

## MINUTES

Minutes of Ordinary Meeting of Woodham Walter Parish Council.  
Held at 7.00pm using Virtual technology hosted by Zoom.

**Monday 8<sup>th</sup> March 2021**

### **Present:**

Cllr. James Rushton (Chairman)  
Cllr. John Brown  
Cllr. James Bunn  
Cllr. Jenny Hughes  
Cllr. Joanna Symons  
Cllr. John Tompkins  
Cllr. Peter Warren

Others: Jacky Bannerman (Parish Clerk)  
District Councillor Mark Durham (in attendance until 9.20pm)  
District Councillor Karl Jarvis (in attendance until 8.50pm)  
Cllr. Wendy Stamp (Leader of MDC) (in attendance until 9.20pm)  
Damien Ghela, Lead Specialist Community, MDC (in attendance until 8.20pm)

Public: 2

**2458. Welcome** Cllr. Rushton welcomed those present and made introductions.

**2459. Apologies For Absence** Apologies were received and accepted from County Cllr. Channer

**2460. Disclosure of Interests/Consideration of Dispensations** To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-10 inclusive of the Code of Conduct for Members. (Members are reminded they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).  
As previously reported re: Warren Golf Club, Cllr. James Rushton has declared a non-pecuniary interest as his wife is a member at Warren Active and Cllr. Joanna Symons has declared non-pecuniary interest in the Warren Golf Club as she is a member at Warren Active.

**2461. Public Forum** There were 2 members of the public present who were in attendance to raise the following points:

#### Member of the Public 1

- Wished to update councillors with regards to the blocked gully opposite The Cats. The jetting team had attended last week and cleared the blocked pipe under the road. The team moved further up the lane and encountered a problem with drains which empty into the ditch from White Barn but that the ditch needs clearing out in order for the pipes to be cleared.
- Clerk reported that the landowner had been in touch with the tenant farmer whose assessment of the ditch found that whilst untidy, in their opinion the branches from the hedge cutting will not affect the drainage of water in the ditch and they have no plans to clear any further. However, the landowner has said that they will personally tidy up the branches themselves.
- Clerk agreed to relay information that the jetting team encountered a blockage in the ditch opposite White Barn.

#### Member of the Public 2

- Commented that there has been a great deal of building work going on at Grove Manor over the last few years. He has appointed a Planning Consultant who has submitted an objection to the latest application (LDE/MAL/21/00083) which has been shared with Councillors.
- Concerned to note that the Gym building in close proximity to the application site is not shown on the location plans submitted with the application and that this is misleading.

- Cannot see how, with all other buildings which have now been constructed as well as the buildings within the existing dwelling house, that this new building is reasonably required. This application should be refused.

**2462. To approve the minutes of Virtual Ordinary Parish Council meeting held on Monday 8<sup>th</sup> February 2021.** Cllr. John Tompkins proposed and Cllr. John Brown seconded that the minutes are adopted as a true record of the meeting, agreed by all.

**2463. Matters Arising** It was noted that Matters arising are contained within the Agenda. There are no other matters arising.

**2464. Enforcement – Damien Ghela** | Lead Specialist Community | Service Delivery Directorate  
Discussion regarding Warren Lodges (Herbage Park) conditions under FUL/MAL/15/00590 and FUL/MAL/16/01373

The following is a summary of the discussion which took place.

The Chairman outlined that the Parish Council has been engaging with MDC over a number of years with regards to the conditions and how they are monitored and enforced at The Warren Lodge Park. It was hoped that by engaging directly with officers from MDC that we can gain some understanding and put across the views and frustrations of the Parish Council and many residents.

It had been thought that Mr Ghela would be able to report from a Planning Enforcement perspective, but it is now understood his role is Lead Specialist Community (Environmental Health, business premises licences, Waste, Housing Services and Covid related concerns. He is not a Planning Officer but will be happy to take queries back to that department. He has appeared on the panel this evening having dealt with several queries regarding Covid related concerns.

It was noted as being disappointing that no members of the Planning Enforcement team had taken up the invitation to attend the meeting but that we are grateful that Mr Ghela and Cllr. Stamp were in attendance to discuss the concerns.

Significant concerns have been raised in Woodham Walter and the Parish Council wishes to seek clarity about how the Warren Lodges development is being monitored and enforced and more generally how MDC monitor and enforce planning conditions.

Cllr. Tompkins commented that currently the apparent inability of the Local Authority to monitor their conditions is appalling. Real concerns were reflected in the latest planning application where many letters of objection cited residency conditions at the Warren. The issues have been taken up by District Councillors but still Enforcement do not seem to act. Parish Councillors as elected members are not able to be updated on investigations due to confidentiality which is a further frustration.

Mr Ghela explained from his Service Area, they came across the query in relation to COVID concerns (this being at sites across the district not specifically at The Warren Lodges) in that people came to light that did not have access to their permanent address. It then became apparent that these people may not have somewhere to go, and they could end up coming to the council and needing help with housing. Central Government stepped in and issued guidelines that if a person could not access their primary residence for any reason then they should stay where they are. Therefore, no enforcement actions will be carried out until the end of March.

Mr Ghela has sought clarification regarding the immunity rules and confirmed that it is 10 years and not 4 years. The use of lodges as a main residence is a breach of planning condition and therefore subject to the ten-year rule. Councillors are concerned that if they are living in them, why is this not a change of use to a dwelling house and so the 4-year rule would apply? Mr Ghela will check this detail again with the Planning department.

Enforcement activities are bound by confidentiality legislation although general feedback should be possible. Mr Ghela will ask the Planning office to provide an update.

The District Council is currently in the process (generally in district not just Warren Lodges) of using information obtained through COVID checks (Warren Lodges did send a list containing 70+ details) to compare for example with the benefits department to ensure that there are no anomalies and this information could be used as evidence. If a resident begins the process of accessing benefits or registering for voting, then this automatically starts a council tax claim. This is a body of work that the council is working on.

Cllr. Durham noted that he had been a previous owner of the site until 2012. Occupancy restrictions were changed by the new owners in 2015 so that the park can be opened for 50 weeks a year with a 2-week closure period. However, the condition that it should be a holiday home is still valid. The owners who have purchased lodges have provided permanent addresses. There are similar enforcement issues with regards to this around the District. Complaints lodged by the Parish Council are twofold regarding main residences and that of landscaping. Original ethos of park was to be a wild and natural environment which is certainly no longer the case. District Councillors are provided with an enforcement update, but they are frustratingly not allowed to share this information as it is confidential.

Cllr. Jarvis confirmed the enforcement information that they can share is restricted and he had recently sought clarification on this point. The very specific answer was that the information is confidential and cannot be shared, not even in private session. The progress on these matters has been far from satisfactory. He confirmed he has spoken to Planning Enforcement officers and agreed that some actions need to be taken and the Parish Council should be informed. There should be some sort of middle ground and this will be looked at.

Cllr Hughes stated that if for example the 2-week closure period and the landscaping matters could be properly monitored and enforced this would go some way to make the lodges less desirable as permanent homes.

Cllr. Bunn stated that evidence from lodge owners themselves confirms that the system is being abused. If the conditions are not able to be enforced, then they are unfit for purpose. This should be borne in mind by MDC for any future applications for lodges.

Cllr. Brown considers that some information should be possible to be shared. We should at least know the quantities of actions that are being taken.

Clerk asked if MDC could consider making a second home Council Tax Charge. This would at least provide the Parish Council with a proportion of the precept directly from the owners of the Lodges to help with the care and upkeep of the village which Lodge owners get such benefit from and the Woodham Walter village residents currently effectively subsidise the lodge owners.

Cllr. Stamp confirmed that the enforcement department has recently taken on two more officers. The council do not turn a blind eye to breaches and if this was to be the case, she would look into this.

Mr Ghela noted that the reason these properties are not considered for 2<sup>nd</sup> home council tax charges is because they are not considered to be suitable for permanent dwelling because they are classed as temporary dwellings. He will take away the points raised.

Cllr. Stamp thanked the council for the invitation to attend the meeting and noted that she has already made arrangements for a meeting with Planning Officers tomorrow. She shares the frustrations about sharing information and will take this up with the monitoring officer.

Cllr. Rushton thanked Mr Ghela and Cllr. Stamp and asked for their support in progressing our concerns. The Parish Council would still like the specific Warren Lodge questions that were asked in our emails to be answered and discussed with an appropriate member of the Planning Enforcement team at a future Parish Council meeting.

## **2465. Planning – APPLICATIONS**

2465.1 LDE/MAL/21/00083 Grove Manor, Herbage Park Road  
Claim for lawful development certificate for existing extension to outbuilding.

This claim relates to an application which was refused and is currently the subject of an appeal although building work has taken place. The evidence put forward by a planning consultant on behalf of a local resident is very thorough and sets out the case clearly. It is further noted that there are inconsistencies within the documents in terms of measurements and the gym building does not appear on the plans which is misleading.

Councillors recommend that a Certificate of Lawful Development should not be issued. The evidence for this is contained within planning applications, appeal documents and a S106 agreement. There have been a significant number of developments on the site in recent times and it is considered that 'the tipping point' of acceptability within the NPPF framework had been reached and exceeded. It was noted that there is currently a large fence being built without planning permission and this will be raised with the enforcement team.

2465.2 NMA/MAL/21/00135 Bell Meadow, Church Hill

Application for non-material amendment following grant of Planning Permission 19/00187/FUL (Development of land on Bell Meadow to reinstate public playground facility). Amendment sought: Wicksteed playground furniture replaced with revised playground furniture by Caloo.

For information only. It was noted that the application is due to be decided on 10<sup>th</sup> March.

## **2466. Planning – DECISIONS**

2466.1 FUL/MAL/20/00519

Warren Golf Club

**REFUSE (NW)**

Additional tourism and interrelated leisure development, comprising 70 holiday lodges with associated change of use of the land within two areas of the site, alterations to existing Bunsay clubhouse, extension of Bunsay car park and new golf academy.

Cllr. Rushton acknowledged that Cllr. Jarvis had presented a balanced summary of the application and the officers report was also very helpful. It was agreed that the Officer's report had been very good and balanced. The Leader was asked to pass this information on to the Planning department.

2466.2 FUL/MAL/20/01230

Oak Farm, Oak Farm Road

**REFUSE (DEL)**

New three bedroom dwelling in accordance with Planning Permission ref: 65/00293/FUL with slight increase in footprint.

Cllr. Rushton noted that the Officer's report on this application had also been thorough.

2466.3 HOUSE/MAL/20/01276

Spring Elms Farm, Spring Elms Road

**APPROVE (DEL)**

Two storey side extension (ground floor to be used as annexe) construction of detached garage, extend drive and alter vehicular and pedestrian accesses.

2466.4 FUL/MAL/20/01190

Hillcrest, Bassetts Lane

**APPROVE (DEL)**

Single storey rear/side extension. Juliet balcony. Changes to fenestration of dwelling. Relocate conservatory to rear/side of detached outbuilding, changes to fenestration of outbuilding.

## **2467. Other Planning Matters**

2467.1 Enforcement – To advise on any updates

- i. Oak Farm – Noted that works are taking place at the brick barns/stables. This will be reported to the enforcement team given the history of the site, to check that works taking place are acceptable. These buildings were not the subject of any planning applications.
- ii. Warren Estate – see min ref: 2464 above. It was noted that Rt.Hon. Priti Patel MP has also written to MDC on our behalf.

2467.2 Double Decker Bus at school – information sent to enforcement and acknowledgement received. The Chairman of the Governors had written to say that the school had written on 3 occasions to the planning department but to no avail. He hopes that the Parish Council intervention

will result in a response from the Planning Office. He also expressed dissatisfaction that the Parish Council have pursued this given the difficulties the school are experiencing with COVID.

The Parish Council does understand that schools are going through difficult times but the Parish Council has a duty to carry out its role.

2467.3 Environment Agency – Generic Design Assessment Consultation re: Assessing new nuclear power station designs. Cllr. Tompkins had reviewed the document. It was agreed that no response is required.

2467.4 Model Design Code – NALC consultation seeking views on proposals to create a new Office for Place which would involve each local planning authority drawing up its own design code in consultation with local people that developers would have to adhere to. This would involve some changes to the National Planning Policy Framework (NPPF).

Members agreed that a response should be considered and sent to NALC. Clerk will ask for an extension to the NALC deadline. Otherwise, a response will be made directly to the government consultation. Cllr. Tompkins will advise on response.

2467.5 Strategic Growth Site Policy 10 – North of South Woodham Ferrers Masterplan. It was noted that due to short deadline a response was sent having liaised with Cllr. Rushton. Concern raised regarding motorists will likely want to find many different routes in and out of the South Woodham Ferrers area given the likely negative impact on the B1012. Woodham Walter has already seen a significant impact by the expansion of Maldon on the A414 and local roads and would not want this to be exacerbated.

2467.6 Woodham Walter Services for LDP – the form was duly completed.

2467.7 Village Hall Doors – the Village Hall Committee have asked for advice on the replacement of their front doors. It was advised that they are directed to David Beattie as the Parish Council VDS advisor. Cllr. Hughes will respond.

#### **2468. Reports Of the County/District Councillor's**

It is noted that Cllr. Channer has submitted various documents and updates which are shared with Councillors and via village emails as appropriate. This has included updates on COVID infections, budget setting, highways, schools and other funding pots.

Cllr. Jarvis provided an update including:

**1. Accounts** – We are continuing to negotiate the proposed fees for 2021/2022

**2. Budget 2021/2022** – at a meeting held 23rd Feb the Council agreed the budget for the forthcoming year. Some key features are:

- Increase Council tax (£5 pa, Band D property) - 2.47% increase to MDC, households seeing a 1.93% average increase (depends on Parish precept)
- Increase spend on Citizens Advice Bureau
- Brought forward the LDP review – Target will be to agree new LDP by end 2023
- Car parking charges and barge fees are not being increased

**3. Leisure Centres (Blackwater and Dengie 100 sports centres, run by Places Leisure)** –

continue to receive some financial support from MDC in these challenging times. Ongoing funding options will be put to the **Council on 18th March.**

**4. 'Suez' refuse contracts** – snow interrupted services levels, but back to normal quickly.

**5. Bradwell B Consultation** – an appeal has been lodged by the applicant regarding MDC's refusal to grant application for ground-testing sites – the result of this is outstanding. The developer applying for consent to build the nuclear power plant at Bradwell on Sea, 'BRB', has informed the Council that engagement and all active project work will pause for at least a year. They have stated that they remain committed to the project, but that due to the impacts of the Covid-19 pandemic it has meant it has not been possible for engineers to travel between China and the UK and as a result, their activities are now at risk of falling behind. The pause will enable them to make up ground in some critical areas. The Council will re-engage with BRB when they are ready to do so.

**6. Five – year housing land supply** – currently not being met (70 short at 4.9 years) but plans in place to make up the shortfall asap. Meanwhile we are advised there should not be a significant change to planning application decisions.

Cllr. Durham noted that the elections are due in May for County Councillors. He is involved in the economic task force for ECC and some areas have been particularly badly hit by the pandemic such as the hospitality industry. ECC are now gearing their services to recovery.

**2469. Financial Matters**

2469.1 Summary of Accounts to date.

DATE	ACCOUNT / TRANSACTION DETAIL	AMOUNT IN	AMOUNT OUT	BALANCE
<b>Business Reserve A/C</b>				
08-Feb-20	Balance			46786.16
08-Mar-20	Interest Received	1.18		46787.34
08-Mar-20	Transferred to Community Account		900.00	45887.34
<b>Community Account</b>				
08-Feb-21	Balance			551.46
11-Feb-21	Bank Compensation Payment	100.00		651.46
19-Feb-21	Donation (Playground)	100.00		751.46
08-Mar-21	Transfer from Business Reserve	900.00		1651.46
08-Mar-21	March Debits		1118.37	533.09

2469.2 Review of Bank Statements and Account sheets. Councillor Brown confirmed that he has reviewed the Bank and Credit Card Statements and Account sheets for February and found them to be reconciled correctly.

2469.3 It was noted that 31<sup>st</sup> March is the end of the financial year. Clerk to begin process of End of Year Reports and transparency code requirements. Cllr. John Tompkins proposed and Cllr. John Brown seconded that Nancy Powel Davies should be appointed as the Internal Auditor. All councillors in agreement.

2469.4 Cllr. Tompkins had submitted a complaint to Barclays Bank after a prolonged period of altering the banking mandate. It was reported that £100 compensation was received from the bank.

**2470. Payments** The following payments as listed in the payment schedule were approved.

Ref:	Payee	Method	Gross	VAT	Net
2470.1	E-on (estimate)	DD	28.67	1.37	27.30
2470.2	A&J Lighting Solutions	DD	25.20	4.20	21.00
2470.3	Mrs J Bannerman (Salary & Allowance)	BACS	655.90	0.00	655.90
2470.4	Barclaycard (Zoom, Microsoft 365, Planning Fee)	DD	167.67	6.05	161.62
2470.5	HMRC ¼ly payment	BACS	240.93	0.00	240.93

**2471. Other Council Matters to note**

2471.1 Clerks Update.

- i. Regular village emails continue to be sent by the Clerk with relevant updates for residents. Information is also put on the website on a regular basis. These emails will continue. There are now 158 on the village email list.
- ii. Road map information from Government.
- iii. The Maldon CVS (COVID response) continues Monday-Friday 10am -2pm. There have not been any requests for help forwarded to Clerk in Woodham Walter.
- iv. Clerk has written to MDC and MP's regarding financial assistance for Parish Councils as a result of COVID related expenditure and reduction in income. Unfortunately, the Parish Council do not meet the criteria to access the grants.

v. Census Day is Sunday 21<sup>st</sup> March 2021. Look out for your pack in the post. It will show you how to complete your census. The Maldon CVS have a support service available if help is required.

2471.2 Community Engagement Team (CET) – February report was noted. Clerk has requested the team attend the village during rush hour periods (although traffic is generally quieter during the lockdown).

Parish / Town Council	Month	Total Number of Hours
Woodham Walter	Feb-21	1.5
Number of Tru Cam Patrols	Hours Spent on Tru Cam	Number of Offenders
3	1.5	4
PCNs issued	FPNs Dog Fouling	FPNs Litter Fouling
0	0	0
ASB issues		VMO (Vehicle Moved On)
0		0
Any Other Details		

It was noted that the team had delivered litter pickers for the community pick. They have also erected Fly tipping signage as requested. Form for hours for 2021/2022 to be completed. Clerk/Chairman to liaise.

2471.3 Woodham Walter Common – no information to report.

2471.4 Dates of Meetings – To set the dates of Ordinary Parish Council Meetings for the next council year – April 2021 to March 2022. Meetings will be held on 2<sup>nd</sup> Monday of the month. During lockdown our meetings are held virtually via zoom but this is dependent on Government legislation which currently expires on 7<sup>th</sup> May. The time and location of meetings will be confirmed on the website and on the agenda which is posted on the noticeboard and website in the week prior to the meeting. The Clerk has made an enquiry with the Village Hall to see if it would be available for meetings as the Women's club room is considered too small to allow for social distancing measures.

2471.5 Annual Parish Meeting – the date for meeting set for 19<sup>th</sup> April which will probably need to be held virtually. This will in effect be a 2 year report as one was not published in 2020. Clerk has begun the process of requesting reports. Clarification had been received that distributing this kind of local information is acceptable under COVID guidelines.

2471.6 Party Tents – enquiry for hire of tents on 19/20 June. It was agreed that if the tents are to be rented out that this would be subject to Government guidelines. The individual hirer is responsible for ensuring they comply with the regulations. Consideration of storage facility. Cllr. Warren will enquire with the Village Hall (although access may be awkward). Anne Beckwith offered a shed at The Cats which the Clerk will research further to see if it is suitable.

## 2472. Highways & Infrastructure

2472.1 Moss on path at Mead Pastures – works have taken place and improvements made but not sure this will have completely alleviated the issue. Monitor to see if the moss returns.

2472.2 Faded 30mph sign on The Street - Await update.

2472.3 Slippery road surface at West Bowers Road. Works due with road closure from 8th March 2021 for 4 days. The closure is required for the safety of the public and workforce while Essex County Council undertakes 2021-22 Retexturing works.

2472.4 Curling Tye/Blue Mill Flooding – on-going as discussed in the public forum. The jetting team attended which has alleviated some of the problems. Ditch works and problems at Park Cottages is on-going. This will continue to be followed up with Cllr. Channer.

2472.5 Little Baddow Road – on-going.

2472.6 Cut-a-Thwart Lane/Manor road junction – finger post – Awaiting repair although not considered urgent.

2472.7 Maldon Ironworks Signposts (outside Bell/jct Oak Farm Road) – no sooner reported than repainted and very smart they look too.

2472.8 Manor Road – flooding reported. Some drainage channels have been dug which has relieved issue. Continue to monitor.

2472.9 Common Lane – Street sign missing. Reported to MDC. Await replacement.

2472.10 Village Hedges – Herbage Park Road and Rectory Road. Reported but does not meet the requirements. This will be taken further with Cllr. Channer.

2472.11 Double Yellow Lines – leaf mulch at Hoe Mill has been reported and street cleansing request made.

15.12 Local Highways Panel – Cllr. Durham reported that funding is available for schemes. This is for capital projects not maintenance items.

### **2473. Local Issues**

2473.1 Bell Meadow a) Football Goals – ongoing. Cllr. Bunn has now got the bolts and will affix. The quote for welding required is awaited and it was agreed a budget of up to £60. b) Water Trees, Councillors are reminded to water the trees. c) DofE Volunteer. This volunteering period has now been completed. He has done a good and conscientious job. Councillors agreed that this had been a successful scheme and that another volunteer would be sought. d) Rotten gate catch post – Skippers have been asked to replace. e) Trees/Hedges due to be delivered at end of April. Clerk to arrange planting. f) Councillors are reminded to update excel document in the dropbox and report any issues to the Parish Clerk.

2473.2 Footpaths Report. Cllr Warren reported that the paths have been drying up. FP22 (beside stream to Blue Mill Lane) two trees came down and have been cleared by Lee Carter. The ownership of the land is to be investigated by ECC.

2473.3 School Report. Cllr. Symons reported that pupils are being welcomed back. They have an emphasis on mental health, social and emotional skills after the lockdown and to establish learning routines again. They are due to hold a parent's session to update them. It was noted that Clerk (and Mr Bannerman) have distributed fruit around the village weekly. Now that the school has returned this has now concluded and Clerk will write to thank the school.

2473.4 Litter – Village Litter pick was very well attended with 16 households (about 34 volunteers) collecting about 55 bags of rubbish. Fly tipping/CCTV signage has been erected by CET.

2473.5 Dog Bin Requests – enquiry made with MDC, await. Clerk to chase up.

2473.6 New Playground Report. Non-Material Amendment application is due to be decided by 10<sup>th</sup> March. Committee is due to discuss fencing at meeting on 10<sup>th</sup> March.

2473.7 Memorial Garden Signage – on going. Chairman will investigate options.

2473.8 Crime Reports. It was noted that the Post Box outside Church had been stolen. There was also an attempted theft of a trailer on Little Baddow Road.

2473.9 Hoe Mill/Canal i) Clerk has requested street cleaning of double yellow lines which are currently obscured by leaf mulch. ii) Request SEPP visit and carry out parking enforcement. iii) Contact Essex Waterways regarding litter and any ways that that Parish Council can engage.

2473.10 Wilderness/Woods/Old Quarry – Councillors were disturbed to hear of concerns raised by land owners that some members of the public have been abusing access to the woods/Wilderness and old quarry area (with the added danger of deep water). Tree vandalism (including people arriving with saws and felling sapplings), fires and rope swings erected. Some incidences have been village residents who had thought that access to the land was in the public domain and didn't realise that this is private land. The landowners are happy for people to continue walking in the wilderness, sticking to established footpaths but that they should leave the area as it is found.

2473.11 Broadband – having learned of issues with proposed telegraph pole installations in Woodham Mortimer Councillors have noted that County Broadband have also been conducting surveys in Woodham Walter and various markings have appeared. Councillors ask Clerk to write and ask them to discuss with the Parish Council what poles and street furniture that they plan to install.

### **2474. Correspondence – Various items in the dropbox.**

### **2475. Points of Information**

### **2476. Date of Next Parish Council Meeting:**

Next scheduled date of Ordinary Parish Council meeting is Monday 12<sup>th</sup> April 2021 and the Annual Parish Meeting is scheduled for Monday 19<sup>th</sup> April 2021. These will be held virtually by Zoom. Parish Clerk to monitor developments and guidelines as they are issued.

Signed *John Tompkins*

**Meeting ended at 9.40pm**

Dated 08/06/2021