

HIGHBARNES RESIDENTS GROUP MEETING
28 July 2009, 1800hrs
GADE ROOM, CIVIC CENTRE

Present:

Dacorum Borough Council & Nash Mills Parish Council:

John Clarke (JC), Head of Public Protection (DBC) - Chair
Jenny Young (JY) Civil Contingencies Co-ordinator (DBC) - Minutes
Louise Manders, Senior Manager, Corporate Comms (DBC)
Cllr Lucy Foster DBC Councillor, Nash Mills Ward and Nash Mills Parish Councillor
Terry Douris (TD) Nash Mills Parish Councillor, DBC Councillor and Herts County Councillor
Dave Martin (DM) Head of Resources (DBC)
Mike Peters (MP) Director of Environment & Regeneration (DBC)
Terence Collins (TC) Nash Mills Parish Council
Linda Sutton (LS) Nash Mills Parish Council
Geoff Doole (GD) Nash Mills Parish Council

Others:

Dave Bowman, Herts Highways
Nik Pringle, PC 452, Herts Police

Residents:

Richard and Jennifer Taylor, Michele and Rodney Berkeley

Apologies:

Lesley Kirkpatrick PCSO 6582, Herts Police

1. Project Management Process Update

David Martin gave an overview of the work that had been undertaken by the Council in respect of project management tendering and the preparatory work in general. In particular, he noted that:

- A considerable amount of detailed research had been undertaken with regard to the planning and development control framework.
- A biological / ecological survey had been carried out. This is something that had become a significant piece of work on the Bath project and through carrying out this work early, it would inform future arrangements. Nothing unexpected was identified through the survey.
- Extensive work had been dealt with regarding preparing for the project management tender in the light of ensuring that the next steps are set out to maximise the opportunities with regard to funding. However, DM noted that the funding process would be a lengthy one.
- The project management tender is going well with responses due by 5 August. All of the potential bidders have extensive experience in the land remediation area of work. There is keen competition for this work and, subject to a successful conclusion to this along with the necessary Alcatel standstill period, it is hoped that the project manager will be present at the next public meeting in early October.
- The specification for the project manager includes the arranging of the detailed investigations that are needed in order to prepare the full funding application to the Homes & Communities Agency. One key factor throughout the project will be to demonstrate value for money in everything that is done.

- The key to securing maximum funding is a Derelict Land Clearance Order (DLCO) and these are not easy to achieve. They require a Statutory Instrument to be passed which is secondary legislation and, in order to secure approval, a considerable amount of detail is required to obtain the Secretary of State's consent prior to the order being laid before Parliament.
- A case conference has been arranged for Friday coming with a QC to review the legal research that has been undertaken. This advice would be critical to determining the future development control protocols for the future in the area.
- In terms of timescales, it is clear from all of the research and site investigations done to date that the remediation of chalk mines is a long process whereby funding is not guaranteed. Every effort needs to be made sure that the detail and evidence is in place before submitting applications. The Combe Down project in Bath has taken seven years and in Cornwall, it took three years to prove that the land issues were caused by mining and not water erosion prior to funding becoming available.

DM concluded by saying that he hoped that the overview of the range of work that was being undertaken was useful.

JC – asked DM to explain the necessity of the DLCO funding and what it actually means, as the term sounds quite severe.

DM – a DLCO was actually a statutory instrument under the Derelict Land Act which could be obtained in a number of situations, eg. on derelict land, on industrial land or on other land with the approval of the Secretary of State. TLand Stabilisation scheme is linked to the Derelict Land Act and a DLCO is needed if full funding is to be accessed. For example, Welwyn Hatfield Council and Reading Council needed to apply for one. It is the key to unlocking the funding. We would need our local MP, Mike Penning, to pitch on our behalf to the Secretary of State and the Treasury. As this would be a multi-million pound project, we could not be left with a 50% shortfall.

JC – asked if there were any questions for DM.

TC – What happens if we do not get the full funding? What is the back-up plan?

DM – we need the funding. Another Council walked away from a project when they failed to establish that adequate funding was available as it was impossible to pay for the work to be done. There are plenty of precedents we can use to gain evidence to support our application and we have taken legal advice on the matter. However, nothing is guaranteed and detailed evidence is the key.

MP – the Bath project was the most costly in the history of the HCA, in excess of £170 million. There would be no way of covering a 50% shortfall for that sort of figure. We need to focus our efforts on getting the full funding.

TC – what sort of timescale are we looking at?

DM – we will not make our move on funding until we are fully ready. We are not the first authority to go through this process, which generally seems to take around 3-5 years. It is not a quick job and we won't know the full extent until further ground tests are carried out. It is likely to take 6 months for a DLCO to be considered once we have formally applied for it. We need to get everything lined-up first. There are also routes of challenge available, ie, appeal or judiciary review. The Scheme will not simply permit anyone to say "fill up whatever you find", each stage will need to be fully justified and approved before funding is forthcoming. It will take several months from our initial application to approval. The Land Stabilisation Programme is only open to local authorities to apply for funding. Dacorum is

doing this as a co-ordinating body on behalf of the local residents. The scheme is not open to individuals.

JC – this is why the regular meetings of the resident's group are so important, to ensure that the state of the local environment is kept under review. As the project may continue for several years, these issues need to be kept under review. Council officers are doing their utmost to ensure that the needs and concerns of local residents are dealt with.

RB – What is the main challenge under the DLCO?

DM – The Act of Parliament that the DLCO process sits under is very “woolly”. It depends of whether the Secretary of State “deems it appropriate”, which is very vague. We have been looking at other areas, ie, the tin mining in Cornwall. There is a need to highlight that the existence of these mines were not known to anybody and there is no reasonable reason for them to refuse funding. One we have the full evidence from the area and know the totality of the problem, then it can be dealt with. If approved, any work would be targeted and based of actual risk. We cannot launch an application too early with the Treasury or we will come unstuck. We need a cast iron case.

TD – have other local authorities received funding in this way?

DM – some have received none, some have received 50% and others 100%. It depends on factors such as the land use and density of any housing, which is entered onto a matrix. It is this that can potentially open up the threshold.

TD – so we are not setting a precedent with this?

DM – no. The scheme changed in 2005 so we are not the first to approach it in this way.

MP – had we been vague in completing our initial project proposal to the HCA, and just submitted a rough outline of the area in question, we may have failed. We highlighted the density of the area by omitting spare land but including homes, estate roads and the school. This got us through the first hurdle.

RB – Is the timing key to when this is pushed through? Would it be before, or after, the next election?

DM – said this was not been played politically, as politics should not affect the outcome. As long as we are ready when the application and the key civil servants are available to review it, then the timing should not be a key driver.

TD – what government department would be involved?

DM – the DCLG (Department for Communities and Local Government)

NP – would the Sappi Graphics development have any bearing on the project?

DM – Legal advice had been sought on permitted development rights.

MP – Peter Brett Associates had pointed out that as the mines were on a sloping side, not on the valley floor, and as Sappi was on the valley floor, it was probably the wrong place geographically.

2. Highways Issues

DB – Herts Highways had completed all of the actions requested. The temporary fencing was down, there was now semi-permanent kerbing and bollards in its place. The planters were in place and awaiting filling by the Parish Council. The grass on the amenity green would need cutting by DBC.

TC – mentioned that Pond Road still looked messy, with some rubble still there

DB – said he believed that works were still ongoing in the road and that the contractors would be responsible for clearing up the site when they had finished.

RB – confirmed there was still work underway

JY – mentioned that the exposed borehole that had been reported by residents was going to be properly capped by the contractors within a week. It had been omitted during the handover between Van Elle and Keller.

DB – Mr Lewis of no 5 Pond Road had complained to DB several times about the poor state of the pavement. As he is elderly it is causing him problems. The pathway had only been patched up, as work was likely to be ongoing in the road. However, DB felt that as the work may not be for many months, it could be work in resurfacing the pavement to make it easier for residents to live with in the meantime.

All – agreed that this would be very beneficial and thanked DB for his suggestion.

TC – asked if there was a possibility of further incidences of subsidence in the area.

JC – said that it was of course a possibility, as the previous incidents had been unexpected. The whole project was based on evaluation of risk. Further subsidence would be reviewed at the time that it happened.

MP – said there was a matrix which had been used to evaluate the risks of the known problem areas. These had been put into a hierarchy and the most pressing section (known as “CP5B”) had already been filled.

TD – expressed his thanks to DB and Herts Highways colleagues for all of their hard work and the thought that had been put into making the area more pleasant for local residents.

LS – the Parish Council were trying to source some loose compost to fill the planters

GD – explained that it was looking to be over their available budget, as it would be £250 for each planter, plus £250 per month maintenance costs

MP – asked if the Parish Council could find volunteers willing to keep the planters maintained, rather than paying for this service.

GD – said they were happy to pay for the actual plants, but had expected the planters to arrive already filled with soil.

RB – said he was sure some local residents would be happy to help maintain the planters

NP – mentioned that a competition had recently been held at Watford Police Station for the “best planter”. This had been a very successful way to keep them looking attractive and well-maintained and suggested that it was something the Parish Council may wish to consider.

MP – asked JY to contact Simon Coultas in the Clean, Safe & Green team and arrange for the planters to be filled with soil at MP's request.

TD – asked what the Parish Council could do to promote it

TC – said they could provide up to £500 towards the planters

3. Security Issues

NP – said that the lads who had been reported for inappropriate mini-motorbike use in the area had been identified and dealt with. Asked residents to let him know straight away if there were further problems, as they may then have the power to take away the bikes. Crime in general had been low as usual over the past 4-5 months. The only problems tend to be neighbour disputes.

4. Other Issues

Communications - The next Public Meeting was planned for the evening of 5th October. Another newsletter was also underway.

5. Any Other Business

TC – one of the local Highbarns residents had reported that he did not like the new road signs, and had never heard of East Green. We will never please everyone!

RB – mentioned that the residents of 3 and 5 Pond Road were concerned that the emergency services were not fully aware of the road closure as they had seen ambulances having to turn around.

JY – this had been reported to her by MB and as a result the local ambulance service had been spoken to again. They are of course aware of the closures, but every now and then someone will forget or a driver from another area will take the wrong turning in error.

JC – suggested that the issue was raised in the next newsletter and residents reassured that all the emergency services were fully aware of the closures and had confirmed that all properties could be accessed safely.

TD – asked if someone from one of the emergency services could perhaps visit the worried residents on Pond Road to reassure them in person.

JY – would ask Jack Daw from the local fire station if he could do this, as he was particularly involved in this type of community work.

LF – asked if any additional space for turning vehicles could be made in Pond Road, as large vehicles making deliveries were having to reverse out onto Chambersbury Road.

DB – this was unfortunately not possible, as it was quite a major piece of work which would require extensive consultation. It would also not solve the problem caused by larger delivery vehicles as they would still be unable to turn around in Pond Road, even with an additional turning head.

LF – asked if anything could be done at the junction to make it safer when vehicles were reversing?

NP – bollards could be put on the corners to stop. However this would take parking spaces away from residents which might not please them as parking was already limited in the area. Suggested it would be better to just leave it for now but keep an eye on the situation to see if it became a real problem..

RB – mentioned that it would become much easier once the skip had gone.

DM – asked that if anyone was keeping photographic records of the work in the area, it would be appreciated if they could share them, as DBC was keeping a photo library as evidence of the stages the project was going through.

7. Date and Time of Next Meeting

Agreed to hold the next meeting prior to the publication of the next newsletter, on Tuesday 8th September at 6pm in the Gade Room.