

Kirkbymoorside Town Council
Information for meeting on 18 December 2017

6. Financial Matters

a. To approve cheque payments according to the list provided

Vchr	Cheque	Cde	Name	Description	Amount
175	✓103200	5	CC Electric	Pat testing of Christmas lights	75.00
176	✓103201	13	Kirbky New s	Delivery of Yorkshire Post	9.00
177	✓103202	13	Mike Martin	Delivery of November 2017 issue of the Moorsider	120.00
178	✓103203	8	James Weyman	Painting of the Moorside Room	160.00
179	✓103204	11	Welcoms	Public Wifi	78.40
180	✓103205	5	Brian Collins Electrical	Electrical installation of Christmas lights	375.00
181	✓103206	7	Streetscape Products & Services	Outdoor half basketball Court @ Old Road	9,420.00
182	✓103207	17	Paul Gamble	Office Sign w riting	35.00
183	✓103207	7	Paul Gamble	Old Road Play Area Sign Writing	80.00
184	✓103207	9	Paul Gamble	'Welcome to Kms' Sign w riting	50.00
				Subtotal No. ✓103207	165.00
185	✓103208	5	West End DIY	3x timer sw itches for christmas lights. Tie wraps for decorations - Petty Cash	23.97
186	✓103208	8	R Yates	Paint for Moorside Room - Petty Cash	16.99
187	✓103208	17	Post Office Ltd	Stamps - Petty Cash	11.20
188	✓103208	17	Kirbky New s	Coffee, 2018 Diary - Petty Cash	6.18
189	✓103208	17	Kirbky New s	Christmas Cards - Petty Cash	5.25
190	✓103208	17	Kirbky New s	Stamps - Petty Cash	6.72
191	✓103208	5	C W Strickland & Son Ltd	Christmas Lights for Church House	22.99
				Subtotal No. ✓103208	93.30
202	✓103209	16	HMRC	PAYE & NIC & ENI	308.66
TOTAL					10,804.36

c. To note the appointment of PKF LITTLEJOHN LLP as external auditor for the 5 year period commencing with the financial year 2017/18

Notification of external auditor appointments for the 2017/18 financial year

Kirkbymoorside Town Council

Dear Chair/Clerk/RFO,

Under powers set out in Regulation 3 of the Local Audit (Smaller

Authorities) Regulations 2015, Smaller Authorities Audit Appointments Ltd (SAAA) was appointed by the Secretary of State for Communities and Local Government as "a person specified to appoint local auditors" and as the Sector Led Body (SLB) for smaller authorities. Smaller authorities are those whose gross annual income or expenditure is less than £6.5 million.

Under the Regulations, SAAA is responsible for appointing external auditors to all applicable opted-in smaller authorities, for setting the terms of appointment for limited assurance reviews and for managing the contracts with the appointed audit firms.

During 2016 various communications outlined that smaller authorities would be 'opted-in' to the new central procurement regime managed by SAAA unless they expressly decided to 'opt-out' and correctly followed the various procedures required under statute to appoint their own external auditors.

Your authority is opted-in to the central procurement process and therefore an external auditor has been appointed for your authority for the 5 year period commencing with the financial year 2017/18. The contact details of your appointed external auditor and fee scales are shown in the appendix, and can also be found on our website.

The approach applied to making these appointments was described last year on the SAAA website at <http://www.localaudits.co.uk/appts.html>. The approach follows the established practice of grouping auditor appointments for Town and Parish Councils by county area. Drainage Authorities and other bodies all have the same audit firm appointed. The audit firms all have previous experience of conducting limited assurance reviews for smaller bodies and have dedicated personnel to support communications. SAAA will monitor the performance of the appointed firms in providing limited assurance audit services in terms of quality and compliance with their statutory terms of appointment.

If your authority has any potential conflict of interest relating to the auditor appointment, for instance if a Councillor, or close relation is employed by the appointed auditor, you should advise SAAA immediately.

The Annual Return

The Annual Return will now be known as the "Annual Governance and Accountability Return" and will need to be completed in accordance "proper practices" as set out in 'Governance and Accountability for Smaller Authorities in England, a Practitioners' Guide', and then be published in accordance with the applicable Transparency Codes.

The new, Annual Governance and Accountability Return forms will be sent out by your appointed auditor electronically at the end of the financial year.

It is assumed that your authority is willing and able to accept documents electronically by e-mail unless you specifically advise SAAA to the contrary no later than 31 December 2017. The return can either be completed electronically or printed off and completed manually.

Advice and assistance is available from the various sector membership organisations, namely:

National Association of Local Councils and County Associations - www.nalc.gov.uk

Society of Local Council Clerks - www.slcc.co.uk

Association of Drainage Authorities - www.ada.org.uk

Yours faithfully,

Smaller Authorities' Audit Appointments Ltd

7. Ryedale Local Plan

To note the response from Ryedale District Council in response to the position statement regarding development sites and receive further information from the Planning Officer

Response on behalf of Gary Housden, Head of Planning, to the Town Council:

The Local Planning Authority is unable to place a moratorium on the delivery of new housing (by refusing permission) if sites which have permission do not get built out within a settlement. The reasons for this I set out below, but in summary such an approach would be contrary to national planning policy.

If the Ryedale Plan-Local Plan Strategy is to operate as intended, with the housing supply policy to have full weight, National Planning Policy (NPPF) requires that the Ryedale Plan area has a rolling five year's worth of supply of deliverable sites. These are made up from permissions, and allocations (established in the Development Plan- but still need permission). As it currently stands much of the supply is from permissions, and once the allocations document is adopted, it will

be a mixture of both, and will have both deliverable and developable (coming forward later in the Plan period) sites.

Within the Plan making process- the Plan must ensure that the housing requirements known as 'Objectively Assessed Needs' are met in full. It is expected that the Local Planning Authority, in the treatment of larger sites (over 10 units) with planning permission, will acknowledge them in the Development Plan as 'Commitments', thereby acknowledging their planning status. Otherwise it would need to allocate much more land than the Plan requires.

In respect of planning applications, it should be noted that since Ryedale does have more than 5 year's worth of housing land supply, and the policies of the Plan have full weight. The proposal would be assessed on its merits, in accordance with the Development Plan. To refuse a site on the presence of undelivered sites within the settlement would not be a material reason for refusal, because firstly it does not relate to the site for which the permission is sought, and secondly, in the operation of the planning system, if sites are permitted and do not come forward, then more sites are expected to come forward in order to ensure that the housing requirement in the plan is delivered within the plan period, as set out above.

Where a permission has commenced, such as that at Wainds Field, that permission then remains in perpetuity (known as extant) providing it can be carried out in accordance with the permission and any conditions attached to that permission. The remaining part of the Barratt David Wilson site (the Tesco site) could continue to be built out as all the conditions were applied for and discharged. They built 21 and there remains full planning permission for 24 units, and it is expected that both sites could reasonably be built out within the next 5 years (as identified in the SHLAA- see below). Only in very specific reasons can the Local Planning Authority intervene and force a development to occur, and it has to be because there is a significant public benefit, and expedient to take action. It can however, take action on non-compliance with conditions.

The Manor Vale site is different to the others mentioned in that it does not have an extant permission, nor indeed any new permission. The site has particular sensitivities and, based on the consideration of previous applications and through the site assessment process for allocations, is not a site which is considered suitable for residential development.

If a permission is not started within the relevant period as granted by the permission, and the permission lapses, permission must be re-applied for within the context of the Development Plan and any material consideration at that time. The fact that the original permission has lapsed might be material consideration due to viability considerations for that subsequent application, but as above, the presence of other sites which remain undeveloped is not a material consideration.

Following is a link to a document known as the Strategic Housing Land Availability Assessment (SHLAA), this gives you information about the sites with planning permission and their likely delivery timescale.
http://www.ryedaleplan.org.uk/attachments/article/132/Strategic_Housing_Availability_Assessment_2017_Final.pdf

I appreciate that the contents of this email will not be welcomed by the Town Council, but I hope it can be seen that by taking such an approach as proposed in the email of the 15th August, the Local Planning Authority would be actively ignoring established national policy, with reputational risk to the Council, and would still leave

the communities of Ryedale vulnerable to speculative applications being granted on appeal.

The presence of unimplemented, or part implemented, permissions is a general frustration experienced within the planning system, colloquially known as 'land banking'. That being said, in the case of the sites at Kirkbymoorside, including that of the land at Westfields, those sites are not land banked sites; there have been specific reasons why the sites have not progressed/ been completed to date. In response to 'land banking' the Government has now removed (in 2014) the ability for planning permissions to be indefinitely extended (that is unless it is commenced), and thus requiring the submission of a fresh application. The Council, as Local Planning Authority, believes that timely progress on the Local Plan Sites Document and the identification of the allocations, will go a significant way to ensuring that the development needs for Ryedale are being met for the foreseeable future, and thus creating an environment where speculative applications will be much less likely to come forward.

Ryedale District Council operates a Community Infrastructure Levy (CIL) charge. For information about CIL please go to <http://www.ryedaleplan.org.uk/community-infrastructure-levy>
rachael.balmer@ryedale.gov.uk
Tel 01653 600666 ext 357
Ryedale District Council, Ryedale House, Malton, YO17 7HH
Our web site for Forward Planning is: www.ryedaleplan.org.uk

b. To consider the Ryedale Local Plan Sites Document and Policies Map and agree a suitable response www.ryedaleplan.org.uk/local-plan-sites-publication

Considerations with regards to the Ryedale Local Plan and Planning concerns in Kirkbymoorside.

The three most significant planning concerns are as follows:

- i. The result if the proposed Gladman development scheme does not go ahead;
- ii. Should the Local Plan try and direct the style of housing/density of development on the Old Brickworks site to better ensure it fits in with this sensitive, rural/town edge to Kirkbymoorside?; and
- iii. What if a new industrial user moves onto the Sylatech site to become the 'existing major employer' who then wishes to undertake major expansion here.

The policies of the Local Plan need to accord with the parameters of the National Planning Policy Framework (NPPF). As such, the plan must identify both a five year supply at the outset and a supply of specific, developable sites for years 6-10 and, where possible, for years 11-15. If the plan does not make this allocation, will Kirkbymoorside again be faced with pressure like that on the Gladman development site and be unable to resist unplanned release of land to make up the necessary supply and/or to ensure Kirkbymoorside is making an appropriate contribution in its own right given market town/service centre status?

Footnote 11 of the NPPF requires that Ryedale is realistic in its assessment of the 5-year housing land supply where it states "To be considered deliverable, sites should be available now, offer a sustainable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years."

For the purposes of calculating Ryedale's realistic delivery of housing, it would seem to be unrealistic to suggest that Kirkbymoorside is making an appropriate contribution, and perhaps that Ryedale's supply is adequate, if the Gladman development doesn't come to fruition.

Factors such as financial constraints, labour shortages, rate of sales, supply of construction materials, etc can all potentially contribute to a site not fulfilling its allocated potential and be defensible but ongoing inclusion of large areas of land like the Gladman site would not seem to be defensible if it should have no realistic prospect of coming forward within the timescale set

out in the plan (or at all). That scenario would appear to leave Kirkbymoorside vulnerable to future (potentially on the same scale as Gladmans) development proposals elsewhere. Matters may be even worse in the event that the permission should lapse in the future.

A few policy specific comments:

SD1 - Existing Residential Commitments - this implies the Gladman site will count towards supply figures even if it doesn't come forward, being regarded as an existing residential commitment. Is the statement in the text justifying this policy defensible if it becomes known that the site has little or no prospect of coming forward? The plan implies some development will result in housing on the ground next year, is that realistic? The text states 'Policy SD1 aims to ensure that large site commitments are treated as land allocations in the event current permissions expire' but that would seem to be potentially contrary to the NPPF and open the door for developers to push through schemes elsewhere if the site is not brought forward.

SD9 - Housing Allocation - Brickworks Site, to the north of Swineherd Lane. This policy tries to ensure any proposal here fits in with the character of the locality in saying that detailed proposals for the development of the site shall include:

- * buildings not to exceed two storeys in height;
- * layout and form to ensure a broken mass of buildings with a strong frontage to the road.

Only the front of the site seems to be brownfield and all is generally elevated in the wider landscape but that to the rear steps up in height above the frontage/road level. This site had been regarded as being important to retain undeveloped in the old local plan because of these sensitivities. As well as being a maximum of two stories high would this site best be limited to frontage housing set on the lower area of the site near the road only, so better ensuring it has less impact on the character and appearance of the locality? There is no other 'in-depth' development on this northern side of the lane which retains an attractive rural edge feel.

Policy SD13 - Expansion Land for Existing Employers continues to allocate a substantial area of land to the west and south of Sylatech for future expansion but is there any reason why potential future proposals here should not be considered on their merits in the event that Sylatech do intend to expand here? If not, Sylatech could move as previously intended and sell on to a new business which then has a green light to undertake massive expansion on the allocated land when such new uses may be better be directed elsewhere, say to Kirkby Mills industrial estate. The allocation appears to serve no good planning purpose when a Sylatech scheme could still be approved here. No formal allocation would avoid the risk that a different general industrial user could buy the site with little control over the nature of the use (as no formal planning permission would be likely to be required) such that the neighbouring residential occupiers could suffer considerable adverse impacts over and above anything resulting from a Sylatech proposal. Ordinarily, allocating a large amount of land for general industrial use in an otherwise residential and 'light industrial' area would simply not be contemplated and there seems no planning benefit to do so now when the needs of Sylatech can still be met whilst not allowing an unknown general industrial use to move on with the principle of expanding having already effectively been agreed in the new plan.

12. Manor Vale Woodland

a. To note the recommendation of a sonic tomographic survey to assess the extent of decay in the lower parts of the Oak tree at the Gillamoore entrance to Manor Vale pursuant to Minute MV17021

Minute MV-17021 of a meeting of the Manor Vale Committee of the Kirkbymoorside Town Council dated Monday 9th October 2017:

MV-17021 Tree Surveys

- a. The Assessment of Trees at Manor Vale woodland carried out by J K Arboriculturalist was **received**.
- b. The scope of works required were **agreed** as detailed in Appendix A. In summary, the recommendations specific to trees 3, 506 and 514 will be actions. The remaining recommendations for tree categorised as medium and low risk will be assessed by Don Davies

to determine apportion of works to the volunteers, tree specialists and the Manor Vale contractor as appropriate.

- c. The assessment of the shrub belt and trees at Ryedale View carried out by J K Arboriculturalist was **received**.

- d. It was agreed to carry out the works as recommended by J K Arboriculturalist as follows:

Shrub belt:

Remove the brambles in their entirety if at all possible. If this is not possible the brambles should be cut down to ground level and the re-growth treated with weed killer in spring 2018. This may require several applications to eradicate.

Tall ash to west of shrub belt:

Pollard 50% of the tall thin ash to approximately 1m from ground level, pollard the remaining 50% similarly in autumn 2018.

Continue the process every 5 years.

Recommendations by J K Arboriculturalist:

Ref No:	Species	Comments	Preliminary Management Recommendations
514	Oak	Large imposing tree at Gillamoor Road entrance to wood. Appears outwardly healthy. Evidence of hollowing on northern side of base of trunk	Considering the position of this tree adjacent to the highway and housing, and its general importance in the woodland, it is recommended that the extent of decay in the lower parts of the tree is further investigated through a sonic tomographic survey. The use of Picus sonic tomography enables the extent of decay to be assessed without invasive testing such as resistograph drilling or boring, which damages trees and potentially impairs the tree's ability to compartmentalise the decay. Local contractors are available to carry out this service.

Why is the sonic tomographic survey necessary and how soon should the assessment be carried out?

The electronic devices determine how much decay compared to sound wood there is in the lower trunk and immediate root plate. This will determine what action would be appropriate in terms of pruning. Obviously the worst scenario is that the decay has reached a point where the tree hasn't got sufficient sound wood to sustain the tree. When I inspected the tree it was in full leaf and was not showing any serious signs of decline in the crown. However, the decayed area is on the higher point of anchorage and that's why I was concerned. Until the testing is carried out it's not known what remedial works, if any, will be necessary. To be safe I would get approval to carry out the assessment asap as there might possibly be a lead in time before the testing can be carried out.

Regards

John Clayton

J K Arboriculturalist

13. To note correspondence received from North York Moors National Park with regards to the informal consultation on the Local Plan - Planning Policies covering Tranquillity, Remoteness and Dark Night Skies

Dear Parish

North York Moors Local Plan Consultation – Planning Policies covering Tranquillity, Remoteness and Dark Night Skies

The National Park Authority is preparing a new Local Plan for the North York Moors. This will be the document we use to help decide planning applications in the future.

We have been thinking about some more of the key issues the new plan will need to cover. These include how to conserve and enhance three important special qualities of the National Park:

- * Tranquillity
- * A strong feeling of remoteness
- * Dark skies at night

As we develop policy we want to have as much input as possible from anyone with an interest in the North York Moors National Park. We'd now like share our thinking and invite any comments on potential policies for these topics. We have created a webpage to explain our possible approach. This is available at:

www.northyorkmoors.org.uk/localplanspecialqualities<<http://www.northyorkmoors.org.uk/localplanspecialqualities>>

A topic paper is also available on the web page which goes into a bit more detail. This is also available to view at our office in Helmsley, and at the National Park visitor centres at Danby and Sutton Bank.

Please let us know what you think by sending your comments to: policy@northyorkmoors.org.uk<<mailto:policy@northyorkmoors.org.uk>> or in writing to The Planning Policy Team, The Old Vicarage, Bondgate, Helmsley, York, YO62 5BP

We'd be grateful to receive any comments by 26 January 2018.

This is an informal consultation and is not the final time we will be asking for views on these issues – we are hoping to produce a full draft local plan by next spring and will also ask for further comments then. In the meantime any views on these matters will help us shape our policies.

If you no longer wish to receive updates on the Local Plan please let us know and we will remove you from our database.

Yours sincerely

[cid:image003.png@01D37035.30004CE0]

Paul Fellows

Head of Strategic Policy

North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP

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policy@northyorkmoors.org.uk<<mailto:policy@northyorkmoors.org.uk>>
www.northyorkmoors.org.uk<<http://www.northyorkmoors.org.uk>>

14. Counter Terrorism

a. To note information received in respect of Guidance to Counter Terrorism issued by Counter Terrorism Security Advisors (CTSAs), part of the North East Counter Terrorism Unit

Counter Terrorism Message

Counter Terrorism Security Advisors (CTSAs) are part of the North East Counter Terrorism Unit. Their job is to provide businesses and communities with an array of security advice based primarily on the threat from terrorism. This includes physical, electronic, personnel and personal advice. They can provide you with advice that will both protect your business and also prepare it by delivering advice in relation to how to recover from a terrorist attack. They also run counter terrorism awareness events in the form of Project Griffin together with table top exercises (Project Argus) to demonstrate how businesses may manage and recover from terrorist attacks. These events are entirely free of charge. There are plans in place to hold a series of large events in Ryedale in 2018.

Currently the threat level from International Terrorism in the UK is at 'SEVERE' which means 'an attack is highly likely'. Tragic events in London and Manchester earlier this year remind us that attacks can occur at any time or place - without warning.

Our message to you and your staff on the lead up to and through-out the festive season is to remain vigilant and to report any suspicious behaviour or activity in confidence to police on 0800 789 321 or using the 101 method of reporting. In the event of an emergency please call 999. The police service and our partners are doing everything possible to work with the private and public sectors to help protect the security of our citizens, businesses and crowded places. We ask you to be alert but not alarmed. As well as the bespoke advice and guidance offered by CTSAs, generic protective security advice is regularly shared by Counter Terrorism Policing via its social media platforms, for example @TerrorismPolice. #ActionCountersTerrorism

b. To note receipt of invitation to attend a Counter Terrorism Briefing delivered by a member of the North East Counter Terrorism Unit and agree attendees

Counter Terrorism Briefing

Protect yourself, your staff, your business and your community. You are invited to attend a Counter Terrorism Briefing delivered by a member of the North East Counter Terrorism Unit. The Briefing is interactive and will cover the current terrorist threat, terrorist attack planning and methods of attack. Preventing terrorist attack is critical to the event as well as measures which may be implemented to mitigate against their immediate impact and subsequent effect on a business or organisation. Ryedale District Council will host two briefings:

* Tuesday 30 January 2018, 9.30am - 1.30pm, Council Chamber, Ryedale House, Malton (for Local Business, Town Councils and Ryedale District Council Members)

* Wednesday 31 January 2018, 9.30am - 1.30pm, Council Chamber, Ryedale House, Malton (for all those involved in Night time Economy) Please RSVP confirming numbers to the contact details below by the 23 January 2018

15. To note that the Minerals and Waste Joint Plan for North Yorkshire, York and the North York Moors National Park was submitted to the Secretary of State for Communities and Local Government on 28th November 2017 for independent examination.

Dear Parish Clerk,

Minerals and Waste Joint Plan – Notification of Submission

On 28th November 2017 the Minerals and Waste Joint Plan for North Yorkshire, York and the North York Moors National Park was submitted to the Secretary of State for Communities and Local Government for independent examination.

Please see attached to this email a letter providing details of the Submission Documents and information on where key documents can be viewed.

To access the Minerals and Waste Joint Plan Submission documents, and a range of supporting material, please visit the Examination website: www.northyorks.gov.uk/examination<<http://www.northyorks.gov.uk/examination>>.

Yours faithfully

Minerals and Waste Joint Plan Team

On behalf of:

North Yorkshire County Council, City of York Council and North York Moors National Park Authority