

**Minutes of Meeting on 29<sup>th</sup> August 2024**  
**Elmstead Parish Council – New Community Centre Committee**  
Community Centre, School Road, Elmstead Market, CO7 7ET

**Present:** Mr P Beard (Chairman), Mrs C Brock, Mr R Fairweather, Cllr A Gladwin, Cllr M Hare, Cllr L Richfield, Mrs D Stammers, Mrs Triscott and Mr S Wright.

**Also Present:** Mrs A Baxter (clerk)

**Not present:** Mrs J Grotier, Cllr M Ward and Mrs R Valentine

**24/064 Chairman's welcome**

Mr Beard welcomed everyone.

**24/065 Apologies of Absence**

Apologies were received from Mrs R Valentine, Cllr M Ward and Mrs J Grotier. Cllr Gladwin also sent in apologies for being late as he had another commitment.

**24/066 Declaration of Pecuniary Interests and Personal Interests**

None.

**24/067 Approval and signing of the minutes from the meeting of 25<sup>th</sup> July 2024.**

It was resolved to accept the minutes from the meeting of 25<sup>th</sup> July 2024 as true and accurate. Proposed: Mr Beard, Seconded: Mrs Triscott, all in favour.

**24/068 Public Speaking**

None.

**24/069 New Community Centre Planning Application**

*Updates and to review the plans submitted.*

The planning application has been submitted and the updated plans have been shared with the committee using the google drive. Some members of the committee reported that the plans were available on the TDC planning portal, but others couldn't find it.

Cllr Gladwin arrived.

The committee viewed the submitted plans, including the landscape plan.

**24/070 New Community Centre/car park land and Open Space land**

*An update from our solicitor on the land transfers.*

The clerk has spoken to our solicitor. He has been chasing Go Homes on the 15 separate queries he has with them. He has now received all the information back and is working through it. It looks like the amendments have been agreed in the main, but he wants to check it very carefully to ensure nothing has been changed. Once he's checked it he'll send us what he's got. Although Go Homes has provided the land transfer information they have not responded on the request for a deed of variation to remove the requirement for Go Homes to build the community centre. Because of the timing of the receipt of the 3<sup>rd</sup> party contribution the current legal agreement requires that Go Homes builds it.

As it currently stands we are obliged to issue the community centre acceptance notice within 2 months of the receipt of the 3<sup>rd</sup> party contribution. Go Homes are not required to make their contribution until 3 months and 10 days after approval of the reserved matters.

The clerk has contacted TDC to say that the wording in the deed of variation is out of date because it refers to reserved matters being approved, but we were unable to submit reserved matters within the time limit set in the original conditions so have had to submit a new planning application. The deed of variation doesn't cover the situation we are currently in. We don't know if it is legally binding.

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We were let down with the deed of variation because it didn't index link the £400k contribution.

It was suggested that if necessary we have a separate meeting to go through the legal documents very carefully to see where we stand, depending on what news we get from the solicitor.

It was asked if we should contact Go Homes to ask if they want to build the community centre, but our solicitor is doing that on our behalf.

There was a discussion on whether TDC could stop the sale of homes via enforcement, but Go Homes have fixed the drainage now and they don't owe their contribution yet. It would have to be on the land not being transferred yet, but that is in process. The solicitor will be chasing Go Homes to get an answer on whether they want to build it or not next week.

**24/071 A report on any other updates since the last Committee meeting**

Mr Fairweather suggested a meeting with TDC's tree officer because he has questions about the tree survey. The survey says that we will need to look after and maintain the trees on the eastern border. Also to ask him about the biodiversity report which includes those trees in the equations, when it looks like they are not on the Community Centre land. Mr Fairweather thinks a mistake has been made. Including the trees has affected the number of trees we will have to plant.

The clerk will contact Mr Dawson.

It was checked and the consultancy that did the biodiversity report is an independent business.

There was a discussion on whether the trees are on the community centre site or on Essex Highways land. The committee viewed the application site plan overlaid with the Essex Highways map. From that it looks as if some the trees may be on the border. The land registry plan does not show the trees.

It was pointed out that it looks like there is a substation in the north-east corner of the site, it was thought this is for gas.

It was asked what is happening with the incursions, the council is going to be writing to the landowners.

It was raised that there are weeds on the land. The deed of variation does say that Go Homes maintains the land until transfer. The clerk is to contact Go Homes.

The current funding was reviewed. The council has opened a Redwood savings account and a Unity 6 month deposit account. £200k will go into Redwood, £200k into Unity and we are looking for a third account for the rest.

It was asked about the £85k limit for FSCS protection. A council is only protected if it has an annual budget of less than 500,000 euros. So we're not protected in any year we have income or expenditure in excess of that limit (as advised by EALC). We're not covered this year due to the Church Road payment and may not be covered in future years. We have therefore not limited deposits to £85k but we are spreading them out to reduce risk.

Mr Fairweather suggested Hinckley and Rugby Building Society for a savings account that allows dual signatories. Mrs Triscott suggested a new government bond with a 4.6% interest rate.

It was asked to keep the funding update as an agenda item for all agendas.

The total amount of funding has reduced slightly due to paying for planning application surveys. The clerk clarified that the £176,644.21 for changing rooms is included in the total figure of £1,171,062.20 currently available for the building. That total includes a contingency of £50k that we won't get if Go Homes doesn't build the community centre.

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TDC has confirmed that it does not pay interest on the s106 deposits it holds, that is their policy. So the £487,061.61 sitting with TDC for the open spaces is not earning any interest. TDC does sometimes put into legal agreements that interest is to be paid, but it's not in our legal agreement. It was asked if we can ask to have the money, but there is no legal basis for TDC to do that. The reason we have the deposits we do is because it was specified that would happen in the legal agreements.

There is no legal requirement for TDC to pay interest on s106 deposits. Cllr Gladwin added that we can make a moral argument, but to wait until after the planning application is approved.

The open spaces amount from Lanswood includes "works to improve public access to the Charity Fields site" so we may be able to use it towards the car park, we'll need to check with TDC. Mrs Triscott mentioned a local landowner who may help us with the provision of trees. There is also funding available to plant trees, we have just never had the land to be able to utilise the schemes before.

**24/072 Design Program Timeline**

*An update on progress against the timeline.*

Mr Fairweather asked why some of the processes in the timeline couldn't be overlapped. For example go out to tender whilst we are waiting for planning. Until we have a new legal agreement Go Homes are building the community centre so we don't have a legal basis to go out to tender. We also have outstanding matters to be dealt with.

The clerk suggested an event to invite people to take a look at our application before they respond to the planning application. It was thought that an event would be better after planning permission has been approved.

Cllr Gladwin said that it's key to get the technical drawings in before Christmas as everything will slow down over the holidays.

**24/073 Matters raised for the next agenda or for information only.**

No additional matters.

**24/074 Date of next committee meeting**

26<sup>th</sup> September if there are updates available.

The meeting closed at 8.50pm.

Contact: [elmsteadparish@gmail.com](mailto:elmsteadparish@gmail.com)

Telephone: 07907 610381