

JSM CONSULTING – MUD WHARF / SLOUGH ROAD

Summary

The following is a chronological summary of the matter concerning the proposal for works at Mud Wharf / Slough Road.

15/02/2024	Proposal received by Officers from JSM Consulting
27/03/2024	<p>Presentation made by JSM Consulting ahead of the committee Meeting. The item was discussed at item 5.</p> <p>461/23 RIVER COLNE, SLOUGH ROAD – JSM LTD REQUEST FOR WATER DISCHARGE</p> <p>a) <i>The presentation made by representatives of JSM Limited at 7.00pm was noted and the presentation documentation was received by members of the Committee.</i></p> <p>b) <i>Following a discussion it was agreed that the Deputy Clerk would distribute further the information requested from JSM Limited and would act as the contact point with JSM Limited. Cllrs Julie Cook & Wendy Matthews would act as council liaison with the Colne Valley Regional Park. It was stated that a decision couldn't be made at this point. There needed to be a further discussion concerning compensation. Cllr Matthews confirmed information concerning the previous similar activity in 2019 including the payment of £10,000 compensation. She also stated an ecological report was obtained at the Council's request paid for by the contractor / contractor's client as well as relevant legal costs. The Deputy Clerk recommended that following distribution of the further information from JSM an extraordinary meeting of the committee be convened to progress the matter further towards a decision.</i></p>
20/05/2024	A Teams meeting was held with Councillors & representatives to obtain answers to further questions raised.
29/05/2024	<p>The item was discussed at the Committee meeting.</p> <p>029/24 RIVER COLNE, SLOUGH ROAD – JSM LTD REQUEST FOR DISCHARGE OF WATER ON PARISH COUNCIL LAND</p> <p><i>The Chair confirmed that 2 meetings had taken place with JSM (A presentation on the 27th March ahead of the Committee meeting & a Teams meeting on 20th May) and at the last meeting of the committee it was agreed that a decision would be made at this meeting.</i></p> <p><i>After a discussion which included the following points, a decision was taken to defer taking a decision at the meeting until further information was received and an extraordinary meeting of the committee be called.</i></p> <ul style="list-style-type: none"> • <i>Reference was made to the legal document and it was noted that the document will be reviewed by a Solicitor at the expense of JSM.</i> • <i>It was confirmed that use of the Siltbuster was part of the decision to allow this activity to go ahead. It was further pointed out that if the Parish Council doesn't agree to the overall activity taking place on Parish Council land that JSM are allowed to locate the Silt buster on this piece of land.</i> • <i>There was a discussion regarding the impact on the trees on that piece of land. It was pointed out that a request for information about this was asked for but not yet received.</i> • <i>The point that further clarification can be sought once a decision has been made.</i> • <i>With reference to trees, it was suggested that the Parish Council should be aware of the impact on trees. This was agreed.</i>

- Aspects of the Method Statement regarding vegetation was discussed and queries regarding the measurement distances along with the validity of the information provided which was dated July 2018. A view was shared that the documentation was highly inadequate.
- It was stated that the Parish Council had the intention to ensure that the ecology was protected.
- It was suggested that clarity was still required concerning the route of the cable. An opportunity exists to seek clarity of this through the provision of the legal documentation and detail is to be explicitly clear on this.
- Further ecology issues from the documentation concerning Otters & Water voles and their habitat. Great Crested Newts are known to inhabit the area of the Iver Environment Centre also, but the ecology study does not state this. Information concerning the protection of the Great Crested Newt was shared by a member of the committee. The legal position of the Parish Council to agree to this activity relating to the legal protection was questioned. A view was shared that the report was inadequate, and no documents had been received directly from the Environment Agency. The view was that the Parish Council have not seen what permissions of licences have been given and granted.
- A further comment regarding the out-of-date documentation was highlighted by a member of the Committee.
- The Officer present made an Officers Recommendation that after 2 previous opportunities to ask questions and there were still outstanding issues from those that members of the committee should consider giving a decision that the Parish Council were not giving permission for this activity to go ahead on Parish Council land pointing out that a lot of Officer time had been taken up with this. A member of the committee stated that the position may be that the Parish Council isn't refusing the grant permission more that more clarity is needed. The Officer suggested that another Teams meeting was a possibility but generally this was not seen as a favourable way forward. It was however confirmed that receiving answers was imperative to the decision being made.
- A view was shared that the Parish Council should not grant the request until further clarity was sought.
- The Chair of the committee suggested that a list of queries outstanding is agreed and that these are given to JSM to provide clarity. This suggestion was challenged with concerns of the legality of entering Parish Council land without permission being granted.
- A motion was raised that the Parish Council goes back to contractor and require certain documentation to be provided within 14 days and from there a decision can be made and if the documentation is not provided that the decision of the Parish Council is not to grant permission. It was proposed that clarification around the Great Crested Newt & Otter habitation was vital, Environmental Agency reports, a draft Easement documentation, a tree and Vegetation Plan, draft licences around the use of the Silter on Parish Council land, a commitment that the Parish Councils legal costs be covered and an accurate plan of the cable to be provided. The Officer pointed out that a Motion was tabled and a vote on it was required at that point. The motion was seconded and after a vote it was **RESOLVED** to move that Motion as a decision of the Committee.
- A suggestion by the Chair and supported by Committee members was that after the 14-day period given to obtain this information an extraordinary meeting was called to make a decision based on the further information provided. The Officer present recommended that the meeting be called as soon as possible to ensure the statutory notice period was given and the resource of Officers available to be present. If called, the summons required attendance and the meeting take place if quorate and a decision taken based on the situation at the time. A view by the Officer present was that the contractor may have an alternative plan if the decision of the Parish Council is not the grant permission.
- The Officer present clarified the decision and position.
- The matter concerning permission for the Siltbuster to be on Parish Council land was raised. After clarification of the process involved in making decision on this aspect of the activity was agreed to defer this too. A point was raised and a consensus given that the Parish Council needs

	<p><i>to also understand if any disturbance of wildlife will take place with the Siltbuster being in place.</i></p> <ul style="list-style-type: none"> <i>The Officer recommended that as the Locum Clerk had been involved and the Deputy Clerk didn't have a great level of expertise and a lot of Officer resource had been taken up in this matter that he discussed this with her once she was supporting this Parish Council again from week commencing 3rd June. The Chair agreed this was a good way forward.</i> <p><i>The Deputy Clerk stated that there was no need to transact item 16 as it was only relevant if a decision had been taken under point d) of item 14 and therefore there was no need to transact item 15 to exclude the press and public.</i></p> <p><i>A recommendation was made by a Committee Member that the Agenda item at 14 d) be modified to allow a discussion at item 16 to take place. The Officer gave advice that the Agenda had been properly & legally published and therefore the meeting needed to transact the business as per the Agenda but a further discussion outside of a Council meeting could take place but that no decisions could be taken outside of a properly brought Council or committee meeting.</i></p>
12/06/2024	<p>An Extra-ordinary meeting was held to make a decision regarding the matter.</p> <p>049/24</p> <p>RIVER COLNE, SLOUGH ROAD – JSM LTD REQUEST FOE DISCHARGE OF WATER ON PARISH COUNCIL LAND</p> <p>The chair opened the item by highlighting that a number of meetings and presentations had taken place and also further opportunities to ask questions and seek further clarity. Therefore a need to make a decision at this extraordinary meeting was required. The Deputy Clerk highlighted that the decision needs to be based on the information provided to the questions asked in the aforementioned meetings. Following a further discussion regarding the matter which included a question concerning the responses received to questions. The Committee weren't satisfied that all the questions asked were responded to fully. A view was shared that if the information received did not answer or satisfy the Committee's concerned then a negative decision should be resolved. The Deputy Clerk reiterated the Officers view that the decision taken needs to be based on the information provided and if the Committee is not satisfied with the information provided that the decision should be a negative one. A further discussion took place regarding the lack of quality of ecology advice given.</p> <p>A motion was proposed that the Council refuses the JSM Ltd Proposal in its entirety raised by JSM Limited concerning the activity at the land owned by the Council at River Colne, Slough Road. The motion was proposed by Cllr Peter Kinchin and seconded and voted on unanimously in favour.</p>
28/06/2024	New proposal received from JSM Consulting and sent to Councillors on 28/06/2024 for possible consideration.
01/07/2024	JSM were written to by Officers to confirm that no expressions of a desire to reconsider had been received from Councillors.

The matter is now closed and the Officer's file regarding the matter has been closed and archived. The Committee is asked to **receive this report only** – there is no further decisions to be made.

Jeremy Day
Deputy Clerk – Open Spaces & Highways
July 2024