

# **ELMSWELL PARISH COUNCIL**

## **Minutes of an Ordinary Meeting of full Council held on Monday 19<sup>th</sup> February 2024 at The Blackbourne**

Present: Cllrs Barker, Brown, Burch, Edmonds, Hancock, Mansel, Pallett (Chairman), Roots, Schofield, Shaw

Attending: Suffolk County Council Ward Member Andy Mellen  
Mid Suffolk Communities Team officers Bethany Taylor & Laura Butters  
Parish Clerk Peter Dow  
19 members of the public

- 24.02.01 **Noted:**  
1.1 An apology for absence was accepted from Cllr Hawes on medical grounds  
1.2 An apology for absence was noted from District Council Ward Member Jen Overett
- 24.02.02 **Resolved:**  
**That the Minutes of the Ordinary Parish Council Meeting held on the 15<sup>th</sup> January 2024, as tabled, be agreed as a true record.**
- 24.02.03 **Noted:**  
The following when any Members' Declarations of Local Non-Pecuniary Interests and/or Disclosable Pecuniary Interests in subsequent agenda items were invited and any additions, deletions or alterations to the Council's Register of Interests noted;  
3.1 Cllr Schofield declared a Local Non-Pecuniary Interest in Agenda items 18 & 19 as a member of the Food Bank management team.  
3.2 Cllr Pallett declared a Local Non-Pecuniary Interest in Agenda item 16 as he was a Trustee of the Poor's Land Charity  
3.3 Cllr Burch declared a Local Non-Pecuniary Interest in Agenda item 16 as he was a Trustee of the Poor's Land Charity  
3.4 Cllr Edmonds declared a Local Non-Pecuniary Interest in Agenda item 13 as he was involved in the organisation of the 'June in Tune' event.
- 24.02.04 **Noted:**  
The following when reports and papers, including from external bodies, were invited and questions taken from Councillors or the public on those reports and papers and on any matter on this agenda.  
4.1 A written report tabled by BMSDC Ward Members Cllrs Jen Overett & Sarah Mansel.  
4.1.1 Cllr Mansel spoke to confirm that a forthcoming MSDC Council meeting will be asked to confirm a budget yielding a 2% rise in Council Tax relying on some draw-down on reserves in the General Fund.  
4.2 A written report tabled by County Council Ward Member Andy Mellen.  
4.2.1 Cllr Mellen spoke to add:  
4.2.1.1 SCC Council Tax is set to rise by 4.99% including the extra leeway allowed for hypothecated social care funding;  
4.2.1.2 The recent poor OFSTED report on SCC's SEND provision is being addressed;  
4.2.1.3 Flooding problems in Elmswell have recently been dealt with, including at Hawk End Lane and at Shop Corner, and the outstanding problem at Grove Lane / Ashfield Road is being Addressed;  
4.2.1.4 He is addressing concerns regarding potential design problems at the new A14 / A1088 junction roundabout.  
4.3 Cllr Burch expressed thanks to Cllr Overett for the recent schedule of current repairs to street lights in the village but also his continuing regret at the length of time that it is taking for essential infrastructure problems to be addressed across the board.  
4.4 6 members of the public spoke to urge rejection of the Planning application at Lawn Farm Quarry at Agenda items 9 & 10. Points raised included:  
4.4.1 There is a petition supported by 658 signatories who consider the proposals to be detrimental to the village.

- 4.4.2 The play area provided as part of the recent housing development is nearest to the proposed northern extension of working and there are concerns as to the health of the children and of residents generally given inevitable problems of noise and dust pollution.
- 4.4.3 Evidence suggests that there has been poor regulatory compliance by the operator over many years and no indication that this will improve.
- 4.4.4 The proposals for acoustic and air quality controls are set too low and there will be an inevitable cost in environmental terms given the proximity of the new dwellings on Wetherden Road.
- 4.4.5 Site security has been and is currently extremely lax posing a danger to children who can easily stray on to the site.
- 4.4.6 The Application plans do not show the built-out Wetherden Road estate where houses are just 150 metres from the proposed new working limit.

24.02.05

**Noted:**

The following correspondence unrelated to an Agenda item;

- 5.1 An invitation to attend a meeting to discuss the forthcoming works to the bridge at Norton on A1088 has been received and Cllr Brown has agreed to represent Council.

24.02.06

**Noted:**

The Clerk's report as per Appendix A:

- 6.1 Cllr Burch reiterated his concerns that any partnership into which EPC entered to take further the stated aims of helping Elmswell establish its own Community Land trust to work towards genuine affordable homes for Elmswell people with on 'right to buy' would break a stated commitment, as he recalled it, published in September 2019, that the Parish Council would build and manage any such homes in its own right.

24.02.07

**Noted:**

That when any Complaints Committee business for information, to be noted or for inclusion on a future agenda was invited none was forthcoming and that the date of the next Complaints Committee meeting was not known.

24.02.08

**Noted:**

Planning results as notified by Mid Suffolk District Council;

- 8.1 **DC/23/03167**  
Removal or variation of a Condition...  
Land to the East of Oak Lane GRANTED EPC supported
- 8.2 **DC/23/05845**  
Removal or variation of a Condition...  
White House Barns, Ashfield Road GRANTED EPC no comment
- 8.3 **DC/23/02899**  
Variation of Conditions...  
Land to the East of Oak Lane GRANTED EPC no comment
- 8.4 **DC/23/05878**  
Demolition of existing...erection of single storey side & rear extensions....  
Railway Tavern, School Road GRANTED EPC supported

24.02.09

**Noted:**

The following Planning applications as notified by Mid Suffolk District Council and by Suffolk County Council and the responses determined;

- 9.1 ***Ref SCC/0127/23MS***  
***Northern extension to Lawn Farm Quarry for the extraction, processing, sale and distribution of sand and gravel and subsequent restoration using inert materials***  
***Land to the north of Lawn Farm Quarry, Old Bury Road***  
Elmswell Parish Council (EPC) objects to this application and urges Refusal for the following reasons:  
1 Since the inception of the 'modern' minerals extraction workings at Lawn Farm in March 2009 and for the following several years EPC supported the Community Liaison Forum (CLF) which was established to monitor any adverse effects of the operations and set the site activities against the prescribed policy limits. Council advertised for residents to join the group and both officers and the Clerk attended the quarterly site meetings along with community representatives, Council Members, Ward Members and SCC officers.

2 The Terms of Reference of the CLF included all relevant aspects of the relationship between the operators and the community.

3 It is a matter of record that there has been much dissatisfaction on the part of the community and others across the board at the disparity between policy and practice as the works have proceeded and expanded.

4 Issues of site security, working hours, dust management, noise management and destructive and dangerous deposits left on the old A45 access road have repeatedly been the subject of complaint and attempts at enforcement action.

5 There has been an obvious shortfall in resources available to Suffolk County Council (SCC) for monitoring and enforcement and there is no evidence that this has, in advance of the clear need for more and better monitoring and enforcement, been addressed.

6 In February 2009, EPC objected in detail to the originating application which effectively revived working at 'the pit' over a much extended area. The application succeeded in line with identified national and local imperatives for aggregate extraction. Permission was hedged-about with stringent conditions covering conditions such as at 4 above.

7 Since then, EPC has fought against all variations and expansion proposals, including the siting of the concrete crushing & grading plant and the concrete batching operation. Objections have centred on the repeated lack of compliance with control regulation and the shortcomings in enforcement proceedings.

8 The defining Policy document is the Suffolk Minerals & Waste Local Plan (SMWLP) which was examined in June 2019 at a hearing attended by the Elmswell Parish Clerk to make objection on EPC's behalf to the extension of the Lawn Farm site given the proximity of dwellings along Wetherden Road identified in the Babergh and Mid Suffolk District Council (BMSDC) Submission Draft by virtue of the fact that the emerging Joint Local Plan (JLP), 'may include an area of housing between the existing settlement of Elmswell and the Quarry'. The Clerk was able to furnish the Inspector with a hand-drawn plan identifying the housing in relation to the proposed northern boundary. This was accepted in his evidence. Nevertheless, the Plan was made in July 2020 with the Lawn Farm proposals for extension approved.

9 Relevant policies are found in the BMSDC JLP and the National Planning Policy Framework (NPPF). None are in conflict with the principle of this application but refer to relevant constraints

10 EPC accepts, therefore, that the current application Ref SCC/0127/23MS which is, effectively, seeking detailed permission for a the first tranche of expansion within this boundary is broadly within Policy.

11 The SMWLP under Policy MS8 confirms that development at the site will be acceptable so long as the proposals adequately address, amongst other factors:

- a) the highways safety, maintenance and amenity implications of HGV's including improved wheel cleaning facilities to avoid mud being deposited on the public highway outside of the site;
- e) the provision of an air quality assessment which considers the potential impacts of increased dust and pollutant concentration...the potential for cumulative impacts...
- f) the provision of measures which mitigate noise;
- i) a traffic management plan drafted to avoid traffic routing through local villages including Elmswell and Wetherden except in the case of local deliveries.

12 The SMWLP lists 'General environmental criteria' at Policy GP4 which further confirms the acceptability of development which adequately assess (and address where applicable any potential significant adverse impacts including cumulative impacts) on the following:

- b) vehicle movements, access and the wider highways network;
- h) neighbouring land use
- j) noise and vibration;
- k) air quality including dust and odour;
- l) light pollution;
- q) mud and aggregates on the road.

13 The NPPF at Paragraph 111 states that development can be refused if it poses an unacceptable impact on highway safety. Without specific conditions towards mitigation of the current dangerous and blatant refusal to address the day-to-day deposit of substantial spillage and mud from the poorly washed HGV units, this proposal must fail.

14 The NPPF at paragraph 174 requires the prevention of noise impact and adverse effects of noise pollution. Paragraph 211 confirms that unavoidable noise emissions must be controlled, mitigated or removed at source. The record shows an extremely poor level of compliance over 15 years' operation in this regard and measures above and beyond those previously implemented would be needed to allow the proposed operations to take place in the much close proximity presented by the recent housing development at the northern site boundary.

15 The JLP at LP15 further stresses the need for prevention, mitigation and reduction of noise nuisance to a minimum. Simply conditioning this is, provably, inadequate. The Operator has offended in this regard on multiple occasions over the history of the workings and there is no indication of an intention to change working practices despite the increased sensitivities consequent upon those workings moving far closer to the new-build housing at Wetherden Road, Elmswell.

16 There is considerable, well-documented and formally recorded evidence logged over 15 fraught years of the community's relationship with the operators of Lawn Farm Quarry that the statutory, policy and best-practice guidance constraints are flaunted in the commercial interests of the engineering operation and that this has resulted in serious material harm to the host communities at Elmswell, Wetherden, Woolpit and beyond. There seems little in the current Application to suggest that this will change. The proximity of the red line boundary to dwellings in Elmswell magnifies the harm that will be done if quarrying activities continue, as now, effectively beyond all practical regulation.

17 The Applicant states in the Supporting Statement at 10.3 that, 'the operations (*will*) be undertaken in much the same way as the existing quarry has been worked and restored to date.' In light of the substantive issues which have persistently dogged these operations for some 15 years, to suggest that a new tranche of working, this much nearer to the new-build residential areas at Elmswell, is to be continued, 'in much the same way', must mean that the Application fails.

18 Without conditioning:

- (i) extra monitoring by SCC Enforcement personnel dedicate to and funded by the site on a minimum of a one-day-per working-week basis;
  - (ii) the adoption of immediate Stop Notices when incursions, particularly related to highways issues occur;
  - (iii) the full prior restoration of the A45 Old Bury Road by way of skirting, drain clearance and the installation of anti-vehicular concrete kerbing,
- this Application should be refused and re-presentation invited when the community can have some confidence that relevant policy constraints will be met and properly enforced.

19 The secondary application, Ref. SCC/0084/20MS/VOC, seeks variations of existing Conditions which would be needed should the application for expansion succeed. Any reasoning that suggests that the expansion proposals are beyond Policy might be extended to an application which would be redundant should the key application be refused.

20 Councillors suggest that there is considerable community support for their objections and ask that you be aware of the petition bearing 600+ signatures at: <https://www.change.org/p/no-northern-extension-to-lawn-farm-quarry>

## 9.2 **SCC/0084/20MS/VOC2**

Proposal: variation of conditions 1, 11, 19, 20, 21, 22, 23, 24, 25, 30, 36, 53, 54, 56 and 57 attached to planning permission reference SCC/0084/20MS/VOC.

### **Land to the north of Lawn Farm Quarry, Old Bury Road**

Councillors objected to this application for the following reasons;

- 1 This is, effectively, a secondary application seeking variations in existing Conditions which changes would, it is suggested, be needed should the application for expansion Ref SCC/0127/23MS succeed.

2 Elmswell Parish Council has lodged formal and detailed objection to the Application for expansion.

Given that Councillors consider that expansion of workings should not be countenanced unless and until their substantive objections are adequately addressed, this Application should fail.

9.3 **DC/24/00264**

Erection single storey extensions including cladding and insulating the property to provide thermal efficiency

**Kiln Farm Cottage, Kiln Lane**

Councillors agreed to support this application

9.4 **DC/24/00298**

Notification of works to trees subject to a Tree Preservation Order WS47/A2 – T1 Lime Tree (est. 15m tall and 5m wide). Pollarding the tree to 10m in height, removing all lower branches and epicormic growth.

**Blackbird Cottage, St Johns Close**

Councillors objected to this application for the following reasons;

It represents a drastic action which would destroy the cohesion of the historic line of limes along the southerly edge of Church Road. Pollarding would leave a brutal result completely at odds with the deliberate and pleasing effect currently presented by this long line of mature trees which makes a significant contribution to the street scene.

Crown lifting by virtue of the removal of a few lower branches would suffice and, in the absence of further detail or an arboricultural report, seem to be adequate. The pleasing effect of the historic pattern which justifies the TPO would therefore be retained

9.5 **DC/24/00381**

Application for works to a tree protected by Tree Preservation Order WS47/A2 – Fell 1no. lime tree in rear garden to ground level and grind stump.

**Blackbird Cottage, St Johns Close**

Councillors object to this proposal as it seeks to remove a healthy tree which forms part of an historic grouping on the original St Johns House site. The case made for occasional nuisance in no way justifies the removal of this tree which would set a precedent for the casual removal of others within the TPO umbrella on and around the site.

9.6 **DC/24/00385**

Erection of a detached intergenerational self-contained annexe

**Grange House, 112 Bennett Avenue**

Councillors objected to this application for the following reasons;

- 1 Bennett Avenue was developed in a considered and balanced manner with high density houses, including some 'quarter homes', at its eastern extremity and with substantial dwellings in their own spacious plots towards its junction with Cooks Road.
- 2 The application site is one of the distinctive and individual dwellings which define the character of the immediate neighbourhood. The spacious layout, substantial plots and individual character of these houses were, significantly, taken up by the adjacent and subsequent development at Grange Meadows thus reinforcing the special nature of the street scene.
- 3 This proposal seeks to increase the housing density one of these key sites and destroy the cohesive pattern which defines the area. It would set a precedent for cramped over-development and urbanisation harmful to the amenity and appearance of the surrounding dwellings and is out of keeping with the character of the locality and the prevailing street scene at this end of Bennett Avenue. It is inappropriate to its setting and would be to the significant detriment of the existing residential amenity
- 4 There is, clearly, no possible integration at some later date into the host dwelling. This runs counter to Policy and would result in the creation of a sizeable detached bungalow.

5 In reaching these conclusions, Councillors had reference to their own Neighbourhood Plan, to the recent BMSDC Joint Local Plan, and to the National Planning Policy Framework.

9.7 **DC/24/00609**

Erection of first floor side and single storey rear extensions  
**7 Wetherden Road**  
Councillors agreed to support this application

9.8 **DC/24/00635**

**Request for Environmental Impact Assessment Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amended – Proposed Care Village at School Road, Elmswell (DC/23/05651)**  
**Land to the North and West of School Road**

This matter was duly noted as requiring no action, but the Clerk agreed to draw to the Planning Officer's attention the comments from the Floods Planning Officer at Growth Highways & Infrastructure confirming that the proposed development is in an area predicted to be affected by surface water flooding and that development on this site would, therefore, run counter to NPPF policies.

24.02.10 **Resolved:**  
**That the Clerk makes known the Council's comments on the Planning Applications on this Agenda to the Chief Planning Officer at Mid Suffolk District Council and to Suffolk County Council as appropriate.**

24.02.11 **Noted:**  
That there was no other Planning business.

24.02.12 **Resolved:**  
**That the schedule of works to the Council's street light units dated 05.02.2024 be authorised.**

24.02.13 **Resolved:**  
**That Council underwrites the 'June in Tune' free community music event at Blackbourne on Saturday 29<sup>th</sup> June up to a sum of £243.00, being the Blackbourne hire charge for the day, should income from concessions fall short.**

24.02.14 **Resolved:**  
**That Finch Services Ltd, currently contracted to create the car park adjacent to Wesley, be recognised as a Preferred Contractor for similar works at the Council's cemetery and henceforth be adopted as the Council's Preferred Contractor for groundworks and related building activities.**

24.02.15 **Resolved:**  
**That Top Garden Services be contracted to carry out the grounds maintenance works at Crown Mill, Clay Field and the Cemetery, as scheduled, in the sum of £5,040.00 fixed for the 2 year contract period from 01.03.2024.**

24.02.16 **Resolved:**  
**That Council funds the rent of Town Field from the Poor's Land Charity for the year from 01.01.2024 for maintenance by the ElmsWild volunteers together with recent specialist laying / coppicing works to the boundary hedging there in the total sum of £362.00.**

24.02.17 **Resolved:**  
**That the Trefoil Guild be thanked for their excellent stewardship of the Station Road Recycling Centre for the 6 month period ending 27<sup>th</sup> February and that a grant of £400.00 be made to the group's funds.**

*The following proposal was withdrawn by the Proposer*

24.02.18        **Proposal: Cllr Schofield;**  
**That Elmswell Parish Council agrees to waive the charges for hiring the Olympic room (or similar) by Elmswell food bank, on two mornings per week, commencing in April, for a period of 12 months and subject to further renewal at that time.**

*The following proposal was withdrawn by the Proposer*

24.02.19        **Proposal: Cllr Schofield;**  
**That Elmswell Parish Council purchases or hires a lorry body (8' x 8') for use by Elmswell food bank, to be sited adjacent to the existing lorry body at the rear of the centre, at an indicative cost of £2,580 if purchased or £936pa if hired, inclusive of VAT but plus delivery.**

24.02.20        **Noted:**  
The results of the consultation held in conjunction with MSDC regarding schemes deserving of support from the accumulated s106 funding pot of £706k and commentary on those results from the MSDC officers present, confirming:  
20.1        EPC should make a formal application for £500,000.00 towards the Tavern project  
20.2        EPC should continue to work with MSDC towards the best use of the residual s106 fund in light of the Consultation feedback and of the current discussions with other village groups, specifically Elmswell Community Football Club and ElmsWild.

24.02.21        **Noted:**  
the authorised payments made and income received as per Appendices B and C.

24.02.22        **Resolved:**  
**That proposed payments, scheduled as Appendix D, be authorised.**

24.02.23        **Noted:**  
Balances as per Appendix E and the Chairman's confirmation that the relevant bank statements and computer report verify the published figures.

24.02.24        **Noted:**  
The following when public comment or questions on matters relevant to Council business were invited;  
24.1        Cllr Mansel undertook to seek advice from the MSDC Tree Officer regarding the possibility of Tree Preservation Orders being placed on the 2 oak trees scheduled for removal under the proposed scheme for expanding the workings at Lawn Farm Quarry.

24.02.25        **Noted:**  
That there was no other Council business from Councillors or the Clerk for information, to be noted, or for inclusion on a future agenda.

24.02.26        **Noted:**  
That the next Meeting of Council is scheduled for Monday 18<sup>th</sup> March 2024 beginning at 7.30 p.m. at Blackbourne.

24.02.27        **Noted:**  
That the meeting closed at 9.07pm.