

**MINUTES OF MEETING OF  
THE ENVIRONMENT COMMITTEE  
held on Monday 2 December 2019 at 19:00  
at The Loft, Dersingham Village Centre**

**Present:** Cllr R Frost, Cllr B Anderson, Cllr C Shepherd, Cllr B Hopkins, Cllr C Hipkin, Cllr S Oborn, & Cllr A Bubb

**In Attendance** The Clerk

**260 Apologies**

**It was resolved to accept apologies from Cllr C Hipkin,**

**261 Declarations of Interest**

None received.

**262 Minutes of the Environment Committee Meeting held on the 14 October 2019. It was resolved for the minutes to be signed by the Chair as a true record after the following amendments:** Minute no 222 last sentence should read Boardwalk on the Fen.

**263 Minutes of the Environment Committee Meeting held on the 4 November 2019. It was resolved for the minutes to be signed by the Chair as a true record after the following amendments:** Minute no 242 Cllr Shepherd advised that the red link was down to track changes and minute no 249 should read The Skatepark keeping within the 200 cubic meters would produce around 9450kg of carbon dioxide. A hectare of trees absorbs 5000kg of carbon dioxide so if we planted 0.5 hectares of trees on the Warren it would equal out the carbon used to produce the skatepark.

**264 Rangers**

Cllr Bubb advised that the vegetation along the allotment side of Station Road is encroaching a large proportion of the pavement. The majority of the vegetation consists of nettles so parishioners with prams etc are having to walk in the road. **It was resolved for the Clerk to add to the Rangers list.**

The Clerk advised that she has been advised by NCC Highways that leaves on pavements etc are the responsibility of the Borough Council. The Clerk enquired of the Borough Council only to be told that there is no money in the budget to remove/sweep leaves. Cllr Shepherd advised that with a unitary authority there is not this division of duties which is so confusing. **It was resolved for Cllr Bubb as a Borough Councillors to look in to this situation.**

**265 Current Financial Position**

The Clerk handed round the budget sheets that had be previously circulated electronically. Cllr Bubb asked regarding the Reserve Movement Report if the balance of the Warren money could be invested by obtaining Charity Status and investing in a COIF. **It was resolved for Cllr Bubb to look in to and report back to the next meeting.**

**266 Budget Setting 2020/21**

No revision necessary.

## 267 Areas of Responsibility

- (a) **Bus Shelters/Bus Stop**  
Cllr Bubb enquired when the buses were going to stop at the new bus stops outside Dersingham Village Centre. Cllr Shepherd advised that Cllr Dark had agreed to chase.
- (b) **Streetlights**  
The Clerk asked if a survey of the concrete columns should be undertaken so that the Council can try and assess when replacements might be necessary so budget accordingly. Cllr M Shepherd to print a list off Parish-On-Line and give to Cllr Anderson who will undertake a visual check. The Clerk advised that the Streetlight Maintenance Company are able to undertake surveys of the columns by looking internally. **It was resolved for Cllr Anderson to assess.**
- (c) **Grasscutting**  
Cutting finished now until the spring.
- (d) **Cleaning**  
Nothing to report
- (e) **Litter bins**  
Nothing to report.
- (f) **Seats and Benches**  
Nothing to report.
- (g) **Dog waste bins/sponsorship –**  
The Clerk advised that she had invoiced for the last two unsponsored bins and was awaiting advertisement material and payment.  
  
A Parishioner had asked regarding buying a dog bin and placing it on his property as he was suffering from inconsiderate dog owners throwing the filled bags onto his property. The Clerk advised that the Council whilst sympathetic could not set a precedence up but the Parishioner should be advised to contact the Borough Council who would advise if he purchased a bin would they be in agreement to empty and invoice. **It was resolved for Cllr Shepherd to advise the Parishioner.**
- (h) **Footpaths and Walkways.**  
Nothing to report.
- (i) **Tree Warden**  
Nothing to report
- (j) **General Village Environment –**  
Nothing to report.

## 268 The Warren

Cllr Bubb advised that he had spoken with Simon Hickling again regarding a log that could be used as a seat on The Warren. Mr Hickling had advised that with the revamping of the Visitors Centre one would be available soon.

## 269 Recreation area

- a) RoSPA Playground Inspection Report. Cllr Shepherd advised that a list was necessary. **It was resolved for the Clerk to undertake a list of work necessary and sent round to Councillors.**
- b) Basketball Hoops. Cllr Frost advised that he had been to look at the backboard and the steel part was in good repair but the advertising skin has cracked and pieces are missing. Cllr Frost advised that he had measured the boards and given the details to the Clerk. The Clerk advised that the details of the backboard that she circulated at the last meeting were nearly the same size. **It was resolved for the Clerk to purchase two new back boards.**
- c) Inspection Sheets. The Clerk advised that these were now in the office but there was very little detail on them. Cllr Shepherd advised that as long as problems are brought to the Clerk attention they do not need to be detailed.

## 270 Skatepark

- a) Tender Evaluation – **It was resolved for the Clerk to contact the preferred contractor and obtain detailed drawings that could be used for planning purposes.**
- b) Legal Issue – An email had been received from the Solicitor advising the consultation was key to being able to use the Recreation Ground. The situation was much easier as the new skatepark would be a replacement. Once detailed drawings had been received then the consultation period can begin.
- c) Planning – It is hoped to obtain an lawful development certificate.

## 271 War Memorial & War Memorial Gardens

The Clerk advised that she now had the necessary quotes to undertake the work regarding the replacement sleeper but asked that this part is taken excluding Press and Public. **It was resolved for the sleeper quotes to be taken excluding press and public.**

Cllr Shepherd advised that the gardens etc need to be maintained throughout the year not just before Remembrance Sunday as it was used regularly for the rest of the year also. Cllr Shepherd advised that the joints in the brick weave need rejointing. Cllr Bubb advised that rejointing was achieved about two years ago. Cllr Frost asked if a weed killer could be placed with the rejointing. Cllr Shepherd was not sure if a pre-emergent weed killer was available. It was felt that once the new sleepers are in place then an agreed planting plan etc would be necessary.

## 272. Climate Change

Cllr Anderson had produced a report. Please see attached. Cllr Anderson advised that Norfolk County Council had agreed a very ambitious proposal to be carbon neutral by 2030. Discussion took place on various ways that the Parish Council could help by trying to persuade the shops not to sell plastic bags, to moving over to using a tablet instead of producing large amounts of photocopying for minutes etc. It was felt that components within the tablet might not be made in a carbon neutral way. Help to set up a West Norfolk Climate Change Partnership and send a representative. Put lots of articles in Village Voice to make people more aware. Lobby the Government Tiers above with regards to planning with developments having to have solar panels or similar and the incentive of higher feed in tariffs. Cllr Anderson proposed that the following motion is put for resolution of the Full Council. **It was resolved to recommend to Full Council that the Parish Council that it recognises the statements in A1 to A6. And to further recommend to Full Council that a climate change working party be established reporting initially to Environment Committee with terms of reference reflecting B1 to B12.**

**273 Correspondence –**  
None to report

**274 Items for inclusion at next Meeting**

Same agenda plus Elm Tree – Recreation Ground and Hedgehog-Wildlife Signs.

**275 Items for the Website.**

Solicitors advice and Climate Change to be part of these minutes and published on the website.

**276. Date, time and venue of next meeting**

6 January 2020 at 7.00pm at The Loft, Dersingham Village Centre, Dersingham

**It was resolved to exclude Press and Public for the following items.**

**277. Risk Assessments**

a) Members to discuss quotes and any actions re Tree inspection. The Clerk advised that she had not received the quotes at present. **It was resolved for the Clerk to chase.**

**278. Bank Road Licence**

Cllr Frost advised that he and the Clerk had attended the site with a worker of the Borough Council to discuss the situation. Cllr Frost advised that the gentleman had no more details than ourselves. The Clerk advised that he advised that the brambles/vegetation should be taken back to ground level, the trees to be in good order and the little fence at the front to be replaced/reinstated. The Clerk advised that she has three quotes to undertake this work. Cllr Shepherd advised that she was not in favour of this work because of the wildlife involved. Cllr Shepherd advised that she felt it was better to continue as the Council have been. The Clerk advised that complaints had been received to the Parish Council and the Borough Council regarding brambles growing over the back fence and entering their gardens. Cllr Anderson advised that until something is advised in writing from the Borough Council that nothing is achieved. Cllr Bubb advised that it would be more appropriate as the Borough Council do not want it back and we do not want the upkeep if the Borough Council were to let the residents behind extend their gardens and take over the area. **It was resolved for Cllr Bubb to speak to Matthew Henry at the Borough Council to see if this would be acceptable.**

**279. War Memorial Sleepers.**

The Clerk advised that she has received three quotes ranging from £720.00 to £2100.00 to undertake the labour. **It was resolved for the Clerk to place an order for the sleepers at £699.00 and with PCL for £720.00 for the labour.**

With no further business the meeting was closed at 20:58pm.

Report for Agenda Item 11

Dear Coral

Thank you for your instruction. Our initial advice is as follows:-

We have reviewed and researched the information you have provided and advise as follows:-

**Would we be in breach of any legislation in erecting a skate park?**

Beyond any requirement for planning consent, there is no additional requirement to apply for consent for works to be carried out on a registered Village Green. Registered Village Greens are subject to various

statutory protections which prohibit the carrying out of works other than for the better enjoyment of the green. Thus, as advised by Norfolk County Council, works could be carried out provided they do not contravene either section 12 of the Inclosure Act 1857 ('the 1857 Act') or section 29 of the Commons Act 1876 ('the 1876 Act').

The 1857 Act and the 1876 Act protect the Green from nuisances ensuring there is no interruption of the use or enjoyment of the Green.

As you will appreciate the skate park does enhance the enjoyment of the Green for some, but others may see it as an encroachment on the Green space. Our recommendation would therefore be to ensure that you have consulted extensively with all interested parties and affected parties, i.e. residents and properties in the immediate vicinity of the Green, and by posting notices of the proposed skate park on site and on Village notice boards. The Open Spaces Society take an interest in and are very protective of Open Space, Village Greens and Commons. You should consider consulting them and, whilst this may provoke an objection, it would be better to deal with this in advance of the works, rather than face an issue afterwards.

We would suggest checking with Kings Lynn and West Norfolk Borough Council whether or not they require a planning application to be made. This could be useful as the skate park would then have full consent and would have been through a full consultation process. In any event the Borough Council should be included in any consultations carried out.

The other factor in your favour is that your proposals are for the replacement of a previously existing skate park, we presume there were no objections or adverse effects when this was constructed?

#### **What would be the likely grounds of any legal challenge by a third party?**

If a full consultation has been carried out and as a skate park has been in existence previously, our view is that a legal challenge is unlikely however, this could never be guaranteed. Any objection to the skate park we would anticipate will be raised during consultations.

#### **Is there anything we can do to mitigate the risk of a challenge, for example additional insurance, greater public consultation?**

Consultation is the obvious way to mitigate any risk, as detailed above. We would not be in a position to advise on an appropriate insurance policy however it should be considered. We would therefore suggest you do review your insurance provisions, ensuring you have sufficient liability and legal cover for the skate park?

#### **If such a challenge was during construction would the work have to be paused?**

It is likely that if a challenge was received work would need to be suspended however, it does depend on the type of challenge and how it is made.

#### **What would be the implications for the Parish Council of any challenge – e.g. financial costs, length of resolving a challenge?**

The implications for the Parish Council will be the legal costs and also the cost of having to dismantle the skate park if any challenge was successful. The cost of a court challenge is likely to be substantial, running into several thousands of pounds, but it is difficult to advise a figure as there are many variables. We would again suggest that you ensure your legal cover is sufficient and your insurance covers any damage or requirement to reverse or dismantle any work carried out.

#### **What would the process be if there were a legal challenge?**

We would expect any challenge to be made through the normal complaints process and if not satisfied, the challenger could then take the complaint to the Standards Committee at Norfolk County Council as advised here:- <https://www.lgo.org.uk/make-a-complaint/fact-sheets/other-topics/parish-councils>. Court action could also be taken seeking an injunction to prevent the works being undertaken if for example the complainant claimed the skate park was unlawful or the Parish Council had acted unlawfully.

#### **Likelihood of winning any challenge?**

It is difficult to advise on the likelihood of winning any challenge as it does depend on the nature of the challenge. To minimise the risk of a challenge, the Parish Council need to ensure they have acted lawfully and they have consulted extensively and responded to any objections disclosed through the consultation exercise.

We agree, we do not see temporary vehicular access being a problem provided any damage caused by the vehicles is put right.

We do hope this is useful however, please do not hesitate to contact us if you have further questions.

Kind regards

Marcia

## Agenda item 13 Paperwork

The motion below was presented to The Borough Council of King's Lynn and West Norfolk in October 2019. A member of the public invited Dersingham Parish Council to accept and adopt similar proposals regarding its own policies and procedures.

*This council recognises that:*

A.

- 1. The human influence on the climate system is unequivocal, and recent man-made emissions of greenhouse gases are the highest in history.*
- 2. Recent climate changes have had widespread impacts on human and natural systems. This and other factors have led to a crisis in ecology and biodiversity.*
- 3. West Norfolk is already at a high and increasing risk of the effects of climate change.*
- 4. The 2015 Paris Agreement, which the UK has ratified, sets a temperature target of limiting global heating well below 2°C with efforts to achieve 1.5°C.*
- 5. The 2018 Intergovernmental Panel on Climate Change report showed that impacts are much greater if 1.5°C is exceeded.*
- 6. The social and economic costs of delayed action far outweigh those of rapid mitigation and adaptation to the 1.5°C target.*

*For the above reasons the Borough Council of King's Lynn and West Norfolk declares a climate and biodiversity emergency and commits to the following actions:*

B.

- 1. Ensure that every decision made by this council takes into consideration the impact on climate change and biodiversity as the top priority.*
- 2. Achieve carbon neutrality by 2030, or earlier, across the Borough's corporate activities.*
- 3. Make all endeavours for the Borough of King's Lynn and West Norfolk to become net zero carbon by 2030, or earlier, across the population to meet a Borough commitment to the Paris Agreement temperature target.*
- 4. Not to exceed a Borough population-wide all-time "energy only" budget of 8 million tonnes of CO<sub>2</sub> (or equivalent) emissions, as calculated recently to meet the Paris Agreement temperature target.*
- 5. Prepare a report, within six-months of this motion, outlining how West Norfolk can sufficiently reduce carbon emissions through energy and other Council strategies, plans and contracts to ensure the above commitments are met.*
- 6. Include a full carbon footprint for the Borough with future trajectories.*

7. *The above report will be overseen by the formation of a Climate Change and Biodiversity working group which will report to the Environment and Community Panel.*
8. *Review and performance monitoring of climate change strategy will take place every six months.*
9. *Establish a West Norfolk Climate Change Partnership with key stakeholders & Government departments to develop new strategic and policy approaches.*
10. *Instigate a wide ranging programme of community engagement and awareness within the next six months.*
11. *Lobby Westminster to deliver the powers and resources necessary for the required changes.*
12. *Provide adequate staff, time and leadership to effect the above.*

I propose that the Council adopt the first section (A) on the evidence and nature of the problem and adopt such measures from the second section (B) as are appropriate to a Parish Council. There are number of things in the list which we cannot achieve either because they are *ultra vires* or because we do not have the resources available.

B1. We can ensure that our decisions bear in mind the likely carbon impact.

B2, B3, B4 and B5 will depend on the Borough Council or others being able provide data of sufficient granularity to be able to determine our performance within the Parish.

B6 will require a significant effort auditing the carbon impact of our activities.

B7. We could consider establishing a climate change working party reporting initially to Environment Committee.

B8 can be subsumed under Environment Committee.

B9 - we can piggyback on the Borough Council's work (provided they adopt the motion or something similar).

B10 we already do something on via Village Voice. B11 - we can lobby. Indeed as a lower tier council we can also lobby the higher tiers as well as Westminster.

B12 will be difficult. The existing load on our staff will mean that the bulk of the effort will fall on councillors.

# Financial Budget Comparison

Comparison between 01/04/19 and 30/11/19 inclusive.

Excludes transactions with an invoice date prior to 01/04/19

	Previous Year's Net	2019/20	Actual Net	Balance	2020/21
<b>Environment Income</b>					
400 Dog Bin Sponsorship	£0.00	£600.00	£700.00	£100.00	£600.00
405 NCC Partnership Scheme	£0.00	£0.00	£0.00	£0.00	£0.00
410 Misc	£0.00	£0.00	£0.00	£0.00	£0.00
415 Precept	£0.00	£19,910.00	£19,910.00	£0.00	£0.00
420 Bus Stop Donation	£0.00	£4,000.00	£1,200.00	-£2,800.00	£0.00
<b>Total Income</b>	<b>£0.00</b>	<b>£24,510.00</b>	<b>£21,810.00</b>	<b>-£2,700.00</b>	<b>£600.00</b>
<b>Expenditure</b>					
4000 Cleaning Contract	£1,755.99	£2,000.00	£1,503.48	£496.52	£2,000.00
4005 Dog Bins	£0.00	£100.00	£0.00	£100.00	£100.00
4010 Dog Bin Advertising	£0.00	£60.00	£25.99	£34.01	£60.00
4015 Dog Bin Emptying	£2,804.88	£3,000.00	£0.00	£3,000.00	£3,000.00
4020 Grasscutting/Verge Maintenance	£3,198.20	£3,300.00	£3,026.00	£274.00	£3,300.00
4025 Floral Enhancements	£0.00	£0.00	£0.00	£0.00	£0.00
4030 Taskforce	£21.88	£0.00	£9.16	-£9.16	£0.00
4035 Street Lighting Energy	£1,688.39	£2,000.00	£1,680.09	£319.91	£3,000.00
4040 Streetlight Maintenance	£1,161.16	£1,500.00	£789.56	£710.44	£1,250.00
4045 Streetlight Repair/Survey/New	£0.00	£2,000.00	£0.00	£2,000.00	£2,000.00
4050 Seats/Benches	£0.00	£100.00	£0.00	£100.00	£100.00
4055 Village Sign	£2,112.00	£0.00	£0.00	£0.00	£0.00
4060 Bus Shelters	£65.00	£250.00	£0.00	£250.00	£250.00
4065 Footpaths/PROW	£0.00	£100.00	£80.50	£19.50	£100.00
4070 Trees	£1,680.00	£2,000.00	£0.00	£2,000.00	£2,000.00
4075 Litterbins	£0.00	£0.00	£0.00	£0.00	£0.00
4080 General Maintenance	£213.50	£2,000.00	£30.00	£1,970.00	£1,500.00
4085 Parish Partnership Scheme	£0.00	£0.00	£0.00	£0.00	£0.00
4090 War Memorial Gardens Planting	£0.00	£100.00	£0.00	£100.00	£100.00
4095 War Memorial Maintenance	£762.00	£1,250.00	£519.90	£730.10	£1,250.00
4100 War Memorial	£0.00	£0.00	£45.82	-£45.82	£0.00
4105 Bus Stop	£0.00	£5,000.00	£1,200.00	£3,800.00	£0.00
<b>Total Expenditure</b>	<b>£15,463.00</b>	<b>£24,760.00</b>	<b>£8,910.50</b>	<b>£15,849.50</b>	<b>£20,010.00</b>

# Financial Budget Comparison

Comparison between 01/04/19 and 30/11/19 inclusive.

Excludes transactions with an invoice date prior to 01/04/19

	Previous Year's Net	2019/20	Actual Net	Balance	2020/21
<b>Recreation Income</b>					
500	Grants	£0.00	£0.00	£0.00	£0.00
515	Income from Events	£165.00	£0.00	£0.00	£0.00
520	Fundraising	£0.00	£0.00	£0.00	£0.00
525	Recreation Events	£0.00	£0.00	£0.00	£0.00
540	Precept	£0.00	£6,875.00	£6,875.00	£0.00
<b>Total Income</b>		£165.00	£6,875.00	£6,875.00	£0.00
<b>Expenditure</b>					
5000	Recreation Water	£47.48	£75.00	£23.46	£51.54
5005	Recreation Ground Electricity	£72.00	£150.00	£48.00	£102.00
5010	Playground Equipment - New	£0.00	£0.00	£0.00	£0.00
5015	Playground Equipment - Maintenance	£2,142.00	£2,500.00	£0.00	£2,500.00
5020	Playground Inspection	£134.40	£200.00	£114.00	£86.00
5025	Recreation Ground Maintenance	£12.00	£2,000.00	£0.00	£2,000.00
5030	Recreation Ground Grasscutting	£484.24	£1,500.00	£403.52	£1,096.48
5045	Recreation Events	£566.99	£0.00	£0.00	£0.00
5050	Children's Activities	£0.00	£200.00	£0.00	£200.00
5055	Christmas Activities	£310.50	£250.00	£0.00	£250.00
5060	Funday	£86.40	£0.00	£0.00	£0.00
<b>Total Expenditure</b>		£3,856.01	£6,875.00	£588.98	£6,286.02
<b>The Warren Expenditure</b>					
8000	Warren Expenditure	£3,603.04	£4,375.00	£1,309.00	£3,066.00
<b>Total Expenditure</b>		£3,603.04	£4,375.00	£1,309.00	£3,066.00

Comparison between 01/04/19 and 30/11/19 inclusive.

Excludes transactions with an invoice date prior to 01/04/19

<b>Skatepark Income</b>					
900	Skatepark Donations	£1,020.00	£0.00	£0.00	£0.00
<b>Total Income</b>		£1,020.00	£0.00	£0.00	£0.00
<b>Expenditure</b>					
9000	Skatepark Project	£0.00	£0.00	£0.00	£0.00
<b>Total Expenditure</b>		£0.00	£0.00	£0.00	£0.00

## **Action List**

### **Cllr Bubb**

- Speak with the Borough Council regarding the removal of the leaves
- Look into Charity Status and COIF.
- Speak with Matthew Henry Re Bank Road

### **Cllr Anderson**

- Assess the Concrete Light Columns

### **Cllr Shepherd**

- Speak with Parishioner re Dog Bin

### **Clerk**

- Add vegetation Station Road to the Rangers List
- List issues from Rospa Report and send round
- Purchase two new back board for the basket ball hoops
- Ask for detailed drawings re the Skatepark for Planning
- Chase tree quotes
- Place the order for the sleepers
- Place the order for the labour regarding the sleepers