Gerrard

IN ATTENDANCE: -

County Councillor Sutton, District Councillors Michael and Harrison (arrived 8.05 pm) plus 12 members of the public.

1. Apologies: Councillor Blackwell – (Holiday), Councillor Bannister – (Work) - accepted
2. Declaration of Interests:
 1. Register of Interests: Councillors' were reminded of the need to update their register of interests.
 2. Disclosable Pecuniary Interests (DPI) – None
 3. Other Disclosable Interests (ODI) – Cllr Hanmer declared an ODI confirming he is also a Councillor serving on Severn Stoke Parish Council.
3. To Consider Written Requests from Councillors' for the Council to Grant a Dispensation (S33 of The Localism Act 2011): Resolved to accept Dispensations from Cllr Bevan and Cllr Gerrard who both live in the vicinity of the David Wilson development in Post Office Lane to allow them to participate in discussion and vote.

The meeting was adjourned for Public Question Time, notes of which are appended to these minutes

- | | |
|--|-----------------------------|
| <ol style="list-style-type: none"> 4. Minutes: The minutes of The Extra Ordinary Meeting of Monday 1ST June 2015 having been previously circulated were signed as a true and correct record. | Action |
| <ol style="list-style-type: none"> 5. Correspondence for Information: <ol style="list-style-type: none"> 1. Communication from Osborne Clarke - Application to deregister and exchange common land at Upper Ham – This is to be referred to Commons & Hams 2. Email from Martin Bennett (on behalf of East Kempsey Action Group EKAG) – Request for Financial Assistance in engaging a transport consultant. It was proposed that Kempsey Parish Council employ a traffic consultant to video and analyze traffic on Post Office Lane over a one week period up to the value of £1K subject to its legality. This is a contingency should MHDC not fund this. Resolved to accept this proposal.
Clerk to make enquiries concerning the legality of the situation. 3. Received letter dated 4th June 2015 – Complaint to Information Commission Officer and decision from Information Commission Officer. Item will feature on July agenda. | Clerk

Clerk
Clerk |
| <ol style="list-style-type: none"> 6. Appointments to Outside Bodies: - Item deferred until July 2015.
Clerk to circulate Membership to Outside Bodies Report to all Councillors. | Clerk |
| <ol style="list-style-type: none"> 7. Reports from representatives: To receive an update:- <ol style="list-style-type: none"> 1. Neighbourhood Watch - Crime Alerts Information
22CC/36109Y/15
CRIMINAL DAMAGE-VEHICLE occurred between Wed 27/05/2015 22:30 and Thu 28/05/2015 15:00. BROOK END LA, KEMPSEY, WORCESTER
Location is a driveway to a dwelling premises. Between material times person(s) unknown have used unknown implement to scratch a circle in the rear driver side quarter light glass to | |

parked secure unattended black Lexus.	Action
<p>The Chairman reported that the outside tap at the Community Centre had been vandalized and needed repairing.</p>	
<ol style="list-style-type: none"> 2. County Councillor's Report – The report was noted 3. District Councillor's Reports – The report was noted. 4. Neighbourhood Development Plan (NDP). – The report was noted 	Clerk
<p>8. Committee Report Updates and Proposals Committee meetings for Environment, Recreation, Commons & Hams and Community Centre have been arranged on Thursday 11th June 2015 between 6.30 pm – 9.30pm.</p>	Clerk Clerk/ C&H
<ol style="list-style-type: none"> 1. Environment – Resolved subject to monitoring the control of information, displayed via The Parish Office, to acquire the notice board located at the shop to use as a community noticeboard. 2. Commons and Hams – Resolved to grant delegated powers to The Chairman in conjunction with the Clerk to submit and re- register the Environmental Stewardship from Rural Payments Agency claim with a deadline of midnight 15th June 2015 3. Recreation: The defibrillator has been registered and an identification number obtained from West Midlands Ambulance Service. The cheque has been submitted for the outdoor gym equipment. 	
<ol style="list-style-type: none"> 4. Community Centre: The Hair Gallery Lease is in the process of being finalized and will be circulated to all Councillors shortly. The kitchen in the Nursery has been refitted. Thanks were expressed to Cllr Harrison for maintaining the flower tubs. 5. Planning – A meeting is arranged for 10th June 2015 to deal with several applications 6. Finance & General Purposes – Nothing to report. 7. Chairman's Report The Chairman confirmed his attendance at the Annual Parish Conference on 4th June 2015 where topics discussed included Broadband and Digital Inclusion. Training Opportunities available to all Councillors organized by CALC throughout June 2015. Please contact the Clerk to arrange a booking. 	Clerk Clerk
<p>9. Finance</p> <ol style="list-style-type: none"> 1. Payments of accounts were authorized. 2. Bank Reconciliation Statement Balance – For Information Only 3. NDP Expenditure – For Information Only 4. Resolved to invest funds (currently held with NatWest) in a one year fixed bond with Cambridge and County Resolved to invest a further £50K of monies currently held with HSBC. The financial organization is yet to be confirmed. Item will be deferred until the July meeting. 	
<p>10. Committee appointments</p> <ol style="list-style-type: none"> 1. Staffing Committee a. Cllr Michael was appointed as Clerks choice. b. Cllr Smith was appointed as Parish Council choice. 	Clerk
<p>11. Resolved to amend Committee appointments for Cllr Blackwell & Cllr Bevan To remove Cllr Bevan from Recreation and add to Commons & Hams To add Cllr Blackwell to recreation and remove from Commons & Hams.</p>	
<p>12. Resolved to increase Planning Committee Members from 5-7 people to include the Chairman and Vice- Chairman. Resolved to increase members from 3-5 for the Planning Committee to be quorate. Resolved to amend Standing Orders to reflect both of these changes.</p>	
<p>13. The Council resolved that a representative was required to sit on proposed Liaison Committee – Lafarge Tarmac Clifton Quarry. Resolved to appoint Mr. Tony Fraser – Cann as representative.</p>	

Under The Public Bodies (Admission to Meeting(s)) Act 1960 to consider excluding the public and press from agenda item 18. as publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted.

14. It was resolved to accept the Clerks Annual appraisal 2014/15 and award pay increase in accordance with Local Government pay scales and terms of contract of employment from SCP 37 to 38, effective from 01.04.15.

Meeting Closed 10.35 pm

Sharon Baxter
Clerk

Signed Chairman..... Date

Standing Orders were adjourned for Public Question Time

PUBLIC QUESTION TIME

John Reader – Representing East Kempsey Action Group

8th June 2015

To: Chairman and Members of Kempsey Parish Council

Proposed Housing Development Post Office Lane - Application 14/00625/FUL

Appeal by David Wilson Homes

-

On behalf of the East Kempsey Action Group (EKAG) I am formally requesting that the Parish Council submit a further objection to this development. You will recall that following the objections by the Parish Council, by District Councillor David Harrison and EKAG, Malvern Hills District Council rejected the application.

David Wilson Homes have now appealed this decision and this will be heard by an Inspector using the written representations procedure. This process involves not only considering all the previous submissions but also enables any interested party to submit further written submissions.

Other key players will be submitting such further submissions and we urge Kempsey Parish Council to do so as well because nothing can be taken for granted; not least:

The elected representatives of MHDC overturned the recommendations of their officers and David Wilson Homes will among other things point to the recommendation in favour of development by the professional planning officers of that authority and to that of the professional officers of the Worcestershire County Council Highways Authority.

EKAG will be trying to point out all the reasons why the REFUSAL should remain, but we need to ensure we present a strong collective case.

The application was rejected and I quote from the MHDC decision “the proposed development would result in a significant increase in the volume of traffic using the junction of POL with the A38 and the road between this junction and the application site and this would have a significant adverse impact on the highway safety for motorists and pedestrians and the residual cumulative impact would be severe. As such the development would be contrary to Policy DS3 (1) of the MHDC Local Plan and paragraph 32 of the National Planning Framework’

This resolution is as approved but ignores the contributions which David Harrison and others made about the impact of other housing development already approved in the village, some of which is now well on the way to completion. So the decision reflects merely the position now i.e. 2014/15 to

date, plus the impact of 75 potential David Wilson houses and ignores the other 300 approved houses which will further add to the 'significant adverse impact' on highway safety.

Nor does the resolution give real weight to what the all-inclusive term 'pedestrians' means. Let us be clear we are talking about babies, children under school age, children on scooters, children in push chairs and school age children as well as parents and grandparents. Motorists include those driving buses and tractors as well as cars of all sizes that cannot be easily navigated by their drivers on such a restrictive sized carriageway.

Kempsey Parish Council will appreciate the point being made here and will we are sure want to emphasise the holistic and realistic picture rather than ignore the impact of a series of separate incremental housing development applications which never focused on POL because the issues raised were those involving the location of the houses.

The fact is that the 350 or so other houses which have already been approved will cause major pedestrian and motorist issues well beyond the existing problem which Kempsey Parish councillors and many Malvern Hills DC's know from first-hand knowledge of having seen POL at school times.

The truth is that compared with NOW the 350 or 40% increase in houses in the settlement will lead to a very, very, very significant adverse impact on highway safety. This 350 is before the 75 David Wilson Homes, making a total potential increase of 50%.

One day perhaps with Neighbourhood Plan and SWDP will be in place and this speculative building will cease and some sense and equity will return. But even now the village is doing far more than it's fair share.

EKAG therefore asks you as the key democratic voice for this village to submit a new very strongly written representation mentioning whatever key objections you wish to re-iterate again about the David Wilson proposals, but in particular to emphasise that the severe adverse impact on highway safety is way beyond that referred to in the MHDC decision and that before any residual cumulative impact of the 75 houses is debated, the cumulative effect of the already approved houses on pedestrians and motorists MUST be assessed because to date that has not been taken into account.

Thank you

John Reader

On behalf

EKAG

In response to Mr Readers request for The Parish Council to submit a further objection to this development Cllr Geens confirmed the Planning Committee would take these concerns into account.

Mr Martin Bennett representing EKAG

Parish Council 8.6.15

Martin Bennett planned input re Post Office Lane development & request for a financial contribution to opposing the appeal

[after John Reader has summarised the current situation generally and the value of KPC making a representation to the Inspector].

[refer to John R's prior statement] I'm here to ask the PC to be ready to provide some material support to opposing the developer's appeal too if this is needed, through a financial contribution towards commissioning a professional traffic consultant to generate evidence of traffic in PO Lane for the Inspector to consider.

You know the background – when this application was submitted last year, some local residents set up an ad hoc campaign group to oppose it (EKAG). The application was eventually heard by MHDC in January and after numerous objections from residents, the support of the Parish Council, and powerful contributions to the meeting by both John Michael and David Harrison, they turned it down on the grounds of the traffic in PO Lane.

The developer is now appealing against this decision and the appeal is to be decided by the Inspector after all parties have made written representations. The critical issue is still the traffic on PO Lane, both at the junction with the main road and along the lane up to the proposed site.

As part of our input into the MHDC meeting, several EKAG members made voluntary contributions from their own resources towards employing a professional traffic consultant (DTA Associates). DTA provided their professional report, using the same data as the developer's traffic consultants had done, but reaching the opposite conclusion. We provided this to District Councillors before the meeting, together with several still photos that members had taken of the traffic around the junction at peak times. What several councillors said during their discussions showed that this had been critical in persuading them to reject the application.

Strictly, the developer's appeal is against the Council's decision so it's their responsibility to defend against it, though we're still working closely with them to make sure that between us we can make the strongest case possible. The Council have now commissioned DTA and they'll be paying them to do a further professional report that the Council can include as part of its representation to the Inspector.

However, DTA have also strongly advised us that to be robust, our case also needs to be supported by not only still photos taken by EKAG members, but also a full survey done by professional. This would be for a period of (say) a week, at peak times during the school

term-time, recorded on video, and then properly analysed and included with the representations against the developers' appeal.

This is standard practice in that profession and it's what the developers have now done to support their appeal. Though from what we've seen they've been very selective in how they've analysed its results, which makes it even more important that we have our own video survey that we can use to counter them.

However we're not sure yet whether MHDC's budget for DTA's services will also extend to getting this video survey done. We're expecting to learn more about this in a meeting we've got with them later this week, and obviously hope it will, but we're not counting on it. If necessary therefore we need to be prepared to commission DTA directly, in the contingency that MHDC can't do this.

EKAG still has some funds remaining and we're prepared to use them for this purpose, but we're not sure that this will be sufficient to cover the costs of a proper professional survey. That's why I'm here now, to ask you if in this contingency the Parish Council can provide any support too.

We'd value this not only for the sake of the financial support itself, which could be enough to make all the difference, but also as tangible evidence for the Inspector that opposing this development has the full support of the village as a whole, not just in words but also materially.

It would also show that the Parish Council is prepared to stand with a significant group of its constituents, who have already given up a substantial amount of their time and energy for this, as well as financially.

I appreciate that the Council's budget is already very tight, and that this isn't the only similar threat to the villagers by developers – sadly, far from it. However what makes this one different is that there are valid grounds on which it could be turned down even given the present state of the law, so it's a potentially winnable case and could help to call a halt to the uncontrolled expansion of the village that we've been seeing. I trust you will support this when you come to consider it in your meeting.

.....

Mr Bennett confirmed financial assistance was required in the region of £1K.

He also confirmed two weeks should be allocated to engage a traffic consultant and for an analysis report to be produced. Time was of the essence with a deadline of 30th June 2015.

It was not known at this stage how much funding would be available from MHDC to assist with this request. Cllr Harrison was not aware of full details either.

During discussion Cllr Michael confirmed he is in the process of drafting a letter subject to Severn Trent, subject to facts being obtained in respect of the sewerage problems

Cllr Waller made a suggestion – Can The Parish Council directly fund the consultants?

The Chairman confirmed there were many factors to take into consideration in reaching a decision. A main factor being the safety of Kempsey school children and parents, which means this survey is not only for the benefit of EKAG but residents and families throughout Kempsey.

Mr Bob Bowley – Kerswell Green

Mr Bowley made the following representations

- EKAG that he was not in favour of The Parish Council financially supporting this group.
- Appointment to Outside Bodies - Concerns about a conflict of interests of Councillors.
- Composition of the Staffing Committee.- Clerks representative represents Council not the Clerk.
- Draw reference to the confidential item concerning the Clerks Annual appraisal and pay increase and tried to relay information concerning the scope and salary rewards of the Clerk and disseminate his information to parishioners.

Standing Orders were reimposed

County Councillor – R Sutton

1. Commented on the representative to sit on the proposed Liaison Committee – Lafarge Tarmac Clifton Quarry.
2. It was confirmed to Cllr Sutton that the lamp post has now been move and that the VAS sign could now be fitted.
3. There is no provision for a pedestrian/cycle crossing at the Ketch Island.
4. A meeting took place with Highways concerning the overgrown vegetation opposite 125 and 127 Main Road which is required to be cut.
5. An assessment is to be carried out to address the problems surrounding parking located at the shop.
6. Parking problems Bannut Hill – After carrying out an inspection it was confirmed this land is owned by Fortis Housing.
7. Awaiting a response from Fortis Housing concerning the transfer of ownership of a piece of land at Hillside.
8. Comments on the diversion route at Earls Croome.

QUESTIONS

Cllr Patrick addressed issues concerning road markings at the Ketch Island, asking advice as to who she could write to/answer her question.

Cllr Sutton confirmed a major review will be conducted and a meeting is to take place this week.

District Councillor – D Harrison.

1. Gypsies have moved on to the common at Newland.
2. Refuge sacks both black and pink have been delivered to residents. Please note Cllr Bevan reported that residents on the left hand side of Oakfield Drive had not yet received any)
3. The Post Office is now open in McColl's shop in Kempsey.
4. Thank you to all parishioners who attended SWDP meeting at Worcester University Arena (Change of venue from Sixways Rugby Ground at short notice). No decision has been made as to whether there will be one or two gypsy sites, if any at all effecting Kempsey. No decision concerning the significant gap.
5. Plans indicate one footbridge /cycle bridge across the Southern link. No pedestrian access at the Ketch Island. There are no plans either to create a footpath underneath the Carrington bridge.

District Councillor – J Michael.

Nothing to report.

Chairman of Neighbourhood Development Plan (NDP) Mr M Biddle.

Mr Biddle confirmed a meeting is to take place on 9th June 2015 with a selected group of NDP members and MHDC Planning Officers.

The Church Fete is to be held on Saturday 4th July 2015 advising it would be useful to have NDP literature available for members of the Public.

He confirmed he would reiterate his comments both from a Civil Engineer and Chairman of NDP perspective in respect of Post Office Lane planning application. This will be discussed at the Planning Committee meeting scheduled for 11am on Wednesday 10th June 2015.