

**A meeting of Marton-cum-Grafton Parish Council was held in the Memorial Hall, Marton on Wednesday, 9th January 2013 at 7.30pm**

Present: Prof A Long (AL) (Chair), Mr T Joynson (TJ), Mr R Naish (RN), Miss L Bullus (LB), Mr N Duxbury (ND), Mrs Z Hartley-Metcalf (Clerk), County Cllr J Watson (JW)

Apologies: Cllr A Alton (AA)

Members of the public present: 11

The minutes of the last meeting were amended and will be signed and dated as a true and accurate record by AL.

### **County Issues:**

JW stated that there was no more news regarding the Secretary of State's call-in on the incinerator application, and that the original 21 day deadline has been extended.

JW reported that superfast BT Broadband was starting this month in our area, and that LN Communications have fully connected Great Ouseburn. TJ stated there is nearly 100% coverage in Marton but in Grafton the coverage was poor because of the topography. To overcome this more repeaters are needed. LNC now require 10 more users to sign up before they fund each new repeater station in Grafton. TJ asked JW to investigate whether anything can be done to improve this situation. Minimum speed is 5 Mbps (download and upload).

JW reported that reductions of the Council budget of up to 18% have been achieved in the past 3 years with already a 1000 redundancies, but that a further 6% reduction in budget is expected. This would likely affect front-line services. Despite these cuts, Council tax will be frozen for the fourth year running.

In response to questions, JW reported that the delay to the incineration PFI was saving the Council about £1.5 million each year. It was suggested by the PC that at a time of austerity there were surely sound reasons to re-think the incinerator scheme, noting that the planned incinerator at Kellingley (funded privately with no PFI cash) could provide a potential alternative to that planned at Allerton Park. JW confirmed that the current NYCC budget already includes £29 million each year to finance existing long-term debts. JW agreed to raise these issues with relevant officers at NYCC and indicated that he intended to speak on the matter at his final NYCC Executive meeting before he retires in May 2013.

### **District Issues:**

Nothing to report

### **Matters Arising:**

There were none not covered elsewhere in the agenda.

#### **1. Incinerator:**

There was nothing to add.

## 2. Playing Fields:

RN to check playing fields.

## 3. Village Shop:

The PC was delighted that Helen Tesseyman has now taken over the village shop. The PC encourages residents to support the shop and post office as it an important part of our community. Helen is re-stocking the shop as quickly as possible.

ND summarized the final stages of completing the new lease. ND and TJ were thanked for all their hard work during the last few months.

## 4. Village Hall:

The village hall has been inspected and passed. A few more folding chairs will be purchased and the external notice board repaired.

## 5. Planning:

There were no applications to consider.

## 6. Memorial for Lee Stott:

Amount raised so far stands at £616.58. To be discussed at the next meeting, PC to a site visit for location of memorial bench and Clerk to cost various types of benches.

## Accounts:

In: £1,142.62 VAT repayment, £1,200.00 Marton Village Shop (rent)  
Out: £1,140.00 Dalton Enterprises (grass cutting), £14.04 Autela Payroll, £200.00 Clerk's payroll.

## Correspondence:

- HBC - granted planning permission subject to conditions for the following properties - Sycamore Lodge, Grafton Lane/Highfield Court, Thorny Hill Lane/ 1 Priest Cottages, Reas Lane.
- HBC - Confirmation that the lime tree on Marton Green can be thinned.
- HBC - Planning application has been withdrawn at The Mill House, Thorny Hill Lane.
- HBC - regarding the barn at Majestic House, Thorny Hill Lane. A meeting is to be held with the owner to agree a programme of works to make the barn safe.

## Any other Business:

- Doug Hunt gave an update of speeding in the village - there has been a leaflet drop delivered around the village, resident's had been emailed and information put in the parish magazine. The Road Safety Group has been contacted and a

request for more road monitoring to be carried out in the village. Unfortunately, this is a very slow process and but the committee are hopeful that the village can have this carried this year. Other options will be considered at the next meeting.

- It is hopeful that Mrs Sutcliffe's overgrown hedge on Grafton Hill will be trimmed soon.
- The PC discussed the redundant pumping station around the water tower, specifically concerns over vehicles coming up the track and scaffolding being erected on the pumping station which may lead to possible theft or vandalism. RN has contacted Yorkshire Water to inform them and also to find out what they plan to do with the pumping station in future. RN to give update for the next meeting.
- Boroughbridge Road - recent flooding has caused serious concerns and also mud on the road. In particular the field corner of Gallabor Lane and B6265. Clerk to contact NYCC Highways.
- Limebar Lane - terrible potholes reported again, Clerk to contact NYCC Highways.
- Rougham Farm - residents have complained of ground works taking place without planning approval on the A168, Clerk to contact NYCC Enforcement Department.
- Public footpath on Goker Lane has been churned up and now residents are unable to walk on it - Clerk to contact NYCC Footpaths Department.
- Concerns over curb damage on verge on the hill between the two villages.
- Residents have complained about the spring water damage to the hill on Thorny Hill Lane, Clerk to contact NYCC Highways.
- Grafton Lane, road eroding due to flooding and also mud left on the road, Clerk to contact NYCC Highways.
- A168 - construction work Rougham Farm - mud on the road, Clerk to contact Highways
- PC to write to Rougham Farm regarding above items.
- Pavements in Marton have not been rectified, Clerk to contact NYCC.
- Tennis Court update - a meeting was held on Sunday 6<sup>th</sup> January and the process will start again to get funding for one tennis court this year.

**Date of the next meeting:** Thursday 7th February 2013 at 7.30pm

The meeting closed at 8.40pm

Signed ..... Dated .....

**A meeting of Marton-cum-Grafton Parish Council was held in the Memorial Hall, Marton on Thursday, 7th February 2013 at 7.30pm**

Present: Prof A Long (AL) (Chair), Mr T Joynson (TJ), Miss L Bullus (LB), Mr N Duxbury (ND), Mrs Z Hartley-Metcalf (Clerk), District Cllr A Alton (AA)

Apologies: Mr R Naish (RN), County Cllr J Watson (JW)

Members of the public present: 14

The minutes of the last meeting were amended and will be signed and dated as a true and accurate record by AL.

### **County Issues:**

**JW sent his apologies.**

### **District Issues:**

AA reported that HBC council tax will not be increased for 2012/14. The Tour de France will be coming through our area next year.

HBC were disappointed at the decision by the Secretary of State not to call-in the Allerton Park incinerator application. He indicated that the Chief Executive of HBC had decided that it would not be appropriate for HBC to provide resource to support a legal challenge to NYCC on this matter. There was disagreement from members at the meeting with this decision, mindful that both HBC Planning Committee and HBC full Council had objected to the scheme as representatives of the entire Harrogate District. AA agreed to seek a meeting between representatives of the Parish Councils group and the HBC Chief Executive as a matter of urgency.

### **Matters Arising:**

There were none not covered elsewhere in the agenda.

#### **1. Incinerator:**

The Secretary of State has decided not to call-in the Allerton Park incinerator application. The Parish Council's Group is deciding on its next steps, including assessing the potential case for a Judicial Review. The PC agreed to release funds from its Green Development Fund to support this move.

#### **2. Playing Fields:**

The PC had checked the health and safety of the playground and were satisfied with its condition.

#### **3. Village Shop:**

Helen Tesseyman was pleased with how the shop was progressing and had reported a partly damaged wall that will be covered by shelving. It was proposed that the PC charge £450.00 for next quarter's rent (April) so Helen Tesseyman can recoup her

Solicitor's fees, in-line with the original proposal agreed by the PC at the time of drawing up the lease. The intention at that time was to provide a "soft landing" to the start of the new business. The PC agreed with this proposal, in-line with its commitment to maintaining and supporting the shop wherever possible.

#### 4. Village Hall:

New chairs have been purchased.

#### 5. Planning:

- The Mill House, Thorny Hill Lane - erection of first floor side extension - PC no objection.
- Sycamore House, Thorny Hill Lane - permission granted for an alteration to planning permission regarding pond layout.
- Majestic House, Thorny Hill Lane - request from HBC for a suitable person to assist Mrs Sutcliffe in any meetings regarding her barn. PC suggested RN to approach and liaise with HBC.

#### 6. Memorial for Lee Stott:

The PC have inspected the site for the memorial bench and agreed a suitable place would be in the village hall garden. The PC discussed citing of a tree on Marton green and decided on planting climbers on the side of the shop wall instead. The W.I. has been asked for their suggestions on plants.

#### 7. Ash die back:

The PC agreed to adopt the Forestry Commission's policy on ash die back. TJ will contact the Woodland Trust and Forestry Commission regarding the village woods for further advice on management and possible grants.

#### Accounts:

In: £1,354.76 HBC (grass cutting)  
Out: £456.35 Kingswalk Law (shop lease)

#### Correspondence:

- Resident's email complaining of dog fouling between Dew House and the shop. PC to email residents.
- Mr & Mrs Whittock regarding planning at Mill House, Thorny Hill Lane.
- HBC regarding highways complaints - action has been taken on several complaints regarding Limebar Lane, Roughmans Farm, paths and Thorny Hill Lane
- HBC - Local council tax reduction scheme - new scheme to provide council tax support grant for residents claiming for council tax reduction has been introduced.

**Any other Business:**

- Resident complained regarding potholes on Braimber Lane. Clerk to contact NYCC highways (again).
- A continuing rabbit issue on the paddock by the playing fields. PC to reflect on land-use management as part of the work with the Forestry Commission.
- PCC to repair the cemetery gate.
- Ron Sneddon stated that the 'no cold calling' application is not to be looked at after March.
- Residents mentioned the poor state of the village roads during the recent snow fall. It was explained that the PC has ensured there are salt bins at the main hills in the village but that if heavy snow falls on un-gritted roads, and that snow becomes compacted by vehicles, no amount of salt gritting will clear things. The PC is grateful to members of the community who help clear snow at these times.

**Date of the next meeting:** Thursday 7th March 2013 at 7.30pm

The meeting closed at 8.55pm

Signed ..... Dated .....

**A meeting of Marton-cum-Grafton Parish Council was held in the Memorial Hall, Marton on Thursday, 7th March 2013 at 7.30pm**

Present: Prof A Long (AL) (Chair), Mr T Joynson (TJ), Miss L Bullus (LB), Mr N Duxbury, Mrs Z Hartley-Metcalf (Clerk), Cllr A Alton (AA)

Apologies: County Cllr J Watson (JW), Mr R Naish (RN)

Members of the public present: 16

The minutes of the last meeting were signed and dated as a true and accurate record by AL.

### **County Issues:**

Nothing to report.

### **District Issues:**

AA reported that the HBC budget has been approved and HBC are in a relatively healthy financial situation. AA stated that the weekly refuse collection will be replaced by alternate weekly collection by the summer. Recycling rates were increasing and this was pleasing. HBC have urged NYCC to give urgent attention to potholes in the county, mindful that Government has released a further £6 million to NYCC rectify this issue. Concerns over the mud on the road on Braimber Lane caused by farm vehicles from Rougham Farm were discussed.

### **Matters Arising:**

#### **1. Proposed Incinerator:**

The Government (DEFRA) has withdrawn £65 million funding from the scheme. The reason given is that there is no longer the need for further waste treatment plants of the type planned because there is already enough capacity for England to meet the EU Waste Directive targets for diverting biodegradable waste from landfill. NYCC is considering its options.

The Parish Council's Group and NYWAG are examining the potential for a judicial review of the planning determination.

Residents thanked the PC for all their help, time and effort.

#### **2. Playing Fields:**

Although the PC has checked the health and safety of the playground and was satisfied with its condition, it was reported that some smashed bottles have been found on the playground and have been removed by a resident. The mess has been cleared.

### 3. Village Shop:

Helen Tesseyman is planning an open day at the shop later in March, date to be confirmed. The PC welcomed this initiative and congratulated Helen on the success she is making of the business.

### 4. Village Hall:

Nothing to report.

### 5. Planning:

- Rougham Farm, Allerton Park - erection of feed silos and polytunnel, re-surfacing of yard and tracks and formation of track. PC object on the basis of an inadequate Access management strategy that failed to adequately assess and mitigate the damage created by the business to the road network that connects land on which the business is operating. In addition, the PC strongly objected to the retrospective nature of the application which smacked of a disregard by the applicant for the due planning process.
- Holly Cottage, Grafton Lane - erection of outbuilding to form store, garage and stable. PC object on the grounds of the proposed development is outside the development line and in the conservation area, and also it would compromise the village design statement with regard to protecting the visual integrity of approach points of the village.
- Majestic House - PC to ask RN to contact Mrs Sutcliffe.

### 6. Memorial for Lee Stott: (£656.58)

Clerk to contact Emily Bennison with regard to taking this forward.

### 7. Insurance Renewal

The PC discussed two insurance quotes and decided to accept Zurich's quote with an increase of building's cost to £250,000.00 and contents cover to £10,000.00.

### Accounts:

In: Nothing  
Out: £3,000.00 Kingswalk Law

**Correspondence:**

- Resident's email complaining of dog fouling in the village - PC discussed further this issue and clerk to send another email to the residents with details of how to report these instances to the dog warden.
- HBC regarding highways complaints.
- A query regarding the newly installed style in the field behind the pub. PC to consider action.
- A proposed archaeological excavation in the village with the village school. PC was very supportive and approved the proposal subject to satisfactory receipt of Health and Safety plans. The site will be re-instated within 2 weeks of the dig by those undertaking the excavation and all reasonable steps taken to ensure that tree roots are not damaged.

**Any other Business:**

- The crown lifting of the Lime tree has been carried out.
- A letter to residents will be sent on Monday 8<sup>th</sup> of April regarding 'no cold calling', if there are no objections to the letter the village will be made officially a 'no calling zone' on the 15<sup>th</sup> April.
- A resident mentioned another resident has had an accident on steps behind the pub.
- A resident mentioned that 3 silos have been erected at Thorny Hill farm and a large static caravan - clerk to contact planning
- Residents complained about the state of Limebar Lane - Clerk to contact NYCC

**Date of the next meeting:** Wednesday 10<sup>th</sup> April 2013 at 7.30pm

The meeting closed at 8.50pm

Signed ..... Dated .....

**An Extraordinary meeting of Marton-cum-Grafton Parish Council was held in the Memorial Hall, Marton on Wednesday, 27th March 2013 at 6.30pm**

Present: Prof A Long (AL) (Chair), Mr T Joynson (TJ), Miss L Bullus (LB), Mr N Duxbury, Mr R Naish (RN), Mrs Z Hartley-Metcalf (Clerk)

Apologies: None

Members of the public present: 8

The appropriate three days' notice for this meeting had been given.

**1. Purpose of the meeting**

To consider a proposal that McG PC initiates, as the legal entity, a judicial review of the legitimacy of the planning permission granted by NYCC to AmeyCespa relating to Allerton Waste Recovery Park. As the legal entity, McG PC will be working closely with other interested parties, notably the PCs Group and NYWAG.

PC agreed the purpose of the meeting.

**2. Confirmation that McG PC is legally able to do this and that we have an appropriate mandate from the Parish.**

The Chair explained Government advice states that PCs are "corporate bodies.... capable of taking or defending legal action.....[with] a separate and distinct legal identity to the councillors who make up the council and the officers who are employed by the Council."

The PC must take informed, transparent decisions and manage risk. The Chair stressed that in considering the motion, the PC must satisfy itself that the council is operating in this manner. The PC has received advice from Mr Towlerton of the Yorkshire Local Councils Association that Parish Councillors are not personally liable – the action is brought by the PC as a corporate body. This does not remove the importance of Parish Councillors acting in a reasonable manner, in the interests of the Parish Council.

The Parish Council summarised a village meeting organised by the Parish Council held on Sunday March 24<sup>th</sup> 2013, at which 41 residents voted in favour of the proposal and, when specifically asked, no-one voted against the proposal. Although there were >60 individuals attending the meeting, only those from the Parish voted.

The Parish Council and residents present at the meeting confirmed that this was the case.

One member of the public had not been able to attend the village meeting. A summary of the presentation was provided.

**3. What is the objective of the action?**

The Chair explained that the primary objective of the action is to have the planning permission quashed.

Judicial Review concerns the process of determining the planning application. The PC recognises that a successful JR would not, on its own, guarantee the end of the scheme; NYCC could, for example, re-run the planning process for the same scheme.

The Parish Council confirmed that it understood the objective of the Judicial Review.

The Chair asked if members of the public had any questions on this matter. None were raised. The Chair asked for confirmation that the public attending the meeting understood the objective of the Judicial Review. This was confirmed.

#### **4. What are the grounds for JR?**

Opinion has been obtained from Anthony Creane QC that there are sufficient grounds to justify a Judicial Review of the planning permission and that the case appears to be good.

The Parish Council has viewed the details of that case and agrees that the grounds appeared to be strong. The specific issues for review raised will be explained in detail in papers that will be lodged with the High Court and simultaneously be made available to NYCC next week.

The Chair asked whether the Parish Council were satisfied with the information it had received. It confirmed that it was and had no further questions. There were no questions raised from member of the public.

#### **5. What are the potential costs of JR?**

It was important that the Parish Council appreciated the potential risk in initiating a Judicial Review.

The Parish Council was advised regarding the costs of similar actions raised elsewhere in the country by similar bodies to the Parish Council.

Under the Aarhus Convention, which comes into effect from April 1<sup>st</sup> 2013, the costs recovered by a defendant are limited to £10,000 (£5,000.00 where the claimant is an individual and £10,000.00 in any other circumstance). The costs that can be recovered by a claimant from a defendant are £35,000.

The Chair outlined what the potential liabilities to the Parish Council could be if the case were lost, and if it were won, assuming determination takes place under the regulations of the Aarhus Convention.

The Chair explained that the general rule is that an unsuccessful claimant will only be liable for one set of costs, with an order in favour of an interested party being made only in exceptional circumstances.

The PC considered whether the Company involved in the planning application should be involved in the Judicial Review and concluded that there was no reason for it to be so. The Judicial Review relates specifically to the process of determining the planning application, which was a matter for NYCC.

#### **6. What are the potential liabilities of the PC?**

The Chair explained that the PC, as a corporate body, will be liable, as the legal entity, for all costs.

Potentially, therefore, the assets of the PC could be at risk.

To mitigate this risk, the Parish Council has undertaken fundraising and is working closely with NYWAG to ensure sufficient funds are available to fight the case, and to cover costs should the case be lost.

The Parish Council were satisfied that there was an adequate appreciation of risk, that there was adequate resources in the event of the case being lost. It was also reminded that there was strong endorsement from the village meeting for the proposed action, mindful of the risks involved.

The Chair explained that the first stage in the process was to apply for the Judicial Review to be determined in the High Court. There is some uncertainty regarding the time involved in this. The case could be heard quickly, or it could take several months. There is a risk that the application for Judicial Review might be rejected by the courts.

The Parish Council confirmed that they understood the risks involved in the process. Member of the public attending the meeting also confirmed, when asked, that they also understood the risks.

## **7. Consideration of the motion**

The Chair returned to the substantive motion of the meeting:

To consider a proposal that McG initiates, as the legal entity, a judicial review the legitimacy of the planning permission granted by NYCC to Ameycespa relating to Allerton Waste Recovery Park

The Chair asked whether there were any other matters that Councillors wished to raise before asking for a vote to proceed, subject to a cap on costs as outlined in the Aarhus Convention.

The Parish Council were unanimous in supporting the motion.

The Chair concluded the meeting by thanking members of the Parish Council and the Green Development Working Group for their support in this matter.

## **8. Next steps**

- The Chair explained who was responsible for what area of activity in the future.
- The Chair stressed that, as the legal entity, ultimately it carries responsibility for the proceedings. That said, the PC recognises that it is acting and supported by a number of other organisations and individuals, and that close liaison with these will be critical (as it has been thus far in this matter).
- It was agreed to formalise the terms of reference for co-option of two members of the public to the Green Development Working Group to ensure that they were recognised as working on behalf of the Parish Council.

## **9. Fund raising**

i. Fund raising in the village.

Flier drop to all households with opportunity to pay money in person via a cheque or electronic transfer but with individual letting the Clerk know what they have done. Contributions by individuals will continue to be recorded to enable us to repay pro rate unspent monies at the cessation of legal actions.

ii. Any donations given anonymously that is unspent will be kept by the PC and used for the benefit of the PC.

There were no other questions raised by the Parish Council.

A resident asked for clarity on the composition of NYWAG and the Parish Councils Group.

A resident asked about applying for legal aid. The PC has not applied for this.

**10. AOB**

None

The Chair thanked the Parish Council for all their hard work and co-ordination. The chair also thanked residents for their on-going support.

The meeting closed at 8.00pm

Signed ..... Dated .....

**A meeting of Marton-cum-Grafton Parish Council was held in the Memorial Hall, Marton on Wednesday, 10th April 2013 at 7.30pm**

Present: Prof A Long (AL) (Chair), Mr T Joynson (TJ), Miss L Bullus (LB), Mr N Duxbury, Mr R Naish (RN) Mrs Z Hartley-Metcalf (Clerk)

Apologies: County Cllr J Watson (JW), District Cllr A Alton (AA)

Members of the public present: 14

The minutes of the last meeting and minutes from the Extraordinary Meeting were signed and dated as a true and accurate record by AL.

### **County Issues:**

Nothing to report.

### **District Issues:**

Nothing to report.

### **Matters Arising:**

#### **1. Co-option of members to the Parish Council:**

This item (originally item 8 on the agenda) was taken first in the meeting, to pre-empt the discussion of the incinerator (Item 2 of the agenda). The Chair noted that the term "Co-option" as misleading, since what was being considered was formal delegation of responsibility, not co-option to the PC.

The Chair explained that the PC has previously asked Brian Cooper to lead a working group looking at the proposed incinerator with David Gripton to look at legal issues. Following the last meeting of the PC, it was agreed that we should formalize the terms of delegation to ensure that there was clarity and transparency. In addition, it was important that the responsibilities of those helping in this matter be made explicit. It was stressed that the responsibility for the JR (and other issues relating to the PC involvement in the incinerator) ultimately lies with the PC.

Following discussion, the PC agreed to delegate responsibilities in the matter of the Judicial Review, as per the paper tabled at the PC meeting and lodged with the minutes of this meeting.

#### **2. Proposed Incinerator:**

The Chair updated the meeting on recent developments. Following the Extraordinary Meeting of the Parish Council on 10 April 2013 the Parish Council began the process of seeking a Judicial Review (JR) into North Yorkshire County Council's (NYCC) handling of the AmeyCespa planning application. Our QC has raised seven issues that we argue demonstrate NYCC acted unlawfully in awarding planning permission to the AWRP. The objective is to try and get the planning application quashed.

This submission is the first stage in a JR. NYCC responded to the PC on April 9<sup>th</sup> 2013, disputing the seven issues raised and making requests for information from the PC.

Following discussion of the issues raised, including taking questions from the public, the PC unanimously agreed to continue with proceedings and to respond to the issues raised by NYCC and AmeyCespa. This was strongly supported by members of the public in attendance.

### 3. Playing Fields:

TJ has checked playground and nothing to report.

### 4. Village Shop:

The shop had a successful open day after plenty of advertisement which has highlighted their profile.

### 5. Village Hall:

The Village Hall Committee asked the PC for their permission to tidy up the front of the village hall by the shop. The works would include a low wall to support new railings at a cost of approximately £150.00. PC was happy for the committee to carry out works and asked for a formal costing.

### 6. Planning:

- The Mill House, Thorny Hill Lane - Granting of planning permission for erection of first floor side extension.
- Majestic House - RN and AL taking this forward. Work appears to have been started.

### 7. Memorial for Lee Stott: (£656.58)

PC approved planting scheme and bench.

### 8. Co-option to the Parish Council (see Item 1 above)

#### Accounts:

In: £4.27 VAT reimbursement, £540.00 shop rent, £22,861.00 donations to the Green Waste Fund  
Out: £9,900.00 Kingswalk Law

- Renewal of YLCA subscription - PC agreed to renew.
- Littlejohn Accountants regarding Notice of Annual Audit.

**Correspondence:**

- NYCC regarding County Area Committee for Harrogate District- co-opted members request.

**Any other Business:**

- Potholes on Limebar Lane/Priestcarr Lane are dangerous Clerk to contact NYCC highways .
- LB mentioned that the dog waste bin to be placed on Church Lane.
- H&S document re archaeological village dig - all PC to view the document and let Clerk know of any queries.
- A resident queried any outcome of Rougham Farm - Clerk to chase.
- Clerk to contact planning re a TPO on a tree.

**Date of the next meeting:** 1<sup>st</sup> May 2013 at 7.30pm - notify the village hall committee

The meeting closed at 8.45pm

Signed ..... Dated .....

**A meeting of Marton-cum-Grafton Parish Council was held in the Memorial Hall, Marton on Wednesday, 1st May 2013 at 7.18pm**

Present: Prof A Long (AL) (Chair), Miss L Bullus (LB), Mr N Duxbury, Mr R Naish (RN), District Cllr A Alton (AA), Mrs Z Hartley-Metcalf (Clerk)

Apologies: Mr T Joynson (TJ), County Cllr J Watson (JW)

Members of the public present: 14

The minutes of the last meeting were signed and dated as a true and accurate record by AL.

### **County Issues:**

Nothing to report.

### **District Issues:**

AA had nothing to report. The PC raised concerns regarding the recent planning decision for Roughman Farm and AA to look into the decision. In response to a question regarding recycling, AA said that the Parish should be getting the new collection service by no later than November 2013.

### **Matters Arising:**

#### **1. Proposed Incinerator:**

An update on the incinerator campaign was provided. Papers relating to the application for a Judicial Review of the planning permission were expected to be submitted in the next few days. Thanks were expressed to many from the Parish for their support in fund raising. Further updates will be provided to the Parish as matters develop, including via an emergency Parish Council meeting if required.

#### **2. Playing Fields:**

The playing fields had been checked today and there was nothing to report. A pile of blocks at the back of the cricket pavilion need to be moved. RN to contact the cricket club.

#### **3. Village Shop:**

Helen Tesseyman would like to put some folding chairs and tables on the green. PC agreed to give it a trial of a month and review but noted that it was not able to give permission for access to property which it was not responsible for.

#### **4. Village Hall:**

There has been a new electric cooker installed in the kitchen. The Village Hall Committee has obtained estimates for works to repair the floor.

## 5. Planning:

- Roughams Farm, Allerton Park, Knaresborough - 3 field silos and polytunnel, re-surfacing of yard and tracks and formation of track - granted retrospective planning permission subject to conditions. AL to review this application and decision and take further.

## 6. Memorial for Lee Stott:

A meeting has been held with the Village Hall committee to discuss siting of the memorial bench which the Clerk has now purchased. RN has spoken to Emily Bennison regarding the bench plaque wording.

### Accounts:

In: £1,675.00 HBC part payment of Precept, £6,300.00 donations to the Green Waste Fund from the last meeting  
Out: £9,0991.95 Kingswalk Law, £23.94 T3TC, £178.00 YLCA, £11.70 Autela Payroll, £499.00 Sam Turners (memorial bench)

### Correspondence:

- HBC regarding their bulb scheme.
- HBC regarding Grounds Maintenance Grant 2013/14 to increase by 3%.
- Environment Agency - Application for a permit by AmeyCespa.

### Any other Business:

- Majestic Barn - Clerk to write to HBC regarding the outstanding works on the barn which has now been over 18 months in disrepair.
- LB to attend the Police Liaison meeting on 14 May.
- Footpaths - Clerk to send follow up email and also to ask if the grass which has grown over the paths to be cut back too.

**Date of the next meeting:** 6<sup>th</sup> June 2013 at 7.30pm

The meeting closed at 8.10pm

Signed ..... Dated .....

**A meeting of Marton-cum-Grafton Parish Council was held in the Memorial Hall, Marton on Thursday, 6th June 2013 at 7.30pm**

Present: Mr T Joynson (TJ) (Chair), Miss L Bullus (LB), Mr N Duxbury, Mrs Z Hartley-Metcalf (Clerk)

Apologies: Prof A Long (AL) (Chair), Mr R Naish (RN), District Cllr A Alton (AA)

Members of the public present: 15

The minutes of the last meeting were signed and dated as a true and accurate record by TJ.

**County Issues:**

Nothing to report.

**District Issues:**

Nothing to report.

**Matters Arising:**

**1. Proposed Incinerator:**

Brian Cooper reported back on the PC's position regarding the Judicial Review. The case will now be heard on 30<sup>th</sup> and 31<sup>st</sup> July. The Judge will decide whether to hear the case and if so will hear it immediately.

Our cost estimates remain as previously discussed by the Council. NYCC have not challenged our claim that this be considered as an Aarhus application, and so our costs, should be lost, will be capped at £10,000.

The PC is very impressed and grateful for the magnificent response from Marton cum Grafton and we are having growing financial support from other PCs. However, there is still an urgent need to raise funds.

Meanwhile, NYCC and York City have launched their own Judicial Review against the Government (DEFRA) for process failings in the withdrawal of their PFI grant. This second Judicial Review will likely to be heard after ours in late summer.

The PC will meet Counsel again in a month.

**2. Playing Fields:**

No issues to comment on.

### 3. Village Shop:

Helen has ordered tables and chairs for outside and more produce has been stocked. A polite notice to all residents that dogs are to be tied up outside the shop and not allowed to wonder in is to be posted.

### 4. Village Hall:

The floor has been re sealed and re-varnished. Fencing outside between the hall and shop has been installed and the brick work will be built soon. The gas inspection failed due to a faulty regulator and this is now been replaced.

### 5. Planning:

- Rougham Farm, Allerton Park, Knaresborough - 3 field silos and polytunnel, re-surfacing of yard and tracks and formation of track. Letter received from HBC and read out explaining their planning decision. Thanks to Anthony Alton for soliciting this.
- Thorny Hill Farm - Correspondence received from HBC regarding the silos and caravan. The silos are to be taken down and the caravan to stay as the farm house is currently not habitable.
- Land at Middle Row, Marton - the land owner, his business partner and Consultant from Carter Jonas gave a brief presentation to the PC and members of the public regarding a building development of approximately 22 houses. The PC asked the members of the public if this plan was acceptable and 18 residents disagreed in a unanimous vote.
- Beck Cottage, Marton cum Grafton - Notice of a TPO.
- Update on NYCC Minerals and Waste Consultation - BC updated the PC on this matter.

### 6. Memorial for Lee Stott:

The plaque for the memorial bench is in hand and plants planted. A member of the public suggested a small unveiling of the memorial to Josie Stott and the PC agreed. Clerk to ask RN to arrange a time.

### Accounts:

In: £37.31 Northern Powergrid, £6,345.00 donations to the Green Waste Fund from the last meeting

Out: £119.34 (F Blunt for plants re Lee Stott Memorial)

- Approval of Accounts and Annual Return - Frank Beckett (Auditor) discussed the accounts with the Parish Council. PC thanked Frank for all his hard work compiling them. The PC approved the accounts and completed the forms.

### Correspondence:

- HBC regarding Publication of sites and policies development plan document - Clerk to chase.
- Skelwith Leisure regarding start of construction works at Flaxby Golf Course.

- HBC email regarding the footpaths in Marton. Clerk to chase.

**Any other Business:**

- Limebar Lane - residents complained about the potholes, Clerk to chase NYCC.
- Braimber Lane - a resident mentioned the inadequate repairs of potholes - Clerk to contact NYCC regarding poor workmanship.
- Residents complained about recycling scheme.
- Majestic House - Clerk to chase HBC.

**Date of the next meeting:** 4<sup>th</sup> July 2013 at 7.30pm

The meeting closed at .....pm

Signed ..... Dated .....

**A meeting of Marton-cum-Grafton Parish Council was held in the Memorial Hall, Marton on Friday, 12th July 2013 at 7.30pm**

Present: Prof A Long (AL) (Chair), Miss L Bullus (LB), Mr N Duxbury, Mr R Naish (RN) Mrs Z Hartley-Metcalf (Clerk), County Cllr R Windass (RW)

Apologies: Mr T Joynson (TJ), District Cllr A Alton (AA)

Members of the public present: 2

The minutes of the last meeting were signed and dated as a true and accurate record by AL.

### **County Issues:**

RW discussed the proposed incinerator with the PC. He explained that the County Council was providing an update to Councillors in the next 2 weeks, and that he had arranged for a personal meeting with the Council Leader, Cllr Weighell. RW was firmly opposed to the scheme.

### **District Issues:**

Nothing to report.

### **Matters Arising:**

#### **1. Proposed Incinerator:**

Helen Marshall gave an update of the Allerton Castle fund raiser, 120 tickets have been sold and further tickets costing £10 each for drinks are now available. AL, on behalf of the PC, thanked Helen for all her help organizing the event and agreed to provide an update on the campaign at the dinner. The PC noted that the event was being organized by the Rolph Foundation.

**Minerals and Waste Strategy:** AL confirmed that a submission had been made to NYCC on behalf of the PC in response to a consultation on a new Minerals and Waste Strategy.

#### **2. Playing Fields:**

RN was thanked for emptying the bins and he reported that the footpaths been cleared. AL checked the playground and had nothing to report. The PC discussed a proposal from TJ to set up a woodland management project - this was enthusiastically supported.

#### **3. Village Shop:**

Nothing to report.

#### **4. Village Hall:**

Nothing to report.

**5. Planning:**

- Mount Pleasant, Mary Lane, Lower Dunsforth - Erection of agricultural building  
The PC has no objections.
- Holly Cottage, Grafton Lane, Marton cum Grafton - HBC granted planning permission for erection of outbuilding to form store, garage and stable. AL to discuss the decision further with AA.

**Accounts:**

In: £3.06 Northern Powergrid, £3,000.00 donations to the Green Waste Fund from the last meeting, £3,686.19 VAT repayment.  
Out: £160.00 Clerk payroll, £16.09 Autela Payroll Services, £40.00 (HMRC payment), £6,600.00 Kingswalk Law.

**Correspondence:**

- HBC emails regarding the footpaths and potholes. The PC discussed the responses and asked the Clerk to email HBC requesting an update by the end of August.
- NYCC regarding a proposal to set up a nursery class at Marton School - The PC was in support of this proposal. The PC suggested that the school governors might wish to reflect on the relative merits of providing 5 mornings a week or two full days, noting that the latter may be more practical for working parents.

**Any other Business:**

- LB reported back from the Police Liaison meeting. She had thanked the police for their quick responses to the village's concerns over 'cold callers', and in turn the Police praised Marton cum Grafton's villager's alert email system.
- RN has met with Mrs Sutcliffe of Majestic House and confirmed that efforts have been made to contact builders regarding the repair the barn roof and it is ongoing. Mrs Sutcliffe has agreed to have the hedge cut.
- A resident complained of a large pothole on Stockfield Lane - Clerk to contact NYCC.

**Date of the next meeting:** 5<sup>th</sup> September 2013 at 7.30pm

The meeting closed at 8.35pm

Signed ..... Dated .....

**An Extraordinary meeting of Marton-cum-Grafton Parish Council was held in the Memorial Hall, Marton on Wednesday, 14 August 2013 at 7.30pm**

Present: Prof A Long (AL) (Chair), Mr T Joynson (TJ), Miss L Bullus (LB), Mr R Naish (RN)

Apologies: Mr N Duxbury, Mrs Z Hartley-Metcalf

Members of the public present: 24

The Chair welcomed all present including representatives of other Parishes and interested parties. He advised that the purpose of the meeting was to provide an update to the Parish regarding the progress of the Judicial Review of the legitimacy of the planning permission granted by NYCC to AmeyCespa relating to Allerton Waste Recovery Park and to consider a proposal regarding a potential appeal relating to the Judicial Review.

The Chair reminded Councillors that at the meeting held on March 27<sup>th</sup> 2013 they had agreed that the PC should initiate judicial review proceedings, and had confirmed that it had an appropriate mandate to do so. The PC was fully cognisant of Government advice that PCs must take informed, transparent decisions and manage risk, and must ensure that it is operating in this manner and in the interests of the Parish.

The Chair confirmed that the required three days' notice had been provided for the meeting.

## **1. The Judicial Review**

The Chair outlined the Judicial Review process, including the opportunity to seek an appeal hearing in the Court of Appeal. The appeal process is an integral part of the Judicial Review system, providing there are proper grounds for appeal and that the appeal is made within strict time limits.

Our Judicial Review took place in Leeds Crown Court on 30<sup>th</sup> and 31 July 2013 and a summary of the proceedings was given by the Chair. A copy of the full judgment has been circulated to residents by email and is lodged with the Clerk and is available for public scrutiny on request.

It was confirmed that the Parish Council, supported by other Parish Councils, NYWAG and individuals, raised sufficient funds to cover the legal fees of the Judicial Review, and that our costs were capped as discussed at the PC meeting in March earlier this year. The PC is extremely grateful to the hundreds of people who contributed.

At this point (8.05 pm) the meeting was opened to the public and the Chair responded to questions from the floor. The Parish Council meeting then resumed at 8.10 pm.

## **2. Application to appeal the Judicial Review**

On the morning of the second day of the Judicial Review Hearing our legal team suggested that it would be prudent to consider the grounds for an appeal, should the judgment be against us but contain grounds that might prove open to dispute. The preparation of such an appeal would incur minimal cost. In line with the agreed protocols regarding financial decision-making over the Judicial Review, the action was carefully considered by those present and it was agreed to instruct our legal team accordingly (AL, TJ, Brian Cooper and David Gripton). It was further noted that should the judgment be in our favour, it was likely that the other interested parties would appeal the decision, and that we would require our legal team to respond.

Proposals:

It was proposed by AL and seconded by RN that the PC ratify the decision to prepare for the potential of an appeal, either from our own team or in response to an appeal from the other interested parties. It was confirmed that we continue with the existing legal team because they have particular expertise in the area of concern and were charging at below the market rate. Our Solicitor has been working with us since the change to the Village Shop Lease in 2012. Further, it was proposed that the PC and our legal team investigate thoroughly the potential grounds of appeal before deciding whether or not to go to appeal. This was unanimously approved.

It was proposed by AL and seconded by RN that the PC extend the financial delegation agreement, previously agreed with Mr Brian Cooper and Mr David Gripton by the Parish Council, to any appeal matters. The Parish Council was reminded that this delegation requires financial decisions to be agreed by the Chair and Deputy Chair of the Parish Council but in practice the key decision on whether or not to mount an appeal will only be taken by the full Parish Council. This was unanimously approved.

### **3. The grounds of an appeal**

The Chair outlined the potential grounds proposed by our Counsel and advised that, if we apply to appeal, our case will initially be assessed by the Court of Appeal to decide whether it is reasonable or not, i.e. whether there is a reasonable chance of success. If the appeal is accepted, we will have a period of between 1 to 4 weeks to prepare our case but the exact timing is uncertain. The Chair outlined the potential costs for the appeal.

The Chair then explained that he had received two communications from North Yorkshire County Council earlier that day. The first was in the form of an email from Laura Renauden, Solicitor (Planning & Environment), Legal & Democratic Services, North Yorkshire County Council. Flagged "high priority", the email was sent to the PC Solicitor and also to AL and the PC Clerk. The Chair read the email in full to the PC. The second was an 'informal' phone call to AL by David Bowe, Head of Business and Environmental Services, North Yorkshire County Council. AL summarised the conversation which, Mr Bowe said, was to an informal update of where the County Council was regarding the AWRP scheme. A written summary of that phone call by AL was provided to our Solicitors.

The Chair noted that this type of communication was not normal and that both Ms Renauden and Mr Bowe had stressed issues relating to the existing and potential costs, and also the costs to the "public purse". AL had assured Mr Bowe that saving money from the public purse was one of the main motivations for the action, and that the proposed separate Judicial Review by the County of Defra's decision to withdraw PFI credits was causing delay that exceeded any arising from our case.

The communications were discussed by the PC and the meeting was suspended (8.40 pm) and opened to the public for questions. It was noted from the floor that the communications from the Council could be construed as an attempt to put inappropriate pressure on the Council to cease its actions. The PC explained that the cap on costs provided under the Aarhus Convention was designed in order to protect organisations such as Parish Councils from excessive costs in cases relating to environmental matters. The Parish Council meeting then resumed at 8.50 pm.

#### 4. Funding of an appeal

The Chair reported the outcome of a meeting of the Parish Councils' Group earlier that week. That meeting had indicated a wish to submit an appeal but that it recognised the decision lay with Marton cum Grafton Parish Council. It was noted that if the request for appeal is rejected, then no additional costs will be incurred and any donations will not be required.

Proposal:

It was proposed by AL and seconded by RN that the decision as to whether we initiate a Judicial Review Appeal be deferred until Wednesday, 21 August, when a second Extraordinary Parish Council meeting will be held. At that date the PC will review the grounds for appeal and funding pledges, and determine what the next steps will be. This was unanimously approved.

At 9.00 pm the Chair opened the meeting to the public and the PC responded to questions from the floor. A poll was then taken of the public's views on the PC's proposals to consider a potential appeal only providing sufficient financial support was forthcoming from the community and legal grounds were believed to justify this action. There was a unanimous vote in favour from the floor.

The meeting resumed at 9.10 pm.

The Chair concluded the meeting by thanking members of the Parish Council and the Green Development Working Group for their support in this matter.

The meeting closed at 9.12 pm

Signed ..... Dated .....

**An Extraordinary meeting of Marton-cum-Grafton Parish Council was held in the Memorial Hall, Marton on Wednesday, 21 August 2013 at 7.30pm**

Present: Prof A Long (AL) (Chair), Mr T Joynson (TJ), Miss L Bullus (LB), Mr R Naish (RN), Mr Nick Duxbury (ND)

Apologies: Mrs Z Hartley-Metcalf

Members of the public present: 18

The Chair welcomed all present to this second extraordinary meeting of the Parish Council.

The minutes of the meeting held on 14 August had been circulated and were approved by the PC and signed and dated as a true and accurate record by AL.

The Chair confirmed that the required three days' notice had been provided for the meeting.

The purpose of the meeting was to further consider the proposal to lodge an appeal to the Court of Appeal following the ruling at the Judicial Review regarding the granting of planning permission by NYCC to the Allerton Waste Recovery Park.

Once again the Chair reminded the PC of Government advice that the PC must take informed, transparent decisions and manage risk, and must satisfy itself that it is operating in this manner and in the interests of the Parish. The Chair noted that the background to the matter under consideration had been discussed in detail at the previous meeting of August 14<sup>th</sup> 2013 and that he did not intend to repeat matters already covered unless members of the Parish Council or the public wished him to do so.

### **Potential for Application to the Court of Appeal**

At the PC meeting on 14 August it had been proposed and agreed that the decision as to whether to initiate a Judicial Review Appeal be deferred until the current meeting when councillors would review the grounds for appeal, the funding pledges that had been made and take a decision as to what the next steps will be.

#### **1. Grounds for Appeal**

The grounds for appeal have been prepared by our legal team at no additional cost. They comprise three general grounds and four specific points which were summarised by the Chair. The submission also incorporates a request that the costs be capped under the Aarhus Convention, as applied in the case of the Judicial Review. These costs have already been raised as part of the fundraising for the Judicial Review. Should permission to appeal be granted, any cap on costs would be advised at that time. The PC would properly consider the financial risks at that stage.

#### **2. Update on funding pledges**

During the last seven days our legal team have been preparing the case and we have been raising the funds necessary to cover the costs of the appeal, should it be granted. During that time we have received tremendous support from the Parish and neighboring Parish Councils, interested groups and members of the public.

Once again thanks were expressed to everyone who has contributed so far. Fundraising is continuing and, by example, a fundraising barn dance is planned for late September.

**Potential Risks that must be considered**

The Chair reminded the PC of the potential financial risks that it faced should it choose to pursue an appeal. The main risk was a possible increase in our costs liability should we lose and should the Aarhus cost cap not be extended to the appeal. In addition, there is a small risk that the costs of the legal action may rise, but the likelihood of the PC not being able to cover this was low, mindful of the commitments already made to us.

At 7.45 pm the meeting was opened to members of the public. The Chair responded to several questions regarding the grounds for appeal, the question of costs and whether North Yorkshire was aware of the true financial costs of the proposed scheme. The meeting resumed at 7.54 pm.

**Decision on whether or not to go to appeal**

The deadline for submission of an appeal relating to the Judicial Review is Friday 23 August.

It was proposed by AL and seconded by RN that, mindful of the risks outlined above and the financial position described, and with the support of this Parish Council, surrounding Parish Councils and the local community, Marton cum Grafton Parish Council should submit an application for appeal to the Court of Appeal relating to the Judicial Review and instruct our legal team accordingly. This was passed unanimously.

An assurance was given that the question of costs would continue to be closely monitored. This aspect is important to the community and a commitment was given that any variance to expectations would immediately be brought to the attention of the PC.

At 7.57 pm the meeting was opened to the public. By a show of hands there was unanimous approval from the floor that the PC should proceed to seek leave to appeal, as proposed above. The meeting resumed at 7.59 pm

The Chair concluded the meeting by thanking members of the Parish Council and agreeing to keep them informed of progress.

The meeting closed at 8.00 pm

Signed ..... Dated .....

**A meeting of Marton-cum-Grafton Parish Council was held in the Memorial Hall, Marton on Thursday, 5th September 2013 at 7.30pm**

Present: Prof A Long (AL) (Chair), Miss L Bullus (LB), Mr N Duxbury (ND), Mr R Naish (RN)  
Mrs Z Hartley-Metcalf (Clerk), District Cllr A Alton (AA)

Apologies: Mr T Joynson (TJ), County Cllr R Windass (RW)

Members of the public present: 5

The minutes of the last meeting were signed and dated as a true and accurate record by AL.

### **County Issues:**

Nothing to report.

### **District Issues:**

AA discussed with the PC the recent refuse recycling scheme put in place by HBC and minor teething problems, the possibility of senior management savings at HBC and concerns over planning approval for works to Holly Cottage (Clerk to contact HBC).

### **Matters Arising:**

#### **1. Proposed Incinerator:**

AL outlined the current position, which was that a request for leave to appeal the decision of the judicial review was pending.

#### **2. Playing Fields:**

RN asked the Clerk to contact HBC regarding the procedure of removal of waste from the bins at the entrance to the playing field. AL had checked the playground nothing to report.

#### **3. Village Shop:**

Nothing to report.

#### **4. Village Hall:**

The village hall committee has obtained decorating quotes for general maintenance of the shop and hall. A quote for the repainting of the shop window and door totaling £230.00 was approved and PC agreed payment to be made from the shop account. The PC also approved a quote of £590.00 for painting of the hall's external windows and doors which will be paid by the Village Hall Committee.

#### **5. Planning:**

- Mount Pleasant, Mary Lane, Lower Dunsforth - Erection of agricultural building  
Planning permission has been granted.

- Ashdale, Thorny Hill Lane, Marton cum Grafton - Erection of a single storey extension. Planning permission has been granted. It was noted that the Clerk did not receive a copy of the plans for PC comment and has contacted HBC to express her concern, however a copy of the approved plans was available for the PC to view at the meeting.
- Hundayfield Farm, Marton cum Grafton - Erection of building for storage of straw. HBC has confirmed that prior approval is not required for this development.
- 3 Spring Bank, Marton cum Grafton - Replacement planning permission. Planning permission has been granted.

**Accounts:**

In: £30,925.00 donations to the Green Waste Fund from the last meeting, £9,155.89 HMRC VAT repayment.  
 Out: £46,000.00 Kingswalk Law, £80.00 R Grant (clearing of pathways), £72.51 to Village Hall re. VAT reimbursement.

**Correspondence:**

- HBC regarding closure of Limebar Lane for essential road repairs - proposed closure for a week between 12/08/13 till 11/02/14.

**Any other Business:**

- Priestcarr Lane - RN discussed the poor state of the road and concerns of farm traffic and other vehicles not been able to use it - Clerk to urgently contact NYCC.
- ND asked to discuss at the next meeting the field adjacent to the water tower.
- The notice board in Grafton to be replaced.
- Tony Cole talked about the recent funding from Sport England for the tennis courts in Grafton. ND to review the lease and discuss at the next meeting.
- Broadband - a resident mentioned that fibre broadband will be in place in Marton by December 2013.

**Date of the next meeting:** 3<sup>rd</sup> October 2013 at 7.30pm

The meeting closed at 8.20pm

Signed ..... Dated .....

**A meeting of Marton-cum-Grafton Parish Council was held in the Memorial Hall, Marton on Thursday, 3rd October 2013 at 7.30pm**

Present: Prof A Long (AL) (Chair), Miss L Bullus (LB), Mr N Duxbury (ND), Mr R Naish (RN)  
Mrs Z Hartley-Metcalf (Clerk), District Cllr A Alton (AA), County Cllr R Windass (RW)

Apologies: None

Members of the public present: 8

The minutes of the last meeting were signed and dated as a true and accurate record by AL.

**County Issues:**

RW welcomed any information on outstanding potholes works, a resident queried competence of works carried out by NYCC Highways. RW stated that NYCC would have to make further savings in the next financial year

**District Issues:**

Nothing to report.

**Matters Arising:**

1. Proposed Incinerator:

Brain Cooper gave an update on the incinerator.

2. Playing Fields:

Clerk has contacted HBC regarding new bins on the playing fields.

3. Village Shop:

Nothing to report.

4. Village Hall:

The annual inspection has been carried out, the floor in the passageway is lifting and this has been queried with the contractor, PC thanked Barrie Hall for carrying that out.

5. Planning:

An email has been sent to HBC Planning department regarding a query on Holly Cottage planning approval. Nothing more to report.

**6. Village Woodland:**

TJ organized two meetings with the village to ascertain suggestions as to what works should be taken out to the village woodland. TJ discussed with the PC several options regarding grants etc for works to be carried out and will seek out other communities who have been through similar efforts. The PC thanked TJ for carrying that forward.

An online mapping service costing £40 plus VAT was approved.

**7. Tennis Courts:**

ND discussed in detail the tennis court lease and several points that legal advice had raised. Most points were agreed, however, ND to discuss with Tony Cole further points.

**Accounts:**

In: £1,675.00 HBC (precept installment), £1,200.00 H Tesseyman (village shop rent) £4,700.00 donations to the Green Waste Fund from the last meeting,  
Out: £112.00 Players of note (deposit for a band for the barn dance to be carried out to another PC function), £170.00 F A Peters (Village Shop painting), £48.00 M Tuley Joiners, £120.00 PKF Littlejohn LLP (Auditors), £16.09 Autela Payroll, £160.00 Clerk's payroll, £40.00 HMRC.

PKF Littlejohn Accountants - End of year accounts have been audited and no queries have been raised. Thanks to our internal auditor, Frank Beckett, for all his hard work.

**Correspondence:**

- NYCC Highways - Potholes have now been filled in Priestcarr Lane, Marton.
- Rory Cunningham at 1 Priest Cottages - has seeked approval from the PC regarding the rebuilding of his garden wall - PC has no objections.

**Any other Business:**

None

**Date of the next meeting:** 7th November 2013 at 7.30pm

The meeting closed at 8.45pm

Signed ..... Dated .....

**A meeting of Marton-cum-Grafton Parish Council was held in the Memorial Hall, Marton on Thursday, 7th November 2013 at 7.30pm**

Present: Prof A Long (AL) (Chair), Miss L Bullus (LB), Mr R Naish (RN), County Cllr R Windass (RW), Mrs Z Hartley-Metcalf (Clerk)

Apologies: Mr N Duxbury (ND), District Cllr A Alton (AA)

Members of the public present: 6

The minutes of the last meeting were signed and dated as a true and accurate record by AL.

### **County Issues:**

RW discussed with the PC the forthcoming NYCC briefing regarding the incinerator.

RW attended a NYCC Highways meeting regarding the 'catch up' of outstanding pothole/road maintenance and winter gritting services in our area. RW was asked by the PC to re-affirm to the Highways Department that McG is placed on two hills and therefore needs prompt attention to gritting and snow clearing when the poor weather starts.

### **District Issues:**

Nothing to report.

### **Matters Arising:**

#### **1. Proposed Incinerator:**

BC gave an update on the incinerator and the PC thanked BC for all his efforts. The PC agreed that a £300 transfer from the PC current account to provide a temporary 'cushion' to the Green Waste Account until the VAT reimbursement, and then £200 will be returned to PC funds. This will result in a net transfer from PC funds to the Green Waste Account of £100.

#### **2. Playing Fields:**

AL confirmed he had carried out a playground inspection and all was fine. The annual playground inspection report was discussed and there were no pressing actions.

RN stated that the resurface of the bottom track to the playing fields and felling trees surrounding the tennis court will happen on Friday 8<sup>th</sup> November. PC thanked RN for all his help.

The bins are to be emptied at top of the playing field, clerk to contact HBC refuse collection.

### 3. Village Shop:

The PC noted Mr Popple's email regarding the deterioration of a couple of tiles around the sink area and are happy to go ahead with the works when Mr Popple considers it appropriate.

### 4. Village Hall:

As previously discussed, the flooring in the passageway to the toilet is deteriorating. Mr Popple has sought the original contractor's advice and they have decided to leave this issue until the flooring deteriorates more, as interference now would only accelerate the problem.

### 5. Planning:

- Ye Olde Punchbowl Inn - several applications have been granted, including listed building consent subject to conditions.
- Beck Cottage - TPO confirmed.
- Beck House - conversion of the car port to form additional living accommodation - the PC had no objection.
- Low Garth - erection of single and two storey extensions and installation of a window - the PC had no objection.

### 6. Village Woodland:

TJ reported that the next step is for the group to carry out thinning work and opening up of views which were previously there but have been lost to tree encroachment.

### 7. Tennis Courts:

RN stated that initial clearing works have started, and the project has gone out to tender and a supplier chosen. PC confirmed they had agreed the lease. PC thanked ND for carrying that out. PC asked that Tony Cole to attend the next PC meeting.

### Accounts:

In: £1,944.36 donations to the Green Waste Account

Out: £60.00 HBC (playground inspection), £227.00 Mr C Lofthouse (railings outside the village hall) paid from the building account, £280.00 Mr S Marklew (grass cutting)

### Correspondence:

Nothing to report.

### Any other Business:

- There was now no sign into the village from Braimber Lane, Clerk to contact highways.

- The notice board in Grafton is in a terrible state, RN to get 3 quotes for a new board. PC to visit site to confirm location, mindful of grass cutting.
- The HBC allocation of bulbs had been collected and a resident has kindly offered to plant them.
- A resident raised concerns over the planning application regarding Beck House.
- A resident asked RW to look into the matter regarding the proposed NYCC change in the way certain levels of Teaching Assistants are to be paid.

**Date of the next meeting:** 5th December 2013 at 7.00pm

The meeting closed at 8.35pm

Signed ..... Dated .....

**A meeting of Marton-cum-Grafton Parish Council was held in the Memorial Hall, Marton on Thursday, 5th December 2013 at 7.00pm**

Present: Prof A Long (AL) (Chair), Miss L Bullus (LB), Mr R Naish (RN), Mr N Duxbury (ND), District Cllr A Alton (AA), Mrs Z Hartley-Metcalf (Clerk)

Apologies: County Cllr R Windass (RW)

Members of the public present: 6

The minutes of the last meeting were signed and dated as a true and accurate record by AL.

#### **County Issues:**

**Nothing to report.**

#### **District Issues:**

AA advised that HBC is closing their payment's office in Knaresborough with another opening in the spring. HBC draft budget has been released and is now under discussion.

#### **Matters Arising:**

##### **1. Proposed Incinerator:**

A brief update on the current position was provided. It is understood that NYCC is continuing to review options with an intent to move towards financial close sometime in 2014. It was noted that a planning application was under consideration by the NYCC Planning Committee for a large Energy from Waste plant at Kellingley (Selby). This facility, which is privately funded, has a planned capacity of 280,000 tonnes of waste per year and could handle municipal waste similar to that intended for Allerton Park. The scheme is a Combined Heat and Power plant, meaning heat is recovered during the incineration process (something the Allerton scheme does not). Kellingley is an existing industrial site, and is well connected to road, rail and water, and has an electricity connection. The PC will watch the progress of this scheme through the NYCC planning committee with interest.

##### **2. Playing Fields:**

RN/AL to check the playing fields. RN advised that there has been progress on clearing the tennis court area to facilitate the work to be done. Further clearance on the woodland has also been carried out. Clerk to contact HBC regarding bins on the entrance to playing fields to be emptied.

##### **3. Village Shop:**

The Parish Council would like to thank Helen Tesseyman for all her hard work over her first year. PC agreed £220.00 for maintenance works in the shop.

##### **4. Village Hall:**

Nothing to report.

#### 5. Planning:

- Westwinds, 8 Millfield, Grafton - Planning application for erection of a single storey extension. Parish Council has no objections.
- The Barn, Grafton Manor, Grafton - Planning application for erection of a two storey extension with integral garage and two single storey extensions - PC objects for the following reasons:
  - Inappropriate development on sensitive approach to the village.
  - Contrary to the VDS statement regarding protecting sensitive entrances to villages.
  - Concern regarding the proposed entry off Limebar Lane. The PC queried if the access right existed and expressed concerns about potential accidents given the proximity to the main road of the village.
- Beck House, Grafton Lane, Grafton - Granted planning permission subject to conditions.
- Woodside Farm, Moor Lane, Marton cum Grafton - Planning Enforcement

#### 6. Precept:

The Precept was discussed and the PC agreed for the figures to stay the same from last year.

#### 7. Tennis Courts:

RN advised that the Contractors will start work mid January 2014. ND stated that the Lease was still to be finalized and needed to be complete ASAP. Clerk advised that the new Tennis Association would need their own Public Liability insurance. PC asked for members of the court committee to attend the next meeting in January.

#### 8. Risk Assessments:

Clerk advised that risk assessments would need to start ASAP for insurance purposes. Clerk to make enquiries to other neighboring PCs and report back next meeting.

#### Accounts:

In: £2,922.55 VAT reimbursement

Out: £160.00 Clerk's payroll, £49.60 Clerk's expenses.

#### Correspondence:

Nothing to report

**Any other Business:**

- Rougham Farm - Clerk to contact HBC planning department as more hard standing areas and buildings have been observed.
- Grafton notice board - RN to obtain quotes for a replacement.
- A resident complained about vans parking on the brow of the hill in Marton.
- Mud on the road on Grafton Lane and A168 leading from the Quarry, Clerk to contact NYCC Highways.

**Date of the next meeting: Tuesday 7th January 2013 at 7.30pm**

The meeting closed at pm

Signed ..... Dated .....