

**Cllr Felicity Cunliffe-Lister Parish Report
Kirkby Malzeard, Laverton and Dallowgill
July 26**

Highways

I note that the Chair of the Parish Council is liaising with Highways officers to review the one way route on Back Lane.

Brierley Homes

It has been confirmed that Brierley Homes have applied to have the Commuted Sums reduced for Laverton Oaks. Whilst Cllr Les has advised the Chair of the Parish Council that this will be reviewed by the Planning Committee the Planning Officer has advised me that this is not the case:

“The developer has sought to make a case that the payment would make the scheme unviable. In order that can be determined a confidential viability appraisal will be considered by an external valuer, at the developers expense (and I am awaiting confirmation that they will pay such). Depending on the outcome of the valuers assessment it may be the case that rather than no contribution a lesser contribution may be considered viable. As the amount or extent of open space contribution is not specified in the condition a lesser contribution would not require a new application.”

I suggest that both the PC and I put in a request for this to be considered by the Planning Committee. It means that the decision will be subject to the scrutiny of Councillors (which could work both ways) but also means that the PC and residents (and myself) can lobby the Committee in advance and attend the meeting to put make representations. Please let me know if you want to do this.

Cllr Lacey attending the Shareholder's Meeting last week and on my behalf requested a copy of the Balance Sheet for Brierley's 25/26 financial year. I want to establish if there was provision for the commuted sums and if being in breach of planning was reported on – Brierley building the houses without entering into the s106 Agreement which would have committed them to paying the commuted sums.

I would like to set up a petition to build up awareness of this issue and also to apply pressure on NYC to resolve it. Karl Battersby advised me some time ago that he thought funds could be found to meet the difference if the Commuted Sums are reduced so this might be the outcome. This page is useful : <https://www.change.org/petition-guides/do-online-petitions-work> as it sets out how they work. 500 signatories is set as a target to reach, but it's not a requirement. This website works well on social media and allows for email updates to be sent out so that all who have supported the campaign are kept in the picture and encourages them to share and promote the campaign.

The petition needs to be structured with The Issue, the Decision Makers and Supporting Voices. The Issue could be worded along these lines :

“In January 2019, a planning application for 37 dwellings in Kirkby Malzeard was approved. One of the planning conditions was that the Commuted Sums would be agreed before construction of the houses started. This condition was referred to again in later applications in May 22 and August 24. Commuted Sums are what is paid by a developer to go towards community spaces such as play areas, allotments and village halls. The village is set in a rural part of North Yorkshire with very limited services. The development will have a significant impact on the village, with the number of residents increasing by up to 10%.

The site, Laverton Oaks, is owned by a North Yorkshire Council housing development company, Brierley Homes. Whilst they started works in breach of this condition, they submitted an application in September 24 to settle the commuted sums due, and also to agree the number of affordable houses. This remains outstanding. North Yorkshire Council have submitted a calculation of Commuted Sums due, amounting to over £112,000.

The Chair of North Yorkshire Council, Cllr Carl Les, has advised the Parish Council that Brierley Homes have now applied to the Council to have the conditions varied and the requirement for affordable housing and commuted sums to be removed from the planning consent. If this is really the case, that would mean Kirkby Malzeard would receive ZERO sums from Brierley Homes and that no further affordable houses would be built (which should be 40% of the development).

Brierley Homes made a £7.8M loss in the 25/26 year, against a forecast profit of £700,000. The house builder company was set up in 2016 to deliver homes for market sale and to reinvest the profits back into council services, but it required an emergency loan of £1.4M from North Yorkshire Council in August 26 due to cash flow issues.

Brierley Homes may argue that market conditions have pushed up construction costs to the extent that they can't afford to pay the commuted sums or provide the affordable housing. We say that if Brierley wasn't running at a loss it would be able to meet these commitments, and it should not expect the residents of Kirkby Malzeard to have to pay for the company's failings.

By signing this petition we say that :

- Brierley Homes Ltd should withdraw their application to reduce the commuted sums owed to the community
- Brierley Homes Ltd should withdraw their application to reduce the number of affordable houses on the development
- Brierley Homes should enter into a s106 Agreement obliging them to pay the full amount of commuted sums as per the sums already proposed by North Yorkshire Council and provide the full number of affordable homes originally proposed (13).
- North Yorkshire Council should underwrite these amounts and obligations in the event that Brierley Homes default”

The Decision Makers are North Yorkshire Council

The Supporting Voices should be those who represent the allotments, play ground, Highside Playing Fields and Mechanics Institute who can say what the impact would be if the commuted sums weren't paid. You should also have a voice saying what the impact would be to only have 5 and not 13 affordable houses in the scheme.

Please let me know if you would like to take this forward.

Access to Banking

This Mayoral Banking Fund has been recently announced. It supports projects that reintroduce or enhance physical banking and cash services on high streets. Approximately £1.2m available in total, individual grants of £30k to £400k. Capital, revenue, or a mix and match funding is required above £50k of total project cost. Capital schemes need a 3-year commitment to run services. The MCO and Peacock & Verity have met recently to establish if Masham might qualify for the funding – an update will follow.

Home to School Transport

I submitted a motion for Full Council this month, to reintroduce catchment to Home to School transport. This would avoid children on the North Yorkshire boundary being denied transport to a county school if one outside the county is closer, and for children who live just a few metres closer to one school than another (such as the two schools in Ripon) not being provided transport to their school of choice. I am aware this has created costs for the county by way of new taxi routes, and costs for families (and the environment) who are now driving to school every day. The chair proposed that this be deferred to Scrutiny Committee rather than debated on the day and sadly this was supported by the Conservatives and the majority of Labour members. The Committee is meeting in September, when the Policy Implementation Review will also take place. What is unfortunate is that any chance in policy now won't be made in time for next year's school intake.

Uredale Transport & Connectivity Group

The Working Group have been asked to circulate the following consultation, please can you encourage everyone to submit their views :

York and North Yorkshire Combined Authority (YNYCA) has been [awarded funding](#) to explore how to deliver better rural and coastal bus services and this study will help to shape approaches to future services.

YNYCA want to hear from people whose voices are often not heard or involved in decisions on transport, whether they use buses or not. Please fill out [this](#) survey and share with your friends and family in York and North Yorkshire: <https://www.smartsurvey.co.uk/t/2ZQA1Y/>

Rocket Science are working alongside Haskoning UK Ltd as part of the commission for Rural Bus Franchising Studies, commissioned by YNYCA.

If you prefer, we can offer phone calls and visits to groups, just call or text: 0191 3002587 or email: Iona.Nixon@rocketsciencelab.co.uk.

Ousewem Modelling

I have had an update on this project from the NYC Officer. The report is complete but not yet in circulation, it will be presented at the ACC in October. She says the results are compelling, and although measures need to be on a fairly large scale the impact can be demonstrated in terms of preventing downstream flooding. This relates to the catchment areas of the rivers that flow into the Ouse, and the towns and villages that suffer from flooding.

Yorkshire Dales National Park Authority

I am now a member of the board and attending their Full Authority Meeting last month, where their Local Plan for the next five years was approved.

Feast : www.northyorkshiretogether.co.uk/feast

FEAST is back this summer, offering holiday activities with a healthy meal for young people aged 16 and under across North Yorkshire. Better yet, if you are eligible for benefits-related free school meals then your place is fully-funded

What's happening when?

- From Monday 15th June – browse activities on the FEAST website or view the offline activity listings to see what's on in your area.
- Midday, Monday 22nd June – vouchers go live. Eligible families will receive a text or email from HolidayActivities to redeem their voucher and request places.
- From Friday 24th June – activity providers begin allocating places.

Funded places are available for children who receive benefits-related Free School Meals (or who are eligible by exception – see the FEAST FAQs for details). Each activity you book includes a free healthy meal for your child.

If you believe your child is eligible and do not receive your voucher on 22nd June, please contact your school office.

Families who are not eligible for funded places may be able to book paid places directly with providers.

Visit the FEAST website to explore what's on this summer.

Executive Meetings

The minutes from the June Executive meeting are here :

<https://edemocracy.northyorks.gov.uk/ieListDocuments.aspx?CId=1147&MId=20911&Ver=4>

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