



Middleton St George Parish Council

msgclerk@aol.com

www.middleton-st-george.org.uk

DUE TO THE CORONAVIRUS LOCKDOWN THIS SCHEDULED MEETING COULD NOT TAKE PLACE IN PERSON. A REMOTE VIRTUAL PARISH COUNCIL MEETING WAS HELD USING ZOOM UNDER THE PROVISIONS OF THE LOCAL AUTHORITIES AND POLICE AND CRIME PANELS (CORONAVIRUS) (FLEXIBILITY OF LOCAL AUTHORITY POLICE AND CRIME PANEL MEETINGS) (ENGLAND AND WALES) REGULATIONS 2020.

Minutes of the Remote Virtual Extraordinary Meeting of the Parish Council held on Monday 15th February, 2021

Present: Councillor Mrs. C. Gilsean (Chairman),
Councillor S. Crowther (Vice Chairman),
Councillor A. Blacklee,
Councillor H. Bullock,
Councillor L. Foggett,
Councillor S. l'Anson,
Councillor A. Jones,
Councillor A. Marshall,
Councillor D. Whitfield,
Alan Macnab, Clerk.

In Attendance: Ward Councillors. D. Jones, B. Jones and D. Laing, Mr. S. Walker, Managing Director of Homes by Carlton and 67 Members of the public were present

The meeting started at 6.33p.m.

1631. Purpose of the Meeting

The Chairman welcomed everyone to the meeting and explained the format for the meeting. The Chairman explained that the meeting had been called to consider residents' concerns over the clearance work to the southern bank side of the three former reservoirs in the Water Park, the reasons for carrying out the work, to give address residents' concerns and to decide on a way forward. The Chairman read the following statement.

"Following events of early last week, this Extraordinary Meeting of the Parish Council has been called this evening in order to consider all issues raised on the matter of the south-facing bankside clearance work at the Water Park, and to determine what action can be taken.

We have sought to gather together as much information and facts as possible within the timeframe available to us, which have been circulated to the Parish Councillors along with the questions received from members of the public. During the course of the Parish Council meeting, the Parish Council will be aiming to determine the reasons, provide answers to questions raised, and also determine possible solutions where applicable.

It should be noted that any matter, or any aspect thereof, should be thoroughly investigated, and depending on the nature of the issue, there will be various procedures in order to deal with them. If it transpires that further information needs to be sourced in order to properly investigate the matter or arrive at a solution, then some decisions will not be made today, but at a future meeting.

One of the Parish Council's Key Objectives is - To engage, whenever possible, in an open dialogue with residents, to understand their needs, and to explain how the Council will address these needs within the resources and powers available. **We do care about the village, and takes on board concerns of residents.** The Parish Council must conduct its business according to legal, statutory, and regulatory frameworks.

Chairman's Signature..... *C J Gilsean* Date..... *12/04/2021*

The Parish Council takes its role seriously, and carries out its work in good faith and in accordance with required procedure.

Therefore, the Parish Council will seek to answer questions, and address issues in an appropriate way.”

1632. Public Participation Session

1632.1 Ward Councillors Concerns

Ward Councillors D. Jones, B. Jones and D. Laing made the following points:

- The need for the prices from contractors to be given for comparison purposes
- The 10% increase in the successful contractor’s price for the work.
- Subcontracting the work,
- When the contractor was shown the bank side work and not having a pre start meeting. A socially distanced site meeting would have been possible during the Covid-19 pandemic.
- The duration of the work and the possibility of a credit note for early completion of the work.
- It was unclear ownership of the hedge at the bottom of the bank.
- The damage to Parish Council property and the developer’s property.
- Concerns about the total cost of the project.

1632.2 Residents’ Concerns

a. Resident 1

Resident 1 asked:

- For the membership of the Reservoirs Sub Group and when did the Parish Council receive the report from the Sub Group.
- If an Ecology Report had been carried out.
- For information on the risk of flooding.

b. Resident 2

Resident 2 made the following points and questions:

- When the bank side is grassed, how is it going to happen, wild or meadow grass.
- Further expense to the village will be incurred in cutting the grass on the bank side.
- Did the Parish Councillors inspect the site when the work was being carried out?
- It is for people to understand what happened and it was not a witch hunt.

c. Questions from other residents

The Chairman read out the questions which were contained in the emails which had been sent to the Clerk

Written questions/concerns received from residents:

- What were the reasons for the work, and what recommendations was the work based on?
- The Parish Council did not take into account the impact of the work on wildlife
- Was a wildlife licence obtained prior to the work being approved?
- The Parish Council did not take into account the impact of the work on the welfare of the residents
- Please provide a list of the works authorized
- Please provide the 3 quotations for the work in full

Chairman’s Signature..... *C J Gibson* Date..... *12/04/2021*

- Advise who was on site to oversee the work
- Please explain why the advisory for the work was different to what is evidenced by the photos/videos on Facebook
- Advise why there is a disparity between the Parish Council's position and the position of Homes by Carlton on this issue
- There was also an ecology report done previously that said if remedial work was done on the banks then the wildlife habitat should be retained.
- Why didn't the Parish Council carry out a public consultation on this issue? (Given the cost, the impact on wildlife, etc.)
- Why didn't the Parish Council get a second opinion?
- Were all checks and balances carried out?
- Is there a tree felling licence in place? (as they removed over 20 cubic metres of timber)
- Will the grassed area be maintained?
- Who initially instigated the need for a survey to be carried out?
- What reason was given in the survey for the course of action that has been taken (i.e. the total removal of the hedgerow – only a few small trees remain)
- Why, if it all has to do with a safety aspect, the Parish has to foot the bill, both for the initial survey and subsequently the work to be carried out, not DBC who were the body that approved the planning for homes to be built so close to the ponds?
- Can wildflower mix be used with the grass?
- [In reference to Engineer's Report] Why did the Parish Council agree to the clearance before a bathymetric survey was undertaken?
- [In reference to Engineer's Report] Was a survey of the valves and pipework done either before the decision to clear the banks was made in March 2020 or in the time between then and February 2021?
- The survey was undertaken in 2019, work approved in 2020, and carried out in early 2021. Given that the second phase of the Middleton Waters Development is not due to start until mid- 2022, why did the Parish Council feel the need to act now?

The Chairman thanked the Ward Councillors and residents for their input. Answers to the questions will be given when the Parish Council has fully investigated the time line from seeking quotations for the work to the carrying out of the work and the improvements which can be made. The Chairman asked members of the public if they will now mute their microphones.

1633. The Parish Council's Response

The Vice Chairman responded on behalf of the Parish Council and made the following points:

- The Parish Council commissioned a Reservoir Engineer from the Environment Agency's List of Approved Reservoir Engineers in January 2019 to inspect the structural stability of the three former reservoirs because a housing development was being constructed in the next field to the south of the former reservoirs behind High Stell and there was the possibility of a further housing development in the next field to the north of the three former reservoirs.
- The Reservoir Engineer reported to the Parish Council in July 2019. He made a strong recommendation that the southern facing bank side be cleared of all vegetation from the top to the bottom of the bank and replaced with grass the same as the north facing bank side in order for the detection of any leakages from the former reservoirs to be clearly visually identified on a day to day basis and preventative action taken. The overgrown nature of the southern bank side prevented any leakages being identified.
- The Parish Council takes its health and safety responsibilities very seriously indeed and individual Parish Councillors would be held criminally responsible if the banks had burst and flooded the housing estate in the next field with the result in the loss of life.

Chairman's Signature..... *C J Gibson* Date..... *12/04/2021*

- There was no indication when the Vice Chairman showed the successful contractor that a hedge existed at the foot of the bank. There was a dilapidated fence and growth from the bank side had intruded onto the adjoining land.
- The instructions given to the contractor was that no pollarding of trees was to be carried out and only the diseased and split trees were to be removed.
- The Parish Council regretted that an attractive feature had to be removed but the need to make sure that the bank side was safe and there was no leakages from the former reservoirs to protect the safety of the future occupants of the housing development in the next field to the former reservoirs.

Members of the Parish Council made the following points:

- There was a need to examine what had happened from the specification onwards.
- The Parish Council was not aware that sub contracting of the work had occurred.
- There was no site meeting with the contractor immediately before the work started.
- There was a need to proactively go forward, and the Parish Council would seek advice from the Reservoir Engineer as to whether or not any trees could be planted.
- There was a need for a snagging meeting with the contractor to complete the clearance work and to investigate if a sub contractor was used or not and to identify which Parish Councillors will meet the contractor to discuss these issues.
- If payment should be made to the contractor for the clearance work. Payment would only be delayed until it could be ascertained that the contractor has carried out the work as instructed
- There was also a need to meet with the Managing Director of Homes by Carlton to agree the boundary between his land and the Parish Council's land.
- The cost and correct type of grass seeding should be investigated.
- It appeared that healthy trees had been felled, when the contractor was specifically informed that only diseased trees or trees which were in a poor condition must be removed and the healthy trees to remain. But, again, the facts needed to be ascertained.
- Following investigations, if lessons needed to be learnt then these would be addressed by the Parish Council
- The possibility of planting fruit trees and wildflowers on the bank side to be properly managed was considered.
- A Working Group of the whole Parish Council needed to be formed as a matter of urgency:
- The Parish Council's insurance policy should be explored to find out the extent of its liabilities.
- Public consultation and the communication channels needed to be improved but it was emphasised that the Parish Council did not have a choice and were given expert advice that the bank side must be cleared and grassed on health and safety grounds.

1634. Actions by the Parish Council

Chairman's Signature..... *C. J. Gibber* Date..... *12/04/2021*

The Parish Council **agreed** that:

- a. A Water Park Working Group consisting of all Parish Councillors be formed as a matter of urgency:
 - i. to establish the timeline and gather the paperwork from the specification to the completion of the clearance work and to examine the timeline and paperwork. To identify whether any errors were made, where there may be any lessons to be learnt, and if this is the case, what measures could be put in place as a consequence in order to make sure that mistakes do not happen in the future.
 - ii. To meet with the contractor to discuss the work carried out, if sub contracting had taken place or not and the further work which needed to be carried out. Councillors Bullock, l'Anson and A. Jones to meet the contractor.
 - iii. To meet with the Managing Director of Homes by Carlton to clearly establish the boundaries of both sites. Councillors Bullock, l'Anson and A. Jones to meet the Managing Director.
 - iv. To address the concerns which have been expressed by the Ward Councillors and residents.
 - v. To address the issues, questions and concerns at the next Parish Council meeting on the 8th March, 2021.
- b. That the payment to the contractor only be withheld until it could be ascertained that the contractor carried out the work required, in accordance with the letter of instruction of 1st December 2020.
- c. The Clerk will examine the insurance policy to determine the extent of the Parish Council's liability.
- d. Further concerns and questions must be addressed to the Clerk.

The meeting ended at 7.56 p.m.

Chairman's Signature..... *C J Gbena* Date..... *12/04/2021*