

Minutes of a meeting of the Shotley Parish Council held on Thursday 19th April 2018 at the Village Hall, The Street, Shotley.

Present: Cllrs B Powell (Chairman), R Wrinch (Vice-Chairman), R Green, J Catling, G Richens and Mrs D Bedwell (Parish Clerk).

County and District Councils: District Cllr D Davis and County Cllr D Woods. District Cllr P Patrick's apologies were noted.

Public gallery: Twenty-seven members of the public.

- 1. Apologies for absence:** Apologies had been received (and were approved) from Cllrs B Higgs, N Green, M Williams and B Nichols.
- 2. Declaration of interests with regards to items on the agenda and additions to register:** Cllrs R Green and G Richens had both declared a pecuniary interest on item 6.1 d) (Shotley Pier planning application). However, it was established that although they (and Cllr B Powell) were shareholders, they did not stand to make any financial gain from the initiative as any profits made would be put back into the community. It was suggested that Cllrs G Richens and R Green were granted dispensations on this item due to this reason, which was approved by all. Cllr B Powell already had a dispensation in place.
- 3. Reports**
 - (i) County Councillor's report (D Woods): Cllr D Woods report had been circulated to members ahead of the meeting.
 - (ii) District Councillor's report (P Patrick): No report was available.
 - (iii) District Councillor's report (D Davis): Due to advice received following incidents elsewhere, Cllr D Davis had been asked to point out that what he said at Parish Council meetings and the advice he gives as a Ward Councillor may differ from what he was permitted to say at different committees. He asked for it to be minuted that he had made this declaration.

Cllr D Davis added that he was also a parishioner of Shotley, therefore he was at the meeting as a parishioner, as a Ward Councillor and as a freelance journalist, which he also wished to declare.

Cllr D Davis presented his report and answered a number of questions from those present, in particular pertaining to the Gate Farm Caravan Park:

- The drainage issues were meant to have been investigated although this had not been verified
- There were breaches on the conditions every year that passed and it was frustrating that there appeared to be no consequences to these breaches
- The site was continuously occupied with in/out movements that outweighed numbers permitted or the seasonality of the site
- The most recent application, which was not deemed as "planning" but "certificate of lawfulness of use" had not invited comments from neighbouring residents, whom had not even been notified
- There had been a considerable amount of soil waste disposed of within the site and although the EA had instructed its removal, a pile some 40ft by 8ft remained at the bottom of the site. UKPN's methodology statement should have listed the process for the disposal of the spoil and could be subject to sanctions if it had not been adhered to
- Although there was a report already logged with the EA, the Clerk informed those present that their latest position had been that due to Babergh's Enforcement involvement on the case, the EA would step back until such matters were resolved

- It was agreed that the EA should be informed again of the issues within the site as there was little hope that BDC Enforcement would actively deal with them, if the apparent inactivity of the past two years was anything to go by
- It was surprising that more applications were being allowed to be submitted when there was pending enforcement action

In relation to the declaration made earlier by Cllr D Davis, a number of questions were put forward, as follows:

- With regards to the new commercial venture “Shotley Peninsula News and Features”, in which capacity was the content produced, which was used to populate the various parish pages? A) That of a freelance journalist, Mr Davis’ occupation;
- Was Mr Davis a member of any accredited press organisation? A) Mr Davis was NUJ accredited and behaved within the Press code of conduct, of which there were details on the website;
- Was there a differentiation of responsibilities between the District Councillor’s and journalistic roles, as the information gathered within the role of a District Councillor was used to populate the website rather than shared with the Respective parishes?
- Would there any longer be a first-hand contact with parishes in his ward as it used to be with previous District Councillors, at meetings and between meetings. A) A lot of the information on the site was in the public domain, such as information gathered at meetings and a District Cllr report was still being given at meetings attended.
- Who should members of the public contact should they have any concerns about content? A) Mr D Davis himself in the first instance, and should his response not be satisfactory, further contact details were available on the website.

4. Public participation at meetings (Meeting open to the public to allow members of the public to speak):
There were no further comments from the public.

5. To approve the minutes of the meeting held 15th March 2018: It was resolved to approve the minutes of the meeting.

6. Planning matters

(i) To consider applications received from Babergh District Council:

- DC/18/01246 32 Great Harlings** - Application to fell 2 no. trees in rear garden subject to TPO 264/A1: This application had already been granted, therefore there was no further discussion.
- DC/18/01294 1 Visdelou Terrace** - Erection of dwelling and single garage, creation of vehicular access: It was resolved to recommend the approval of this planning application.
- DC/18/01068 29 Kitchener Way**-Erection of boundary fencing: It was resolved to recommend the approval of this planning application subject to any conditions regarding open plan front gardens being checked.
- DC/18/01384 Shotley Pier, Queen Victoria Drive** - Alterations to the Pier including provision of two buildings for Community/Volunteer facility: Mrs S Chicken gave members an overview of the planning application: The dimensions of the current application had been prepared within

those of the previously approved application; a meeting had been held with a planning officer and extensive public consultation had taken place (some 30 public meetings).

Mrs Sally Chicken wished to correct the inaccurate information that had been posted on social media and on the "Shotley Peninsula News and Features" website by Mr D Davis, such as the length being listed as 138 feet rather than 98 ½ feet. The actual plans had been on display at the Rose pub for the public to comment. Plans and pictures were also shown to those present. A newsletter was circulated to some 850 people. The finishes and appearances of the end building were yet to be decided.

Comments included the following points;

- The plans looked too modern and did not meet the public expectation of a Victoria Pier
- The dimensions/seating capacity of the café appeared too large, although the size of the galley was only 10x13 feet
- Employment should not be at the expense of existing businesses, although the number of visitors had been steadily increasing
- There was potential for a major parking problem - no additional parking could be created without going into the Estuary and if parking stretched onto Bristol Hill, it would affect residents' parking
- There had been no dialogue with the Marina with regards to how both businesses could/would collaborate although this was on the list of future actions
- There had been no dialogue with the Bristol Pub either and there was no intention to do so as it was not perceived (by the applicant) to be in direct competition with it
- The proposed new structure was not on the Pier but on a side extension, therefore it would not take any space from the Pier itself
- There were 14 parking spaces designated for the Pier, however these spaces were already taken by businesses and visitors

With members unable to support the application in its current state but willing to consider it again once the issues raised were looked into and addressed, it was resolved to reserve judgement until new design parameters were provided, as the current design was excessively modern when preference was clearly for a Victorian style pier; there were still concerns about the length/scale which was bigger than anticipated and parking was a major concern, as it was not possible to envisage at this point how that could be attenuated or extended.

- e) **DC/18/01418 Land South of Frogs Alley**- Change of use of agricultural equestrian use. Erection of permanent field shelter and tack room and creation of hardstanding area: *It had already been established that Cllr R Wrinch did not need to declare a pecuniary interest on this matter, therefore he remained in the room.* There were varying views about this application reported by members: It was clearly visible from the churchyard, access was a problem as it was an unmade track and the hardstanding was of a considerable size. It was also on an AONB area. However, it was also noted that the type of stable proposed was common in the area, the entrance proposed was in the same place as the existing entrance point and it fit well into the area and was non-commercial, therefore it was resolved that the application was recommended for approval.
- f) **DC/18/01386 Former HMS Ganges Site, Shotley Gate**- APPLICATION FOR PLANNING PERMISSION WITHOUT COMPLIANCE OF CONDITON(S) - DC/18/01386 - Application under Section 73 of the Town and Country Planning Act - The full and partial demolition of buildings associated with the redevelopment of the site to provide: 285 dwellings; a 60 bed nursing

home; 400 sq. m convenience retail; a building containing 400 sq.m flexible dentist/doctor's surgery/veterinary surgery/retail offices (B1/A2 or D1 uses); and 600 sq. m of offices (B1 use); the use of Nelson Hall for estate offices, changing rooms, dry sports, workshops (use class B1B/C), community use & cafe; the use of Vincent House as a hotel (C2 use) together with parking and landscaping to form a linear park and landscaped gardens together with associated further landscaping and lighting without compliance with Condition 22 (Acoustic Fence) Condition 25 (Anson Building) and Condition 29 (Faith, Hope and Charity Steps): It was explained to members that this application was for the discharge of the conditions attached to the granted application.

Although members were fully aware of the agreement reached regarding the Anson building and the swimming pool, including the commuted funds to the Parish Council, members felt strongly that it was important to ensure that conditions previously agreed were retained and implemented, as they were important for various reasons, in particular, the pedestrian connectivity via the historic steps and the mitigation measures that protected residents' amenities.

It was agreed that the developer should be held to account and made to deliver on what had been agreed and approved, and that the Parish Council would be remiss in not ensuring that by raising it with the planning department. It was resolved to recommend the refusal of this planning application.

(ii) To note Approvals/Refusals

a) DC/18/00922 16 Tudor Close- Erection of single storey side extension- PPG

b) DC/18/00558 3 Hervey Terrace- Conversion of garage and erection of first floor ext. PPG

(iii) Planning Correspondence: To note various items of correspondence re. DC/18/0087 Land adjacent to Frogs Alley: The various planning comments exchanged between meetings had been noted and so had the formal response prepared by the Clerk using her delegated power. The Parish Council had also been asked to make representation at the Planning Committee meeting should it be called in. This was approved by members.

7. Phase 3 Coastal Erosion Protection: Upon being asked to leave the room due to his declaration of a pecuniary interest, Cllr G Richens announced that he wished to withdraw it. The Clerk informed members that this was an unprecedented situation and that she would need to verify the necessary legalities, therefore requesting that this item was deferred pending further enquiries.

Cllr G Richens was of the view that the procedure that followed his declaration of a pecuniary interest had not been correctly followed, that he had believed that his dispensation request had been voted on but had since been informed that as the proposal had not been seconded, it had not been carried; that he had submitted a second request for dispensation and had been told that it would not be able to be considered and that he had not received clarification about this process.

Cllr Richens had, therefore, decided to withdraw his DPI and suggested that any issues with this should be reported to the monitoring officer. There was a reference to another Cllr present, and Cllr Richens' belief that they should be declaring the same DPI as himself.

The Clerk informed Cllr G Richens that the onus on making a DPI was on the individual councillor and that it was not for Cllr Richens to ascertain what other members' positions were. Other cllrs had verified their

legal position with regards to this matter and were acting according to that advice.

Cllr G Richens continued insisting that procedures had not been followed, which was strongly refuted by the Clerk. Cllr G Richens also argued that he had not been advised that he could vote on his own dispensation. The Clerk informed him that as an experienced Cllr, Cllr Richens should have been aware of the practices of the council and that if he was not, he could have asked the Clerk for advice. The Clerk stated that “there were opportunities before with other matters where I tried to advise either the chair or yourself on a matter and you insisted and said “No, I am asking the Chairman, not the Clerk”. I can only advise if I am allowed to”. Cllr G Richens was also reminded that he could ask for advice whenever he felt the need, which he had not on this occasion.

Cllr Richens stated that he had asked the Clerk for the legal reasons which had led the Clerk to advise him on making a DPI but as this had not been supplied, he had resorted to submitting a Freedom of Information request. The Clerk informed Cllr G Richens that she would continue to be unable to provide him or anyone else with information that was protected by legal privilege.

The Clerk insisted that as far as the Parish Council was concerned, the signed DPI still stood, therefore she asked the Council to consider deferring agenda item 7 until further enquiries could be made with regards to Cllr Richens’ decision to withdraw it. It was resolved to defer this item to the next meeting.

Cllr G Richens then made the following statement to the meeting: He had been informed that one of the reasons for making the DPI had been due to him being the subject of a criminal investigation regarding Phase 3. He believed this matter was now concluded and that he had no case to answer, that he had been exonerated.

Cllr B Powell suggested there were some pending matters and that his understanding was somewhat different. The Clerk reminded the Chairman of the confidential nature of this matter. Cllr G Richens stated that he was not aware of any further investigation and should that be the case, he would be submitting a further Freedom of Information request to the Clerk.

The Clerk informed Cllr Richens that although it was his right to submit a further Freedom of Information request, it was her duty to ensure that it was answered in a lawful manner.

- (i) Notes of meeting with Statutory Bodies held on 27 March 2018: Deferred.
- (ii) To consider the approval of variation request (extension, name on licence) to the existing Marine Management Licence and associated costs: Deferred.
- (iii) To consider grant funding amount to help with setting up costs for community group willing to progress Phase 3 (should one come forward): Deferred.
- (iv) To agree arrangements for the next Phase 3 public meeting and any associated costs: Deferred.

- 8. Section of damaged gabions on RSPB land** - To receive updates and consider any action to be taken: A number of quotes had been received varying between a “sticking plaster” of £5k to £55k from the Internal Drainage Board. The damaged section was not on Parish Council land and funding would need to be secured for any works, which would also need to be agreed by the land owner, the RSPB. It was noted that concerns had been raised by Nalc regarding the future liability aspect should the Parish Council continue to repair areas for which it was not responsible.

Phase 3 was deemed more important and where the Council should concentrate any efforts. Cllr R Wrinch agreed to seek a more formal specification from his contact for future consideration.

9. Finance and administration

- (i) To consider and approve accounts for payment and note receipts/bank balances: It was resolved to approve the accounts for payment but cheques would not be prepared for another week due to signatories being on annual leave.
- (ii) To agree date for Finance Working Group meeting re. accounts for year ended 31 March 2018: A meeting was suggested for Thursday 10th May. Councillors to send the Clerk details regarding their availability.
- (iii) To consider funding for the 1918-2018 Commemoration of the End of the Great War (WW1): Deferred to a future meeting.
- (iv) To approve expenditure for the Annual Parish Meeting: It was resolved to approve expenditure in the region of £70 to £100.
- (v) Clerk's report: A brief report was given by the Clerk, including update on litter pick event 19th June, with a different date for the Primary School event, covering the stretch between the Marina and the Church/Whinney Queech to the Brickyards mainly, as the Parish benefited from the services of two litter wardens.

The Clerk and Chair had attended the Stour and Orwell Society meeting, where the focus had been on the AONB consultation and hostile planning applications in the countryside.

The Clerk, Chair and Vice Chair would also be attending the upcoming Stour and Orwell Estuary meeting on May 1st.

10. To consider response to Suffolk Coasts and Heaths AONB boundary review (deadline 20.04.18):

Members went through and approved the responses to the consultation for the Clerk to input, with the addition of a comment, that the area in general is suffering from coastal erosion.

11. To note any further correspondence received and agree any response needed: Correspondence had been circulated to members and no further action was needed.

12. Reports from Councillors on matters not itemised on agenda/to be included in next Agenda (no decisions with a financial implication are permitted to be made at this point and should be added to a future agenda for consideration): Cllr G Richens referred to a number of requests he had submitted to the Council in February 2018 for further information pertaining to the maintenance works carried out to the Heritage Park on 17/18 February to which he had received no response nor acknowledgement, and was informed that a prepared response was due to be considered in the confidential section of the meeting. The Clerk explained that this had not been the only request received from Cllr Richens and that the council was limited to the amount of time it could dedicate to such enquiries.

Although the Parish Council, as the land owner, did not need to seek permission from third parties to carry out the works, it had consulted with the Fire Chief, who was able to provide a verbal recommendation for the cutting of a firebreak but due to liability issues was unable to provide this recommendation in writing, the RSPB and Natural England, who had both provided written responses, as well as their insurers.

It was explained to Cllr Richens that there were two aspects to the works: One the health and safety aspect raised by the Fire Chief when attending a fire last year in the Heritage Park and the second an allegation that parish land may have been misappropriated, which was considered at a confidential meeting two years previously.

The Clerk informed Cllr Richens that this matter had been dealt with under the confidential section of the meeting due to its nature and in order to observe Data Protection legislation. At a previous meeting of the Council, an aerial photograph of the area in question had been produced, to which Cllr G Richens said *"Since I moved into my property, I have strimmed the side of my hedge and have strimmed, as the previous resident used to do, an area that is now in the Heritage Park but at that time it wasn't because you've only had the area for six years"*. Cllr G Richens had not carried out any consultation to the effect.

The Council had agreed to carry out a site visit in order to ascertain whether any misappropriation had taken place and to agree on the future maintenance of the area. A proposal would be brought to full council for consideration in due course but no works could be carried out until the end of the bird nesting season.

As the guardian of the said land, the Parish Council not only had a responsibility to ensure that safety recommendations were observed but also that parish owned land was safeguarded against any misappropriation.

Cllr G Richens second enquiry was about his recent Freedom of Information request to the Council regarding legal advice on matters pertaining to his involvement on Phase 3. Although the Clerk was of the view that this had been sent to Cllr G Richens, he said that he had not received it.

Cllr R Wrinch informed members that he had reported to Highways a broken culvert near Styngam Cottages.

Temporary exclusion of press and public: *That pursuant to the Public Bodies (Admission at meetings) Act 1960 the Public and Press be excluded from the meeting due to the confidential nature of the business to be discussed*

13. Correspondence: To consider item of correspondence to be issued by the Parish Council: Following a recent article by District Cllr D Davis on his website "Shotley Peninsula News and Features", a number of councillors had prepared a letter addressing a number of concerns which they wished to send him. Following some discussion and the addition of a further sentence at the end of the draft letter, it was resolved to send it to Cllr D Davis.

14. To receive and consider nominations for Community Awards 2018: A number of nominations were considered by members and approved.

With no further matters to be transacted, the meeting ended at 10.40pm.

Signed: _____ Date: _____