

# Bentley Pauncefoot Parish Council



2000

May 2023

## **Annual Chair's Report - Roz Bewsher**

Our constitution allows a Councillor to be Chair for three years so this is my last annual Chair's report. I hope you will forgive the indulgence that this is more than a report on our work during the past year.

I will start with an overview of the parish council's actions building on my report for the Bentley Bugle at Christmas. Once again the year was a mix of our regular duties interspersed with extraordinary events.

Last year we welcomed Matt Morgan as a new Councillor. He is already establishing a good working relationship with Worcs County Council in regard to footpaths and bridleways and is maintaining the important relationship between the Parish Council and the Village Hall committee.

We all know how popular our parish is with walkers and cyclists enjoying our beautiful countryside and we must thank two rambling organisations who are helping with the upkeep of our footpaths. The South Birmingham Ramblers and the Redditch Ramblers go about their task with the approval of Worcs County Council and deserve our thanks.

As ever, I'd like to take this opportunity to thank our Lengthsman Chris Cooke. He quietly goes about his work to make our lanes both safe and attractive and

maintains the important link between Highways, landowners and the Parish Council.

In addition to being consultees on planning applications we also respond to a wide range of consultations. In the last year there have been at least two consultations that Cllr Cheape has researched and responded to on our behalf. One asked for our views on Worcestershire's Green Infrastructure Strategy. It turns out that we are within an area of Worcestershire that is classified as '*Premium*' meaning that it should be '*protected and enhanced*'. It was therefore more than surprising to see that they had used the Foxlydiate development as an example of their success. Cllr Cheape, in his characteristic way, pointed out the irony of claiming that destroying a huge swathe of prime agricultural land and the biodiversity it currently supports, that was also green belt AND is part of the area of Worcestershire they told us had the highest protection is not the ideal example of Worcestershire's green credentials. It seems this is another strategy that Bromsgrove chose to ignore in selecting the Foxlydiate site.

Speaking of Foxlydiate. Sadly, as I reported in March, despite our residents' and others' amazing generosity, and our best efforts, the Judge did not quash the Foxlydiate permissions.

Although the Judge did not find in our favour, our action did result in the developer requesting two amendments to the conditions of the original decision that are actually more onerous for them. One of them significantly reduces the time they have to construct the main access to the site, off Birchfield Road. This now has to be completed before the occupation of the 200<sup>th</sup> dwelling, rather than the 600<sup>th</sup> dwelling, as originally proposed. This will substantially reduce the time Foxlydiate Lane will be the only access to the site.

Given they had lobbied the planners so hard to give themselves the much longer period in which to construct the main access it is not only a benefit to existing residents but, given the applications were submitted shortly before our court date, it is also a sign of how concerned they were that they would lose the judicial review. They would not have done it if they had been confident that they would win.

Our legal team advised us that they felt that the Judge's decision on our ground regarding free home to school transport, that we estimate will cost the County (and

hence we tax payers) £3.2 million pounds, didn't fully address our argument. There was an option of appealing his decision to the Appeal Court where it would have been considered by three different High Court Judges, but the cost was simply too high.

During our work on Foxlydiate we discovered how poorly some of the clauses of the s.106 agreements are written for these large developments. Given it is a legal document that defines how much money the developer is obligated to pay towards the impact the development will have on specific elements of services and infrastructure this is particularly worrying. It gives developers the opportunity to challenge the agreement, potentially allowing them to avoid paying an obligation, allowing them to maximise their profits at the expense of local tax payers.

In fact, we weren't the only ones to apply for a Judicial Review of the Foxlydiate decision. One of the planned recipients of s.106 money also applied for a judicial review due to an error in the s.106 Agreement.

Sadly we have seen no appetite to address this issue at either District or County level.

Overall I think that the residents and Parish Council of Bentley Pauncefoot were seriously underestimated. I know that many believe that the Foxlydiate site was chosen over the Bordesley site because the planners' believed it would be the path of least resistance. Even when we explained residents' concerns the response was for us to "do our worst". We may not have been successful but we have demonstrated that we have skills, knowledge, expertise and above all a passion for our Parish. We now have a wealth of experience in the processes and how the system works. I don't think they will consider that we are the easy option again.

During the consultation process for the Local Plan many of you will remember that there were already indications that Redditch did not need all the housing that Foxlydiate would deliver. This was hotly denied and the planners pressed on with the Planning Inspector allowing Foxlydiate to be taken out of green belt due to the "exceptional circumstances" of Redditch's housing need.

Yet now Bromsgrove and Redditch Councils have signed a memorandum of understanding (MOU) allowing the majority of Foxlydiate to count towards

Bromsgrove's housing need rather than Redditch's. It was supported by Bromsgrove Councillors as it reduces the threat of building on the green belt in their own wards.

With Foxlydiate going ahead we turned our thoughts to the impact this will have on the Parish. According to a Government definition *'it is desirable that a parish should reflect a distinctive and recognisable community of place, with its own sense of identity'*. A vast estate of almost 3000 properties will inevitably change our Parish. Legislation exists that allows us to request a Community Governance Review. This would be a referendum on whether we would want the Parish boundary to be changed to exclude the Foxlydiate estate. Cllr Cheape and I had a very useful meeting with an officer in Bromsgrove District Council and, although it isn't something we can proceed with at the moment, it is something the Parish Council can keep in mind going forward.

Yet more development will mean more traffic on our lanes, particularly the popular rat run of Curr and Copyholt lane. Even though we were given assurances that it would be a condition of the Construction Environmental Management Plan for Foxlydiate that construction traffic would not use our lanes, no such condition was included in the decision notice. Unless the developer does this voluntarily there is nothing to prevent all construction vehicles of all sizes using our lanes to get to and from the site.

As promised the Parish Council continued to lobby Highways to lower the speed limit on Curr and Copyholt Lane. Despite one of their own senior officers recommending a reduction to 40mph on the basis that it met the criteria laid down by the Dept for Transport, he was overruled. As many of you know they have come up with a raft of reasons why they can't or shouldn't lower it but hotly refute the reason we were originally given - that it is expensive. What is particularly ironic is that they tell us they are committed to reducing the POTENTIAL for serious injury or fatalities yet state that one of the reasons they won't lower the speed limit is because we haven't had enough accidents.

We decided to address all the reasons why the speed limit couldn't be lowered that were given to both the Parish Council and our residents. These included getting agreement from Stoke Parish Council to write to Highways to request that their section of Copyholt Lane was also reduced to 40mph.

One of the main reasons Highways put forward was that the Police did not support lowering the speed limit and would not enforce a lower speed limit. It took a long time, but thanks to our local SNT, Cllr Meads and I finally had a meeting with the West Mercia Road Safety Team and a Highways representative in January.

At the meeting the Police confirmed that they have no objection to the speed limit being reduced. They also confirmed that they cannot refuse to enforce a speed limit.

Both the police and highways' officer strenuously denied that it was the fatal accident on School Road in Hanbury that had resulted in the speed limit being lowered on that road yet, prior to the accident, Hanbury residents and Parish Council had been receiving the same reasons why it shouldn't be lowered, as Bentley Paucefoot. It is also interesting that there were no reported accidents on that road prior to the fatality either. We pointed out to Highways that just because there wasn't an accident yesterday it is no guarantee that there won't be one tomorrow.

Highways don't seem to realise that they have a duty of care to all road users, not just car drivers. Yet revised Government policies state vulnerable users must be considered before motorised vehicles and there are growing calls from road safety charities for the speed limit on all rural roads to be lowered.

The Highways officer requested that we document all our points and send them to him, promising a response by mid-February. We sent him a comprehensive document, complete with evidence, detailing how the lanes comply with the Department for Transport's recommendation of 40mph and addressing each of the 'reasons' put forward by Highways. As of today, three months later, we have still not received Highways' response to our justification and evidence. We are told it is more 'in depth' than they were expecting. Whether that is because we have finally convinced them that their officer's original finding was correct, or because it is harder to counter our arguments and evidence we don't know. It will be interesting to see what they say.

I note that our District Councillor, Peter Whittaker, has pledged to fight speeding issues on our behalf. If Highways still refuse to carry out our request I hope he will

escalate the issue. Perhaps he will be able to organise a meeting with the portfolio holder for highways, something our County Councillor has been unable to do for the Parish Council in over a year.

Meanwhile I sincerely hope we don't end up with a fatality as they did in Hanbury.

The best part of these reports for me has been the opportunity to recognise all the effort put in by my fellow Councillors.

From time to time I have attended meetings with other Parish Councils and have been shocked at some of the things I hear. It seems that Handsforth PC - that gave Jackie Weaver her 15 minutes of fame - is not alone. It's all more about themselves than the residents they are elected to represent with petty squabbles and bullying.

I have never experienced any of that. We may be quite informal at times but that doesn't mean uninformed or unprofessional. We do everything that we have to do legally and we never forget the point of the Parish Council. The PC always tries to do its best for the Parish to ensure our voices are heard at the higher levels of local Government where, all too often, it seems that because we are few in number our concerns aren't considered important and it is acceptable to ignore us. We are lucky to have a Parish Council that consists of Councillors with a wide range of skills and experience and who come from right across the Parish. They also have a passion for our Parish that means they are not prepared to accept this.

Foxlydiate is an example of how we all came together as a team. At each step of the way we discussed the various options open to us and decided actions. Without the efforts of Cllrs Rand and Boss we would not have been able to proceed with the legal challenge at all.

It is clear that the Parish Council's efforts are appreciated by residents given the number who take the time to thank us for our efforts. They probably don't realise how much that recognition means.

This year is a time of welcome and goodbye

First of all I'd like to welcome Clare Wood as our new Parish Clerk. I am confident that she will be a huge asset to the Parish Council and a great help and support to the Councillors and especially the new Chair and Vice Chair.

I think it is also important to remember probably our longest serving Parish Councillor -and Chair- Roger Boss, who sadly passed away at the beginning of the year. His life was celebrated by many across the Parish and beyond at the service held at Tardebigge. His son Andy continues to be a stalwart of the Parish Council.

Cllr Paul Meads did not stand for re-election. During his time on the Parish Council he was a member of the Foxlydiate Working Party and the lead for road safety, neither easy tasks. He also helped with the fibre broadband bid. He was always willing to help and I thank him for his efforts and support.

Vice Chair Barry Spence also decided not to stand for re-election. His support to me and the contribution he has made as a Councillor deserve to be recognised and acknowledged. He committed to supporting me if I became Chair and to say he has kept that promise is an understatement and I thank him wholeheartedly. He has even stayed on as a Councillor for a year longer than he intended so that I could complete my full tenure as Chair.

With his extensive experience and knowledge in business his support was invaluable at the many meetings he attended with me and other Councillors particularly when we had to deal with contracts and other legal obligations. He attended the meeting with the Planning Advisory Service with me, called in to review Bromsgrove's planning committee. Between us we presented evidence of our concerns with the way planning applications are dealt with. I know that the report is with Bromsgrove. The fact that it hasn't been mentioned since suggests its conclusions were far from favourable. When we decided to go to Judicial Review he not only worked with Anne to ensure all the generous contributions were carefully recorded, but he sat through long conference calls with our legal team, he helped present the information to our residents and even purchased a projector at his own expense for that presentation.

I will spare his blushes by not saying too much more but I know our Clerk Anne has been extremely grateful for his support and assistance with the PC's finances and I know he has also done a significant amount of work for the Tardebigge Relief and

In Need Charity that he attended as the Parish Council's representative. I hope it has not gone unrecognised. I'd like to also thank Barry's wife Helen for all her work behind the scenes. Helen not only graciously put up with us frequently descending on her home and making endless cups of tea and coffee but her knowledge of the planning system and policies proved invaluable when working on Foxlydiate.

Barry, thank you for all your help. I have enjoyed working with you and am proud to call you a friend.

I am also going to mention my husband Graham. All of our partners deserve thanks for supporting us when we decide to be Councillors but I think Graham, like Helen Spence, has gone above and beyond. Through the many hours that the work on Foxlydiate took he encouraged and supported me. Proof reading endless documents, carrying out research for me and frequently going without meals!

One person is left to mention. Of course, by welcoming Clare as our new Parish Clerk it means we are saying goodbye to our clerk of the last 10 years, Anne Dyson.

We all know how fantastic she has been, often going above and beyond what is expected of a Clerk. She has always been calm and organised ensuring the Parish Council met deadlines and complied with its legal obligations. Nothing was too much trouble and all of it has been carried out laced with her -at times wicked- sense of humour.

For me in particular the support she has given me has been amazing. Even when she was on holiday she always ensured that I received emails straight away and would ensure communications went off in time for deadlines. Nothing was ever too much trouble. She even gave up a Sunday afternoon to help me deliver leaflets to Webheath residents when a Foxlydiate deadline loomed. Thank you on behalf of all the Councillors Anne.

As this is both my last report as Chair and I did not stand for re-election I'd like to finish by reflecting briefly on my eight years on the Parish Council. It has been a period of unprecedented challenges for the Parish. I've learnt a lot and it has been a pleasure to work with Anne and my fellow Councillors. I hope you feel I have given you as much support as I have had from you all.

I've commented that being a Parish Councillor has highs and lows and is both fulfilling and frustrating. My personal highlight is undoubtedly our success in getting fibre broadband installed right across the parish at no cost to our residents and without having to resort to doing it ourselves.

I am extremely disappointed that the Judicial Review was unsuccessful but I don't regret that we tried our best and I am proud of how we came together to make our challenge possible.

Although the time I've been Chair has flown by I've realised that the decision to restrict the time a Councillor can serve as Chair to three years is a good one. It ensures that the Parish Council regularly benefits from new ideas and direction. Sadly, however, I'm afraid the days when the PC was mainly concerned with the rural aspects of life are behind us. Developers eye our beautiful countryside and see huge potential for profit, no doubt offering land owners lucrative inducements that are hard to refuse. Planners are searching for areas where they can get large numbers of houses built with little challenge. I'm sorry to say that they are assisted by Councillors who are keen to encourage them to select any ward but their own.

I am proud to have been the first woman Chair but I am disappointed that we now have no women Councillors going forward. I know this is not because of a lack of talented women in the Parish so I hope some come forward soon.

I wish Cllrs Cheape and Rands lots of success in their roles as Chair and Vice Chair going forward. They are both very committed to the Parish and together with the rest of the Councillors, I know the Parish is in safe hands.

Roz Bewsher