



Eastington Community Land Trust Ltd. (ECLT)

Forty-fourth Meeting of Board Members

Thursday 6th December 2018

at 7.00 pm in the Village Hall

Minutes

1. Attendance Tom Morrison (chair) (TM), Alan Brasier (AB), Tom Low (Secretary) (TL), Lynne Farnden (Treasurer) (LF), Martin Elliot (ME), Alison Loveridge (AL), Paul Mannings (PM), Cllr Mark Chatterley (MC), Ann Pitcher, Ed Davies (ED).

Apologies: Karl Hine, Aster (KH), Sharon Wells (SW), Cllr John Jones (JJ), Muriel Bullock (vice chair) (MB),

Declarations of Interest: PM asked to be excluded from any discussions involving Eric Cole or Aster Homes

Questions to the Board: There were none

2. Approval of Minutes of Board Meeting of 15th November

The minutes were unanimously approved and signed by TM.

3. Financial and Administration Report

3.1 Approval of invoices

Four cheques were approved, leaving a bank balance of £1,431.28. This included a cheque for £115 for Helix Transport, whose quote had been authorised by Chair and Secretary between meetings (see minute 5.2 (b) below).

3.2 Progress of SDC funds from grant

LF reported that the claim for £3,331 had been approved for payment by Pippa Stroud.

3.3 Proposal to add clause 4.5 to Financial Regulations – Expenses policy

TL passed around a draft of the proposed clause 4.5, broadly agreed by TM, LF and TL. It was generally well received but in the light of its late presentation, TL asked for Board Members to e-mail any comments by 14th December. The approved version would be submitted to a member vote at the AGM.

ACTION: ALL, then TL

Signed by TM, Chair..... January 2018

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4. Legal Matters

4.1 Report on S 106 items outstanding with Aster

TL reported that all items with Aster had been agreed, following KH's acceptance of TM's indemnity clause.

It had been mooted by KH that we now postpone consultations with Red Kite until SDC had been able to consider our draft. There would be an advantage from submitting the draft to SDC now, 2 weeks ahead of the Xmas break. TM asked that we consider an indemnity clause for Red Kite but otherwise was happy with going directly to SDC now. TL to discuss with KH. *(secy note: suggestion declined by KH at this stage; S 106 sent by Dominic Curran to SDC 12th December).*

TL raised the enduring concern that SDC Legal were a department under stress, which could delay both the S106 and the Homes England grant (4.2 below). ME suggested that JJ be briefed so that he could intervene at an appropriate juncture, as our District Cllr. *(secy note, TL discussed with JJ on 7th December and agreed tactics).*

4.2 Funding from Homes England

Homes England were due to consider our £2 million of funding on 6th December at their SW Regional Board. TL explained that this was the real technical test of our submissions (via SDC for 450k and Aster for £1.5 million). The National Board on 17th December would be a confirmation of national funds, which were known to be politically very available. *(secy note: confirmed on 7th December that we passed the SW Board)*

4.3 Naming of streets

MB had confirmed to TL that the current landowner did not wish us to use the family name.

5. Progress on filing Planning Application including Public Consultation

5.1 Public Support

There are 14 messages of support on the SDC website and no letters of objection so far.

5.2 Technical matters still under discussion

TL had circulated an update report (attached) which was summarised and discussed as follows:

(a) Flood/drainage issues now resolved, evidenced by a letter dated 6th December from Mr Lesser.

(b) Pedestrian facilities Helix Transport has supplied a drawing of our proposed bus stop and pavement improvements, as a pre-emptive response to GCC, now on SDC website. Ceri Porter, our planning case officer at SDC, is chasing GCC to conclude this.

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(c) Highways England queries in Drainage Our architect has supplied a response to Ceri Porter, who has forwarded it to Highways England. With the positive letter from Mr Lesser ((a) above), this should be resolvable.

d) Acoustic Design Ceri Porter has met with Mr Jackson, whose requirements are now limited to having some sheltered areas in the rear gardens of plots 19-23. This tallies with TM's suggestion of last meeting, being a low-cost compromise. TL to discuss with architect and KH. *(secy note: new drawings to be submitted to SDC on 17th December)*

(e) Highways access KH is still having difficulties contacting Highways England about the easement. Agreed that, following a positive decision on funding (4.2 above) and with planning permission secured, it would be easier to ask Homes England to bring pressure to bear on Highways England.

ACTION: TL and KH in January

5.3 Conclusion on progress

Providing items 5.2 (b), (c) and (d) can be concluded as planned, there remains the possibility of having a planning permission (subject to S106) prior to Xmas. The decision will be taken by the two most senior SDC planning officers under delegated powers.

TM asked if we could have sight of any proposed conditions, to obviate any which might be considered "unsatisfactory" under the Conditional Contract. TL to send definition of "Unsatisfactory Conditions" to Ceri Porter. *(secy note: achieved 10th December)*

6. Date of next meeting,

Agreed as the AGM on December 20th, 2018 at 7 pm in the Village Hall.

Proposed dates for early 2019 will be January 17th, February 7th and 21st, to be agreed at the AGM.

Meeting closed at 8.30 pm

Tom Low, Secretary

November 2018

CIRCULATION

Board of Trustees

Webmaster: Ed Davies

General Members attending

Aster Group Karl Hine (KH)

Parish Council Cllr Mark Chatterley

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GLOSSARY

| | |
|---------------------|---|
| Anthony Collins LLP | ECLT solicitors for S 106, led by Dominic Curran |
| BPE | ECLT solicitors for main contracts, led by John Russell |
| FCA | Financial Conduct Authority, our regulator |
| GCC | Gloucestershire County Council |
| GRCC | Gloucestershire Rural Community Council, an advisory body |
| HE | Homes England, primary grant-giving body for affordable homes |
| PRoW | Public Right of Way, of which route EEA 48 passes along inside ECLT's eastern boundary |
| Red Kite | Solicitors to the Vendor |
| SDC | Stroud District Council |
| S 106 | Section 106 Legal Agreement pursuant to Planning Permission, including Local Connection |
| Trowers | Trowers and Hamlins LLP, solicitors to Aster for funding matters in particular |
| TLT | Solicitors to Aster Homes |

Signed by TM, Chair..... January 2018

Appendix to Minutes of 6th December 2018

Report on Item 5 – Progress on Planning Consultations

5.1 Purpose of this report

Public consultation having been dealt with in November and there being no adverse public comments (14 positive postings, indeed), there remain the formal consultations. Four have occasioned extra effort, detailed below as updates to minute 6 of the 43rd Board Meeting.

5.2 Flood and Drainage

We have reached agreement with Mr Lesser of GCC SuDS Team on all points with the help of EG Carter:

- He has conceded that we do not require permission from Highways England (HE) because we are draining into the existing farmer's ditch, which in turn, has drained into the HE ditch for 50 years.
- We have agreed to provide a detention pond instead of an underground storage tank.
- The rate of attenuation for discharge into the farmer's ditch has been reduced from 5 litres per second to 2.9 l.p.s. for all but the 30-year and 100-year flood situations.
- Anti-pollutant devices under each driveway were agreed before 15th November.

Our Architect has written back to SDC on these grounds, including an updated engineering drawing, which will be available at the 44th Board Meeting for perusal.

5.3 Highways England (HE) queries regarding drainage

As with Mr Lesser in 5.2 above, HE were under the impression that we were draining directly into their ditch i.e. a new connection. Our Architect has responded to SDC along the same lines as 5.2.

HE were also concerned that we would be affecting their "soft estate" but, with a PRoW between our acoustic fence and their (very substantial) field fence, we can safely say that we have no interest in touching their trees and shrubs.

5.4 Pedestrian facilities

GCC Highways have backed off requesting a bus shelter and from requiring that we tarmac the casual lay-by for use by busses. We will have to provide new aluminium bus stops and timetable panels and some extra tarmacking for pedestrians but nothing too expensive. In other words, we were already doing a good job by paving all the way to the bus stop and providing drop kerbs. James Hunter of Helix Transport has provided a new diagram which our architect is supplying to SDC.

5.5. Acoustic Design

Mr Jackson of SDC had asked that we re-consider having an acoustic box, 3.5 metres high, to provide a sanctuary for plots 19 to 23. This is against our agreement with the Planning Department, who agree with us that such an edifice would be ugly, unsafe and un-workable.

Our Architect responded in such vein last week and Mr Jackson has yet to respond further.

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5.6 Highway access

Having sorted out the technicalities of access and subsequent highway adoption with GCC Highways in time for the 43rd Board Meeting, we now await Highways England (HE).

Members will recall that HE are the legal owners of the subsoil, whilst GCC Highways own the surface as an adopted highway. We require an easement from HE to carry buried services and the road foundations into the site.

KH has sent HE a draft easement but is having difficulty even speaking to the nominated contact there. This is not an impediment to Planning Permission but remains an obstacle to Aster signing off the 125-year lease.

5.7 Section 106

There have been some niggles in settling the final items with Aster but as of 4th December these have been ironed out.

The remaining process is to consult Red Kite (hopefully only a courtesy) and then submit to SDC. This may take several weeks, taking it beyond our planning determination date. This is not uncommon (see 5.8 below)

5.8 Conclusion so far

Items 5.2 to 5.5 feel to be under control and only the HE easement (5.6) is troublesome now.

Our understanding is that our decision will be made by officers only, headed by the Director of Planning – councillors will not be involved, not even the Chairman of Development Control.

If we manage to clear items 5.2 to 5.5 by 10th December, then this can be decided before Xmas, conditional on agreement of the S 106 (which is quite a common outcome because of delays in the SDC legal section).

TL will be talking to SDC again next week to check on any likely Conditions SDC may apply. Aster have a clause in the 125-year lease allowing them to withdraw if there are “unreasonable” Conditions.

Tom Low, Secretary

December 2018

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