



YAXHAM PARISH COUNCIL

MINUTES OF THE EXTRAORDINARY MEETING OF THE PARISH COUNCIL held remotely over Zoom at 6.00 pm on Wednesday 16th December 2020

Present: Cllrs Ian Martin (IM) (Chairman), Maggie Oechsle (MO) (Vice Chairman), Chris Couves (CC), Anthony Cheetham (AC) Peter Lowings (PL) and Richard Whadcoat (RW).

In attendance: 6 members of the public and BDC Councillor Paul Claussen from 7.00 pm
(*In the Clerk's absence MO had volunteered to do the Minutes the meeting.*)

1. Chairman's Opening Remarks

The Chairman welcomed everyone to the meeting and explained the Zoom protocol to members of the public.

2. Apologies for Absence – Bob Gust due to a prior commitment. Apologies were accepted.

A tribute to David Myhill who had died last week was made by Peter Lowings who had known him as a fellow parish councillor over many years. He said David had been a friend to everyone in the village and had achieved a huge amount of behalf of the community with the creation of the village hall and the YVAA. He would be sadly missed.

The Chairman also expressed his appreciation for all David had done for local residents and the Council held a one minute silence as a tribute.

3. Declarations of Interest: No disclosures made

4. Public Session: No issues raised

5. Letter from a Resident

Emails and a letter had been received by councillors from a local resident implying that there was a bias by the PC favouring Yaxham as opposed to Clint Green. The Chairman had phoned the resident to explain the activities of the council and his words had been unfortunately misconstrued. IM stated that councillors undertook actions on behalf of the whole parish and apologised if his words had caused any upset to the resident. He did refute any assertions of any such bias. The recent Newsletters have illustrated exactly what has been done throughout the parish. Councillors felt that in the future, observations and comments should be made in writing rather than picking up the phone.

6. Planning

6.1 3PL/2020/1358/F – St Peter's Close and the Oaklands. Installation of communal ground source heat pump and associated works.

There was a lengthy discussion and although Cllrs welcomed the intent to make energy more environmentally friendly, minimal details had been provided. IM Proposed that the Parish Council object to this application until more information was provided, and that the Parish Council should write directly to Flagship Homes. CC seconded the proposal and it was

agreed unanimously. The concerns to be included in the representations to Breckland and Flagship to include.

- a tin shipping container as proposed would give no sound proofing and pumps operated at low frequency which is more disturbing at night.
- The plant room should be brick built as a proper acoustic chamber.
- There is no detail about the construction process – i.e. where is the spoil to go? Where are the construction vehicles to park? What is the time frame because there will be substantial disturbance to local residents?
- It also appears that Flagship tenants affected have not been consulted and this development will affect all 48 properties in St Peter's Close although this installation is proposed for only 16 dwellings.
- The application form highlights the vulnerability to the presence of contamination. (The Oaklands were built on (Breckland Council owned) amenity land which had a pit in past times (3PL/2003/1820/F) and conditions were only discharged in 2019 DC.2019/0164/DOC).

6.2 3PL/2020/1097/F Yaxham Waters NR19 1RF

Use of the land for stationing of 18 lodges (Prior's Field) No update

6.3 3PL/2018/0021/D Development Site, Land off Elm Close NR19 1RW

Appeal for 42 dwellings on this site had been allowed. Councillors felt this was very disappointing for the village. It appears that the Planning Inspector has discounted the Yaxham Neighbourhood Plan policies HOU2, HOU3 even though these had been amended by the Plan's Examiner before the Plan was "made" in 2017. The Inspector found the wording by Breckland planners in the original Outline Application was not clear.

There are 2 options for the Council – accept and roll with it OR consider a Judicial Review.

IM had a meeting at Breckland and the officer's view was that the decision was reasonably robust. Two barristers had been approached for legal opinion on whether there had been a failure in law by the Inspector in reaching his decision. One costing of £1,100 +VAT for such an opinion from Landmark Chambers had been received and another from another set is in discussion because the barrister feels there is a "very interesting point" i.e. when is the number of dwellings actually decided and when are the Neighbourhood Plan policies applicable?

The Chairman proposed that the PC moves forward with getting Counsel's opinion at a cost of approx. £1100 plus VAT. Proposal seconded by CC and was agreed.

The Chairman proposed that a Working Group of all councillors be set up to decide on which barrister to commission for their legal opinion, because there is only a 6 week time frame for the Judicial Review process i.e. until 20th January 2021. Seconded by CC. This was agreed.

7. Railway Farm Flood Risk

Councillors had met with Mid Norfolk Railways (MNR) representatives; the potential problems identified with the ditches leading into Yaxham Waters. A further on-site meeting to take place on Friday 18th December with MNR, and LLFA (Local Lead Flood Authority) representatives as well as the owners of Railway Farm. After the last meeting MNR had done clearance work with the assistance of AC, and so had Yaxham Waters. IM, MO, and AC would be representing the Council at the next site meeting.

8. Yaxham Play Area

CC had circulated his report in advance. In the following discussion it was explained that any management agreement would only work if the Parish Council has a free hand to replace risky equipment and purchase and own new equipment, so as to access grants and reclaim VAT. A site meeting had taken place with a play area specialist and replacement of the 2 swings would be under £10k. Other quotes would be obtained but only if the YVAA (Yaxham Village Amenities Association) agree to a management agreement on the above basis. The YVAA had proposed that instead of 5 years as suggested the agreement should last up to the next election of the Parish Council i.e. May 2023, so that the new Council would have the opportunity to decide whether to retain responsibility for the Play Area. The Chairman explained that in such circumstances any new equipment purchased by the Council with grant funds would still need to be owned by the Council and could be leased to the YVAA for a peppercorn rent on the same basis as the Portakabin,

It was understood that the YVAA had neither funds nor manpower to constantly maintain ageing equipment. It was suggested that a survey should be undertaken to see what the younger residents wanted in terms of equipment – this could encourage more people to get involved with the village hall and its possibilities.

IM proposed to go back to the YVAA with the offer of two years and 5 months, but only provided the Council has the facility to replace existing equipment and to buy and own any new equipment. Seconded CC. This was agreed.

At this point the Chairman's internet connection failed and MO took the Chair.

9. Finance

The Harlequin invoice for the printing of the Parish Council's Christmas Newsletter was presented for payment. It was for £89 rather than the estimated £96 on the agenda. This was agreed for payment. Proposed MO, seconded by RW.

The Chairman's internet connection was restored and he resumed the Chair.

- 10. Urgent Business** – CC reported a meeting by Zoom with IM and Adam Hinchcliffe of NCC Highways relating to the gate at the end of RB8 into Cutthroat Lane. The gate was to be removed as it was in breach of Highways legislation. The ownership of Green Lane needed to be established but it was suggested that the landowner could make another entrance as he owned the adjoining field to the east which would allow him through access to his land without using the vehicles which are churning up Green Lane making it virtually impassable for pedestrians. It was felt that the issue had gone on long enough and a more senior officer as well as County Cllr Ed Connolly be involved if this continues to drift.

- 11. Items for next agenda:** Judicial Review; Internal Audit Report; Grounds Maintenance Tender; Budget

- 12. Date and time for next meeting:** It was proposed by AC and seconded by PL that meetings scheduled for January, February and March 2021 should **start at 6.00 pm**. All agreed. This would be kept under review. For the 21st January meeting it was noted that a Yaxham Charity Meeting was scheduled so that meeting will start at 6pm and the Parish Council Meeting at 6.15pm.

Meeting closed at 8.00 pm