



**MINUTES OF THE EXTRA ORDINARY MEETING OF
KEMPSEY PARISH COUNCIL HELD ON MONDAY 4th MARCH 2019
AT 7.30 PM. AT KEMPSEY COMMUNITY CENTRE**

PRESENT: - Cllr Geens (Chairman), Cllr Waller, Cllr Allen, Cllr Michael, Cllr Dodge, Cllr Hanmer, Cllr Frazer-Cann and Cllr Thompson.

IN ATTENDANCE: - Sharon Baxter Clerk and Responsible Financial Officer plus 2 members of the public.

1. Apologies: Cllr Ferguson (Personal) and Cllr Gerrard (Personal) – accepted
2. Declarations of Interest
 1. Register of Interests: Councillors were reminded of the need to update their register of interests.
 2. To declare any Disclosable Pecuniary Interests in items on the agenda and their nature - None.
 3. To declare any Other Disclosable Interests on items on the agenda and their nature – Cllr Michael confirmed as his role of District Councillor that he would not be participating in any discussion/vote.
3. To Consider Written Requests from Councillors for the Council to Grant a Dispensation (S33 of The Localism Act 2011) - written requests to be submitted to the clerk prior to the Meeting - None.

No questions/comments made during Public Question Time.

4. Minutes: To allow members time to read the draft minutes of The Parish Council Meeting of 11.02.19, this item was **deferred** from signing until the next Parish Council meeting.
5. Proposal to sign off the Section 106 agreement ref 16/01396/FUL – **Item Deferred**
6. Proposal to sign the Land Transfer Documents for Community Land at Pixham Ferry Lane, Kempsey – **Item Deferred**

Agenda items 5 & 6 were primarily led by Cllr Waller and Cllr Geens with input and suggestions from councillors.

Standing Orders were adjourned and reimposed at various intervals to allow discussion/comments and guidance from Mr Biddle and District Cllr Harrison.

Opening the discussion, Cllr Waller referred to the latest Community Land Transfer Plan. The plot to be transferred to the Parish Council by Taylor Wimpey (TW) now includes the land carrying the SUDS attenuation pond. Upon detailed investigation, access to the SUDS area directly from Old Road South could not be safely achieved and access for maintenance of the SUDS area will be via the community land entrance and car park. However KPC will retain the right to re-allocate the precise SUDS pond access route across the car park once the design of this area has been finalized. The issues regarding the location of the northern boundary relative to the storm water sewer and the associated 10m wide 'protective strip' have been resolved and the northern boundary of the community land, the boundaries of the protective strip and the location of the storm water sewer have all been pegged out on site by TW. There is a slight inaccuracy on the current plan in relation to these locations to be brought to TW's attention. The northern part of the protective strip will remain in the possession of the landowners. The exact positioning of the northern boundary fence will need to be addressed with the landowners at some point in the future, though this is not a critical matter.

TW have also agreed to provide sewer access points to the SUDS pond and the pumping station for waste from the new community centre building. It has also been agreed that the stand-off zone around the pumping station can be used for car parking and concerns regarding fencing along the protective strip for the rising sewer along Pixham Ferry Land has also been resolved. TW will install ball stop fencing along the SUDS pond boundaries with the community land.

Action

Referencing the Infrastructure Working Party notes from Wednesday 27th February 2019, Cllr Waller highlighted the pressure from Taylor Wimpey to agree the Land Title Transfer agreement (TP1) which now forms part of the Section 106 Agreement between MHDC, TW, KPC and the landowners - five parties in total, as well as the S106 itself. A meeting is scheduled tomorrow with Taylor Wimpey to try to resolve the remaining difficulties with these documents, land transfer arrangements and timescales. A discussion on these issues then followed as summarized here:

- (1) Ensuring that all the planning conditions applicable to the community land are incorporated into the S106 agreement to make them legally binding on the developer. The importance of this was stressed by Cllr Harrison.
- (2) Ensuring that there are no conflicts between the TP1 and the S106 and that the S106 is complete in every particular including appendices and plans that pertain to the community land. Of principle concern is the difference between the timing of the land transfer stated in the Planning Conditions and the wording in the S106.
- (3) The difficulty of establishing timescales for the works in section 12.8 of the TP1 and concerns about TW fulfilling their obligations in light of the 'best endeavours' wording. The meeting felt strongly that a firmer commitment to completing these works within the required timescale should be obtained from TW. Cllr Geens highlighted his particular concerns with various clauses in both documents which will be addressed at the meeting with TW.
- (4) A previously unreported sewer crossing the future community land, disclosed after late receipt of the Title documents on 21Feb19. It is understood that the sewer is either disused or non-existent but there is an inconvenient covenant on the title affording Severn Trent Water rights across the site, including across a protective strip on either side of the sewer. Mr. Biddle had kindly superimposed the line of the sewer and its protective strip onto the Land Transfer Plan showing that the sewer, if present, runs through the SUDS pond land at the northern end and into the area to be used for the pumping station at the southern end. KPC will press for the covenant to be removed from the title of the community land before it is transferred to KPC.
- (5) The unresolved matter of potential Stamp Duty Land Tax liability. Three slightly but importantly differing verbal opinions have been obtained from HMRC and both seem to differ from our solicitor's view, whose opinion will be again sought.
We have been advised that obtaining a professional valuation on the community land to ascertain the worst case SDLT liability could cost c. £2000. CALC have confirmed that there is no requirement to have the land valued at this time for asset management purposes.
- (6) Concerns that MHDC are not being kept fully informed of developments with the TW - KPC negotiations. KPC is now satisfied MHDC are up to date with developments.

Cllr. Thompson reported on progress with the process to be used for appointing a Project Manager. Although the project has a value below that triggering EU procurement rules, UK national rules will apply. All tender documents will need to be in e-format and posted at the appropriate e-portal for not less than 35 days. The entire tender may need to be subdivided into different facets and advertised at a cost of c. £900 each. It was suggested that £10,000 should be budgeted for this exercise. Clarification of the situation is being sought from other parties. It was felt that the PM appointment should ideally be made before the end of April 2019.

7. **RESOLVED:** To submit the following response to WCC by 8 March 2019 in respect of Planning Application 19/000001/REG3 – Proposed new footbridge to span Broomhall Way (Southern Link Road A4440)
Comments: Kempsey Parish Council supports in principle this important local infrastructure project. However there are several points that are causing us concern and we therefore **OBJECT** to the plans as they stand for the following reasons:-

Safety:

We share the concerns that the low height of barriers do not provide the protection required for users, especially cyclists, protection for motorists and projectiles thrown from the bridge.

Southern approach to the bridge:

The plans state that integration of the southern ramp with local footpath C300, and establishment of the green space zone, will not be assured by WCC. These important aspects of the design should be completed and implemented by WCC as part of the overall scope of this application. Leaving this to a hypothetical commitment from a future housing and industrial developer is not a sound strategy.

Lack of Consultation:

We are very dissatisfied that Kempsey Parish Council was not included in the consultation for this project. As this land is in Kempsey Parish, we would like to be included, allowing us to contribute more effectively in this project.

General: Our preference would be to have a feature bridge with high security sides.

Meeting Closed at 9.50pm

Sharon Baxter
Clerk

Signed Chairman..... Date