

## **BAGILLT COMMUNITY COUNCIL**

Minutes of the proceedings of the Ordinary meeting of the BAGILLT COMMUNITY COUNCIL held in BAGILLT COMMUNITY LIBRARY on Wednesday 14<sup>th</sup> June 2017.

**PRESENT: Councillor A. Griffiths (Chairman)**

**COUNCILLORS:** R. Davies, B.T. Doleman, K. Rush, C.P. Owens, M.A. Reece, C. Renshaw, Mrs. C. Shorten, C. Williams, C.R. Williams and Mrs. D. J. Williams

**APOLGIES:** Councillor T. Shorten

**IN ATTENDANCE:** Mrs. L. Wood (Clerk) and Mr. D. Charlton, Flintshire Operational Manager, Streetscene.

### **20. PLANNING APPLICATION**

This item was brought forward to the start of the meeting by the Chairman due to a number of Members of the Public in attendance.

<b>App. No.</b>	<b>Location</b>	<b>Detail</b>
057027	Former British Legion Site, Gadlys Lane	Proposed construction for 10 dwellings (4 already constructed under Planning ref: 049273) inc. all landscaping details etc.

The Chairman reported that an amended Planning Application had been received from Flintshire Council County.

A number of Members of the Public attended, all were 'against' the Planning Application. The Chairman asked for a spokesperson.

The spokesperson said the amended plans made no difference to the views of the local's residents, they were still totally against the development. The spokesperson explained that the four houses already built have invalid planning permission therefore the houses are invalid. The four houses are 7.6 meters too close to the existing properties.

If this development was to go ahead, the obscure glass which has been put in the new properties to provide privacy to the existing residents, could be removed by new occupiers and replaced with clear glass. Then it would be a civil matter between residents.

The new architect referred to these properties as 2 ½ story houses, they are 3 story houses.

Residents are unhappy with receiving amendment after amendment, this development is unlawful. As well as privacy issues, residents also have grave concerns regarding day light to the existing properties. The trees and fences which are to be planted / erected, would totally restrict the day light. The residents showed the Council photograph of the fences which have been erected on clay with no footings and said that residents are afraid to let children play out in their own gardens in case the fences fall. Once the trees are planted and grow, residents will not have any sunlight.

Drainage is also a major problem, many of the existing properties have been flooded. The spokesperson stated the builders used his own drains, which is not acceptable and his property has flooded eight times.

The Council were also shown paperwork from 25<sup>th</sup> February 2008 which detailed an application which was refused by highways as the lane could not take an additional 20 cars.

The spokesperson asked for the full support of the Council in rejecting these amendments.

Councillor K. Rush said he hoped as a Community Council, we are with the residents of Bagillt in objecting to this development. The houses have been built on a rising plain and historical information is irrelevant, the development is in breach of Flintshire County Councils own Unitary Development Plan (UDP). The UDP states that there must be at least 22 metres between properties and these houses are only 19 metres away hence a breach of planning rules therefore as a Council we need to object.

Councillor B. T. Doleman said the development goes against Flintshire County Council's own planning rules. As a Community Council, we do not have any credibility with the County Council. This Council needs to challenge the County Council and prepare to start taking this matter to the ombudsman.

Councillor Mrs. C. Shorten said she has written many letters of objections to Flintshire County Council regarding this development and to date, has not received an acknowledgement or response.

Councillor C. Renshaw agreed with residents that if this development did go ahead, new occupiers could change the obscure glass and cut down the trees or let them grow too high. Also with the ground being raised so high, where will all the water and drainage go to, the residents will have gardens like swamps. Councillor C. Renshaw said we are here to represent the Community and need to help them.

The Chairman suggested that the Council should write to the Flintshire Planning Officer to object to the proposals and request a site visit.

Councillor C. R. Williams suggested the Council should invite a member of the Flintshire Planning Department to attend a Council meeting to meet with residents and discuss/address issues etc.

Councillor K. Rush said he felt the plans were confusing as they state obscure glazing on the second storey, however its actually the third storey. As Councillors, we have visited the site, we know that the first storey looks directly into the existing resident's properties which is totally wrong. Although there is covenant to say the obscure glass cannot be removed, over time this could be changed.

Councillor M. A. Reece explained to the members of the public that the Council have to follow a process which is guided by rules and regulations.

Councillor Mrs. C. Shorten advised Council that she also wrote to the Health & Safety Executive in Wrexham as the site is not secure, children are on the site, windows have been smashed and items have been removed from the site. Also, the working practises that Councillor Shorten has seen were not particularly safe as workers have not been wearing hard hats.

**RESOLVED:** The Council unanimously agreed for the Clerk to write to the Planning Officer at Flintshire County Council and object to this Planning Application and request an Office attends a Council meeting.

### Applications

App. No.	Location	Detail
056940	P& O Lloyd Coaches Ltd. Rhydwen Garage, Walwen, Bagillt, CH6 6JJ	Change of use of agricultural land to commercial providing additional hardstanding for staff car park

**RESOLVED:** That the Council supports the application and this is reported via the Flintshire website.

App. No.	Location	Detail
056952	Land South of Bagillt Car spares, Bagillt	Erection of Miners Monument in the form of a sundial mounted on gear wheel

**RESOLVED:** That the Council supports the application and this is reported via the Flintshire website.

## **21. VACANCY EAST AND WEST WARD – CO-OPTION**

The Clerk reported to the meeting that she had received two expressions of interest to be co-opted onto the Council from Mrs. S. L. Jones and Mrs. J. Nicholas and they both gave details relating to their residency in the village and community involvement.

**RESOLVED:** That Mrs. S. L. Jones be co-opted to fill the vacancy in the West Ward and that Mrs. J. Nicholas be co-opted to fill the vacancy in the East Ward.

As both were present, they each signed a Declaration of Acceptance of Office in the presence of the Clerk, which now enabled them to take part in the remainder of the meeting. The Clerk indicated that she was passing over documents to Councillor Mrs. S. L. Jones and Councillor J. Nicholson relating to Code of Conduct, Standing Orders, Planning Procedures, copies of past agendas and a copy of Welsh Government Guide for Councillors.

## **22. POLICING MATTERS**

The Clerk informed the Council that PCSO Chatham was unable to attend the meeting.

The Chairman proposed we write to the Inspector in Mold to complain about the lack of commitment to Bagillt, both within the Community and attending the Council meetings.

**RESOLVED:** The Clerk will write to the Chief Inspector based at Mold Police Station.

## **23. BY PASS CROSSING**

The Chairman welcomed Mr. D. Charlton, Flintshire Operational Manager, Streetscene.

Mr. Charlton said he attended the meeting to provide an update on the A5026 route treatment works and the signalised junction improvement scheme on the A548.

The Authority has successfully secured funding from Welsh Government through the Road Safety Grant initiative for route improvement works in the Bagillt area.

The following three aspects included within the bid are as follows;

1. Subsidence works on Boot Hill – completion of works anticipated during the School summer holidays.

2. Carriageway Resurfacing, between Ysgol Glan Aber and the top side of Victoria Park – forming part of the Route Treatment element of the scheme, the resurfacing works is also scheduled for completion during the School holidays.
3. A548/A5026 Junction improvement works - this aspect of the scheme includes for the installation of traffic signals (incorporating a toucan crossing to enable access to the coastal path), 'sleeving down' of the dual carriageway to single lane from the junction of Aber Road Industrial Estate and the closure of the Boot End off-slip.

Councillor C. R. Williams asked when they do the road lines, could it be a continuous line, not a broken line which it is by Road Runners as people will overtake and with a solid line, it is illegal to overtake.

Councillor B. T. Doleman said if it is changed to a single lane from Flint to Lyon Den, this will cause an issue for people to cross the road to access the coastal path by A548 at the Stag as the traffic volume would increase in a single lane. Councillor B. T. Doleman confirmed he was in total agreement with the proposed scheme at the Lyons Den, but could a crossing by the Stag be incorporated into the scheme and linked into the funding, as this the part of the village has no facility to safely cross the road. We have primary school who cannot cross the by-pass safely.

Councillor B. T. Doleman added the village did not want the by-pass in the first place, it cut the village in half and residents were forced into selling land via compulsory purchased.

Mr. Charlton felt it would improve safety as you would only have to negotiate one lane at a time and the central refuge would provide protection to both pedestrians and cyclists wishing to cross the dual carriageway. Traffic volumes along the route are insufficient to warrant a dual carriageway and therefore ample capacity exists along the route. Mr. Charlton added the Council are always looking into safer routes and improvements, as well as funding streams. These plans are the first phase, other phases can be put forward.

Councillor K. Rush agreed we need a crossing at the Lyons Den but feels if the road from Flint Aber junction is made into a single lane, the traffic especially on a Friday when it is already a bottle neck, will come through slower and increase the traffic in the village of Bagillt. Another major concern is the traffic by the Blossoms is already very busy in the mornings with people travelling to work from the Bryn Tirion area which is the busiest part of Bagillt, therefore, would it be feasible to keep the dual carriageway open from Flint to near the Blossoms in Bagillt and incorporate a mini roundabout. This would slow the traffic down coming from Flint direction and would also help the residents from Bryn Tirion as if there is an issue on the A55, many cars will divert and come through Bagillt.

Councillor Mrs. S. L. Jones added that the area near the Royal Oak must also be considered as if the road is changed to single lane, this will add to the problems which traffic already have with crossing and joining the road.

Councillor B. T. Doleman said the scheme is needed but we need to ensure we do not fix a problem in one area and create another one elsewhere.

Councillor Mrs. C. Shorten asked if the trees/shrubs could be cut, as when coming back across the A548 to the Stag, looking right in the Greenfield direction, you have to step into the road to see if clear to cross. This crossing is not ideal but for the time being, if trees were cut this would give greater visibility.

Councillor Mrs. D. J. Williams asked if you were travelling from Flint on a single carriageway, can you still come off at the Manor and if so, would this create more traffic to take a left turn at the Manor. Mr. Charlton confirmed there is no intention to remove any junctions and believes it will not increase the volume of traffic through the High Street, however this would be monitored in the future should any concerns be raised. The traffic volumes do not justify the need for a dual carriageway, and there are no issues of traffic congestion in both Ffynnongroyw or Gronant where the same design has been employed.

Councillor M. A. Reece agreed the scheme at the Bells, Gronant was a success, so hopes this scheme will be as successful.

**RESOLVED:** The Council agree and approve the scheme at the Lyons Den, however request Mr. Charlton reports all suggestions back to County.

## **24. MINUTES**

**RESOLVED:** That the minutes of the Annual meeting of the Council held 10<sup>th</sup> May 2017 be confirmed as a correct record and signed by the Chairman.

## **25. CHAIRMAN'S COMMUNICATIONS**

The Chairman reported that a letter had been received from Seafarers, supporting the maritime community, asking if the community wished to be involved in the Merchant Navy Day on 3<sup>rd</sup> September. The letter was circulated to Members.

The Chairman also reported he had received several invitations to attend local Civic Services, he will consider the invitations and will respond accordingly.

## 26. ACCOUNTS FOR PAYMENT

<i>Name</i>	<i>£</i>	<i>Voucher No</i>	<i>Expenditure Powers</i>
Mrs. L. Wood - June	682.66	19	Loc.Govt.Act 1972 (S.112)
HM Revenues & Customs - June	132.44	20	Loc.Govt.Act 1972 (S.112)
HM Revenues & Customs - April & May (NI)	2.88	21	Loc.Govt.Act 1972 (S.112)
Clwyd Pension Fund - - June	130.18	22	Loc.Govt.Act 1972 (S.112)
Opus Electricity	52.56	23	Loc.Govt.(MP) Act 1976 (S19)
HCI Data Limited	83.88	24	Loc.Govt.Act 1972 (S.111)
SLCC Enterprise Ltd	82.80	25	Loc.Govt.Act 1972 (S.111)
North & Mid Wales Assoc. Of Local Councils	16.00	26	Loc.Govt.Act 1972 (S.111)

**RESOLVED:** That the abovementioned accounts be paid.

## 27. BAGILLT FORSHORE

Councillor M. A. Reece updated the Council regarding the planting of trees. Mr. M. Taylor, Flintshire Countryside Services will write to the Landowner to ask permission if they can use top soil from Greenfield recycling centre to plant trees as the trees will not grow in the contaminated land.

## 28. BAGILLT YOUTH CLUB

The Council considered the letter received from Mr. I. Budd, Flintshire Chief Officer, Education & Youth regarding the closure of the Youth Club. The letter stated that staff from Bagillt Youth Club chose to move to other provision, to work in busy thriving clubs and that attendance at the club was very low despite efforts to improve the numbers.

Councillor C. P. Owens said himself and Councillor B. T. Doleman visited the school recently and the Headteacher said he had been brought to his attention that an Information Notice was put up by Flintshire County Council which stated it was a notification that there is a refreshed Asset List for the purpose of Community Asset Transfer on the Flintshire County Council website and this asset is on that list, should you require further information, contact the Flintshire Local Voluntary Council. Councillor C. P. Owens added anyone can make an application to take over the building and also the schools interest in using the building was rather more limited that we were lead to believe. The Chairman circulated a copy of this notice to all Members.

Councillor B. T. Doleman said he is more than happy for the school to share the use of the building with the Youth Club, dual use, as many other schools do. We as the Council have an obligation to the Community to keep this Youth Club open.

Councillor M. A. Reece said he had spoken to the Cabinet Member for Education and Youth and he was not aware of this notice and reported this to Mr. N. Cockerton, Flintshire Chief Officer, Organisational Change and the notice was withdrawn. Mr. Cockerton indicated if providing a good outcome with the school and they can source Youth Workers, the club will remain open, if not it will go as Community Asset Transfer.

Councillor K. Rush said the letter from Mr. Budd stated the point regarding the Morris Dancers 'is not in our gift to respond as this is a separate organisation', they are members of our community, we do not want to see the dancers with nowhere to go. The letter also stated 'staff want to work in thriving clubs', staff were forced to move to other Youth Clubs. Councillor K. Rush said he is aware that Greenfield Youth Club has an average of 8/10 children attending with 3 youth workers and Holywell Youth Club has an average of 4/5 children attending with up to 4/5 youth workers.

Councillor K. Rush said the reason we have no Youth Club is when Flintshire County Council re-vamped the Youth Club, they broke the pool table, the P.C.'s do not work, the tables in the room stop the children playing football, there is nothing for the children to do, if items are not working or not replaced, the children will not attend. Councillor K. Rush believed that a bus used to go around the village in the summer holidays to get the children involved and make them aware of the Youth Club. A letter should be sent to the new Flintshire Interim Chief Officer, Education and Youth, Mrs. C. Homard to say as a Council we remain strong in our cause to re-open this Youth Club, why should our children suffer.

Councillor Mrs. C. Shorten said she visited Mynydd Isa Community Centre where their Youth Club is held and found a notice regarding Equal Opportunities for the Youth of Flintshire, why isn't this the same rule for Bagillt.

Councillor C. R. Williams referred to the Information Notice, he said this is not signed therefore not legal. Councillor M. A. Reece said the Cabinet Member for Education and Youth also said this and advised Mr. Cockerton to remove all signs.

Councillor M. A. Reece said he proposes we write to Mrs. C. Homard and confirm we commit to a joint venture with between the school and the Youth Club. Councillor M. A. Reece also, said groups that use the Youth Club premises should pay for the hire of the room.

**RESOLVED:** The Clerk will write to Flintshire Interim Chief Officer, Education & Youth, Mrs. C. Homard to ask for Youth Club to be re-opened and confirm the Council commit to work as a joint venture with school.



## **29. HIGH STREET – TRAFFIC CALMING SCHEME**

Councillor M. A. Reece updated the Council following a meeting between County Councillors and Mr. A. Stanford, Flintshire Senior Engineer Traffic. Mr. A. Stanford and Mr. D. Charlton will both attend the July Council meeting to discuss the scheme.

Councillor M. A. Reece said Mr. A. Stanford is currently trying to secure funding to replace the humps with tables. Also, the Emergency Services need to agree with the new scheme.

Councillor B. T. Doleman reminded Members that when a delegation of Councillor met with Jo Stevens, Road Safety Senior Policy Advisor, Ms. Stevens said the scheme must be dealt with and if an application is made for funding, this will be looked at favourably.

Councillor K. Rush asked if Mr. Stanford had produced the projection figures for the scheme as requested at the meeting by Ms. Stevens.

Councillor M. A. Reece said when we are at the consultation stage, it has been asked that all Bagillt Community Councillors deliver letters to all the houses within their wards.

Councillor R. Davies who also attended the meeting with Mr. A. Stanford confirmed he said the humps will be replaced with tables depending on the Emergency Services agreeing and also the Council agreeing on the proposed scheme.

**RESOLVED:** The Clerk will confirm Mr. A. Stanford and Mr. D. Charlton attendance at the July meeting and ask if the projection figures have been prepared.

## **30. MEMBERS ITEMS**

**a.** Councillor Mrs. C. Shorten reported that a resident had complained about the number of lorries travelling up Bryn Tirion therefore could we ask Flintshire County council to carry out a Lorry survey.

The Chairman and Councillor B. T. Doleman said many years ago they were asked to carry a survey out on the number of lorries using this road.

Councillor C. Williams said when this issue was raised a few years ago, the Council asked for the weight restriction to be put on the road. The Highways looked into this matter and raised the weight restriction to allow the concrete lorries to use.

**b.** The Chairman reported an issue with weeds in the flower beds, especially from the bottom of Merilyn Lane and opposite Reece's Terrace. No one from Flintshire County Council has attended to the weeds. If Bagillt was a priority area, this would have been done.

c. Councillor C. P. Owens reported that Japanese knotweed opposite the Lyons Den is growing fast and requires attention.

d. Councillor M. A. Reece reported that residents had complained about double decker buses blocking the road when going up and down Pen-y-Maes Hill and would like a letter sending to Flintshire transportation Office.

Councillor C. Williams said regarding this issue, a lot of the trees when going towards Holywell, which are not being cut back and are catching the buses. The other day a bus nearly hit his car as it had to move to avoid the low hanging branches, therefore this could be the reason whilst the buses are using the Pen-y-Maes route.

e. Councillor M. A. Reece had a request from Ms. C. Higgins, Flintshire Legal Officer asking if the Community Council could write to the Right Ways Officer requesting a letter is sent to the farmer regarding a diversion of footpath 10 and asking if he is in agreement with a diversion.

The footpath by the Legion, Mr. S. Bartley, Flintshire Rights of Way Officer has been to see the gentleman concerned and said they want to open the footpath and pay for a wall to be built, is it hoped that the landowner is in agreement otherwise this will become a Planning Enforcement issue.

Councillor Mrs. C. Shorten said that footpath is the only safe route from the new development to Merilyn Lane. This was one of the objections for the development therefore this could be the reason the County Council want to open this footpath.

Councillor K. Rush said he does not understand it was allowed for a wall to have been built on a public footpath. As public footpaths are an Act of Parliamentary, it is proposed a letter is sent to Mr. D. Hanson, MP asking if he can become involved to help. Footpaths cannot be blocked off; people and ramblers want to use these footpaths.

Councillor B. T. Doleman said the No 10 public footpath issue has been on-going since 1988 and had a large file containing all the correspondence from over the years. The footpath was originally blocked by a drive being extended and a wall being built. It was reported to a County Footpath Officer that from footpath 10 you cannot access the High Street. Councillor B. T. Doleman referred to the letter which he had received from the open spaces which stated that local councils have powers under the Section 130, No 6 of the Highways Act 1980. If representation is made to the Highways Authority, they have a duty to take action against the obstruction. It was reported that a Parish Council had taken a County Council to court over its failure to take such actions. This footpath 10 issue has been ongoing for 30 years.

Councillor M. A. Reece said the legal department are behind with casework on footpaths and also funding is not available for barristers, therefore the hope is the landowners are in agreement.

Councillor B. T. Doleman said even if the landowners are in agreement for a diversion, the County Council are legally bound to advertise a proposed diversion and if one person objects then the diversion is stopped.

**RESOLVED:**

- a. The Clerks will write to Mr. D. Charlton, Flintshire Operational Manager, Streetscene to ask if Flintshire County Council can carry out a Lorry survey at Bryn Tirion.
- b. The Clerk will report issues regarding the weeds in the village to Mr. N. Hickie, Flintshire Streetscene Officer.
- c. The Clerk will report issues regarding the Japanese knotweed to Mr. N. Hickie, Flintshire Streetscene Officer.
- d. The Clerk will write to Mrs. Katie Wilby, Flintshire Transportation and Logistics Manager to report the issue regarding the double decker buses on Pen-y-Maes Hill.
- e. The Clerk will write to Mr. D. Hanson, MP asking if he would be able to write on behalf of the Council to Mrs. C. Higgins, Flintshire Legal Officer to ask for clarification regarding the situation to date with footpath 10.

**IN ACCORDANCE WITH BAGILLT COMMUNITY COUNCIL'S CODE OF CONDUCT**

<b>Date of Council Meeting</b>	<b>Wednesday 14<sup>th</sup> June 2017</b>
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<b>Member</b>	<b>Item</b>	<b>Minute No. Refers</b>
There were no Declarations of personal interest		

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**Chairman**