

WARMINGTON PARISH COUNCIL

Minutes an extra meeting the meeting of Warmington Parish Council meeting
22nd September 2020 by electronic communication in a virtual setting at 7.00pm BST

In accordance with provision laid down by The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, as amended, during a period of encouraged 'social distancing', this meeting was held by means of internet video and telephone communication in a virtual setting, using Zoom software. All members were always able to hear proceedings and members of the public had been given opportunity to attend.

1588. ATTENDANCE AND APOLOGIES

PRESENT: Cllr Philip Douglas, Cllr Jean Fisher, Cllr Nigel Rudd (chairman), Cllr Debbi Scotting and Cllr David Trafford. Apologies received from David Short. Officer present: The clerk and Steve Cheeseman as Warmington 2031 WNPⁱ consultant advisor and project manager of the Greenway. 5 members of the public, including NCCⁱⁱ ward councillor David Brackenbury.

1589. DECLARATIONS OF INTERESTS:

- *Cllr Nigel Rudd reaffirmed his standing personal interest, for which he has a dispensation to the end of the current parish council term of office, as he is related to someone who works for the planning inspectorate.*
- *Cllr Debbi Scotting declared an interest as a close neighbour.*

1590. MINUTES:

It was **RESOLVED** to approve minutes of the council meetings held on 9th July 2020 as a true record of that meeting. The chairman will hand signed minutes to the clerk at a future stage once restrictions on social distancing are eased and it is safe for them both.

1591. RECEIVE QUESTIONS AND STATEMENTS FROM MEMBERS OF THE PUBLIC:

There was an update on the objections submitted by the 'Say no to the quarry' pressure group. In essence, the group stated that it feels there is no basis on which to extend any dates and given the indication by the applicant that the works is almost complete, 2 years is unnecessary and planning enforcement notices will suffice. In addition, a timetable that local people are able to follow should be followed.

1592. DEVELOPMENT AND PLANNING MATTERS:

a) 20/01114/OUT | Outline application for two serviced residential plots (self/custom-build) with access as a matter for consideration | 3 Spinney Close Warmington

b) Planning matters pertaining to the site known as 3 Spinney Close and in process of being issued at publication of this agenda. Details contained within [THIS](#) planning portal site.

It was agreed that both of the above matters would be deferred to the October parish council meeting. Members are to make themselves conversant with the proposals in the meantime.

c) 20/00036/MINVOC | Variation of condition 26 (End Date) of planning permission 18/00031/MINVOC to extend the end date for completion of the agricultural reservoir until 31 July 2022 **AND** 20/00935/NCC | Consultation on county application 20/00036/MINVOC (APPLICATION 1): | Elton Quarry [sic] Peterborough Road Warmington Northamptonshire PE8 6SN

d) 20/00037/MINVOC | Variation of condition 26 (End Date) of planning permission 18/00032/MINVOC to extend the end date for the plant site and ancillary works associated with the construction of an agricultural reservoir until 31 July 2022 **AND** 20/00936/NCC | Consultation on county application 20/00037/MINVOC (APPLICATION 2): Land North of Eaglethorpe, Elton Estate, Warmington, Northamptonshire | Elton Quarry [sic] Peterborough Road Warmington Northamptonshire PE8 6SN.

There was a brief background to the history of the site and an update to the very recent history of the past 3 months. The necessary work has been carried out and the parish council is not content that further variations to conditions are necessary as works are complete.

The parish council is adamant that all applications concerning the agricultural reservoir are completely separate to an altogether different set of planning applications for a new quarry proposal to the west of the River Nene from the reservoir. The planning applications under consideration are being used as a planning tool as a stalking horse type device to enable other planning proposals. There was a wide reaching discussion highlighting much of the community frustrations over the feeling of marginalisation and dismissal of all concerns regarding the length of time the project has taken and the lack of officer capacity to monitor and enforce the original conditions imposed with the planning permissions.

It was **RESOLVED** to object to the proposals 20/00036/MINVOC | Variation of condition 26 (End Date) of planning permission 18/00031/MINVOC to extend the end date for completion of the agricultural reservoir until 31 July 2022 as it is viewed as a planning device intending to achieve an alternative objective and there is no justification for the time extension. There is no need to grant the application.

It was **RESOLVED** to object to the proposals 20/00037/MINVOC | Variation of condition 26 (End Date) of planning permission 18/00032/MINVOC to extend the end date for the plant site and ancillary works associated with the construction of an agricultural reservoir until 31 July 2022 on the basis, there is no requirement to extend the date for the plant site associated with our cultural reservoir as the agricultural reservoir has been substantially completed. The plant site was essentially to process the sand and gravel which was a by-product of excavation of the agricultural reservoir. If there is no further excavation of the agricultural reservoir required there is no requirement for sand and gravel, to be processed and therefore there is no requirement for the plant to continue to exist longer than it currently is, or in terms of its own function. Therefore, in relation to the variation of condition in relation to 20/00036/MINVOC it is another planning device to achieve an alternative objective.

e) 20/00038/MINFUL | Retrospective mineral application for an extension to the existing plant and ancillary works site in order to provide additional operational space for material treatment, stockpiling and temporary storage with restoration to agricultural land **AND** 20/00938/NCC | Consultation on county application 20/00038/MINFUL (APPLICATION 3): LOCATION: Land North of Eaglethorpe, Elton Estate, Warmington, Northamptonshire | Elton Quarry Peterborough Road Warmington Northamptonshire PE8 6SN.

It was **RESOLVED** to object to the proposals 20/00037/ due the application being for a larger area than is currently being used and bounded in relation to the existing site. The existing plant and ancillary works were there to support the development of the agricultural reservoir, the reservoir has been substantially completed. Therefore, the need for additional land in relation to the operational plant and site such as even less *raison d'être* than might have been the case. This is another planning device to achieve an alternative objective, as there is no requirement for additional operational space for material treatment stockpiling in temporary storage with the restoration to agricultural reservoirs the agricultural reservoir has been substantially completed.

f) Existing reservoir: The meeting received a report detailing lack of planning enforcement during the lifetime of the reservoir's existence. This has been discussed at previous meetings and a submission made to the LPA. The clerk will re-send the submission and include the ward member in the email as a reply was yet to have been received. More recently, increased articulated dumper truck vehicle movements have caused the destruction of the newly laid surface of the bridleway and a huge boulder caused the blockage of the bridleway. This is in complete contravention of condition 18 of the Northamptonshire County Council Minerals and Waste planning permission 18/000323/MINVOC: "The public right of way, PD1, shall be safeguarded and maintained throughout the life of the development by measures, including a) provision and maintenance of signage, and b) provision, where necessary, and maintenance of hard surfacing along the rights of way within the application site. Reason - to protect the interests and safety of the users of the public rights of way, having regard to policy 18 of the Northamptonshire minerals and waste plan of July 2017.

Furthermore, the planning permission states "With respect to construction works to be carried out in close proximity to a new thing public rights of way of access. Please note the following standard requirements: - the routes must be kept clear on obstructed safety users, and no structures and materials placed on the right of way at all times, it is its an offence to obstruct the highway under Section 137 of the highways act 1980. - There must be no interference or damage to the surface of the right of way. As a result of the construction, any damage to the surface of the path must be made good by the applicant specifications for any repair or surfacing work must be approved by this office. under Section 131 of the highways act 1980."

NCC planning and rights of way departments have stated that the bridleway has not been disturbed and there is no obstruction. There has been a refusal to implement planning enforcement to implement the conditions contained within the 2018 planning permission.

The council will forward photographic evidence to the ward member who undertook to highlight this issue to the cabinet members for planning and highways.

Furthermore, within the Highways Act 1980 there is legislation relating to damage to and obstruction of public rights of way, which PD1 is, as a bridleway. The act allows for a specific procedure to report an obstruction, by means of a process using a 'Form 1' – this is a process open to absolutely any person, but it was felt that it would be better that the parish council were to submit it. There is a legislative obligation on the HAⁱⁱⁱ to respond within one month and take action within two. Should this not happen, the person or body who reported it can take the matter to a magistrate's court. The point was also raised that the LHA is failing in its duty to have a current rights of way improvement plan. The RoWIP taken as extant details aims to improve accessibility on all rights of way, to improve links between villages, improve exercise and to improve cycling.

Action: It was agreed to attempt to try to arrange a site meeting with the planning officer to review the current situation with regard to the impact of the reservoir works on local amenities.

g) New Quarry application – It was **RESOLVED** to submit further responses to Northamptonshire County Council taking into account effects on the Greenway, caselaw evidence and the appropriateness of some evidential surveys / papers being taken in-house, so carried out by the applicants (e.g. The great crested newt survey)

1593. PROJECT MANAGEMENT UPDATE:

Greenway: The completion of the surface of PD1 through to the Elton Estates parkland will be finished off in the next few weeks. The remaining issues are primarily the surfacing through the parkland and the bridge over the brook at the boundary. Signage and direction post are also priorities. The project will be pursued as soon as possible.

1594. ACCOUNTS MATTERS

It was **RESOLVED** to approve the following accounts for payment:

Goods/Service	Payee	Nett	Gross
Tree works	Nane Valley Trees	90.00	108.00
Various works	CGM	757.00	908.40

1595. DATE OF NEXT MEETING: 8TH OCTOBER 2020

Date of future meetings available online: [COUNCIL MEETING DATES](#)

There being no further business, the chairman declared the meeting closed at 20.36, thanking attendees for their perseverance with what are particularly convoluted planning and subject matters

Approved: Signature of chairman		Date
--	--	-------------

DATE OF NEXT MEETING: TBC		
Approved: Signature of chairman		Date

The chairman declared the meeting closed at 21.50

ⁱ WNP = [Warmington Neighbourhood Plan](#)

ⁱⁱ NNC = Northamptonshire County Council

ⁱⁱⁱ HA = Highways authority