

WITHYCOMBE PARISH COUNCIL

REPORT OF THE PUBLIC OPEN SESSION ON THE 3rd SEPTEMBER 2018 IN THE MEMORIAL HALL, WITHYCOMBE at 6.30pm.

PUBLIC OPEN SESSION

For future reference Councillors and the Clerk will be referred to in these, and subsequent, reports by their initials:

Emma Wright (Chairman) EW / Chris Thomas (Vice Chairman) CT / Richard Barnham RB / Amanda Gardiner AJG / Susan Gill SMG / David Tilley DT / Brenda Maitland-Walker (West Somerset District Council) BMW / Christine Lawrence (Somerset County Council) CL / Sam Rawle (Clerk) SR.

The meeting was digitally recorded

These notes formulate a record of the Public Open Session held on the 3rd September 2018. The Chairman opened the meeting at 6.30pm. Members of the public were in attendance.

1. Titholes Orchard

The Chairman introduced Eric Beaven (EB), the Parish Councils specialist advisor for the Titholes Project. She explained that Parish Council had been working with Savills to agree a revised design of the scheme for the Titholes site and that Mr Beaven would be explaining the proposed amendment in more detail. She explained that it would be an opportunity for residents to comment on the revised scheme before a decision was made by the Parish Council on whether to support it.

Revised Scheme Proposal

EB explained that the main proposals to change the scheme and to stand the best chance of getting a facility for the village were:-

- 1) Correct the drainage to relieve flooding potential (what is out there is not what was supposed to happen and the flooding potential has increased).
- 2) Accept the revised car park contours.
- 3) Change the area that was to be the Activity Field such that it is a tiered landscaped seating area.

The alternative is to try to push for what was approved originally and agreed by the Parish Council. The scheme that had been put forward to the local planning authority downgraded what was originally tabled. The original approved scheme would not provide an adequate workable drainage scheme. Infiltration tests that had been carried out by Savills have proved that the filtration as it stands is not adequate. To revert to the original scheme would involve re-digging the car park and major earth works to the bank at the bank. There would be a serious risk that the project would be abandoned because it was too hard and costly to deliver.

The Crown have kept the housing plots and disposed the carpark/play area land to Hintze. The obligation is on The Crown to deliver the facility if they want to sell the house plots with the current planning permission. If the cost is too high, The Crown could drop their current proposals and therefore the obligation to provide a car park and play area. In those circumstances the local planning authority cannot force The Crown to provide the facility.

If the Parish Council agree to the revised scheme, it will still need LPA approval.

Lease

EB explained the situation regarding the lease.

The previously agreed lease between The Crown and the Parish Council has now fallen away as The Crown could only get the Parish Council to accept it as a lease if it had been completed by last December. As that did not happen there is no compulsion to use that lease. The lease would now be with MHPF (Michael Hintze Premium Farms) as the new landlord.

EB's opinion was that the previously agreed Lease is seriously flawed, and he would not advise the Parish Council to enter into it as drawn. EB highlighted a number of aspects of concern including, allowing the landlord to renew and replace the access road at any time – with the cost largely to the Parish Council, also the Insurance level/cost being dictated by the Landlord with the insurance monies being paid to the landlord with no requirement to pass the money to the Parish Council (who have the obligations to reinstate).

EB had met with Nick Kelly who is the local Estate Manager for MHPF. MHPF are reluctant to enter into negotiations to the re-drafting of the lease as it would incur legal costs. EB suggested the way forward would be to re-draft the lease with the Parish Council into something that is acceptable to the MHPF Estate and would work for both parties. The alternative is that the Parish Council enters the Lease as previously drawn with the known risk of legal bills and possibly big unexpected bills.

The Chairman thanked EB for his presentation and invited questions from the public.

Concerns were raised that the lease had been approved as fit for purpose by the Parish Council after taking legal advice. EB responded that the advice from the Solicitor was badly given.

RB asked whether the facility will still be available to the Parish Council at a peppercorn rent. This was confirmed as correct.

A member of the public asked whether pre-application discussions had taken place with the local council. It was confirmed that although pre-application discussions had not taken place the planning authority were aware of the planning breach that had taken place on the site.

Nick Kelly, Estate Manager for MHPF was invited to comment from a member of the public. NK confirmed that the position of MHPF is that they would want The Crown, through their agents to resolve the matter concerning the Lease. MHPF would not want to engage in lengthy discussions on re-negotiating a lease which was drafted before with the Parish Council. It was not MHPF's responsibility to fund the solution to a problem that was not of their making. MHPF would be happy for a finalised document to come to them for consideration providing this was at nil cost.

EB asked NK whether in his opinion MHPF would consider disposal of the carpark/play area land to the community. NK thought this to be unlikely, however, he would pass this back to the Directors of MHPF.

2. Somerset County Councillor Report

SCC have announced 100 proposals of cuts. Central Government funding has reduced by £130m in the last 8 years. Of the £135m received, 60% is spent on adults and childrens services. There are 525 children in care and an increasing number of older people to look after. The Park and Ride may have to shut but looking at how this could continue to be delivered. 100 staff will be going.

Reminder for all parents to make sure their children have had the MMR vaccination and with winter approaching everyone should have a Flu Jab

The Public Open Session ended at 7.50pm.

Chairman

_____Date