

**GILBERDYKE PARISH COUNCIL  
MINUTES OF THE EXTRA ORDINARY MEETING HELD  
WEDNESDAY 24 NOVEMBER 2010 7.30PM THE COMMON ROOM,  
SCALBY LANE, GILBERDYKE**

**1. Apologies**

**Mr L Arundel  
Mr A Wilson**

**Present**

**Mr N Norris – chair  
Mr J Jessop  
Mrs D Longhorn  
Mr J Mansell  
Mr P Robinson**

**5 members of the public**

**2.To consider request (verbal) via the Lower Ouse Internal Drainage Board for the parish council to inform residents (involved with phase 1 of the flood scheme) of the parish councils intention for any future maintenance of the watercourse. The parish council will need to look at any legal implications of such an agreement.**

**The following points were raised:**

- **Confirmed that agreement made by the parish council to place £500 per annum in the budget for cleansing the new system**
- **The minutes of the parish council are the legal document and can be used as such in a Court of law**
- **The parish council will give consideration to legal documentation regarding maintenance in the future if and when the known land owners are confirmed**
- **Confirmed that at the residents meeting held in the Cross Keys Wednesday 27 October 2010 everyone agreed to the work going ahead on the start date of 22 November 2010.**
- **The parish council has worked hard with residents and other agencies to achieve a food prevention scheme for the whole of the village (and eventually the whole of the parish) even though the parish council as a whole and as individual parish councillors has been under constant attack from one particular member of the public and that this same**

member of the public has consistently blocked the progress of this much needed flood prevention work from the start.

- Access is necessary through X XXXXX XXXX It would now appear that there is a breakdown in communication.
- Mr X XXXXXXXX has now reneged on his consent for access through his property.
- With the work due to start on 22 November 2010 this has now had to be stopped with the contractors being stood down but some cost will have been incurred.
- The ownership of the two properties - `XX XXXXXXXXXXX XXXXX and X XXXXXXX Lane is now in doubt
- The actual ownership of the dyke/land is unclear with X & X XXXXXXX XXXX being riparian ownership with the Lower Ouse Internal Drainage Board having responsibility for clearing that section. It is unclear via the East Riding of Yorkshire Council and individual property owners who has ownership and responsibility of the dyke/land.
- Mr X XXXXXXXX is insisting on a legal agreement for the parish council to maintain the dyke in perpetuity. The parish council can not do this.
- The parish council confirmed its agreement to carryout maintenance (jetting/cleansing) when appropriate in the future and to cover any damage caused during access.
- The parish council feels that the Lower Ouse Internal Drainage Board has failed in its task as administrator and should have had all the written agreements on file sooner.
- East Riding of Yorkshire Council are determined to carry out their work on the secondary section of the dyke but can not start until the first section has been finished.

7.45pm the meeting was closed to allow members of the public to speak:

Cairman Mr N Norris asked Mr X XXXXXXXX who actually now owns X XXXXXXX XXXX, Gilberdyke. Mr X XXXXXXXX explained that he owns X XXXXXXX XXXX with his son XXXX as tenant. His son XXXX now owns XX XXXXXXXXXXX XXXXX with Mr X XXXXXXXX as tenant.

Mr X XXXXXXXX verbally agrees to work being carried but will not give permission for access through X XXXXXXX XXXX because of the tenants.

7.55pm Mr C XXXXXXXX (member of the public) left the meeting.

Other members of the public (residents who were flooded in June/July 2007) confirmed their dismay and disbelief that Mr X XXXXXXXX and his family are prepared to stop this vital work when so many other residents run the risk of being flooded either again or for the first time should the weather conditions repeat themselves.

**Regarding the number of manhole covers shown in the design of the system – for maintenance the new system will just need to be jetted through the manhole covers. Individual householders would not necessarily need a manhole cover per property.**

**8.15pm the meeting reconvened**

**Noted that the owner of X XXXXX XXXX, Mr X XXXXXXXX, was not prepared to commit in writing his consent for access across the property for the work to be carried out even though the parish council has agreed to pay for maintenance and agreed to cover any costs for damage during the work.**

**The loan could now be lost and to re-negotiate would take up to 6 months and would be at a higher interest rate.**

**The parish council is disappointed and dismayed at the behaviour of certain residents when so many other residents are willing to work together.**

**The parish council has kept everyone informed, through press releases, public meetings, residents meetings and consultation days.**

**The parish council now needs to plan for the future now the work has been stopped.**

**The parish council could do nothing more – the project was designed by the East Riding of Yorkshire Council and the MASON CLARK ASSOCIATES, the Lower Ouse Internal Drainage Board were brought in to administer the project and the parish council obtained the necessary funding (£80,000 loan) and the two extra agreements re cleansing and damage.**

**Proposed Mr J Jessop seconded Mrs D Longhorn that the Clerk forward yet another request to Mr X XXXXXXXX for written, unconditional consent for access for the duration of the work, across his property (now X XXXXX XXXX) either to the Lower Ouse Internal Drainage Board or the Clerk by 12 noon Friday 26 November 2010.**

**All agreed.**

**The letter to be copied to the Loer Ouse Internal Drainage Board, East Riding of Yorkshire Council and Mr K Warcup with a letter of explanation to the contractor.**

**There being no further business the meeting closed at 8.25pm.**

**CHAIR**