

PARISH CONFERENCE

3 APRIL 2014

RBWM Councillors: Mrs Christine Bateson (Chairman)

RBWM Officers: Suki Coe, Rob Cowan, Andrew Elkington, Andrew Green, Mike McGaughrin and Dave Perkins

Parish and Town Councils:

Bray: Councillor Chris Graham

Cookham: Councillor Mandy Brar

Hurley: Councillor Sandra Baker (also Secretary of DALC), Councillor David Burfitt and Mrs Cherry Woodley (clerk)

Shottlesbrook: Councillor Des Warren

Sunningdale: Councillor Anne-Catherine Buxton

Waltham St Lawrence: Councillor John Birkett

White Waltham: Councillor Keith Robinson, Councillor Heather Scott, Mr Douglas Stuart (clerk),

Wraysbury: Councillor Andrew Davies (also Chairman of DALC), Councillor Diana Hughes and Mrs Betty Marlow (clerk)

PART I

WELCOME

The Chairman of the Conference, Councillor Mrs Bateson, welcomed everyone to the meeting.

APOLOGIES FOR ABSENCE

An apology for absence was received from Pat Brockwell (Cookham Parish Council), Mary Brown (Bisham Parish Council), Mary Cooper (Bisham Parish Council), Christine Gadd (Sunningdale Parish Council), Datchet Parish Council and Old Windsor Parish Council.

MINUTES

The minutes of the last meeting held on 15 October 2013 were approved subject to the following amendments:

- At the end of the item entitled 'Borough Proposals for Supporting Parish Council Elections', an additional paragraph be included stating: "Maria Lucas, Returning Officer, recognised that Parish Councils are autonomous legal bodies".

In the ensuing discussion, the Conference noted the following:

Representatives of both Datchet Parish Council and Old Windsor Parish Council had not attended the meeting in protest. It was noted that both Parishes did not wish

for their absence to be interpreted as apathy but as a protest to the high handed attitude of RBWM in refusing to consider constructive attempts by the District Association of Parish Councils to improve the relationship between RBWM and Parish Councils.

Representatives of the Parish Councils who did attend expressed great frustration at the breakdown of relationships between the Parishes and the Borough which was described as a 'terminal patient'. The Parishes believed the blame for this breakdown lay with the Borough. It was felt that the Borough never listened to the Parishes. It was noted that the great relationship once held in the 1990s was a thing of the past.

The general consensus from the Parishes was that the Borough's attempts to impose elections for casual vacancies, and advertise said vacancies on behalf of the Parishes, was unwelcome. It was noted that this had cost implications and in cases where elections had to be postponed, democracy had been perversely denied. It was requested that the Borough stop forcing elections and interfering with the Parish Councils. It was suggested that the Borough had a hidden agenda.

Sunningdale Parish Council highlighted their recent experiences, stating that the Borough had advertised their vacancy. Councillor Buxton informed the Conference that the Parish had carried out their own advertising campaign which had generated 5 candidates. The Borough had carried out a further advertising campaign which had only generated one further candidate. It was suggested that this proved the Parishes were more capable of advertising their vacancies than the Borough. Also, Sunningdale Parish Council stated their disapproval of their lack of involvement with the Borough's advertising campaign. They had not been shown the final proof of the leaflet before it had been distributed. This had led to the incorrect quote being included in the Borough's published leaflet.

The Chairman of the Conference explained the Borough was simply trying to promote democracy and community involvement. It was suggested that many people did not know about the vacancy and the Borough wanted to inform a greater number of people. She also noted that NALC (National Association of Local Councils) stated that efforts should be made to hold elections whenever possible.

The Chairman explained that the discussion of casual vacancies was the remit of the Big Society Panel which had recently met with a low attendance rate from the Parishes. Representatives of the Parishes explained the reason for their absence was due to not having been formally invited to the Big Society Panel meeting. The Big Society itself was described by the Parishes as an opportunity for the Borough to bully the Parishes and as 'poison in the soup'. Parishes felt a closed group had been created with the Parishes left uninvolved, being only allowed to speak at the discretion of the Chairman.

Some Parish Council representatives also expressed a desire for reform of the structure of the Parish Conference and for the formal acknowledgement of the legal autonomy of the Parish Councils. The Chairman of the Conference and the Chairman of the DALC (District Association of Local Councils) disagreed over the need to survey the Parishes before making changes to the structure of the

Conference. Suggested changes to the Conference included working groups and a rotating Chair.

FLOODING

The Conference received an update from Dave Perkins, Head of Streetcare and Operations, regarding flooding.

Mr Perkins split his presentation into 3 parts: initial response, recovery and review.

The Forum noted that as a result of bad weather, parts the River Thames had flooded causing areas of the Borough to be effected. This had caused a number of trees to fall down. The initial response was noted as having been well documented and therefore it was not necessary to consider it in further detail.

Once the flood had finished the recovery began. This included the clean up of debris with the fixing of roads and potholes noted as a priority. It was requested by Mr Perkins that if any potholes were still not fixed that the Parishes let his team or RBWM's customer service team know about it, as they were well placed locally to point out anything the Borough had missed. Mr Perkins also requested that Parishes inform the Borough if there were any vulnerable people who needed help. The local knowledge of the Parishes was very welcome when providing such services.

Also, it was noted that there had been a number of large meetings including a dedicated Parish Flood Group whose representatives sat on the Borough Flood Group.

The Conference noted that the collection of sandbags was to begin soon. Approximately 100,000 sandbags had been distributed by the Army. It was noted that the Army had been very efficient filling the bags very full. This made the bags heavy and hard to move. It was advised that residents retain the sandbags should further flooding be experienced as ground water was still high. However if residents did not want to keep the bags they could split them and spread the sand over grass. There was also a form to fill out on the website to get the Council to collect the bags however this would take time due to the volume of bags to be collected. Residents were therefore advised to be patient as the Council carried out this large task.

The Review phase of the flooding was likely to go on a long time. The experiences had changed how services were delivered in the community as well as by the emergency services.

It was noted that officers had been overrun with telephone calls and emails from thousands of residents. Officers had had to work 26 hours a day and were commended for their dedication to their duties. Mr Perkins also noted that lessons had been learned and schemes for managing future flooding were being created to include the involvement of Parishes and local communities. This had previously been omitted though their involvement had been significant in practice, therefore it needed to be reflected in formal plans.

Looking forward, Mr Perkins stated that the Borough needed to involve Parishes and people from the local community to consider what worked well and what did not, and also consider what needed to be improved. The big exercise of the coming weeks and months was to capture this information.

The Conference noted that a Flood Monitoring Report was published two times a year with the next one due to be published in May. The May report however would be too early to contain all the answers. A fuller report would be published later on in the year. It was also noted that the Environment Agency would be carrying out their own investigations and the Borough would facilitate discussion between the EA and local people.

Mr Perkins took questions from the Conference who took the opportunity to thank the Council for its work concerning the floods. The ordering of sandbags was highlighted as an action worthy of merit. It was noted that as well as people visibly working to combat floods, there had also been hundreds of people working in back offices helping.

The Conference noted that measures needed to be taken to prevent the same problem occurring in the future. For example, the river needed to be dredged.

It was noted that RBWM, the Environment Agency, the River Thames team and the Three Channels team were involved with making improvements to avoid further flooding. Improvements to weirs were already taking place.

Inadequate funding was highlighted as a stumbling block. Mike McGaughrin, Managing Director of RBWM, stated that such a project needed approximately £400 million. Central government had agreed to cover 50% of the funds which meant that the Council needed to cover the remaining £200 million. However RBWM only had £5 million of available funds and would therefore have to borrow a substantial sum of money or increase Council Tax by 70%, neither of which the Council was willing to do. Therefore the entire cost would have to be covered in some way by central government. RBWM was working with Members of Parliament to fill the funding gap.

It was noted that the EA review needed to take surface water into account. It was suggested that Thames Water was unlikely to do anything and that it was difficult to get information from them as they were a private company. It had even been difficult for the police and the army to get information from them. Furthermore, Thames Water's infrastructure was only designed to withstand a flood once every 10 years. The flooding had caused their system to grind to a halt.

The Conference highlighted a need for ditch clearance to take place. The issue of riparian ownership was raised. It was noted that generally, if the land was under riparian ownership enforcement of ditch clearances lay with the Borough. In these cases RBWM would intervene and carry out the work on behalf of the land owner and recover the costs.

Councillor John Birkett noted that a ditch culvert in Waltham St Lawrence needed clearing however this had not been cleared due to a survey of great crested newts which was taking place. RBWM had funds available to clear the culvert and were

willing to do so, however the Council was restricted from clearing the culvert by legislation which made such actions a criminal offence.

Councillor Buxton of Sunningdale Parish Council noted that water was coming up through a road in the Parish. The Parish Council had been inundated with questions about the problem. The cause was noted as a burst water pipe, however the water company denied this. Mr Perkins stated that RBWM was going to create a superficial solution and install an extra pipe to divert the water away from the leak. However a large block of concrete was restricting access and slowing the Council's response.

Mr Perkins stated that if there were any specific problems, they should be sent for the attention of Dave Perkins to: streetcare@rbwm.gov.uk.

PLANNING UPDATE

The Conference received an update from Suki Coe, Development Control Manager, regarding planning services which concerned the Parish Councils.

It was noted that consultation on local plans had finished on 21 March 2014. 1100 people had responded and 3100 issues had been logged. Mrs Coe thanked everyone for taking part.

The Ascot, Sunninghill and Sunningdale Neighbourhood Plan had been produced. On 5 February 2014, the Royal Borough approved the plan to proceed to referendum, following some modifications as recommended by an independent examiner. The referendum was held on 27 March 2014 with a 91% vote in favour to make the Neighbourhood Plan part of the Development Plan for the Borough and to be used in making decisions on planning applications in the neighbourhood area. The Plan and the results of the referendum would proceed to the meeting of the Full Council on 29 April 2014, with a recommendation to formally adopt the plan.

It was noted that in producing the Ascot, Sunninghill and Sunningdale Neighbourhood Plan, the following lessons had been learned which would benefit other areas when developing their own Plan:

- Focus on the main issues.
- Support what you want to do with adequate evidence.
- Plenty of time and dedication were needed.
- If in doubt, ask the appropriate link officer in the RBWM planning team.
- Basic conditions were very important.
- Plans needed to be compatible with national policy.
- Plans needed to contribute to sustainability (economic, social and environmental).
- Plans needed to be compatible with the Borough local plan.
- Plans needed to be compatible with the Human Rights Act 1998 and EU law.

At the time of the Conference meeting, only Ascot, Sunninghill and Sunningdale had produced a Neighbourhood Plan. Mrs Coe encouraged other Parishes to push ahead and keep up the momentum of creating their own Plan.

It was noted that the world was changing and changes to the rules of planning were coming. However when Parishes were creating their Neighbourhood Plans they should use the Borough Plan which was quite old but was still very relevant.

It was advised that Neighbourhood Plans did not have to deal with the gritty numbers, instead Parishes should consider the focus of the Plan.

The Conference noted that the Borough Plan would trump a Neighbourhood Plan so it was important that Parishes worked with the Borough to avoid conflict between Neighbourhood and Borough Plans.

Mrs Coe stated that she would send a hard copy of the Ascot, Sunninghill and Sunningdale Neighbourhood Plan Going to the Chairman of each Parish Council. It was noted that the Ascot Plan was very detailed however other Plans could be shorter. For example it could be based on a design statement.

Mrs Coe informed the Council that training concerning planning rules for Parish Councils would be rolled out over the summer. By the time of the Conference meeting, six training modules had been planned though it was noted that this could potentially increase. The modules considered the following:

1. Probity
2. Bear traps
3. Quasi-judicial aspects
4. Greenbelt
5. Trees
6. Windows

The Conference noted that the RBWM website provided advice on how to improve the resilience of residents' property.

Mrs Coe discussed the further relaxation of permitted development rights. She agreed to circulate the information in written form to the Clerks of the Parish Councils.

Mrs Coe advised that applications for permitted development would be noted on the Weekly List however there would be no consultation with Parish Conferences. This was because there was nothing that could be done about the change, so consultation would be counter-productive.

Mrs Coe explained that the new permitted development rights for change of use would come into force on 6 April 2014. These new permitted development rights were being introduced to make it easier for businesses to make the best use of their premises; to deliver more homes; to support high streets; to simplify the change of use system; to support sustainability by promoting the reuse of buildings; and to facilitate the provision of registered nurseries and state-funded schools.

It was noted that any shop, financial or professional services could be made residential. Physical changes to buildings could be made to buildings a maximum of 150 square metres, however changes required prior approval. This was to consider

whether the land was floodable or contaminated, as well as other concerns such as access for emergency vehicles and parking. It was noted that primary shopping areas such as town centres would not be effected, however shops in small village centres would be.

It was suggested that the Borough local plan needed to include policy to mitigate this.

The Conference noted Class MA which considered the change of use of buildings and any land within its curtilage in agricultural use to state funded schools and or a registered nursery.

Main points of note were as follows:

- The building had to be in agricultural use since 20th March 2013 or if after that date for a period of at least 10 years;
- Cumulative area of the floor space of the building(s) and land within the curtilage of an established agricultural unit could not exceed 500 square metres;
- If the site was occupied under agricultural tenancy, express consent of both the landlord and the tenant was required;
- If an agricultural tenancy terminated less than one year before the date of development was to begin and was carried out for the purposes of Class MA, then an agreement in writing needed to be provided from both the landlord and tenant stating that the site was no longer required for agricultural use;
- Class MA did not apply to established agricultural units which had exercised their existing agricultural permitted development rights since 20th March 2013 or within 10 years from the date development began under Class MA;
- Class MA did not apply to sites which fell within or contained a site of special scientific interest, safety hazard zone, military explosives storage area, scheduled monument or listed building;
- The applicant should apply to the Council for a determination as to whether the prior approval of the Council was required in relation to transport and highways impacts, noise impacts, contamination risks, flooding risks and location and siting of building;
- If prior approval was granted, development had to have begun within 3 years;
- If a decision was not made within 56 days, permission was automatically granted.

The Conference noted Class MB which considered the change of use of buildings and any land within its curtilage in agricultural use to a Class C3 dwelling house with some associated physical works to enable the conversion to take place.

Main points of note were as follows:

- The building had to have been in agricultural use since 20th March 2013 or if after that date for a period of at least 10 years;
- The cumulative area of the floor space of the building(s) and land within the curtilage of an established agricultural unit including any previous development approved under Class MB, could not exceed 450 square metres;

- Cumulative increase could not exceed three separate dwelling houses;
- If the site was occupied under agricultural tenancy, express consent of both the landlord and the tenant was required;
- If an agricultural tenancy terminated less than one year before the date of development was to begin and was carried out for the purposes of Class MB, then an agreement in writing needed to be provided from both the landlord and tenant stating that the site was no longer required for agricultural use;
- Class MB did not apply to established agricultural units which had exercised their existing agricultural permitted development rights since 20th March 2013 or within 10 years from the date development began under Class MB.
- The development could not exceed the external dimensions of the existing building;
- Provision for building operations to be included in the change of use extending to the installation or replacement of windows, doors, roofs, exterior walls or water, drainage, electricity gas or other services and partial demolition assessment was required to the extent of works reasonably required for a building to function as a dwelling house;
- Full demolition and rebuild would not be considered permitted development;
- Class MB did not apply to sites which fell within or contained Article 1(5) land, a site of special scientific interest, safety hazard zone, military explosives storage area, scheduled monument or listed building;
- The applicant should apply to the Council for a determination as to whether
 - (i) the prior approval of the Council was required for the proposed change of use in relation to transport and highways impacts, noise impacts, contamination risks, flooding risks and location and siting of building;
 - (ii) the prior approval of the Council was required for the proposed building operations reasonably necessary to convert the building in relation to the design and external appearance of the building;
- If prior approval was granted, development must have begun within 3 years;
- If a decision was not made within 56 days, permission was automatically granted.

Any dwelling houses that had been granted by virtue of Classes IA or MB Part 3 would not benefit from permitted development rights for development within the curtilage of a dwelling house (Part 1, Schedule 2 of the General Permitted Development Order Classes A – H).

Mrs Coe noted that there had been an amendment to Class K. This enabled offices, hotels, residential and non residential institutions and leisure and assembly (B1, B1, C2, CA2 and D2) to change use to a registered nursery providing early years childcare in addition to state schools. The applicant was still required to apply to the Council for determination as to whether the prior approval of the Council was required in relation to transport, highways, noise and contamination risks.

Mrs Coe noted changes and clarification of Paragraph N concerning the Prior Approval Procedures:

- In relation to the assessment of flooding where the Environment Agency was to be consulted, a site specific flood risk assessment was required;

- It must have only considered the National Planning Policy Framework in relation to the extent that it was relevant to the matter on which prior approval was sought;
- It might have attached conditions to grants of prior approval, as long as those conditions were relevant to the matter on which prior approval was granted;
- An application might be refused if the Council was not satisfied that the proposed development qualified as permitted development, or if there was a lack of sufficient information to establish whether the proposed development qualified as permitted development;
- Further information might be requested from applicants relevant to the matters on which prior approval was sought or to the question of whether the proposed development qualified as permitted development.

The Conference noted Class CA which considered the change of use of a building to use as a deposit taker falling within Class A2 from an existing Class A1 use.

It was noted that the change of use from a shop to bank, credit union or building society allowed small window shops in villages to be changed to bank chains which might be considered unsuitable by residents, without the need for planning permission.

Main points of note were as follows:

- A site which had changed use under this Class was to be used as a deposit taker and for no other purpose except to the extent that another purpose was ancillary to the primary use as a deposit taker.
- As soon as was reasonably practical after a change of use under this Class the developer should have notified the Council of the change of use and provided the Council with evidence that the site was being used as a deposit maker.
- A site which had changed use under this Class to a particular type of deposit taker use could only change use to another use falling within the definition of “deposit taker” if, as soon as reasonably practical after a change of use under this Class, the developer notified the Council of the change of use and provided the Council with evidence that the site is being used as a deposit taker.

The Conference noted that if Parishes wanted to discuss how to protect buildings in Neighbourhood Plans which were not in a Conservation Area, they should contact Conservation Officers Gillian Butter (gillian.butter@rbwm.gov.uk) and Rachel Fletcher (rachel.fletcher@rbwm.gov.uk).

Mrs Coe noted that in the Budget Statement, the Chancellor of the Exchequer George Osborne had noted that he planned to introduce a three tier structure to developments:

1. Small scale developments (e.g. sheds and garages) would be subject to the rules of permitted development.
2. Medium scale developments (e.g. less than 10 new buildings) would require prior approval.
3. Large scale developments (e.g. more than 10 new buildings) would require planning permission.

Mrs Coe suggested that the thresholds could change again. If these changes were introduced, the developments which the Parishes would consider would be subject to permitted development rules leaving the Parishes powerless to make any binding decisions.

The Conference noted that Mrs Coe would send the Clerk of the Parish Councils further information when it became available.

It was noted that central government saw local planning as holding back growth.

DEVOLUTION OF SERVICES

The Conference received a report regarding Devolution of Services from Andrew Green, Community Partnerships Co-ordinator.

Mr Green explained that the report noted devolution of services would not work if it had to be forced on Parishes. It was stated that the Borough had to see things more from the Parish perspective.

Further, it was suggested that the Parish Conference was not the best place to discuss devolution of services. A preferred option was workshops with two or three Parish Champions. Mr Green had previously sent information to the Parishes with a breakdown of which services had been taken up by individual Parishes. Officers would also be working with Parishes on an individual basis.

It was noted that funding was available in the form of a separate grant.

An officer group was being established to identify what services could be devolved.

Parishes questioned whether it was sensible to devolve services if they did not have the money to carry out the services. It was noted that Parishes would have to employ contractors to carry out the work.

The Conference noted that paragraph 3.30 of the report only cited a partial quote which took the statement out of context, failing to mention the fact that double taxation would occur which would have to be underwritten by the Parish Councils.

COMMUNITY RIGHT TO BID

The Conference received a presentation on Communities Right to Bid scheme from Andrew Green, Community Partnerships Co-ordinator.

The scheme was described as a right to bid, not a right to buy.

The Conference noted that Legislation was introduced by the Localism Act 2011. The aims were to keep valued land and buildings, such as a local pub, shop, library or football ground in community use. Community groups could nominate land and buildings to be part of a register of 'assets of community value'. Then, if and when

the property came onto the market, community groups had a chance to bid to buy them. If something on the register was offered for sale, community groups had up to six months to prepare a bid to buy it. The scheme applied to land and buildings owned by the council or other public bodies, and also privately owned land.

The definition of an asset of community value was set out in s.88 of the Act. An asset was a building or other land in a local authority's area which was land of community value if in the opinion of the authority:

- An actual current use of the building or other land that was not an ancillary use furthered the social wellbeing or social interests of the local community, and;
- It was realistic to think that there would continue to be non-ancillary use of the building or other land which would further (whether or not in the same way) the social wellbeing or social interests of the local community.

S.88(2) of the Act extended this definition to land which had furthered the social wellbeing or social interests of the local community in the recent past, and which it was realistic to consider would do so again during the next five years.

Mr Green discussed who could nominate property. This included Parish Councils, neighbouring Parish Councils, unincorporated groups and associations (with a membership of at least 21 people who are on the local electoral register), neighbourhood forums, community interest groups with a local connection who had to be either a charity, community interest company, a company limited by guarantee that was non profit, or an industrial and provident society.

Mr Green then explained how the process worked. Bids were submitted by a 'relevant body' and the Local Authority considered the nomination. If accepted, it was placed on the register as an 'asset of community value'. A decision would be made within 8 weeks.

If or when the asset came up for sale the owner had to inform the local authority. There then had to be a six week window for local groups to express an interest in bidding. If a relevant group expressed interest a longer six month period came into effect when the property could not be sold. This was to give community groups time to prepare a bid. At the end of the six months the owner could sell to whoever they wished. A nomination had to contain the following information: A description of the nominated land including its proposed boundaries; any information the nominator had about the freeholders, leaseholders and occupants of the site; the reasons for nominating the asset explaining why the nominator believes the asset met the definition in the Act; and the nominator's eligibility to make the nomination.

It was noted that Neighbourhood plans could list property, but it needed to be registered specifically with the Borough via the Community Right to Bid team.

The Community Right to Bid team could be contacted via email on crtb@rbwm.gov.uk or telephone 01628 796947. Full details including the Council's policy and procedure and a nomination form were available on the Council's website at: http://www.rbwm.gov.uk/web/community_right_bid.htm.

The Conference was advised to identify property in plenty of time and get themselves in a position to bid on them in advance by setting up a community interest company and identify funding.

The Conference noted that the next issue of Around the Royal Borough would be published in July 2014. Parishes were invited to contribute an article about what was happening in their Parish. Parishes could submit a maximum of 200 words, and any accompanying photos, to Shauna Hichens (email: Shauna.Hichens@RBWM.gov.uk) by Wednesday 21 May 2014.

DATE OF NEXT CONFERENCE

It was noted that the date of the next Parish Conference was to be confirmed.

MEETING

The meeting, which began at 7.00pm, ended at 9.20pm.