

LAXTON PARISH COUNCIL

www.laxtonpc.org.uk

Clerk: Alan Bravey, 3 Ruskin Way, Brough, East Riding of Yorkshire, HU15 1GW
Telephone: 07932 016856 Email: laxtonpc@btinternet.com

20/06/2018

To: All Members of the Council

You are summoned to attend the Annual General Meeting of **Laxton Parish Council** that will be held at the Village Hall, Station Road, Laxton, DN14 7TW at 7pm on **Wednesday 1 August 2018**, to transact the business set out below. Members of the public and press are welcome to attend and may address the Council during the public participation section.

Yours sincerely



Clerk to the Council

A G E N D A

- 1) To receive apologies for absence
- 2) To record declarations of interest by any member of the council in respect of the agenda items below.
- 3) To receive and sign the Minutes of the Parish Council Meeting, held on Wednesday, 27 June, 2018 as a true and correct record
- 4) To receive an update from the Clerk
- 5) To receive an update from Ward Councillors
- 6) Public Participation - to temporarily suspend the meeting to receive questions from the public.
- 7) To agree to reconvene the meeting following temporary suspension.
- 8) To discuss the following correspondence:
 - ERNLLCA, June Newsletter
 - ERYC, Parish Council Meeting Notes
 - Community Heartbeat Trust – Cleaning Defibrillators
 - Humberside Police – Newsletter

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- 9) To approve revised Members Code of Conduct
- 10) To approve Direct Debit for registration with the Information Commissioner
- 11) To discuss highways, dykes and drains
- 12) To approve the schedule of accounts for payment
- 13) To receive notice for items for inclusion on the next agenda.

LAXTON PARISH COUNCIL

7.00pm 27 June 2018

PRESENT: Councillors Bray, Collins, Goulden, Moore, Newton, Sweeting and Yarrow.

Ward Councillors: Councillor Bayram and Wilkinson

Clerk: Alan Bravey

The Parish Council met at Victory Hall, Laxton.

89/18 **DECLARATIONS OF PECUNIARY AND NON-PECUNIARY INTERESTS** – There were no declarations.

90/18 **MINUTES OF PREVIOUS MEETING – Resolved** – That the minutes of the meeting of the Council held on 23 May 2018 should be confirmed as a correct record and signed by the Chair.

91/18 **APPOINTMENT TO LAXTON VILLAGE HALL COMMITTEE - Resolved** – That Councillor Collins would represent the Council on the Village Hall Committee.

92/18 **APPOINTMENT TO THE LAXTON ALLOTMENTS COMMITTEE – Resolved** – That Councillor Sweeting would represent the Council on the Allotments Committee.

93/18 **CLERK UPDATE**– The Clerk feedback discussions with the Allotment Committee chair regarding the challenging weather conditions. The Parish Council sympathised with tenants but agreed that it was obliged to continue to charge the rents.

94/18 **WARD COUNCILLOR UPDATE** – Ward Councillors advised that the works at the pumping station were working well and that the Drainage Board had been cut the verges.

95/18 **PUBLIC PARTICIPATION** – There were no members of the public present.

96/18 **CORRESPONDENCE - Resolved** – (a) that the following correspondence should be received by the Council:

- i. ERNLLCA, May Newsletter
- ii. Laxton Victory Hall, Arrangements for Laxton 10k
- iii. ERYC, Invitation for new Public Spaces Protection Orders
- iv. ERYC, Explaining new “Permission in Principle” planning rules

- v. ERYC, Approval to planning application: Change of use of garage/store to covered horse shelter with extension of additional bay and creation of additional exercise area, Church Farm Front Street Laxton
- vi. Network Rail, Works Update
- vii. ERYC, Taskforce Update
- viii. ERNLCCA, Changes in Law re Grievances

b) that the Clerk would advise ERYC that the bench on Jubilee Avenue had been missed from the painting schedule.

97/18 PLANNING APPLICATION FOR ERECTION OF TWO STORE EXTENSION, EXTERNAL AND INTERNAL ALTERATIONS AND CONSTRUCTION OF EXTERNAL STAIRS AT SALTMARSHE HALL TICEBOARD AT JUBILEE AVENUE / BACK STREET – Resolved – The Parish Council had no objections to this application.

98/18 – REVISED STANDING ORDERS – Resolved – That the revised NALC standing orders should be adopted by the Council.

99/18 – PARISH LOTTERY – The Clerk had met with the organiser of Eastington Lottery, which had over a 100 members and raised more than £1000 annually for their Village Hall. Eastington Parish has a significantly higher population than Laxton and it was recognised that securing sufficient takers to allow the lottery to function successfully might be a challenge.

Resolved – That Laxton Parish Council would trial a lottery if the 50 residents agreed to sign up.

100/18 – VILLAGE FOOTPATHS – Councillor Bray reported that a local resident was interested in starting a walking group on the public footpaths in the area, but signage on the paths were either missing or difficult to follow. It was also noted that the Cotness Footbridge remained closed.

Resolved – a) that the Clerk reports the missing signage with ERYC Public Rights of Way Team and b) the Walking Group should be advertised in the next Parish newsletter.

101/18 – HIGHWAYS, DYKES AND DRAINS – The meeting discussed the new driveway on St Peter’s Lane and the noted that the overgrown footpath on Jubilee Avenue / “Muck Hill Lane” had been cut. The Parish Council was disappointed to hear that a group of youths had damaged the bark on the tree with the rope swing attached on Jubilee Avenue, and thrown the swing over the telephone wires overhead. The Clerk advised that this had been reported to the ERYC Anti-Social Behaviour team. The pot hole on Church Close had not yet been repaired. The outlet in the main drain at Cotness Corner was still completely blocked. Laxton finger post signs were missing at the Skelton Pumping Station and at the Junction of Greenoak Lane and Metham Lane. The condition of the road and hedges on the way to Kilpin was raised.

Resolved – That the Clerk would chase up the blocked drain and potholes and report the missing directional signs, road surface and over grown hedges.

102/18 **AUTHORISED SIGNATURIES - Resolved** – That all members of the Council would added to the authorised signatory list for the Parish Council bank account.

103/18 **ACCOUNTS FOR PAYMENT – Resolved** – That cheques should be signed to pay the following accounts:

- i. Clerk Salary,- £89.46
- ii. HMRC PAYE,- £60.00
- iii ERNLLCA replacement cheque for annual fees- £263.95

104/18 **ITEMS FOR NEXT AGENDA – Resolved** – that it should be noted that the next Parish Council meeting would take place at 7pm on the 25th July 2018.

SIGNED:

DATE:

Laxton Parish Council Correspondence Record

24 June to 19 July 2018

The Clerk will circulate correspondence when considered appropriate. If Councillors would like to see a copy of correspondence that has not been circulated, please notify the Clerk on laxtonpc@btinternet.com on 07932 016856.

Date Received	Attached?	From	Purpose of Correspondence
29 June	Y	ERNLLCA	June Newsletter
6 July	Y	ERYC	Notes from the Parish Council Liaison Meeting
11 July	Y	Humberside Police	July Newsletter
13 July	N	Community Heartbeat Trust	Ambulance Services reporting that dirty (cob webs etc) defibrillators undermine public trust in the upkeep of the unit and therefore will not use. Please keep defibs clean.



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Parish/Town News Release

Howdenshire Update for July 2018

1. Crime and ASB

East Yorkshire-Howdenshire Ward	This year compared to last year			Last 12 months											
	Jul 16 to Jun 17	Jul 17 to Jun 18	% Change year on year	2018 Jun	2018 May	2018 Apr	2018 Mar	2018 Feb	2018 Jan	2017 Dec	2017 Nov	2017 Oct	2017 Sep	2017 Aug	2017 Jul
All offences	381	597	+56.7%	53	75	62	63	61	51	53	35	41	40	36	27
Burglary	54	79	+46.3%	1	10	7	7	9	5	6	4	2	15	7	6
Criminal damage	46	55	+19.6%	4	5	7	5	3	8	4	2	3	6	5	3
Drug offences	5	6	+20.0%	2	0	1	0	0	0	2	0	0	0	1	0
Shop theft	3	1	-66.7%	0	0	0	1	0	0	0	0	0	0	0	0
Sexual offences	11	28	+154.5%	4	6	3	1	2	3	0	3	4	0	1	1
TFMV	27	22	-18.5%	0	5	4	0	2	3	1	5	1	1	0	0
TOMV	9	12	+33.3%	0	4	2	1	1	1	1	0	0	0	1	1
Thefts excluding vehicle and shop theft	52	75	+44.2%	12	9	13	5	10	4	3	2	1	5	5	6
Violence against the person	137	224	+63.5%	23	24	16	25	27	24	23	14	21	12	9	6
ASB	70	53	-24.3%	3	3	5	5	2	2	2	7	6	5	9	4

TFMV – Theft from motor vehicle

TOMV – Theft of motor vehicle

ASB – Anti-social behaviour

Detailed crime and ASB data for your area can be obtained by visiting www.police.uk and following the 'Find your Neighbourhood' link, also details of any particular crimes or series of crimes of note e.g. serious assaults, run of Hanoi burglaries

2. Community Priorities.

Holme Upon Spalding Moor - Youths Causing Annoyance

Officers will carry out patrols in the areas of the High Street, Runner End and the park due to reports of anti-social behaviour. Anyone caught engaging in anti-social behaviour will be dealt with under the FAIRWAY process jointly with East Riding of Yorkshire Council. It is unlikely that any discretion will be shown. Please ring 101 to report any issues when they are occurring or if you have any additional information regarding the persons involved.

3. Crime Reduction Advice

Sneak Thieves

Now that summer is here again, we all want to relax and enjoy the warmer weather, however we still need to think about home security to prevent ourselves from becoming victims of crime.

So what do you need to consider?



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Parish/Town News Release

You need to ensure that your home is always secure when you go out and that you don't leave potential entry points open and accessible, for example a downstairs window or a door. This also applies at night especially when it's a warm muggy evening and you are thinking about leaving a downstairs window open for ventilation whilst you are asleep.

You may be out working in the garden and out of sight of the windows or doors that you have left open. You could even be cutting the grass or hedge perhaps with a loud lawn mower/hedge cutter or be using power tools and it could be so easy in these circumstances for a sneak thief to take advantage of the situation, go inside your home and steal things, for example keys, handbags, wallets, laptops etc that are often on display or easily accessible.

The same applies with garages. We often leave the doors wide open and go off into the garden leaving everything in them on display. How easy is it then for someone to take advantage of this situation and steal bikes, power tools or garden equipment!

Lastly there's your vehicles to consider: On a warm day, there might be a temptation to leave your car parked on the drive with its windows open to allow fresh air to circulate, along with items, eg a sat nav, coat or shopping bags on clear view that you just haven't managed to bring in doors yet!. These items can all be stolen very quickly, but the worst case scenario is that your car could be stolen too.

The kinds of thefts described are committed by opportunists who could be wandering around your neighbourhood looking to take advantage of people who leave their property insecure **so think security at all times and don't become a victim of crime!**

4. Meet your officers

PCSO Bill Mell be holding a surgery at the Community Café, North Cave from 11:30 – to 12:30 hours on the 30th July and 3rd September.

Notes from Town and Parish Council Meetings

Hedon Town Hall – 9 May 2018
Goole Leisure Centre – 10 May 2018
Bridlington Spa – 15 May 2018
Beverley, County Hall – 23 and 24 May 2018

Agenda:

1. **Recent national and local proposed changes to the planning system - please see attached note.**
2. **Flood Risk as a planning consideration – please see attached note.**
3. **Service development updates – please see attached note.**
4. **Items raised by Town and Parish Councils:-**

Q – How are material considerations submitted by a Parish Council taken into account?

Please see attached note.

Q – Is there any funding for Parish Council's to assist in responding to major planning applications?

There is no funding to assist Town and Parish Council's in responding to major planning applications. As a planning authority we commission our own professionals to provide expert advice and information where necessary which is published on our web site.

Q – Design and materials outside of Conservation Areas. “Is this approach that there is “little control over such matters” departmental policy outside the Conservation Areas? And is there any way that a common approach to the design of new buildings can be achieved?”

It is not a policy but recognition of what we actually have control over. People can change the appearance of their home without planning permission by render or other means, in recognising this we will not always seek to impose conditions requiring matching materials where the design of the new scheme is considered acceptable. It must be recognised that conditions need to be enforceable to meet the tests required in legislation and we should not be imposing conditions requiring matching materials unnecessarily, nor should we be imposing a design style contrary to the NPPF.

A common design approach across the East Riding wouldn't be appropriate. There is a significant range of characters and styles across the East Riding and we cannot have a one size fits all approach. If a Parish Council considers that their parish has a particular character or style which needs to be protected then this can be pursued through the neighbourhood plan approach as has recently been adopted in Cottingham.

Q – What protection is there for established trees and hedgerows?

Tree Preservation Orders

The Council follows guidance on making Tree Preservation Orders from the Ministry of Housing Communities and Local Government.

Tree preservation Orders are made to protect trees that provide significant positive visual amenity and where an immediate threat of removal or pruning so as to destroy a trees amenity is identified and would have a significant negative impact on the local environment and its enjoyment by the public. The Council's Tree Officers must determine that protection of a tree would bring a reasonable degree of public benefit and also that the trees to be protected are in a healthy and safe condition before a Tree Preservation Order is made. Objections on the grounds that the tree does not meet the above criteria could result in non confirmation of a TPO.

The purpose of a TPO is not to prevent development and TPO's should not be made for such purposes as the granting of planning approval overrides a TPO.

A TPO carries a significant cost implication for the Council in terms of both making the Order and administering applications for work to protected trees thereafter. Also it is important that a tree owner has their trees inspected regularly and necessary maintenance carried out to make sure they remain safe and healthy, therefore it is not a decision the Council takes lightly and without justification.

Trees are considered as part of the development process and information regarding trees on a site is required to be submitted as part of a planning application where trees are within 15m of development proposal. The British Standard for Trees in Relation to Construction recommendations 2012 advises retraining trees of high quality on development sites and the Council aims to integrate such trees into development proposals as far as possible and obtain new tree planting in mitigation for trees removed.

Hedgerow Regulations

The Hedgerow Regulations (1997) protect countryside hedgerows. These regulations relate to any hedgerows that are growing on, or adjacent to, land used for agriculture. The hedgerows must meet certain criteria in terms of length, age, species composition or historical significance.

Hedges within garden areas of dwellings cannot be protected under this legislation.

Works to hedgerows may proceed without prior notification to the LPA where planning permission has been granted. Where planning permission has been granted for development, hedgerows may be protected as a condition of the permission. Any works to such a hedgerow will require consent from the council and an application for a variation of planning condition may be required.

Applications to remove a countryside hedgerow:

- Individuals need to submit a planning application to request the removal of a countryside hedgerow. This is formally known as 'serving a notice'.
- There is no charge for an application to remove a countryside hedge.
- Applications can be viewed on the council's Public Access website.
- The council must decide within six weeks if the hedgerow is important or not as determined by the criteria set down in legislation.
- If the hedgerow is considered to meet these criteria the application to remove the hedgerow will be refused and the refusal will constitute a hedgerow retention notice.

- An appeal can be made within 28 days of the formal decision.

PLANNING LEGISLATION UPDATE May 2018

GENERAL PERMITTED DEVELOPMENT ORDER (GPDO) AMENDMENT 2017 NO 2

Changes to the GPDO as added by Neighbourhood Planning Act –

- To require planning permission for changes from pub – (A4 drinking establishments) to A1 retail, A2 financial offices or A3 restaurants.
- Planning permission now required for demolition of pubs (A4)
- It creates a new AA use class for drinking establishments with enhanced food offer, same rules as A4, and can move between A4 and AA.

SEPT 2017 CONSULATATION ON “PLANNING FOR THE RIGHT HOMES IN THE RIGHT PLACES” AND AUTUMN BUDGET STATEMENT

Most measures now in draft NPPF and recent consults

2017 BROWNFIELD LAND REGISTER REGULATIONS AND PERMISSION IN PRINCIPLE ORDER

- The Council complied with the requirement to prepare a brownfield register.
- This included approving 3 sites under Brownfield Permission in Principle
- It is an annual process for the Council to assess whether it wishes to put any sites forward for Brownfield Permission in Principle (no appeal)

New process for Permission in Principle (PIP) planning applications for small sites from June 2018:

- PIP can only be applied for on housing or housing led devt.
- Only applies for “minor” schemes ie less than 10 dwellings and less than 1,000 sq m non residential (unclear how combined restriction will apply)
- PIP applications must include a range of dwellings ie 1-9 - can't exceed 9 in PIP
- PIP is essentially a red edge outline – applicants only need to submit a location plan, no requirements for supporting documents, but if any key issues not covered, the Council will have to refuse PIP and suggest planning application route
- No conditions can be attached to PIP approvals but the Council can add notes on what will be needed at next stage
- PIP is followed by a ‘Technical Details’ application, which is same as a full application, and requires the same fee
- PIP gives unreasonable timescales for determination – 5 weeks with only 2 weeks consultation – so will likely need to agree extensions of time if supportable

FEB 2018 – CONSULTATION ON RESTRICTIONS ON USE OF PRE-COMMENCEMENT CONDITIONS

The Council is required to consult with the applicant to agree any pre-commencement conditions before the decision is issued -

- The applicant has 10 days to respond – if agree the Council can issue the decision, if disagree the Council can refuse the application.
- If no response within 10 days the Council can issue the decision as proposed.
- Govt considers this will not cause delays in determination as agreement already “good practice”.

2018 PROPOSED NPPF CHANGES AND ASSOCIATED TECHNICAL CONSULTS

- Draft NPPF Consultation and Text published
- Developer Contributions consultation – concludes Community Infrastructure Levy (CIL) still preferred option, lifts pooling restrictions if Council’s adopt CIL or CIL unviable
- Draft Planning Practice for Viability – suggested national approach to assessing viability

Main changes are –

- Revisions to Local Plan process to secure co-operation between Council’s
- Need to review the Local Plan every 5 years introduced
- Standard methodology for calculating housing need/numbers – will reduce ERYC housing need from existing level in the Local Plan
- 20% of allocated housing sites to be small sites under 0.5Ha
- Office devt outside town centres no longer to require sequential test (impact test still needed)
- Minimum housing densities suggested
- Once viability agreed at Local Plan level, the expectation is that it should not normally be reconsidered in a planning application (is this realistic!)
- Viability assessments to be published
- Council’s to publish an annual infrastructure funding statement to explain what money has been collected and how it has been spent

Consultation is still open to 10 May

2018 GPDO AMENDMENTS

2 main changes –

- Agricultural buildings to dwellings (AGRNOT) – This Prior Approval process has been increased to permit up to 5 dwellings. But no more than 3 “larger” dwellings can total 465 sq m with up to 2 further “smaller” buildings” of up to 100 sq m
- Permitted Development limit for new agricultural buildings (AGNOTs) – increased to 1,000sq m. But the building still has to be reasonably necessary for the agricultural holding, so larger structures need to be justified.

Town and Parish Council Meetings 2018 – Service Development Update

An update on Service Development across our Planning Service since this time last year

- **Public Access upgrade** – took place last October time and now has the facility for bulk download of documents, saved comments if timed out, and the ability to use on tablets. Following ceasing neighbour notifications last April, social media campaigns last June and again just before Christmas and a further reminder in Your East Riding resulted in an additional 14,000 residents registering and self serving on Public Access.

- **Consultee Access - reminder** for TPC's to set up business e-mail addresses for eg., (****parish @*****) to receive planning consultations and register on Public Access/Consultee Access rather than personal ones, as when Clerk's leave, a new Clerk can simply request to set up a new password rather than having to register a brand new e-mail account.

- **Project Team** - Last year I mentioned about the project team which had been set up to deliver service improvements and efficiencies across the services, this continues with most changes being internal to the services however reminder
 - Publishing of Enforcement notices on PA and now appeal documentation is now viewable on Public Access;
 - Officer reports standardised to improve consistency of Committee reports
 - We also hope to achieve the e-mailing of all decision notices (as opposed to them being posted out) by the end of this year

- **Planning and Building Control Website Changes**

I mentioned last year we would be spending the upcoming year working on the content of our planning and building control web pages which we have spent a considerable amount of time doing. The new pages will be published in mid to end June and offer

 - Brand new headings/pages with signposting to advice on all matters relating to planning and building control, generally more relevant Q&A's on planning permissions and building control advice.
 - Clearer guidance on what is required to be submitted with a householder and non-householder application, including the integration of building regulation information;
 - Specific pages on regulations and legislation and links to third party websites
 - Clearer signposting for pre-application advice.

- Suite of new customer request/transfer forms
 - On the website will be a range of on-line request forms to assist customers in obtaining and requesting information; new forms now published.
 - New on-line planning payment form which now incorporates building control services payments to be made;
 - New on-line request forms to request a property or site history search, requests to purchase Planning and BC Decision Notices, TPO Check request and purchasing of TPO' documents;
 - Due to be launched will be the new form to identify if planning permission is required and the new pre-application planning advice forms,
 - A new request form for specialist building control services such as requesting Energy performance assessments, air testing, etc.
 - Working on a New form/portal for submission of Building Control Initial Notices

- **Interactive planning map** – I mentioned this last year, publishing of some of our planning constraints to assist applicants with the planning application process. The map was sent out for feedback to a few agents last year which resulted in some modifications being made to the mapping layers and format. Once the new web pages are published (mid to end June), there will be links to the map. The map includes development limits Conservation areas, TPO's, listed buildings, scheduled monuments, and links to other third party websites such as Environment Agency to identify if you are in a flood risk zone etc.

Other areas of Service Development

- We will inform you when applications are going to committee by sending Parish Clerk's an e-mail at the same time as we send out right to speak letters to agents and contributors. This is to be set up in the very near future and in due course Parish Clerk's will be sent an e-mail to their consultation e-mail address with a link to Legal Services web page so they can view or download the Committee Agenda containing the Officers report.

FLOOD RISK ASSESSMENT – HOW DOES IT WORK?

1. Paragraphs 100-104 of the National Planning Policy Framework (NPPF) and policy ENV6 of the East Riding Local Plan set out a sequential, risk-based approach to the location of development to avoid people and property being exposed to the risk of flooding and manage any residual risk. The Technical Guidance that expanded on the NPPF is now included in the web based Planning Practice Guidance and the tables below have been taken from this.
2. The Council has prepared detailed guidance on how to prepare a Flood Risk Assessment entitled “Flood Risk Note for the Planning Application Process”, last updated 2014.
3. This officer guidance note summarises the process in 5 basic steps.

STEP 1 - WHICH FLOOD ZONE IS THE APPLICATION IN?

4. Applicants should be advised to look FIRST at the Environment Agency’s Flood Risk Zones to determine which flood zone a proposal lies in as these will be the most up to date.

Table 1: Flood Zones

These Flood Zones refer to the probability of river and sea flooding, ignoring the presence of defences. They are shown on the Environment Agency’s [Flood Map for Planning \(Rivers and Sea\)](#), available on the Environment Agency’s web site, as indicated in the table below.

Flood Zone	Definition
Zone 1 Low Probability	Land having a less than 1 in 1,000 annual probability of river or sea flooding. (Shown as ‘clear’ on the Flood Map – all land outside Zones 2 and 3)
Zone 2 Medium Probability	Land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding; or land having between a 1 in 200 and 1 in 1,000 annual probability of sea flooding. (Land shown in light blue on the Flood Map)
Zone 3a High Probability	Land having a 1 in 100 or greater annual probability of river flooding; or Land having a 1 in 200 or greater annual probability of sea flooding. (Land shown in dark blue on the Flood Map)
Zone 3b The Functional Floodplain	This zone comprises land where water has to flow or be stored in times of flood. Local planning authorities should identify in their Strategic Flood Risk Assessments areas of functional floodplain and its boundaries accordingly, in agreement with the Environment Agency. (Not separately distinguished from Zone 3a on the Flood Map)

STEP 2 - THE SEQUENTIAL TEST

5. The first part of any FRA is the application of a **SEQUENTIAL TEST** to development proposals in areas at risk of flooding ie any development in zones 2, 3a and 3b. The sequential test should examines whether there are alternative sites less at risk of flooding that would be appropriate for the proposed development. The sequential

test should use the information in the Council's Strategic Flood Risk Assessment (SFRA) which provides a more detailed breakdown of flood risk areas.

6. The East Riding of Yorkshire, Flood Risk Note for the Planning Application Process sets out the areas of search to be used when considering whether there are alternative sites available. In some cases there may be proper reasons why an area of search can be restricted further eg a farm workers dwelling will have to be on the specific farm !
7. Whilst most development within Flood Zones 2, 3a or 3b will require a Sequential Test, there are some exceptions:
 - The **change of use** of an existing building eg shop to dwelling where there is no extension to the building (but NOT change of use of land to a more vulnerable use).
 - **Minor extensions or alteration** to an existing building or its associated structures – this applies to any householder development, and non-residential extensions of less than 250m²;
 - **Replacement of an existing building** with no increase in the number of dwellings or the footprint of the building(s)
 - Where the proposal complies with an **allocation for development** within the East Riding Local Plan as this will have already been sequentially tested during the preparation of the plan.
 - The proposal is for a site with an **existing planning permission** (full or outline) that is still valid and is for a comparable mix and intensity of uses.
8. Proposals that pass the Sequential Test should still follow the Sequential Approach to site design. Within the site, the most vulnerable uses should be located on the parts of the site least affected by flood risk. The Flood Risk Assessment should demonstrate how the Sequential Approach has been followed in the layout of the development proposal.

STEP 3 - IS THE PROPOSAL COMPATIBLE WITH THE FLOOD ZONE?

9. This can appear overly complex, but this is simply an assessment of the flood risk vulnerability of the proposed use AFTER THE APPLICATION OF THE SEQUENTIAL TEST. For example :
 - Offices are defined as “less vulnerable”
 - Dwelling houses are defined as “more vulnerable”
 - Basement dwellings are defined as “highly vulnerable”

The full list of uses is given in Table 2 at the end of this guidance note. For applications with mixed uses, the highest vulnerability category should be used.

10. For each flood zone, Table 3 sets out whether development in the five different vulnerability classifications would be appropriate, and whether the exception test is required.

TABLE 3 – FLOOD RISK VULNERABILITY AND FLOOD ZONE ‘COMPATIBILITY’

	ESSENTIAL INFRASTRUCTURE	HIGHLY VULNERABLE	MORE VULNERABLE	LESS VULNERABLE	WATER COMPATIBLE
FLOOD ZONE 1	Development is appropriate	Development is appropriate	Development is appropriate	Development is appropriate	Development is appropriate
FLOOD ZONE 2	Development is appropriate	Exception test required	Development is appropriate	Development is appropriate	Development is appropriate
FLOOD ZONE 3a	Exception test required	Development should not be permitted	Exception test required	Development is appropriate	Development is appropriate
FLOOD ZONE 3b	Exception test required	Development should not be permitted	Development should not be permitted	Development should not be permitted	Development is appropriate

11. The table shows that in flood zones 3a and 3b development within certain vulnerability classification should not be permitted. This applies to highly vulnerable development in flood zone 3a, and to any development in flood zone 3b – functional floodplain – except for essential infrastructure and water compatible development.
12. If the proposed development is “appropriate” the exception test is not required – but note an FRA will still be needed (see step 5).

STEP 4 - THE EXCEPTION TEST

13. If table 3 indicates that an exceptions test is required, there are two matters to be addressed:
 - a) It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by the Strategic Flood Risk Assessment; and
 - b) A site-specific Flood Risk Assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users and the likely effects of climate change, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
14. **Both** elements of the Exception Test have to be passed for development to be permitted. The Environment Agency has advised that the logical order for applicants to work through the Exception Test is to start with part ‘b’, followed by part ‘a’. If applicants are not able to demonstrate that part ‘b’ can be met, there is no point in addressing the other part of the Test, as it would be difficult to undertake part ‘a’ of the test without the level of information on flood risk provided by part ‘b’. The Exception Test must be addressed satisfactorily for the proposal to be considered acceptable, subject to other material considerations.
15. Part ‘b’ requires applicants to demonstrate through their site-specific Flood Risk Assessment that their proposed development can be made safe without increasing flood risk elsewhere, and where possible, will reduce flood risk overall. The Level 1

SFRA (and Level 2 SFRA for Goole) specifies a number of design measures to ensure that this part of the Test can be met.

16. Part 'a' requires applicants to demonstrate evidence that will enable the Council to decide whether their proposal delivers wider sustainability benefits that outweigh the flood risk implications of developing the site. Applicants are invited to use the sustainability objectives in appendix 3 to the Council's Flood Risk Note.

STEP 5 - SITE SPECIFIC FLOOD RISK ASSESSMENT

17. If one has not already been provided as part of an Exceptions Test (if required), all proposals for development on sites at risk of flooding or of more than 1 Hectare MUST be accompanied by a site-specific Flood Risk Assessment. As set out in the PPG, this should identify and assess the risks of all forms of flooding to and from the development and demonstrate how these flood risks will be managed so that the development remains safe throughout its lifetime, taking climate change into account.
18. Making reference to the SFRA and related studies, the Flood Risk Assessment should take account of the likely effects of climate change over the lifetime of the development. For residential development this is generally held to be 100 years, while for non-residential development it is generally held to be 60 years. The consideration of safety should cover not just the use of the site or building(s) themselves, but also the provision of a safe route for access and escape suitable for all users in the event of a flood.

CAN A PROPOSAL THAT FAILS THE SEQUENTIAL TEST BE APPROVED?

19. The PPG says that you can only consider the exception test if the sequential test is passed. Local circumstances can however limit the area of search when applying the sequential test eg for a scheme providing affordable housing to meet a specific local need. The PPG also advocates a pragmatic approach on the availability of alternatives – eg extensions to an existing business might be impractical other than alongside the existing premises. Such considerations may allow a scheme to pass the sequential test.
20. It is recognised that there may be some instances where development may come forward within flood zones which will fail the sequential test but may have significant local benefits to the community. These cases can only be considered on their individual merits "in accordance with the development plan unless material considerations indicate otherwise". If they have failed to pass the sequential test they cannot pass the exception test, even if they have sustainability benefits. In such cases the officer report must make it clear what significant benefits are considered to outweigh the conflict with flood risk policy in determining the planning balance. Any such proposal will of course need to be designed to address the risks of all forms of flooding to and from the development and demonstrated how these flood risks will be managed so that the development remains safe throughout its lifetime, taking climate change into account. It is likely that the majority of suitable cases will be on small brownfield sites.

Table 2: Flood risk vulnerability classification

Essential infrastructure

- Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk.
- Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including electricity generating power stations and grid and primary substations; and water treatment works that need to remain operational in times of flood.
- Wind turbines.

Highly vulnerable

- Police and ambulance stations; fire stations and command centres; telecommunications installations required to be operational during flooding.
- Emergency dispersal points.
- Basement dwellings.
- Caravans, mobile homes and park homes intended for permanent residential use.
- Installations requiring hazardous substances consent. (Where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as 'Essential Infrastructure').

More vulnerable

- Hospitals
- Residential institutions such as residential care homes, children's homes, social services homes, prisons and hostels.
- Buildings used for dwelling houses, student halls of residence, drinking establishments, nightclubs and hotels.
- Non-residential uses for health services, nurseries and educational establishments.
- Landfill* and sites used for waste management facilities for hazardous waste.
- Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan.

Less vulnerable

- Police, ambulance and fire stations which are not required to be operational during flooding.

- Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.
- Land and buildings used for agriculture and forestry.
- Waste treatment (except landfill* and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.

Water-compatible development

- Flood control infrastructure.
- Water transmission infrastructure and pumping stations.
- Sewage transmission infrastructure and pumping stations.
- Sand and gravel working.
- Docks, marinas and wharves.
- Navigation facilities.
- Ministry of Defence defence installations.
- Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location.
- Water-based recreation (excluding sleeping accommodation).
- Lifeguard and coastguard stations.
- Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms.
- Essential ancillary sleeping or residential accommodation for staff required by uses in this category, subject to a specific warning and evacuation plan.

Basis of Planning Application Decisions and Material Planning Considerations

Extracts from National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) - (<http://planningguidance.planningportal.gov.uk/>)

National Planning Policy Framework

Decision-taking

Paragraph 186 - Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

Paragraph 187 - Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

National Planning Practice Guidance

How must decisions on applications for planning permission be made?

The decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (these provisions also apply to appeals).

Where a proposal accords with an up-to-date development plan, it should be approved without delay, as required by the presumption in favour of sustainable development (NPPF para 14).

Where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the NPPF requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

What constitutes the development plan?

The statutory development plan of an area consists of:

- Local Plans: development plan documents adopted by local planning authorities, including any 'saved' policies from plans that are otherwise no longer current, and those development plan documents that deal specifically with minerals and waste.
- Neighbourhood Plans: where these have been supported by the local community at referendum and subsequently made by the local planning authority.
- Any 'saved policies' from the former Regional Strategies, until such time as these are replaced by Local Plan policies.

What role does the National Planning Policy Framework have in decision taking?

The NPPF represents up-to-date Government planning policy and must be taken into account where it is relevant to a planning application or appeal. If decision takers choose not to follow the NPPF, clear and convincing reasons for doing so are needed. A development that is consistent with the NPPF does not remove the requirement to determine the application in

accordance with the development plan unless there are other material considerations that indicate otherwise.

What approach must be taken where development plan policies conflict with one another?

If a policy contained in a development plan for an area conflicts with another policy in the development plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.

Conflicts between development plan policies adopted, approved or published at the same time must be considered in the light of all material considerations, including local priorities and needs, as guided by the NPPF.

Can the local planning authority decide not to follow the policies in the development plan?

The local planning authority may depart from development plan policy where material considerations indicate that the plan should not be followed, subject to any conditions prescribed by direction by the Secretary of State. This power to depart from development plan policy is confirmed in article 27 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

In cases where the local planning authority intends to depart from development plan policy, article 13(3) of the Development Management Procedure Order sets out the publicity requirements which must be followed before the decision is taken.

In what circumstances might it be justifiable to refuse planning permission on the grounds of prematurity?

Annex I of the NPPF explains how weight may be given to policies in emerging plans. However in the context of the NPPF and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination, or in the case of a Neighbourhood Plan, before the end of the local planning authority publicity period. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process

What is a material planning consideration?

A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission).

The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have historically taken the view that planning is concerned with land use in the public interest, so that the protection of purely private property interests such as the impact of a development on a neighbour's property value or loss of private rights to light could not be material considerations.

"In principle...any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances" (Stringer v MHLG 1971).

Stringer is however over 40 years old and development plans have changed in both content and importance. They are now recognized as social and economic as well as land-use documents, hence the Government's statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications. These statements cannot make irrelevant any matter which is a material consideration in a particular case. But where such statements indicate the weight that should be given to relevant considerations, decision-makers must have proper regard to them. If they elect not to follow relevant statements of the Government's planning policy, they must give clear and convincing reasons (*E C Grandson and Co Ltd v SSE and Gillingham BC* 1985).

What weight can be given to a material consideration?

The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided it has regard to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

Planning Gain offered by developers (Planning Obligations/Section 106 Agreements)

Care must be taken to ensure that any benefits offered by developers are fairly and reasonably related in scale and in kind to the development proposed. If they are not, they cannot be regarded as material considerations to be given weight in the determination of a planning proposal. A Council should not accept a planning obligation which is not framed as to overcome a legitimate planning objection to a development.

Material considerations are many and extraordinarily varied. They include all the fundamental factors involved in land-use planning, such as:

- the number, size, layout, siting, density, design and external appearance of buildings,
- the proposed means of access,
- landscaping,
- impact on the neighbourhood, and
- the availability of infrastructure.

Examples of other factors that **may** be taken into account as material considerations in the decision making process include:-

- Planning history of the site, in particular any 'fall-back' position
- Overshadowing
- Overlooking and loss of privacy
- Adequate parking and servicing
- Overbearing nature of proposal
- Loss of trees
- Loss of ecological habitats
- Archaeology
- Contamination by a previous use
- Effect on Listed Building(s) and Conservation Areas
- Access and highways safety
- Traffic generation
- Noise and disturbance from the scheme
- Disturbance from smells
- Public visual amenity
- Flood risk
- Planning gain
- Alternative available sites

Examples of factors that **cannot** normally be considered as material planning considerations are:-

- Loss of value to an individual property
- Loss of a private individual's view
- Boundary disputes, incl. encroachment of foundations or gutters (Party Wall Act, etc)
- Private restrictive covenants or agreements
- The applicant's personal conduct or history
- The applicant's personal circumstances (only in very exceptional circumstances where strong compassionate or other personal grounds are demonstrated)
- The applicant's motives
- Potential profit for the applicant or from the application
- Private rights to light
- Private rights of way
- Damage to property
- Loss of trade to individual competitors
- Age, health, status, background and work patterns of the objector
- Time taken to do the work
- Building and structural techniques (Building Act, etc)
- Matters covered by other statute (e.g. Highways legislation)
- Alcohol or gaming licence

Laxton Parish Council Correspondence Record

15 March – 20 April 2018

The Clerk will circulate correspondence when considered appropriate. If Councillors would like to see a copy of correspondence that has not been circulated, please notify the Clerk on laxtonpc@btinternet.com on 07932 016856.

Date Received	Attached?	From	Purpose of Correspondence
16 March	Y	ERYC	Code of Conduct has been updated and amended,
26 March	N	ERYC	Invite to Planning T&PC Liaison Meetings – Thursday 6pm 10 May, Goole
28 March	Y	ERYC	Launch of Humberside Police “Community Alert” system
28 March	Y	ERYC	Invitation to contribute to Scrutiny review of ERYC Communication with Parish Councils
28 March	Y	Network Rail	Update on signalling project.
28 March	N	PK Littlejohn	External Auditor Instructions
9 April	N	Centurion Traffic	Acknowledging request for meeting re traffic management, to be actioned when the works are rescheduled.

EAST RIDING OF YORKSHIRE COUNCIL MEMBER CODE OF CONDUCT

(1) Introduction and Interpretation

- (1) This Code applies to you as a Member of this authority when you act in your role as a Member and it is your responsibility to comply with the provisions of this Code.
- (2) You are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both a positive and negative impact on the authority.
- (3) The public expect Members to act in an open and transparent manner.
- (4) In this Code -

'Meeting' means any meeting of:-

- (a) The authority;
- (b) The executive of the authority;
- (c) Any of the authority's, or its Executive's, committees, sub-committees, joint committees joint sub-committees or area committees;

'Member' includes all Members and co-opted and appointed Members of the authority.

'Family' means Spouse, Civil partner, any person with whom you are living as a Spouse or Civil Partner, parent, grandparent, child, grandchild or sibling.

(2) General Obligations

- (1) You must treat others with respect.
- (2) You must not bully any person.
- (3) You must not conduct yourself in a manner that could reasonably be regarded as bringing your office or authority into disrepute.
- (4) You must not disclose information given to you in confidence by any one or information acquired by you which you believe, or ought to be aware, is of a confidential nature, except where :-
 - (1) You have the consent of the person authorised to give it;
 - (2) You are required by law to do so;
 - (3) Disclosure is to made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or

- (4) The disclosure is:-
- (a) Reasonable in the public interest; and
 - (b) Made in good faith and in compliance with the reasonable requirements of the authority; and
 - (c) You have consulted the Monitoring Officer prior to its release.
- (5) You must not prevent another person from gaining access to information to which that person is entitled by law.
- (6) You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.
- (7) When using or authorising the use by others of the resources of the authority you must:-
- (1) Act in accordance with the authority's reasonable requirements.
 - (2) Ensure that such resources are not used improperly for political purposes (including party political purposes).
 - (3) Have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

(3) Registration of Interests

- (1) You must before the end of 28 days beginning on the day on which you become a Member of the authority or within 28 days of any change in an interest or becoming aware of any new interest notify the Monitoring Officer of:
- (i) The following **Pecuniary Interests** of yourself, your spouse or civil partner, any person with whom you are living as husband or wife or any person with whom you are living as if they were a civil partner:
 - (a) Any employment, office, trade, profession or vocation carried on for profit or gain.
 - (b) Any payment or provision of any other financial benefit (other than from the authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
 - (c) Any contract which is made between any of the above named persons (or a body in which any of the above named persons have a beneficial interest) and the authority under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.
 - (d) Any beneficial interest in land which is within the area of the authority.

- (e) Any licence (alone or jointly with others) to occupy land in the area of the authority for a month or longer.
 - (f) Any tenancy where (to your knowledge) the landlord is the authority and the tenant is a body in which any of the above named persons have a beneficial interest.
 - (g) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of the authority; and either the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which any of the above named persons has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
- (ii) The following **Non-Pecuniary** interests of yourself:
- (a) Bodies to which you are appointed or nominated by the authority other than bodies in which the authority has an interest (ie outside body appointments).
 - (b) Bodies exercising functions of a public nature of which you are a Member (including regional and local enterprise partnerships, other councils, public health bodies, school governing bodies).
 - (c) Bodies directed to charitable purposes of which you are a Member (including the Lions, the Masons, a Parochial Church Council; not just bodies registered with the Charity Commission).
 - (d) Bodies whose principal purposes include influence of public opinion of policy (including any political party or trade union) of which you are a Member.
 - (e) Any voluntary work undertaken by you.
 - (f) Any person from whom you received in your capacity as a Member a gift or hospitality that amounts to the value of at least £25.
- (2) You need only notify the Monitoring Officer of any interests of which you are aware pursuant to paragraph (3) (1) above.
- (3) Where you become a Member of the authority as a result of a re-election or re-appointment you only need to disclose interests not already entered on the register.
- (4) Where the nature of the interest is such that you consider that the disclosure of the interest could lead to you or a person connected with you being subject to violence or intimidation, (and the Monitoring Officer agrees) details of the interests will not be included in any published version of the register of interests save that the register will state you have an interest the details of which are withheld under section 32(2) of the Localism Act 2011.

(4) Non - Pecuniary Interests

- (1) You have a non pecuniary interest in any business of the authority where either it is likely to affect any of the bodies listed in paragraph 3(1)(ii) of the Code or, the decision in relation to that business might reasonably be regarded as affecting your well being, or financial position, or the well being or financial position of a relevant person to a greater extent than the majority of other Council tax payers, rate payers or inhabitants of the Ward affected by the decision.
- (2) A relevant person is:-
 - (a) A member of your family or any person with whom you have a close association, or
 - (b) A person or body who employs or has appointed such persons any firm of which they are a partner or any company of which they are Directors.
- (3) Where you have a non-pecuniary interest in any business of the authority and you attend a meeting of the authority at which that business is considered you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent.
- (4) Sub paragraph (3) only applies where you are aware or ought reasonably to be aware of the existence of the interest.
- (5) Where you have an interest but by virtue of paragraph 3(4) it is not registered in the authority's register of interests you must indicate you have a non-pecuniary interest but need not disclose the sensitive information to the meeting.

(5) Pecuniary Interests

- (1) You have a pecuniary interest in any business of the authority where you, your spouse or civil partner, any person with whom you are living as husband or wife or any person with whom you are living as if they were a civil partner have an interest that falls within sub paragraph (3)(1)(i) above.

(6) Effect of Pecuniary Interest on Participation

- (1) Where you have a pecuniary interest in any business of the authority and you attend a meeting at which the business is considered you must then:-
 - (a) Disclose the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent, subject to sub-paragraph (c) below.
 - (b) Withdraw from the room or chamber where the meeting considering the business is being held.
 - (c) Do not participate in discussion of, or vote on the matter at the meeting (participate includes addressing a meeting of which you are not a member).
 - (d) If the pecuniary interest is a sensitive interest as set out in sub-paragraph (3)(4) above you need only disclose the fact that you have a pecuniary interest.

Laxton Parish Council

Accounts for Payment

July 2018

Payee	Details	Total	VAT
Alan Bravey	Salary	89.46	0
HMRC	PAYE	60.00	0
Information Commission	ICO Registration by Direct Debit	35.00	

Signed

Date

Signed

Date