



Castlethorpe Parish Council

Minutes of a Parish Council General Meeting held on Monday 7th November 2022 in the Village Hall

PRESENT: Councillors Forgham, Keane, Merritt (by video link), Ayles, Sawbridge, Hinds, Ward Cllrs Andrews, Wardle & Bowyer, the Clerk and three members of the public. Others were viewing through Facebook & Youtube.

A resident drew further attention to an email that he had sent that had been circulated to all Cllrs (parish and ward) with respect to the absence of market properties being provided by the Carrington Grove development and repeated failings by MKCC (**see Appendix A2**). Cllr Ayles responded that a report had been produced by MKCC that they had asked to remain confidential although he did not know why as there was little, if any, information that seemed to be so. At a subsequent meeting with MKCC Planning & Legal they accepted that the S106 Agreement had been breached and issue was whether they were going to take any action. They indicated that due to an overall shortage of affordable houses in the Borough that they were minded not to. In practice it is almost certain that it is too late to take any action now. Seven houses are already occupied, distinct from the 12 houses where we know there to be shared ownership contracts in place. Further indication is that they have now allocated all of the social housing too. The matter is being further consider in Part 2 of the meeting (not part 1 in view of MKCC's insistence that some information is confidential) in which the Parish Council will consider what further steps can be taken. Cllr Bowyer had asked that if any houses remained unallocated that there should be no further allocation. There has since been no further response from MKCC. Cllr Ayles added that the contents of the email had been brought up with MKCC both in the meeting and also before and after. The point had been clearly made that the bringing forward of land as part of Neighbourhood Plans relies on trust in MKC to support their own policy and they are failing to do this. There will be consideration in Part 2 whether there is any further legal action that can be taken. The Clerk added that local parishioners deserved to be informed about what has transpired and that MKCC should allow this even if some information is redacted. Cllr Ayles has made this point to MKCC.

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| 1 | APOLOGIES FOR ABSENCE | ACTION |
| 1.1 | Cllr Markham - accepted | |
| 2 | DECLARATIONS OF INTEREST | |
| 2.1. | Cllr Ayles declared a pecuniary interest in 8.1. | |
| 3 | APPROVE MINUTES OF THE LAST MEETING | |
| 3.1 | Previous Minutes from the General meeting of 3 rd October and Extraordinary meeting of 10 th October were proposed by Cllr Forgham seconded by Cllr Hinds and agreed unanimously. | |
| | TO RECEIVE REPORTS | |
| 4.1. | Clerks Report & Review of Actions (See Appendix A1) – no matters arising: | |
| 4.2. | Ward Cllrs Report Nothing to report this month | |
| 5 | TO CONSIDER PLANNING APPLICATIONS (previously viewed online by Councillors) | |
| 5.1 | 22/02476/DISCON Approval of details required by condition 3 (Schedule of external materials) of permission ref. 21/03205/FUL 1 Wolverton Road – the Parish Council resolve that the materials should match what exists. Clerk to notify MKCC. | Clerk |
| 6 | TO RECEIVE REPORT BACK ON PREVIOUS PLANNING APPLICATION – no further comments | |
| 6.1. | 21/02533/OUTEIS (1) Full application for the change of use of 68.65ha of agricultural land to a linear park and a new access road ermitted for signs 1 - 4o the Linford Lakes Study Centre (2) Outline application (matter of access to be considered, with matters of layout, scale, appearance and landscaping reserved) Linford Lakes Nature Reserve Wolverton Road Great Linford – status 'registered' no updates this month | |
| 6.2. | 21/03346/FUL Proposed siting of 25 static holiday caravans (to remain on pitch all year round) in lieu of 40 touring caravans on the eastern section of Cosgrove Park Main Street Cosgrove - status 'registered' no updates this month | |
| 6.3. | 22/01156/FUL - Erection of Cafe building (Class E(b)) with ancillary shower facilities and cycle stands, in an area of existing an unused hardstanding. Lodge | |

Farm Business Centre Wolverton Road Castlethorpe – status ‘registered’ no updates this month

- 6.4. **22/02067/NMA** Non-material amendment seeking to update the position of the neighbours garage relating to permission ref. 21/01637/FUL Single storey rear extension and rear terrace roof canopy 38 Shepperton Close Castlethorpe
Application Permitted
- 6.5. **22/02427/NOTTEL** 28 day notification for the removal of 6no. antenna, the installation of 3no. replacement antenna on to the existing headframe, the installation of 2no. transmission dishes and an internal upgrade within the existing equipment cabin Telecommunications Mast At Lodge Farm Wolverton Road Castlethorpe **Application Not Proceeded With**
- 6.6. **WNS/2022/1741/EIA** Application for full planning permission for the erection of 9 x employment units comprising circa 69,744sqm GIA. of floorspace within Class B2 or B8 Uses, with ancillary class E(g)(i) offices and E(g)(ii) research and development, together with country park, ground re-profiling in the country park, new vehicular access from the A508 and associated site infrastructure, including lorry parking – **objection made no further updates this month**

7 TO CONSIDER RESOLUTIONS

- 7.1. A public excluded part 2 of the meeting to discuss matters in accordance with Section 100(A) (4) of the Local Government Act 1972, as defined in paragraphs 1 of Part 1 of Schedule 12A to the Act was proposed by Cllr Ayles, seconded by Cllr Keane and agreed unanimously.
- 7.2. There was some discussion about what could be done to support the the MKCC Cost of Living Winter Plan. It was agreed that Cllr Forgham will put up an article on Facebook to see if there is any appetite for provision of a warm space (the Village Hall) or for free meals and depending on response the Parish Council can consider logistics. Cllr Forgham
- 7.3. It was agreed to hold a 'Become a Parish Councillor' Open Day at the VH in February. Clerk to ask MKCC whether they have background material and to transfer intention to hold the event on to the Clerk's Report. Clerk
- 7.4. There were no comments on MKC proposal to extend current Dog Fouling Public Space Protection Order for a further 3 years.
- 7.5. Cllr Hinds proposed the purchase of a further Balmoral style bench for the Chequers up to a cost of £500. Seconded Cllr Keane and agreed unanimously.

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8.1. FINANCIAL MATTERS

- Cllr Ayles withdrew from meeting. Cllr Forgham took Chair. The payment schedule was proposed by Cllr Keane seconded Cllr Forgham and was approved unanimously. Cllr Ayles returned to meeting

| Payee | Description | Invoice | Amount |
|-----------------|---|------------------------|------------------|
| S Bradbury | Salary Oct 2022 * pay award | per pay slip | £725.40 |
| S Bradbury | Back pay 6 months | per pay slip | £312.00 |
| S Bradbury | Refund contribution to H Baker leaving gift | per previous minutes | £30.00 |
| RTM | Landscaping Oct + wildlife area | invoice 3732 | £469.00 |
| T. Ladyman | Clear village litter bins Sept | attached invoice | £40.00 |
| Simon Bates | Weedkill village October | invoice #212 | £400.00 |
| PKF Littlejohn | External Audit fee | invoice SB20222089 | £200.00 |
| M j Lever | Replace posts and fencing Lodge Farm Court/Castle Field | attached invoice | £1,270.00 |
| M j Lever | Replace posts and rail fencing football pich perimeter | attached invoice | £1,790.00 |
| Tove Landscapes | Sports pitch landscaping Sept | attached invoice 13025 | £82.50 |
| Janus | PAT testing | attached invoice 9823 | £76.00 |
| P.Ayles | refund purchase wreath | attached invoice | £25.00 |
| NBR Printing | Print 'village welcome' booklets | invoice awaited | £148.00 |
| | | | |
| TOTAL | | | £5,567.90 |

| Direct Debits | | | |
|---------------|---------------------------|-------------------------|----------------|
| IdNet | Domain name + web hosting | attached invoice 800576 | £135.00 |
| Talktalk | 01560036/882 | | 30.54 |
| Everflow | B220925A | | 57.18 |

| | | | |
|--------------|--------------------|--|---------|
| Google Cloud | 26107096G05ASYDKH7 | | £36.80 |
| XLN | 4976199 16674975 | | £37.99 |
| EON | 089208742670A | | £112.00 |
| EDF | 671070653836.00 | | £114.00 |

| | | | |
|-----------------|--|--|----------------|
| DD Total | | | £523.51 |
|-----------------|--|--|----------------|

9 CORRESPONDENCE RECEIVED (email circulated prior to meeting)

9.1. None

10 ANY OTHER BUSINESS (for noting, or for inclusion on a future agenda)

10.1. It was agreed to allow Bandit Food to pitch up in front of the Village Hall on Friday nights. Cllr Ayles to let them know.

11 TO AGREE DATE AND ATTENDANCE FOR FUTURE MEETINGS/EVENTS

11.1. Next meeting will be held at 7.30 on Monday December 5th in the Village Hall.

Part 1 of the meeting closed at 8.37

PART 2

12 TO RECEIVE DECLARATIONS OF INTEREST by Councillors in any of the agenda items below

12.1. None

13 TO CONSIDER RESOLUTIONS

13.1. An agreement had been drafted by Wellers Hedley to 'enlarge' the current lease at the Sports Ground to become a Deed for the Freehold as there is no record of title at Land Registry. Cllr Ayles had been in regular touch with the Allotments Association, keeping them informed.

It was agreed that the Clerk arrange for appropriate signatures to the Deed and to return it to Wellers Hedley to arrange the registration.

Clerk

13.2. Cllr Ayles had circulated some draft comments to form the basis of a complaint to be made on the refusal of MKCC Planning Enforcement team to enforce remedial action against what they accept to be a clear breach of planning controls. It was unanimously agreed that the Clerk raise a complaint against the decision to do nothing, the Case Officer and his team leader accordingly.

Clerk

13.3. There was further discussion about the ongoing situation at Carrington Grove and the failure by MKCC to enforce the S106 Agreement. It was unanimously agreed that there was no point in considering any further legal action but that a complaint should be made in line with a briefing note that had been circulated by Cllr Ayles. All Cllrs and Clerk to provide any further comments to Cllr Ayles for inclusion in the complaint. It was further agreed that a separate complaint be made to Michael Bracey MKCC CEO and to request his 'last ditch' intervention.

All Cllrs
Cllr Ayles

There being no further business the meeting closed at 9.05

APPENDIX A1 – CLERK’S REPORT 7/11/2022

1. Clerk severely disrupted with no internet access for over 2 weeks following signing up with Gigaclear.
2. Duke of Edinburgh Award work completed – meeting provisionally arranged for 10th November to sign off work
3. Alex Riley of Wellers Law Group has provided a Deed of Transfer ready to go to Land Registry, to be signed by Clerk and two cllrs at tonight’s meeting. Cllr Ayles has informed the Allotments Association that we will be making the application.
4. The matter of planting trees at Gobbey’s Field adjacent to Scheduled Ancient Monument land has been referred to Euan Darlink MKC Landscaping for advice.
5. Planning Enforcement have now responded on 41 Shepperton Close: garage converted to extra room, where the applicants have replaced a garage door with a casement window making it on-conformant with the surrounding area. They have told us that ‘the impact that it has on the wider street scene and the reading of the house with its neighbouring houses means that it would not be expedient, or proportionate and in the public interest to take formal enforcement action’. Parish Council to consider raising a complaint to include this episode at tonight’s meeting.
6. Despite numerous messages left Paul Van Geete at MKCC has still not responded to repeated questions about whether we can spend remaining c. £1500 s.106 Paddock Close monies on mower repair or on play equipment. Cllr Ayles and the Clerk met with Sovereign Playgrounds at the Fishponds and Thrupp Close play areas and they have sent a quote for an additional springer and an embedded trampoline for the Thrupp Close play area – to be considered at next meeting?
7. The lady that has offered the £1,000 grant to the Parish Council as part payment in order to get a more established tree replacement on the village triangle is happy with the MKCC suggestion to plant a Monkey Puzzle tree. They have still to respond on how to pay them the money.
8. There has been no more news about what is happening with regard to running the new “Community Forum” to potentially replace the current NAG. It was thought that the first would be held on a Wednesday at 7pm in Hanslope in November. PCSO David Huckle has been asked for an update.
9. Both Anglian Water and Gigaclear have contacted MKCC to say that they can’t get hold of the golden resin from their supply chains to replace that dug up during recent works in the village centre. Currently they are being fined a fixed amount per month, however due to the buff coloured resin being very expensive, it is expected that they will be happy to pay the fine for a while. In the meantime, MKCC have asked their contractor to see if they can source the resin specification from any of their suppliers. If sourced, they will inform both Anglian Water & Gigaclear and work out a way forward with their Streetworks team.
10. All gate posts and damaged fencing have been replaced at Lodge Farm Court and around the perimeter of the football pitch.
11. The Clerk and Cllr Merritt have both contacted Network Rail yet again re. carrying static holiday homes over the 5 tonnes weight restricted railway bridge. Cosgrove PC have written to MKC Planning saying that the items are too large to be carried through Cosgrove village, which has in the past been the allocated delivery route.
12. Clerk has made a £30 contribution towards Heather Baker’s retirement from MKCC.
13. Gigaclear now report that 85% of properties have access to a connection.
14. Clerk has confirmed that the application to use the field at the bottom of Wolverton Road just before the Dips as a dog walking area has been withdrawn and has not been superseded by any other request.
15. Cllr Markham to paint yellow lines on the path going from the railway footbridge from South Street down to the Fishponds play area where there is a step that does not stand out.
16. The Clerk has written to Mark McDonald at MKC asking about the replacement of the disintegrated speed hump and subsidence in the road on North St between the Village Hall and the triangle.

No progress/unknown status on outstanding actions

1. MKCC have said that there will be a delay in placing contracts for landscaping until sometime after September 2023. MKCC have instructed the already-devolved parishes to extend contracts with current providers for another 6 months. Hanslope PC who are co-ordinating our combined re-bid along with Haversham will be discussing the matter at their September meeting but it is unlikely that we will be holding fire until next year.
2. Listing’ of water tower: The Clerk had written to Newport Pagnell TC asking for advice as they have recently made application for their Police Station to be listed by English Heritage. The Newport Pagnell TC Clerk informed that they had employed a consultant to make the application. The resultant copy has been circulated.
3. Sports Ground
 - Clerk still to produce table of required activity from fire inspection – unable to progress this month due to internet access problems
 - Doors at football pavilion need fixing/replacing – to be included with quote for VH doors. Cllrs Forgham & Clerk to pursue

- Roof tiles at football pavilion need repair – will arrange on site meeting with new handyman to add to work required as per recommendations from the fire inspection report
 - Quote received for repairs to mower significantly more than that given last year. Decision to be made when 106 monies are available. Choice to be made: repairs vs. part exchange of mower for newer model.
4. No progress on resolving with Stonewater the issue that the Paddock Close swale is not draining and that the fencing is not stable
 5. Actions from Internal Auditor's report to be resolved:
 - parish council to produce a Finance Strategy
 - CCLA investment to be included on Asset Register
 - improved financial information to be produced for web site
 6. Cllr Markham to purchase a chain and combination lock then provide combination to the landscapers and to nearby neighbours. It was agreed that a combination lock should also be put on the other entrance gate to the Fishponds using the same combination.
 7. Report to be commissioned to assess health of trees in CASTLE Field.
 8. No progress on the feasibility study of a cycleway link to Hanslope.
 9. Litter bins + bases to be ordered as agreed: one + spare base for outside shop & one for Shepperton Close. No progress following MKCC's advice not to place a litter bin at the site suggested in Shepperton.
 10. Awaiting response from BP Pulse/Energy Savings Trust on the request to install Electric Vehicle charging points in South Street. Anticipated this Autumn
 11. Cllr Merritt to agree public sessions for defibrillator awareness with village First Responder for when date for end of lockdown confirmed.
 12. No pipes in loft are lagged in cricket pavilion. SGC to consider remedial action for future.
 13. Review of draft plans for possible development of club house at sports ground
 14. Cllr Ayles & Geary to consider MKCC decision not to sell land at the side of 6 The Chestnuts
 15. CCTV at Sports Ground – clerk to contact suppliers to understand the management overheads. No progress this month

Steve Bradbury
7/11/2022

Appendix A2 - email sent by a resident with respect to the absence of market properties being provided by the Carrington Grove development & failings by MKCC

Dear Councillors

I write this not knowing the outcome of a meeting between CPC and MKCC Planning last week, but based on progress to date on this issue, I assume that the position remains the same. That is, MKC Planning are not minded to take legal action against Stonewater for their clear breach of the legal obligations in the S106 agreement. It would of course be good to hear differently, but given a three year history of MKC Planning's intransigence, that would be surprising

A failure to enforce their legal rights in this case by MKCC Planning would have many repercussions:

- the Maltings development will be 100% Affordable, as opposed to 30%, contrary to the legal agreements for the development and the rationale in Castlethorpe Neighbourhood Plan for the use of the site. That was based on the Parish's wishes for a mix of Open Market and Affordable housing as expressed in Parish surveys
- It will have effects on services and the parish population by unbalancing the mix of population. We already have one of the highest percentages of Affordable housing in the Borough, taking into account current housing and that planned.
- The legal position in this case is relatively straightforward. MKCC as the Authority, have a legal right to enforce the S106 by a Court Injunction. The normal step before that is for MKCC, as the Authority, to give Stonewater formal notice, in the form of a Cease and Desist letter. Both steps have been requested by CPC with no avail to date

Lack of action by MKCC Planning on our S106 could have serious implications for all Parish and Town Councils in the Borough, who may well find themselves in the same situation. This could be used to put pressure on MKCC. A joint letter, signed by the Chairs of all Parish and Town Councils, addressed to Michael Bracey, expressing concern and dismay at the clear lack of diligence in MKCC not enforcing planning conditions, and stating that this is considered to be a serious failure in carrying out MKCC responsibilities on behalf of the tax paying public

A further issue for all Parish and Town Councils, is that, if MKC Planning is allowed to shirk its responsibilities in a case which is relatively easy to deal with legally, it would be reasonable to assume that in a truly complex legal case, such as a planning proposal for development outside a Neighbourhood Plan boundary, that MKC Planning would find even more reasons to avoid taking legal action. CPC should continue to press MKCC Planning, by all means possible, to carry out their responsibilities. A final resort would be a Judicial Review. The first stage would be obtaining a legal opinion from a specialist Counsel to verify that our case would meet the criteria for entry into the JR protocol, which has strict entry criteria. Also to assess the probability of success of an action. A point to note is urgency, normally the protocol requires claims for entry to be lodged within 6 weeks of legal awareness of the event in question. In essence, the grounds for entry into the JR protocol are: **illegality** (a public body has not acted in accordance with the law or the policy and purpose of the legislation), **procedural unfairness** and **irrationality** (the Wednesbury Principle)

The website below give a useful guide:

<https://www.ashtonslegal.co.uk/insights/business-news/a-quick-guide-to-judicial-review-planning-claims/>

As to costs, with regard to our Neighbourhood Plan, I recently managed in my role as chair of CVRA, the first stage in the process for a potential JR challenge on the decision by MKCC to Planning to accept the Examiner's Report. The cost of that was £6,600 including Solicitors fees and the specialist Counsel's opinion. The Counsel was excellent, and, as her recommendation was not to proceed and given CVRA's status, she reduced her fee to 50% of that originally quoted. It could be quite useful to the Parish to have a specialist planning barrister who has previous experience of the local situation

I have a professional background in managing major financial claims. If CPC/other Councils decided to go down the JR route I would be glad to assist

Rgds