

PRESTON BROOK PARISH COUNCIL

MINUTES OF PRESTON BROOK ANNUAL PARISH COUNCIL MEETING HELD AT 8:30PM ON TUESDAY 27 MAY 2025 AT PRESTON BROOK VILLAGE HALL, SANDY LANE, PRESTON BROOK, CHESHIRE, WA7 3AW.

Members Present:

A Price, J Walton, C Murray, K Dainty, L Hewliett, L Sanders, P Bolton.

Also Present:

Luke Trevaskis - Proper Officer, and 1 member of the public.

1. Apologies

None.

2. Declarations

Cllr Kerry Dainty and Cllr Liam Hewlett noted an interest in the proposal for future partnership working with Heatherfield Heritage, and the Chester Road Development (Planning Application 22/00203/FUL) for 136 Homes.

3. Minutes

The minutes of the prior meeting were approved.

5. Police

Members noted that there had not been a report received from the Police. It was agreed contact would be made with Cheshire Police.

6. Public Realm

Members noted additional sandstone planters have now been positioned.

Members noted the designs for the Village Hall finger post were expected by end of June.

Members agreed to delegate the scope of works to be undertaken at Bridgewater Grange to the Proper Officer, in line with the Council's new budget, and agreed for the PO to source a contractor and decide commencement date, KPIs, and scope, suggesting that an initial eight visits between would be an adequate timeframe to assess suitability for next year's programme.

Members agreed to provide Halton BC with a deadline for approval of fencing and signs, and for the projects to proceed following the deadline.

7. Finance

The Council approved end of year accounts, bank reconciliation, asset register, and draft AGAR for FY2425.

The Council also resolved to accept the below amends to the Financial Regulations.

Section 4.1:

“the Proper Officer - with delegated authority to incur expenditure, following consultation with the Chairman up to £10,000, including but not limited to the commencement of judicial review proceedings against Halton Borough Council, or other legal actions, especially in relation to any planning matters or applications which pose an adverse risk, or detriment, to the community. It is not that this expenditure is not limited solely to items of urgency in nature, and this authority can indeed extend to all matters of council business should it be so required.”

Section 4.5:

“In cases of extreme risk to the delivery of council services, the Proper Officer may authorise revenue expenditure on behalf of the council which in the Proper Officer’s judgement it is necessary to carry out. Such expenditure includes repair, replacement or other work, whether or not there is any budgetary provision for the expenditure, subject to a limit of £10,000. The Proper Officer shall report such action to the chairman as soon as possible and to the council as soon as practicable thereafter.”

8. Planning

Members noted an update regarding Planning Application 25/00107/OUT (94 Dwellings at Hilltop Farm) and agreed to submit an objection once all documentation had been provided by the developer. The Council resolved that the engagement of a planning expert would be delegated to the PO, in line with the budget, and any other experts such as a highways consultant, or drainage consultant regarding water discharge into the Canal and Brook. Members also noted they would have welcomed a pre app discussion regarding this proposal.

Members also noted it may be worthwhile to inspect the S106 Agreements in Daresbury and Tannery to see if PBPC could access any funds.

The Council agreed to reserve the right to object to Planning Application 22/00493/OUT (17 Dwellings at Summer Farm).

9. S106 Agreement - Chester Road Development (22/00203/FUL) 136 Homes

It was noted that the Parish Council has successfully secured critical amendments to the Section 106 (S106) legal agreement relating to the Morris Homes development north of Chester Road. This follows a sustained effort by the Proper Officer, Chairman, and members of the Parish Council to challenge the wording of both Halton Borough Council’s Development Committee minutes and the subsequent S106 agreement made, which risked diverting developer contributions outside the Parish, contravening the sentiments of Halton BC’s members at its January meeting.

Key outcomes:

- The Deed of Variation, executed on 13 May 2025, now explicitly limits the use of off-site open space funds to Preston Brook only. All references to neighbouring parishes and the wider Runcorn area have been removed.
- The updated definition in the Second Schedule aligns fully with the Council’s understanding of the committee’s resolution on 28 January 2025, and the recorded meeting evidence provided by the Council has been decisive in ensuring accuracy.
- The Parish’s request for transparency, via FOI and direct correspondence, has ensured full public access to both the original S106 and the corrected Deed of Variation.

While Halton Borough Council has confirmed the corrected documentation now reflects members' intent, concerns remain around the late timing of disclosure, which occurred only days before a potential legal challenge.

The Council agreed to submit a formal response via its solicitor to:

- **Thank Halton BC for the corrected agreement;**
- **Highlight the procedural flaws and lack of timely engagement;**
- **Request a formalised communication process moving forward.**

It was also agreed that a planning consultant, and counsel, will:

- **Draft a response to challenge the position held by Halton BC's officers, and their interpretation of the wording within Halton's Local Plan, which purport that where potential development land has been removed from the Green Belt, any such S106 monies arising from a development, should be reserved for other areas of extant Green Belt under the ownership and/or jurisdiction of Halton BC.**

It was also that the Council approach contractors to:

- **Develop proposals which can be submitted to Halton BC when a call for ideas is made - with the aim of ensuring the best possible outcome is achieved for the Parish in undertaking projects within the scope of the S106 monies, and to ensure the proposals have the best chance of success.**

Members noted that this matter reflects the Parish Council at its best - diligent, legally informed, and unafraid to challenge where necessary. Officers and members have acted with discipline, clarity, and unity, securing a material benefit for Preston Brook residents and demonstrating the Parish's capability to hold larger authorities to account.

This is a clear demonstration of the Council's role as a strong advocate for the local community, and a reminder that proper scrutiny and collaborative pressure, when applied constructively, deliver tangible results - in this case, a sum of £133,431.24 to be paid towards off-site public open space projects within the Parish of Preston Brook.

The Council will continue to monitor implementation of the S106 agreement, and where necessary, assert its legal position to protect the Parish's interests. Members are asked to note the update and endorse the next steps. The Council will continue to advocate for favourable S106 terms as future proposals for development in the parish come forward.

10. Neighbourhood Plan

The Council agreed the draft Terms of Reference for the Neighbourhood Plan Steering Group.

The Council agreed to contact CPRE for support.

11. **ChALC** - members noted the Council is still awaiting a response from NALC in relation to motions that the authority submitted to be heard by member councils. Member noted contact had been made with other councils in the area to suggest regular district meetings. Members agreed for Cllr C Murray to further the agenda of the PC at ChALC, including lobbying Halton BC for support.

12. **Ward Councillor Report** - none.

13. **250th Anniversary of the Bridgewater Canal** - members received an update on event progressions.

14. Next Meetings

It was noted that the next meetings of the Council would be held on:

24 June 2025 at 8.30pm

22 July 2025 at 8.30pm

23 September 2025 at 8.30pm

15. Public Forum

Residents raised concerns regarding water being drained into the brook and the risk of flooding. Uncertainty was expressed as to the position of the Environment Agency, which appears to have permitted the approach of a silt trap. It was agreed for further liaison to be undertaken with the Environment Agency.

Signed as a true record

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Chairperson