

## LAKENHEATH PARISH COUNCIL

Minutes of the Lakenheath Parish Council Meeting held on Monday 7<sup>th</sup> January 2019  
at the Methodist Church Chapel commencing at 7:00pm

### **Present**

Councillors E Morley (Chairman), P Gyte, G Kelly, J Hastings, H Brown, C Lucas, R Norman, J Gentle, I Frost, W Newman, Clare Shimmon (Clerk) and 14 members of the public.

### **1 Apologies for Absence**

There were none.

### **2 Declaration of Interest**

Cllr Gyte - Lakenheath Good Neighbours & Lakenheath Consolidated Charities  
Cllr Kelly - RAF Lakenheath (48 MDSS) Hon Commander  
Cllr Lucas - Sutton Services Ltd & Lakenheath Playingfield Committee (Elveden Estates)  
Cllr Hastings - Lakenheath Keep Fit & Curling Clubs  
Cllr Brown - Lakenheath Heritage Group Recorder & Christian Enterprise Foundation Trustee  
Cllr Norman - Village Hall  
Cllr Frost - Friends of Lakenheath Library Trustee  
Cllr Newman - Lakenheath News

### **3 Confirmation of Minutes of Meetings held on 3<sup>rd</sup> December 2018**

It was proposed and seconded the Minutes of the Council meeting on 3<sup>rd</sup> December were signed as an accurate record of the meeting. All agreed.

### **4 Representations from Members of the Public**

Members were asked why they were proceeding with legal action against the proposed new school. It was argued that 197 responses to a LT article from approx. 4500 residents in the village does not represent the people. With objections withdrawn from some developments, infrastructure is coming before homes. Social media has been overwhelmingly against ongoing legal action. It was asked how the PC would feel if children aged four had to be bussed to schools in Brandon or Mildenhall. There is not too much noise on the Woodlands estate.

Members were asked for confirmation on the grounds for objecting to the school site.

A resident stated there are only 4 aircraft per day flying over the proposed site maybe increasing to 5. He asked if the school was being used to stop development. Houses would be built but no school. He had never known jets fly over Station Road.

### **5 Reports & Questions:-**

#### **(a) RAF Commander Lakenheath**

Squadron Leader Neild advised that the amount of flying will increase back, now that the Christmas break is over, to the normal 54 sorties per day.

Access to the base continues to cause traffic problems. There had been fatal accidents with the traffic being a potential hazard. He had tried to contact SCC Highways to discuss improvements to infrastructure.

Drone information had been released with notices being put up around the base. Drones are not permitted on Maids Cross Hill, on Lords Walk or Eriswell. Interest was very high after the recent issues at Gatwick.

It was agreed to publish an article in the Lakenheath Times regarding Drones.

*The Chairman thanked Sqdn Ldr Neild who then left the meeting.*

#### **(b) Forest Heath District Council**

There were none.

#### **(c) Suffolk County Council to include Grit Bins**

A response was received from Highways regarding the entrance to Woodlands.

Cllr Norman repeated his concerns about the ridge on the Sedge Fen Road.

Cllr Noble's email concerning the December meeting was acknowledged and noted.

Cllr Brown made a correction to her report from December. When speaking of the major developments she spoke of Suffolk County Council and their funding of the proposed school for the village. She mentioned that the District Councillor had always suggested that the money for a proposed school was ring-fenced.

This should have been a reference to the County Councillor representative not District. She apologised for her error.

There was no further update on grit bins.

## **6 Planning Matters:-**

### **(a) To receive report from Planning Committee**

### **(b) To consider any other outstanding applications/matters/including Lakenheath Hall**

There were no application responses to report.

Applications in circulation:

1. DC/18/2442/HH - Householder Planning Application - Single storey side and rear extension (following demolition of existing shed) - 7 Breckland Avenue
2. DC/18/2351/FUL - Planning Application - 1no. Agricultural building - Land Adjacent White Fen, Station Road

### **Enforcement:**

- 62 High Street - This is still an ongoing situation yet to be resolved by the District Council.
- Maids Cross Hill - There are still trailers and the portacabin on the site. The fence posts are in position but no wires to date. The eventual use is unknown but it looks like it will be storage and agricultural. Its use will continue to be monitored.

Cllr Brown had spoken with the owners of Chalk Farm where it had been reported that painting of the outside wall had been done in a patchwork style. The wall had crumbled when painted. The wall will be repaired and when finished repainted completely.

### **Major Developments:**

Approval is still awaited on land north of Station Road. It had been suggested that the owner of land west of Eriswell Road had sold it with the benefit of planning consent. Their agent has informed that this is incorrect, although it is their ultimate intention to sell.

On the 5<sup>th</sup> of December the Parish Council initiated Judicial Review proceedings to challenge the decision to approve the Station Road school application because of what was seen as the plain failure of the County Council's education team, operating under the Director for Children and Young People, to consider the welfare of young children in deciding to seek planning permission for a pre-school and primary school at Station Road North. Lakenheath Parish Council has made it very clear that they are not against modest housing growth, in fact they welcome planned, phased, low-level, sustainable development. For this reason they have not opposed nor brought JR proceedings for two sites where housing has been approved by the District Council.

The proposed site for the school is not suitable, being located directly under the return twin track flight path of military aircraft returning to RAF Lakenheath. Noise levels exceed by a wide margin all acceptable noise standard and will affect the welfare of children living in this parish. RAF Lakenheath is after all, the largest NATO Military Base in Europe with known future expansion plans when the USAF make Lakenheath the home for their stealth jets. In deciding to place a new school on the Station Road site SCC has failed to carry out its legal duties to have regard to the best interests of children and failed to consider its public sector equality duty.

The Parish Council is greatly concerned with the welfare of all of the members of its parish, and especially young preschool and primary school-age children who are at a greater risk from the noise disturbance from loud overhead military jets. The Parish Council's concerns stem from the fact that the jet noise levels will be so great as the jets prepare to land as to interrupt school learning at very regular intervals.

The grounds are:

1. The Council's decision to grant the Planning Permission in circumstances (1) where Suffolk County Council failed to have proper regard to the best interests of the child under Article 3 of the United Nations Convention on the Rights of the Child and to treat this as a primary consideration; and (2) SCC failed to have regard to, and/or interfered disproportionately with, the rights of future pupils at the New School under Article 8 ECHR.

2. SCC failed to have proper regard to the Public Sector Equality Duty ('PSED') under section 149 of the Equalities Act 2010.
3. SCC breached regulation 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations in that the ES failed properly to assess the environmental impacts of alternatives in breach of Article 5(3)(a) of Directive 2011/92/EU ('the EIA Directive'), as implemented under the EIA Regulations.

SCC's response is being considered by the Parish Council's legal team.

There has been criticism on social media in relation to stopping the current legal action. It has to be remembered that in 2015 there was a village referendum via the Lakenheath Times giving everyone the opportunity to confirm or otherwise the legal action now nearing its final hurdle. It was reported at the Parish Council Meeting of Monday 3<sup>rd</sup> August 2015 that there had been 180 positive responses to continue legal action against planning proposals for Lakenheath and only 9 negative responses. Although only 189 slips were returned, (11% of the Village discounting the USAF occupied homes) those that took the time to reply gave the mandate. There have also been a number of extra-ordinary and public meetings confirming resident's wishes for the Parish Council to fight the development. Everyone has had the chance to express their wishes.

At the beginning of the major proposed developments on Station Road there was a total denial of a noise nuisance.

It is hoped that this gave everyone a better insight into the Parish Council's genuine concerns

**Hatchfield Farm:**

The Hatchfield Farm proposals, which were given a resolution to grant consent by Forest Heath District Council in 2015, is proposed as an allocation in the soon to be adopted Site Allocations Local Plan (SALP).

As part of the SALP process, there is a requirement for allocations to be part of a master planning process which includes public consultation and adoption by the Council. This is not part of a planning application process for Hatchfield Farm as the main part of the allocation is awaiting the decision of the Secretary of State.

The Rural Parish Alliance are proposing a submission as follows:

The Rural Parish Alliance represents 15 Parishes in the Forest Heath District authority.

We have engaged in extensive consultations during the formation of the Forest Heath Local Plan and subsequent Core Strategy document. We believe that including the "Hatchfield Farm" site at Newmarket is essential to sustainable development for the district as a whole. Following the inclusion of the site in the Site Allocations document, we welcome consultation for the Masterplanning of this site and hope that our comments will be helpful towards the delivery of the Hatchfield Farm development.

Successful sustainable development relies upon a sequential approach. Development should be located within or adjacent to the 3 market towns. A large single site development, located on the outskirts of Newmarket is essential for sustainable development. The provision of a much needed new school along with 5ha of employment land, make this an attractive development, combined with necessary improvements to the A14/A142 junction.

The Rural Parish Alliance has engaged with the council in an attempt to prevent the over development of the small villages who have been inundated with speculative, unsustainable, inappropriate development as a result of the many years we have been without an adopted local plan. We welcome the Hatchfield Farm development providing houses in suitable locations where residents are ideally placed to be able to conveniently and sustainably access the services they require.

Whilst this site moves towards creating a sustainable neighbourhood, we believe that the level of housing promoted is not sufficient and would welcome the inclusion of more houses in this location.

Hatchfield Farm provides probably one of the most sustainable sites in the whole district, with good transport links and access to services, the Masterplan shows a well thought out and mixed development. As such it commands our full support.

Cllr Brown proposed that endorsement is given to this representation adding the effect placed certainly on Lakenheath and the outcome as previously outlined.

This is a case where the Parish Council support the District Council on the suitability of Hatchfield Farm as a sustainable development area. All agreed.

*Cllr Gentle joined the meeting.*

**SIR:**

Pegasus Planning acting on behalf of the Newmarket Horseman’s Group issued a legal opinion on the 26<sup>th</sup> November 2018, to the Inspectors who carried out the Examination into the SIR and SALP. The legal opinion references a series of decisions in the European Court relating to the preparation of the Habitat Regulations Assessment (HRA), most of which were decided after the close of the hearing sessions and after the Habitats Regulations Assessment had been written. Notwithstanding this the Inspectors have requested FHDC provide a considered response to the matters raised in the document and for the Council to provide a realistic timeframe for providing a response. This information was placed on the council’s website on the 17<sup>th</sup> December 2018. The Council have sought legal advice which has confirmed that in light of these recent decisions the Habitat Regulations Assessment requires updating to ensure that all of the issues identified by the European Court are explicitly addressed.

The Inspectors are not in a position to issue their Report into the SIR and SALP until the Council has provided a considered response to the opinion that has been submitted.

It is anticipated that updating the HRA in light of the new judgements will take approximately 8 weeks (with completion expected early March 2019).

In the meantime, there is no local plan in place. Cllr Brown suggested the Parish also take the opportunity to make a submission. She agreed to draft a response for the next meeting and would like it as an agenda item in February.

**Lakenheath Hall:**

All very quiet, no progress here until the planning approval notices are in place.

Cllr Gyte reported her concerns and reservations regarding a Judicial Review without a fresh mandate from parishioners, who have been ill informed via Social Media, with very inaccurate perception. She suggested holding a public meeting giving all parishioners an opportunity to speak. She acknowledged Cllr Brown’s tireless effort and clearing up of misconceptions but would like to seek reaffirmation from parishioners.

**7 Financial Matters including:**

**(a) Payments of Accounts**

It was proposed and seconded to authorise cheques and the release of online payments for payments previously agreed. All agreed.

Payee	Description of supply	Amount
The RBL Poppy Appeal	Donation for Poppy Zip Pulls for Primary School Children	£300.00
E-on	Cemetery Cottage Electricity	£142.63
Staff	December Salaries, Income Tax, NI & Pension and Rent	£5123.41
BT Payment Services	Parish Office Broadband & Telephone	£74.86
G Palmer Ltd	Final Payment of work completed on Cemetery Cottage	£1987.54
Kevin N Cooke Plumb & Heating Engineer	Part Payment of work completed on Cemetery Cottage	£3600.00
County Graphics (Norfolk) Ltd	Lakenheath Times (November & December Editions)	£900.00
G & J Peck Ltd	Parts for Mower & Chainsaw and Clothing	£590.94
Sunrise Services (East Anglia) Ltd	Cleaning Public Toilets (November)	£216.00
Forest Heath District Council	Cemetery Cottage - Council Tax	£119.00
CGM Group (East Anglia) Ltd	Churchyard Tree Work	£3432.00
Clare Shimmon (reimbursement)	Mileage, Stationery, Postage, Petrol and Electricity	£479.78
Scott Evans (reimbursement)	Cemetery Plants & Petrol	£36.86
Richard Buxton	Planning Services	£3499.98
R A Cash	Interim Payment - Cemetery Cottage Septic Tank & Well Repairs	£1000.00

**(b) Bank Reconciliation**

A bank reconciliation for 30<sup>th</sup> November 2018 was presented. It was proposed and seconded to accept. All agreed.

**(c) Precept Setting 2019/20 – Setting thereof and Chairman to Sign off**

The Responsible Finance Officer had obtained confirmation that the tax base figures had been ratified by FHDC.

Councillors had been previously provided with a copy of the draft budget and were reminded that the figure was net expenditure of £160,900, and by decreasing reserves by £12,240 would set the precept at £148,660 for year 2019/20 and represent another 0% increase. It was proposed and seconded to proceed with a precept request of £148,660. All agreed.

The Application for Grant & Precept was duly signed by the Chairman and Clerk.

## **8 Lakenheath Cemetery**

### **(a) To receive a Cemetery Report**

Cllr Hastings gave her report, including the ongoing issue with moles. She asked again if the toilets could be cleaned and the leaves cleared.

It was proposed and seconded to purchase an automatic door closer for the toilet costing £14. All agreed. It was agreed that the Keeper is taking good care of the grounds.

### **(b) To Confirm Grant of Exclusive Rights of Burial**

There were two.

### **(c) Topple Testing**

Topple testing will be included in the overall risk assessment of the cemetery.

### **(d) Cottage Refurbishment**

An update was received on the cottage refurbishment. The final work to the bathroom, septic tank and well will be completed prior to the 21<sup>st</sup> of January. Flooring will be laid on the 22<sup>nd</sup>/23<sup>rd</sup> January with the cottage ready for the keeper and his family to move into from Thursday 24<sup>th</sup> January 2019. All works will be delivered within the budget set.

### **(e) To appoint a new member to the Cemetery Sub-Committee**

Cllr Hastings volunteered to join the cemetery sub-committee. All agreed.

## **9 Commemorative Bench**

Details of designs available from David Ogilvie Engineering had been circulated to all Members. The majority were in favour of the Armed Forces bench. It was proposed to replace the bench already positioned close to the war memorial at a cost of £1,010.50 +VAT. All agreed.

The old bench will then be transferred to the cemetery.

## **10 St Mary's Churchyard Trees**

A quote was presented from CGM Ltd to cut back to the boundary and reduce the height of 2 yew trees by 0.5m. This is the maximum reduction in height advised as yews do not take well to this type of work. With reluctance due to the damage that it may do to the yews, but recognising the responsibility to prevent overhanging onto a neighbouring property, it was proposed to accept the quotation of £950 +VAT. All agreed.

## **11 Fire Hydrants**

The final hydrants had been inspected. It was suggested to ask Suffolk Fire Service when they would be tested.

## **12 Telephone Box - Mutford Green**

Following an article in the LT no responses had been received for the future use of the telephone box at Mutford Green. Cllr Hastings suggested again use for heritage photographs.

The commercial value was queried and the possibility of selling discussed. It was proposed to publish the LT article again with a view to sell if not adopted. All agreed.

## **13 Items for Future Meetings**

- FHDC – SIR /SALP
- Covey Way & Back Street Grit Bins
- Telephone Box – Mutford Green

## **14 Such other business which, in the opinion of the Chairman, should be considered as a matter of urgency**

Cllr Brown confirmed that Lakenheath Heritage Group are happy to arrange a visit to Quayside Court.

Cllr Hastings suggested the visit was planned for after completion of work to the heating system.

## **15 To note date of next Meeting - Monday 4<sup>th</sup> February 2019**

<p><b>16</b></p>	<p><b>Council to Consider excluding the public for agenda items 17 and 18 due to the confidential nature of the item.</b></p> <p>There was discussion and agreement that proceedings should be transparent and members of the public able to stay subject to the advice of the Parish Council's solicitor.</p> <p><i>The Parish Council's solicitor arrived.</i></p> <p>Ms Foster advised that she had experience of public meetings where legal advice was to be discussed, the Parish Council is her client and she would take questions then give the legal strategy. It is the Parish Council's right to have a closed session in the meeting when strategic advice is discussed.</p> <p>It was proposed to exclude the public from agenda items 17 and 18. All agreed.</p> <p><i>Members of the Public were asked to leave the meeting.</i></p>
<p><b>17</b> <b>18</b></p>	<p><b>Legal Advice on Planning Application SCC\0021\18F – Lakenheath new Primary School*</b></p> <p><b>Legal Proceedings*</b></p> <p>Ms Foster answered questions from Members, gave legal advice and the ongoing legal strategy.</p> <p>There being no further business the meeting closed at 9:30pm.</p>