

MINUTES

Meeting: Parish Council Meeting

Date: 21st September 2021

Time: 7.30 PM

Venue: Moreton Village Hall

PRESENT:

Councillors (10): Cllr John Collins (Chairman), Cllr Cooper, Cllr Foulser, Cllr Hall, Cllr Leverich, Cllr Martin, Cllr Padfield, Cllr Radbourne, Cllr Crosbie, Cllr Kessock-Phillip*

* for part of meeting

Also in Attendance (1): Adriana Jones, Locum Clerk

Members of the Public: (1) – Mrs Paddan

Members of the Press (0)

PC.066 APOLOGIES FOR ABSENCE (3)

Cllrs Dawson, Busch, and Stuart. ECC Cllr Maclvor and EFDC Cllr Hadley had also offered their apologies.

PC.067 OTHER ABSENCES

None.

PC.068 DECLARATIONS OF INTEREST

Cllr Padfield and the Chairman both declared a non pecuniary interest in agenda item 19 – Legality of providing funding to churches – by virtue of being members of Church groups within their community.

PC.069 CONFIRMATION OF MINUTES

The minutes of 13th July 2021 Parish Council meeting were **APPROVED**. **PROPOSED** Cllr Hall, **SECONDED** Cllr Martin. All agreed.

PC.070 COUNCILLOR VACANCY

Councillors were reminded that there was a vacancy for the position of Councillor for the Lavers Ward. As no poll had been requested, this Council was able to co-opt. The Clerk advised there had been three applicants, and at the time of printing the agenda one had responded to confirm they were able to attend this meeting, one had advised that following the move of date of meeting they could not attend, and the Clerk was waiting for one further response. As such, with the agreement of the Chairman, this agenda item was deferred until the November Parish Council meeting. All three applicants had been advised. The Chairman stated that each applicant will be asked to put together a short resume about themselves which will be circulated with the November agenda.

PC.071 APPOINTMENT OF CLERK AND RESPONSIBLE FINANCIAL OFFICER

Councillors formally **AGREED** the appointment of Mrs Gurdip Paddan as the new Clerk and Responsible Financial Officer for this Council. Mrs Paddan will start her employment on 1st October 2021, and was present at this meeting at the invitation of the Chairman to provide an opportunity for Councillors to introduce themselves and welcome the new Clerk. Mrs Paddan's details will be circulated to Councillors.

PC.072 PARISHIONERS' FORUM

There were no questions.

PC.073 REPORTS

Councillors **RECEIVED** the following reports:

Chairman's Report – The Chairman advised that he holds all the keys for the Bobbingworth notice boards, advising that he is supposed to hold a reserve key for each notice board. Cllr Hall agreed that she would be happy to hold a key for the Bobbingworth board.

[Cllr Kessock-Phillip arrived]

Vice Chairman's Report – the Vice Chairman had submitted a written report advising that he had met with

EFDC Land Drainage Engineer regarding the following:

- Harlow Road. Old Chapel and Beehive Cottage - Ditch and road drains are failing so that in downpours water runs into the drives of both properties causing damage. As yet not into the houses themselves but close to it. The problem stretches back as far as drains outside the Agrii mill and blocked ditches and culverts. There is also a new telegraph pole (July 2021) planted in a ditch that will now need to be moved.
- Pedlars End - Dislodged manhole cover and blocked ditches opposite the Moreton Gate Road were causing a torrential flood along that road down to the Bridge. There are a number of reasons identified requiring some landowner work, Highways and probable input from the Parish Council.

District and County Councillor Reports – None present, and no report had been submitted.

Parish Councillor Reports - Cllr Cooper updated Councillors following the Biogen Public Meeting, stating that Councillors would have seen the email circulated from Mr Padfield. It was understood that Biogen had started their plan which was expected to be finished by mid-December, but at present this was not addressing any of the issues raised by Mr Padfield. The feeling is that Biogen have taken stock of what was presented at the public meeting, and a reply is awaited. As of last week, the smells were still present and coming over the ridge into Ashlyns Lane. All the houses within a kilometre of the Biogen plant have received a leaflet containing information as to what they need to do when there is a bad smell, which is to ring the Environment Agency who will in turn supply them with a reference number and also to report it to the group leader of Community Spirit. The Chairman asked if people would now have to wait until the end of December before anything further could take place, to which Cllr Cooper confirmed this was the case stating that this is when Biogen will come back to the Community Spirit Group with their findings.

The question was asked as to what the Parish Councils role is regarding this issue being as it is being managed by the Community Spirit team. The Chairman stated that it is parishioners who are collating the information, and then we will have to wait and see what response Biogen give, after which time the Parish Council can respond accordingly. Cllr Cooper stated that he expected those from the Community Spirit Team to be sitting in front of Council advising of what they have come up with, and circulating the response from Biogen, and then it would be up to the Council to decide how they wish to respond. The Locum Clerk advised that there wasn't a need for both the Community Spirit Team and the Parish Council to do the same job separately, with both being able to be involved. At present, the Community Spirit team were doing a great job pushing this issue and liaising with residents and that the Parish Council, as a Government Body, may wish to support their activities and could possibly have more 'clout'. Cllr Cooper advised that it was a joint venture already, with the Community Spirit team being very active on the matter at this time.

PC.074 REQUEST TO PURCHASE HOSE

Cllr Cooper advised this was a Community Spirit idea from the team involved in tree planting, having identified that if small bushes were planted on the lower green in Moreton, just over the bridge, it would stop vehicles from parking on the green would make it more appealing, but a method to deliver water to these trees would be needed, rather than using a bucket. This was the same for the Christmas tree on Moreton green and the tubs. If a community hose on a drum was purchased, this could be exported anywhere in the Parish and used by people who needed it. £150 would cover the cost of a hose that would be suitable for vehicles to drive across it. This would be a community asset for the Parish.

There was some discussion regarding how often newly planted trees and shrubs should be watered, as well as confirmation that 3 properties had already agreed to supply the water free of charge, with a further two willing to consider this. In addition, there were a number of residents who were fully supportive of planting more trees in the fight to save the environment.

Cllr Foulser advised that she had looked at the costings and a 100m hose could be purchased for £40. Cllr Cooper advised that it needed to be strong hose capable of withstanding vehicles crossing it.

Cllr Radbourne expressed his concern at the tubs being on the footway, confirming they these have been placed there illegally and are nothing to do with the Parish Council, and as such had concerns about purchasing a hose to water them. Cllr Radbourne advised that these tubs are too close the road and that he has hit one with his vehicle in the past, to which Cllr Cooper confirmed they had been moved, and that they had been put there to improve safety advising that the speed around that corner has dropped by 50%. This has stopped people parking on this footway which caused a highway hazard in any regard. There was concern at a Council purchased hose being used to water plant tubs that were not supported or approved by the Parish Council.

Councillors voted on the proposal, and it was **AGREED** to purchase a hose with a drum, up to a maximum of £150. 5 – For, 4 – Against. The Clerk advised that if this was purchased it would need to be added to the Parish

Councils asset register and its location recorded.

PC.075 DISTRIBUTION OF HOUSING NEEDS SURVEY

As agreed at the July meeting, the distribution of the Housing Needs survey has almost been completed, with Councillors delivering the majority of surveys by hand with additional support from the Community Spirit Team. It was understood that a SurveyMonkey link to the survey had also sent to leaders in the Community Spirit Group. Cllr Crosbie advised that he had run out of surveys, and Cllr Foulser confirmed she had a few spare. Cllr Crosbie advised that he had tried to deliver to Lakeview, had distributed some but had been prevented from distributing others. More surveys were needed. Cllr Crosbie also expressed concern that the Lakeview Site has parish residents living there and that this Council was having issues getting to them.

Cllr Leverich advised that she had not yet delivered the leaflets, however will have some left over. Cllr Cooper advised he could not find 'Cedar Lodge' and Cllr Crosbie confirmed he would deliver this. Cllr Padfield confirmed she had just enough, and Cllr Hall advised she had 5 left to deliver on Moreton Bridge but would not have any spares left.

Cllr Crosbie advised that during his deliveries a local resident had raised the issue of data protection. The Locum Clerk agreed she would try and establish what the situation was regarding this.

Councillors **CONFIRMED** they would like to invite Laura Atkinson of RCCE to attend the open meeting on December as a speaker, to advise members of the community and Councillors on exactly what Rural Affordable Housing was.

PC.076 NOISE FROM PUBLIC HOUSES AND AREAS IN MORETON

Members were advised that a number of reports had been received regarding noise disruption emanating from the two public houses in Moreton, as well as from Lakeview. Cllr Crosbie advised that he had been made aware of a complaint against the Dog and Pickle regarding outside noise, however the wind is very much a factor in such complaints. Cllr Martin stated that issues would also be different dependent on the season, with more issues in the summer months when people sit outside. Copies of the licences for both the Dog and Pickle and the White Hart had been received, and both were seemingly in breach of their licence conditions. Cllr Crosbie advised that a number of residents did not want to be named as complaining could cause problems for them. Cllr Cooper suggested that in the first instance an informal approach should be made to both pubs and Lakeview asking them to consider local residents and abide by the terms of their respective licences. The Locum Clerk advised that the Council could make a complaint to Environmental Services if parishioners have complained to Councillors. Cllr Crosbie suggested that prior to this perhaps a letter should be written from the Parish Council politely asking them to ensure they abide with the terms of their licence. After further discussion, it was **AGREED** by way of a vote that the Parish Council should write a polite letter to both public houses asking them to be considerate of their residential neighbours and ensure they comply with the terms of their licences. 5 – FOR, 4 AGAINST.

PC.077 CLERKS COMMUNICATIONS AND CORRESPONDENCE REPORT

- Information on Rural Affordable Housing has been emailed to all Councillors for information.
- Email received from Magdalen Laver Village Hall asking the Clerk to confirm if the 9th November booking is still needed. Councillors confirmed this was needed for PC meeting, and also suggested the January Parish Council meeting should be held in in the Magdalen Laver Village Hall. Cllr Foulser confirmed she would relay this to those who book the hall the following meeting.
- The Winter Salt has been delivered in readiness for the winter months, and is stored with Cllr Padfield. It was noted that salt goes into the salt bins and is not distributed to individual residents.
- The EALC 77th Annual General Meeting will be held on Thursday 23rd September via Zoom. Councillors were asked to contact the Clerk if they wish to attend.
- EALC has been working closely with ECC Highways and will be delivering a Highway Briefing to EALC members. Councillors were asked to contact the Clerk if they wish to attend - 7th October between 10am and 1pm via Zoom. Cllr Crosbie confirmed he would like to attend. Cllr Hall enquired as to the Highway Devolution scheme which is said to have started in 2019, to which the Clerk advised there were around 9 Councils in Essex who had signed up to the scheme and at the briefing she attended back in 2019 most of the councils who were present left in utter dismay at what was being proposed.
- The EALC is running 3 free community briefings on Police Community Specials with a question and answer session to give an understanding on Police Special Constables working in the community and how to generate interest from volunteers. These sessions will be held on 16th and 21st September between 11am-12pm, and on 6th October between 2pm-3pm. They are free and will be held remotely. Councillors were asked to contact the Clerk if they would like to attend a session. Cllr Cooper advised that the Community Spirit team had organised a Police Briefing for 12th October in Moreton Village Hall with around 6 or 7 speakers presenting including information on Police Specials.
- Correspondence received from the Friends of St Mary's and St Germans formally asking for funds for

church yard maintenance – this was discussed further on in the agenda under the relevant item.

PC.078 QUEENS JUBILEE 2-5 JUNE 2022

Councillors **NOTED** that the Queens Pageant Master had written to the Council asking if it would like to take part in the Queens Platinum Jubilee celebrations in June 2022. More than 1,500 beacons will be lit throughout the UK and commonwealth, enabling local communities, individuals and organisations to pay tribute to the Queen as part of the official celebrations. Cllr Kessock-Philip advised that he was hoping to hold a Parish Ball on Saturday 4th June 2022 in Matching Green so any celebrations could be held at this event. Cllr Padfield advised there would be a tea party on 5th June held in Magdalen Laver Village Hall. It was **AGREED** to place this on the November agenda for further discussion, with the Council agreeing in principal that they would like to hold some kind of celebratory event.

PC.079 COUNCIL FUND RAISING

Following an email from Cllr Kessock-Phillip, the Clerk confirmed she had investigated the matter of whether or not a Parish Council is able to fund raise. The Council itself doesn't have a specific power to fund raise, and as such the Clerk had raised this matter directly with the Essex Association of Local Councils (EALC), who in turn raised this with the National Association of Local Council (NALC). The response received is as follows:

"It is becoming increasingly common for councils to crowd fund for various community projects, usually using General Power of Competence. Where a council does not have the General Power of Competence, NALC gives the advice that as section 139 Local Government Act 1972 allows a council to accept money, it also implies a permit to request for money, which effectively is what the council would be seeking by crowd funding/setting up a just giving page etc. "

The EALC further advised that a Council is not legally able to make a profit, but if there is a project which needs funding and there are no funds or grants available it is possible to raise funds. The Locum Clerk advised that this was a bit of a grey area, with Local Councils holding the relevant power to raise money by way of lotteries and subscriptions, but some Councils were also raising funds by way of Crowdfunding. The Clerk reminded Councillors that as a precepting body, it is already able to raise funds by this medium, and that if the Council felt further funding was needed, they would need to consider the following:

1. What was the specific project that needs funding, and how much that would be?
2. If the Council holds enough funds in its general reserves to cover the cost of said project
3. If the Council is able to precept to raise funds for said project.
4. Is this something that local residents want

The Chairman advised that this Council did hold a good amount of money in their General Reserves, and as such residents may ask why this money was not being used. The Locum Clerk advised that it was not good practice for a small Council to hold more than 100% of its annual precept in general reserves.

Cllr Kessock-Philip spoke about the proposed ball being held on 2nd June 2022 for which he was looking to raise funds, to which the Locum Clerk advised that this was not a Parish Council organised event and as such there was no need for the Parish Council to raise funds – this should be done privately and not under the auspices of the Parish Council. The Clerk advised that the Community Spirit group were a lot less restricted than the Parish Council when it comes to fund raising, and that the Community Spirit team was probably much better medium by which to raise funds.

PC.080 DECEMBER CHRISTMAS TREE LIGHTING AND OPEN PARISH MEETING

Councillors recalled that the lighting of Moreton Christmas Tree and Open Parish Meeting were scheduled to take place on 7th December, and were asked to consider the arrangements for this event. The Chairman confirmed that as per earlier in the meeting Laura Atkinson of RCCE would be asked to attend as a guest presenter. Cllr Foulser advised that in the past the local police constable had been invited, however she no longer held any contact details including any for NHW. The Locum Clerk suggested perhaps Cllr Cooper could raise this at the 12th October meeting. The Locum Clerk stated that any speaker would need to be relevant to current issues affecting parishioners, and advised Councillors that the prior week a speaker from EFDC Safer Communities addressed a neighbouring parish concerning antisocial behaviour and that perhaps they may be willing to attend. It was **AGREED** the Locum Clerk would contact them.

Cllr Radbourne advised that a few years ago there was a mix up with the tree that was supplied for the green, with a local WhatsApp group posting quite abusive messages after he had spent a considerable amount of time trying to resolve the situation. The permanent tree that is currently in situ is smaller and in worse condition than the previous tree. Cllr Radbourne confirmed he held the lights for the tree and asked Councillors if they would be happy with the lights going on the tree given the previous negative response from the community. It was confirmed that the current tree is the one that was donated and now permanent. Cllr Hall suggested that once the new Clerk was fully on board they could work on the communication strategy and website and do an article as to why this tree is smaller, confirming that it would grow bigger in time. Cllr Cooper agreed that the current tree was of appalling quality with the leaves already going brown and suggested the company who delivered it

should be challenged advising that he would be happy to ask the doner to do this and if necessary, get in place a larger more suitable tree. It was noted that when the tree had grown, it wouldn't be an issue, however it was difficult to get a replacement tree for this year as the hole in the ground was now gone.

There was some detailed discussion regarding whether or not this tree was in fact donated to the Parish Council or whether or not the Parish Council itself paid for it, with Cllr Foulser confirming that she had seen movement in the accounts regarding this tree. It was noted that there was a payment to Cllr Cooper concerning a tree, however it was not clear what this was for. After further discussion it was **AGREED** that the new Clerk would investigate and clarify this issue at the next meeting. It was also **AGREED** that the current permanent tree would remain that an explanation should be given at the public meeting.

Cllr Foulser suggested that perhaps this Council should pay for a Christmas Tree for Magdalen Laver Village Hall. The Chairman stated that the hall wasn't in a particularly prominent position, however it was **AGREED** that Cllr Foulser would raise this at the next meeting of the hall and revert.

PC.081 HIGHWAYS DEVOLUTION SCHEME

In June 2019, Essex County Council and the Essex Association of Local Councils formally launched a new highways scheme devolving some decision-making down to local communities. This has evolved into the Highways Devolution programme, and ECC / EALC were inviting new Parishes in Essex to take part. ECC state that the scheme helps participating Parish and Town Councils across Essex County Council's jurisdiction to improve their area based on the local community's knowledge and needs, stating that:

'Focused on the local delivery of smaller-scale works such as verge and vegetation work, traffic sign maintenance and minor footway repairs, the scheme allows local councils who choose to participate to improve their street scene quicker than the county council can. This in turn enables the ECC to focus on delivery of the larger, more complex highway works such as road resurfacing and other capital projects, which have a wider impact and need more specialist skills, resources and equipment.'

Attached to the agenda was the EALC special county update no. 174 which provided details about how Parish & Town Councils can utilise this programme for the benefit of Essex's local and rural communities, which sets out that for every person in the Parish, the Council would receive funding of £0.68p (meaning this Council would receive around £1,127 based on the 2019 population statistics). Councillors **NOTED** that this Council would be required to sign a formal agreement with Essex County Council setting out what activities they would agree to undertaken out of the options given to them. The Council was asked to consider if they wished to sign up to the scheme or if they would like any further information before committing. The Locum Clerk expressed her concerns regarding clarity over the extent of responsibilities Councils would be taking on, and how far the allocated funds would actually go. She provided a list of the 'scope of works' that were available to Councils, and confirmed that this did not include the filling of potholes. The Locum Clerk gave an example that if this Council decided to take on the responsibility of verge cutting, it was not clear at this stage if the Council would automatically become responsible for ALL verges in the parish, and if so what happens when the money runs out – who then is responsible and liable for any uncut verges. She also advised she had a copy of the grant agreement which would need to be signed should Councillors wish to see it. Councillors discussed this, stating that on face value is sounded good but when you drill into the detail it's not what is 'says on the tin', and that there seems to be a scatter-gun approach at this stage. Cllr Crosbie stated that in general he felt Highway devolution was a good idea, and that perhaps this Council could influence the scheme and try and improve it for the benefit of local residents. Cllr Radbourne advised that he was concerned about hedge cutting, with landlords having responsibility for maintaining their hedges, and that potentially this Council could end up with lots of requests to cut hedges that were not the responsibility of the highway authority. Cllr Radbourne suggested that if this Council wished to sign up, it needed to have a clear idea as to what it would cost to undertake any maintenance work so the Council could ascertain if the money provided by ECC would be sufficient.

After further discussion, it was **AGREED** that Cllr Crosbie would contact ECC Cllr MacIvor and EFDC Cllr Hadley on behalf of this Council regarding this scheme, but that at this stage the Parish Council did not feel the programme was worth signing up to. However it could potentially be the start of something good. It was also **AGREED** that the Clerk would contact those Parish Councils who had signed up to the scheme to see how it was working for them.

PC-082 PLANNING

- a) Councillors **NOTED** the following planning applications which had been responded to by way of the Locum Clerks delegated powers following e-mail consultation with Councillors:

EPF/1876/21	Robins Acre, High Laver Road, High Laver, Ongar CM5 0DX	Proposed two storey side extension
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The Parish Council **OBJECTS** to this application on the basis of **Overdevelopment in the Green Belt**.

This started out as a very modest property with a very small garage. Over the years it has seen a number of extensions as well as the conversion of the extended garage into a granny annexe. Cumulatively, these additions have resulted in an increase of over 80% of the built form on this site when taking into account the size of the original buildings. The continued expansion of this property will have a detrimental effect on the Green Belt, and the purpose of including land within it.

Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The applicant has not provided any evidence to satisfy the test of very special circumstances. In addition, paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Furthermore, paragraph 149 specifies that an exception to para 147 would include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Clearly this proposal will result in a disproportionate addition in this regard. As such, this proposal is contrary to National Planning Policy.

In addition, this proposal is also contrary to section (c)iii of policy DM 4 Green Belt of the EFDC Submission Version of the Local Plan which does **NOT** support extensions to properties within the green belt if it results in disproportionate additions over and above the size of the original building, and Policy GB2A Development in the Green Belt of the EFDC Adopted Local Plan which refers to the same.

The Parish Council confirms its intention to attend any meeting of the EFDC Plans East Committee if necessary.

EPF/1898/21	Holts Farm, Threshers Bush, Matching, Harlow CM17 0NS	Application for a Lawful Development certificate for a proposed siting of two caravans/lodges within the garden curtilage
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The Parish Council finds this application **UNLAWFUL** for the following reasons:

The applicant states that the siting of a Caravan/Mobile Home on land is a 'use of land' rather than operational development, and that as such this complies with section 55(2)(d) of the Town and Country Planning Act (55 - Meaning of "development" and "new development") which specifies that the '*use of any buildings or other land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house is an operation or use of land which shall not be taken for the purposes of this Act to involve development of the land.*' The Parish Council raises the following points:

1. The proposed buildings are **NOT** Caravans or Mobile Homes, but purpose built timber lodges/homes (including for self-build projects), which are in effect two 3 bedroom timber framed built properties.
2. The siting of two 3 bedroom purpose built timber frame lodges to house two daughters and their families is **NOT** use 'incidental to the enjoyment of the dwelling house' but the creation of two new dwellings to house two separate families. The legislation regarding use 'incidental to the enjoyment of the dwelling house' is intended to refer for example to outside sheds, garden rooms, or small outbuildings for ancillary activities of the dwelling house, and not new homes.
3. The paperwork supplied with the application clearly identifies that the lodges come supplied as a structural kit ready to be erected on site, thereby confirming these are not 'mobile homes' as specified in the legislation which requires them to be 'composed of not more than two sections separately constructed and designed to be assembled on site by means of bolts, clamps or other devices'.

In addition to these points, the Parish Council would like to raise the fact that Holts Farm is a large four bedroom house which already has an additional self-contained accommodation unit built into an old granary which is available for private rental (evidence of this can be supplied) and feels that this is a blatant attempt to circumvent the formal planning system. The Parish Council objects to this in the strongest terms.

EPF/1787/21	Bushes, Wind Hill, Magdalen Laver, Ongar CM5 0DS	Proposed alterations to existing buildings; provision of pool within courtyard; partial demolition of existing built form and in-line addition to enlarge existing ancillary residential annex; change of use of adjacent field to horse grazing.
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Whilst the Parish Council has **NO OBJECTION** to this application, it asks that necessary consideration is given

to possibility of contamination to the adjacent moat from the proposed use of the property as stabling for horses, being as the land is sloping towards the moat. If necessary, this Councils asks that an appropriate condition be attached to any planning permission to provide protection from contamination to the neighbouring moat. In addition, due consideration should be given to the proximity of the proposed stables in relation to the neighbouring property with respect to any possible loss of amenity as a result of the stables being so close to the boundary.

EPF/1804/21	Home View Greenman Road Magdalen Laver Ongar CM5 0ES	Proposed single storey garden store / garden room.
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The Parish Council **STRONGLY OBJECTS** to this application for the following reasons:

1. Home View has a significant planning history which has resulted in numerous extensions and alterations to the original property over the past 40 years. Home View started life as a very modest bungalow with the entrance at the rear, which has been extended over the years and has now resulted in a clearly overdeveloped site. Granting permission for any further increase in built form on the site should be classed as overdevelopment, and would be contrary to policy GB2A of the Adopted Local Plan, and DM 4 (c)(iii) of the Submission Version of the Local Plan. This is corroborated within the Planning Officers report contained within the Plans East Committee meeting of 21st July 2021 relating to EPF/0458/21 in which the officer stated that *'further applications for a volumetric increase in built form on the site may not be looked upon favourably.'*
2. The NPPF stipulates that *"A Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations."* The Applicant has failed to demonstrate there are any special circumstances which outweigh the Green Belt consideration in this case.
3. The Parish Council understands this is a retrospective application with the building itself being already virtually complete. Whilst it is understood that retrospective applications are in of themselves unlawful, it shows a blatant disregard for the planning system. The fact that a building is already in situ should not sway either Planning Officers or Committee Members from viewing this application against policy requirements.
4. In summary, the Parish Council **STRONGLY OBJECTS** to this application on the basis of **OVERDEVELOPMENT** within the Green Belt and non-compliance with both national and local planning policy as stated above, and requests that Planning Officers refuse this application.

If this application goes to Committee, it is the intention of the Parish Council to attend and make representation.

b) Councillors **NOTED** the following Planning Decisions by EFDC:

EPF/1447/21	Hull Green Farm, Little Laver Road, Little Laver CM17 0RH	Refurbishment and extension of existing barn into home office, gym and games room	Permission granted with conditions
EPF/1693/21	Hobbs View, Moreton Road, Ongar, CM5 0LX	Demolition of existing dwelling and replacement dwelling and garaging within existing garden curtilage.	Permission granted with conditions
EPF/2409/19	The Coach House, Schwier Farms, Church Road, Ongar, Moreton, CM5 0JA	Retrospective change of use of Coach House to offices	Permission granted with conditions
EPF/1448/21	Hull Green Farm, Little Laver Road, Little Laver Harlow, CM17 0RH	Grade II listed building application for refurbishment and extension of existing barn into home office, gym and games room.	Permission granted with conditions
EPF/1454/21	10 Station Bridge Mews Bobbingworth, Ongar, CM5 9LW	Single storey detached ancillary annexe building to side.	Permission granted with conditions

EPF/1472/21	Green Oaks, Threshers Bush, Matching, Harlow CM17 0NS	Demolition of existing glasshouse & outbuilding, and erection of new dwelling	Permission refused
EPF/1501/21	Fenners Farm, H Padfield & Sons Ltd, Fenners Farm Lane, High Laver, Ongar, CM5 0EB	New agricultural barn and revised farm entrance.	Permission granted with conditions

- c) Councillors **NOTED** the following planning application, for which EFDC does not normally accept comment:

EPF/1846/21	Barn, Little Laver Road, Near Moreton	Application for Approval of Details reserved by conditions 3" Habitats Regulations Assessment", 4"Details of all external materials", 5"Foul and surface water disposal" & 6"Risks posed by any contamination" for EPF/2758/20. (Change of use to dwelling).
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- d) Councillors **NOTED** the following planning applications that are still to be considered by the Council, the deadline for this Council's response being 10th October (these applications will be dealt with by way of delegated powers to the Locum Clerk):

EPF/0895/21	The Cottage Church Road Moreton Ongar, CM5 0JD Mr Tom Schwier (emailed to Councillors 10/9/21)	Proposed replacement with a pair of semi-detached houses Approve first
EPF/2202/21	Aston, Kents Lane, North Weald Bassett, Epping CM16 6AX Mr Colin Jeffries (emailed to Councillors 10/9/21)	Proposed two storey rear extension Councillors NOTED that the Locum Clerk had received an objection from a neighbouring property and read this out for Councillors information.

- e) Councillors **NOTED** the following enforcement or appeal action:

Enforcement ENF/0337/19 Issued 24 th August 2021	1 Wynters Farm Cottages Hastingwood Road, Magdalen Laver, Ongar , Essex , CM5 0AT Councillors NOTED this is actually Wynters Cottages and was incorrectly reported on the weekly list. This has now been amended by EFDC.	Breach: LB not as approved plans for 2 applications Enforcement Notice Served
Appeal EPF/2338/20	Embleys Farm, Fyfield Road, Moreton, Ongar, CM5 0HY	Construction of a cart lodge and associated garden walls and gates. Appeal against refusal Written representations Ref: APP/J1535/W/21/3271063 Responses by 7 th October 2021
Appeal EPF/2344/20	Embleys Farm, Fyfield Road, Moreton, Ongar, CM5 0HY	Construction of a cart lodge and associated garden walls and gates. Appeal against refusal Ref: APP/J1535/Y/21/3271060 Responses by 7 th October 2021

- f) Councillors **NOTED** that a report had been received of a concrete mixing company operating out of High Laver Hall, and that during heavy rainfall there is a large amount of cement coloured water flowing out of the yard and into the water course. The Clerk has checked EFDC Planning pages and cannot see permission for any such operation. Council **AGREED** that the Clerk would raise this with EFDC as a

possible Breach for further investigation. Cllr Radbourne advised that possibly the permission of the Environment Agency may also be needed, to which the Locum Clerk stated that EFDC would pick this up via Enforcement.

- g) Councillors were reminded that planning application EPF/1583/21 for the conversion of an existing building into a one bedroom dwelling, removal of shed, polytunnels and garage building at Land opposite the Old School, School Lane, Magdalen Laver had unfortunately been missed by this Council. A site visit by Councillors did take place at the request of the resident before any notification was received by this Council. As per the Locum Clerks email to Councillors of 10th September, this Council is a statutory consultee only and does not decide planning applications. In this particular case, the District Council would have refused the application due to the effect on the Epping Forest SAC in any case. The applicant has subsequently contacted a number of Councillors asking for their comment, with a number of Councillors asking if the Parish Council can now pass comment. There are statutory timescales in which interested parties are able to comment. This Council has missed this deadline, and as such any comment this Council may now wish to make would not be taken into account, either by EFDC or by an inspector should this application go to appeal. Councillors confirmed they did visit site and although they had concerns at the process the application had followed in terms of building prior to obtaining planning permission, they would have supported the proposal as it accords with this Councils Neighbourhood Plan. Cllr Hall queried whether or not this would set a precedent. Cllr Radbourne advised that the applicant did get permission (CLD) for a gym, and now wanted to convert to a small dwelling. Cllr Padfield advised that a neighbouring property had also undertaken something similar and still does not have planning permission. It was suggested that this should also be raised as a breach. Councillors **AGREED** that this Council would have supported the application and asked that these comments were passed on to the applicant. In addition, it should be formally noted that it was regrettable that due to the departure of the Clerk and associated administrative issues, this Council had not commented on the application.
- h) Councillors **NOTED** that a Councillor raised a query concerning the possible change of use of land at Partridge House, Harlow Road CM5 0DL - The land in question is the meadow adjacent on the south side of the property which has a public footpath that runs immediately adjacent to the original property boundary. The Locum Clerk was advised that a route has been cut through the hedgerows to create an off road circuit for small 4 wheeled vehicles, and there was concern this was a breach of planning as well as safety concerns for the users of the footpath which runs over the land. The Clerk raised this with both EFDC Enforcement and ECC PROW officers, and was advised that as the applicant owns the adjacent land (which was not known at the time of reporting it) they are within their rights to drive a vehicle across or indeed along a public footpath, as it is their land. The example given was where footpaths cross fields which are worked by tractors. It was also confirmed by ECC Enforcement that there is no breach of planning by cutting a hole in a hedge. It is unclear at present if the land use by small 4 wheeled vehicles is a private use or seemingly a more commercial use, however as an enforcement issue has been raised there is no mechanism by which to stop an investigation of the alleged breach, and as such it will be investigated by EFDC (Enforcement reference FS-Case-359104319 - Reference - ENF/0329/21).

PC.083 STOP STANSTED EXPANSION

Councillors **NOTED** that a letter had been received from Stop Stansted Expansion asking this Council to consider making a donation to support their ongoing work, which is something that had been done in the past. A copy of the letter was attached to the agenda. Councillors noted that any contribution would be done so using S137 of the Local Government Act 1972 which authorises a local council to spend money (subject to the statutory limit) for the direct benefit of its area, or part of its area, or all or some of its inhabitants. The Chairman stated that SSE had worked extremely hard supporting the cause to protect local people from the disruption caused by the Airport, and it was noted this Parish did suffer with extra traffic when the M11 was blocked. After discussion, it was **AGREED** to look into what contributions had been made in the past, and to place this on the November agenda for further informed discussion.

PC.084 LEGALITY OF PROVIDING FUNDING TO CHURCHES

Councillors **NOTED** that a question had been raised as to the legality of a Parish Council providing funds for churchyard maintenance. The Local Government Act 1972 S.215 provides a Parish Council with the power to maintain a closed churchyard in the councils area if so requested to do so by a parochial church Council. However it is understood that the churchyards in this Parish are open, and as such this power does not apply. This therefore leaves the Council to consider if there is another power by which they are able to provide funding for churchyard maintenance. Attached to the agenda was a copy of a legal briefing by NALC with regard to providing financial assistance to the Church. This sets out that the Local Government Act 1984 prohibits Councils' involvement in property relating to the affairs of the church, including the maintenance or improvement of Land or contribution to the cost. The legal briefing then considers what happens when there are two statutory provisions that are in conflict with each other, which provision prevails, and goes on to provide the view that a

'specific' provision overrides a 'general' provision. In this instance, the specific provision of the 1984 act which prohibits involvement in church activities overrides all other acts except that which specifically allows for the Parish Council to maintain a closed churchyard. The briefing goes on to state that this is a legal opinion and one which as yet has not been tested in the courts.

The Clerk provided a further update and specified that as the proper officer her advice would be that any funding provided would be unlawful, however it was up to the Council to consider if it wished to provide funding. Cllr Radbourne asked if this meant that Councils could not donate to village halls, to which the Clerk stated this legislation applied just to Churches, albeit it may apply if a village hall is owned by the Church. The Chairman stated that this Council had previously provided funding to the 'friends of' churches, however the Clerk stated that the prime focus of one of these charities is for the maintenance of church yards so the restriction would still apply. Cllr Hall stated that as a Councillor she would not be happy doing something that was unlawful. Cllr Padfield stated that speaking on behalf of the Lavers Churches that she is involved in, this is a very difficult situation with the funding previously provided by the Council being the only funds to maintain these churchyards and it would be extremely challenging to raise this money elsewhere. Cllr Hall suggested that perhaps this is something Community Spirit group may be willing to look at. It was noted that the churches have received funding from the Parish Council for many, many years. Cllr Leverich advised Councillors of the difficulties experienced at Bobbingworth with regard to having to cut back on the grass cutting and the issues this has caused with local residents who's loved ones are buried there. The Clerk advised that the Council is able to provide funding to community groups and organisations for various projects, but not to churches. Cllr Padfield stated that churches have a legal power to transfer the management and maintenance of church yards to Parish Council's to fund, and this was something that the churches may well consider.

All Councillors felt that it was extremely unfortunate that this Council could not continue with the funding provided to churches for the maintenance of their church yards.

It was **NOTED** that Cllr Hall would raise this directly with Community Spirit.

PC.085 REQUEST FROM DEVELOPER

Councillors noted that a request had been received from the Director of Widford Developments to address the Council regarding a community led housing development he is exploring at Redwoods, Little Laver Road. Councillors noted that the National Planning Policy Framework actively encourages engagement (paragraphs 40 and 41) with those wishing to submit a planning application setting out that '*Local Planning Authorities should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications. The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process.*'

Councillors were reminded about the issue of pre-determination, and whilst individual Councillors may be predisposed to a certain position, they must ensure they maintain an open mind and do not make any pre-determined judgements or decisions. Cllr Kessock-Philip stated he felt this would be a good idea, and that he understood the developer had a keen interest in the environment and green energy and suggested this Council should hear from him. Cllr Radbourne expressed concern about the access to this site, and Cllr Padfield advised that the Lavers were not considered as suitable sites for Affordable Housing in the Neighbourhood Plan, so struggled to see how market housing would be a possibility. After discussion, Councillors **AGREED** they would like to invite this developer to give a short 10 minute address to the Council at the November Parish Council meeting.

PC.086 FOUR YEAR PLAN

Cllr Hall asked that this item is deferred to a future meeting until the Community Spirit team has looked at what are Community Spirit priorities along with any fund raising needs, and that it would seem sensible to see what comes of these discussions to see if there are any matters the Parish Council may be better considering rather than Community Spirit. This was **AGREED**.

PC.087 COMMUNICATION STRATEGY

Cllr Hall stated that the priority of the Council at this time should be to get the Parish Council website updated with minutes, agenda, and general information, and that she would be happy to work with the new Clerk on this going forward. In time, the capacity and the content of the website could be improved. This was **AGREED**.

PC.088 EXTERNAL AUDIT 2020/2021 NOTIFICATION OF EXEMPTION

Councillors **NOTED** that notification of exempt status from the AGAR 2020/2021 has been received from PKF

Littlejohn. By notifying PKF Littlejohn that this Parish Council has claimed exemption there is no review to be performed and consequently no auditor certificate or report, or any other closure documentation that will be issued for this reporting year. Unless PKF Littlejohn received any correspondence from local electors during the period for the exercise for public rights that requires them to contact us, no further correspondence will be received.

PC.089 FINANCIAL MATTERS

a) Payments to be made

Councillors **NOTED** the payment to Moreton Primary School of £200 by way of a contribution towards the costs associated with works regarding the easement application for the Nags Head car park had not yet been made. Cllr Foulser is obtaining the correct bank details into which this payment should be made.

b) Councillors **APPROVED** the payments detailed below (**PROPOSED** Cllr Crosbie, **SECONDED** Cllr Martin):

Payment	To	For	Total
BACS	Adriana Jones	Locum Clerking service 3 months	£1,330.00
BACS	RCCE	Annual membership fee	£72.60 (£12.10 VAT)
BACS	EFDC	Election Expenses	£464.85 (£0 VAT)
BACS	EALC	Training and publications	£314.79

c) Councillors **NOTED** the Bank Balances as at 14th September 2021

Unity Current Account	£3,930.51
Unity Deposit Account	£30,963.61

PC.090 ISSUES FOR NEW CLERK TO ADDRESS

Councillors **NOTED** the following outstanding issues which should be recorded for consideration or an update following the appointment of the new Clerk:

- Creation of Health and Wellbeing Plan
- Speed, Parking and Congestion survey Church Road, Moreton
- Request for Speed Restriction Watery Lane
- Local Highway Panel request for Depth Signage Watery Lane
- Dedicated email addresses for Councillors– Clerk to contact Vikatechost to establish current situation.
- Meeting with PC Warren Shepherd, Community Support Officer, to include members of NHW.
- Has request for Defibrillator sign on A414 been actioned by Highways.
- Arrange First Aid and Defibrillator training for parish residents.
- Website to be updated.

PC.091 DATES OF NEXT MEETING

- 9th November 2021 – 7.30pm Parish Council meeting (Magdalen Laver Village Hall)
- 7th December 2021 – 7.15pm Christmas Tree light switch on - Would be nice if the school were involved
- 7th December 2021 – 7.30pm – Open Parish Meeting

PC.092 EPPING FOREST DISTRICT COUNCIL LOCAL PLAN MAIN MODIFICATIONS CONSULTATION

As noted at the July Parish Council meeting (PC.055), Epping Forest District Council is currently consulting on its main modifications to the Districts Local Plan. Included within these main modifications under MM99 is a proposal to modify policy concerning the Lakeview Travelling showpeople site. Moreton was originally included in Policy P12 (allocation of sites in small rural areas / villages); however it is being proposed as a Main Modification that site MORE.T1 (Lakeview) is taken out of this policy as it causes confusion. It was originally included as an allocation as follows:

***In accordance with Policy SP 3 the following site is allocated for Travelling Showpeople Accommodation:
(i) MORE.T1 (Lakeview, Moreton) – 1 yard***

The Consultation proposes to remove this, and to replace it under Policy P 13 (Rural sites in the east of the district) under a new number (RUR.T6) with the following new text:

Paragraph 5.166 - RUR.T6 Lakeview, Moreton - allocated for travelling showpeople in line with its existing use - this site has been identified as suitable for intensification commensurate with on site amenity that allows for children's play and the appropriate storage for vehicles and machinery.

**Policy P 13 Part E – In accordance with Policy SP1, the follow sites are allocated Traveller Accommodation:
(ii) RUR.T6 Lakeview, Moreton – in line with its existing use and identified as suitable for intensification commensurate with on site amenity that allows for children's play and the appropriate storage for vehicles and machinery on site.**

Councillors expressed extreme concern at the suggestion of intensification of the site, and that the proposed main modifications would support such intensification given the current overcrowding and use of the site by those who were not part of the Showmens Guild. Both Cllr Hall and Cllr Foulser advised they would be willing to draft a response, and after further discussion it was **AGREED** the Locum Clerk and Cllr Foulser (who had both been involved in the Local Plan process previously) would draft a response on behalf on behalf of the Council.

PC.093 APPLICATION TO ADD PUBLIC FOOTPATH

It was **NOTED** that correspondence had been received from Mary Morris, Chartered Legal Executive at Essex County Council with regard to an application under Schedule 14 Wildlife and Countryside Act 1981 to add public footpath over Nags Head Car Park Moreton. Obviously the name of the public house has now changed. The correspondence states that when the Nags Head Public House was closed this Council instructed Atwells Solicitors to act for them in the matter of a Schedule 14 application to add a public footpath (in actual fact there appear to be three differing destinations, so arguably three distinct routes) to the Definitive Map and Statement.

Mary Morris advises there is a very long waiting list for dealing with this type of application, but this application is now nearing the head of it, however advises that it appears that Ms Coe is no longer with Atwells Solicitors and she has not been informed of who would now be dealing with the matter.

This Council has been asked to advise:

1. Whether Atwells are still instructed and if so who is dealing with this matter
2. Whether any resolution has been reached over the matter of access to the car park (It is understood that the School were in some discussions) and whether this Council still wishes to proceed with the application as made, or whether circumstances have now changed.

Councillors discussed the history of this issue, and the location of the proposed footpath stating that if the site was to change hands again in the future the area / route needs to be protected. It was noted there was an easement between the school and the pub, however this Council had never been provided with a copy. It was **AGREED** in the first instance that the Clerk would contact Attwels to establish if they have any paperwork on this issue, and also if any monies are held on account.

Signed:.....

Dated:.....