

MANLEY PARISH COUNCIL

MINUTES OF AN EXTRAORDINARY GENERAL MEETING OF THE COUNCIL HELD AT 6PM ON MONDAY 7TH AUGUST 2023 AT MANLEY VILLAGE HALL

Present:

Councillors Pam Brook, Colin Ford, Jane Challoner, John Gilding, Peter Sherlock and Ian Walton (Chair)

1. Apologies for Absence

John Bunting

2. Disclosure of Interests

None

3. Open Forum

No members of the public attended the meeting or submitted comments beforehand.

4. Planning Enforcement Appeals

4.1 Agenda Item

Discuss the planning appeals with Planning Inspectorate references APP/A0665/C/23/3325122 and APP/A0665/C/23/3325120, and decide:

1. Whether the Parish Council should participate in the appeal process;
2. What role the Parish Council should play in the appeal process;
3. What financial contribution the Parish Council should make towards legal costs.

4.2 Discussion notes

a) Basis of the Appeals

The appeals have been made on the grounds that the planning permission should have been granted and also that the timescale for restoration of the site is too short.

Any development in green belt is deemed to be harmful to the green belt, unless there are very special circumstances that are judged to outweigh the harm. The appellants state that the Gypsy and Traveller Accommodation Assessment (GTAA) is flawed and there are

personal circumstances that outweigh the harm. Furthermore, they claim that the site is in a sustainable location and these three factors are very special circumstances that outweigh the harm.

b) CWaC Plan

CWaC are going to fight this as hard as they can and they have engaged Fisher German to review the planning aspects, and because the case depends heavily on the GTAA, they have instructed King's Chambers to review the GTAA and represent CWaC at the inquiries.

c) MPC and Residents Involvement

The question for us is how involved we should be. We have 3 levels of involvement:

1. Leave everything to CWaC.
2. Instruct our own planning consultant to provide evidence that the development is harmful to the green belt and submit this as additional information to CWaC's brief to Fisher German or make our own statement at the inquiry.
3. Apply for Rule 6 status at the inquiry. With Rule 6 status we will be considered a main party. We will be sent copies of the documents submitted by the other main parties, and we will be entitled to appear at the inquiry and be able to cross-examine other parties and their witnesses.

The Planning Inspectorate guidance states that Rule 6 parties can offer significant value to inquiries. However, this is only the case where Rule 6 parties add substantively to the case being made by the Local Planning Authority. Also, at the inquiry, the evidence of each witness should address distinct topics and not overlap another's.

Being a Rule 6 involves the greatest expense, because it requires the advice of planning consultants and barristers.

In order to cover the costs of an appeal, a number of local residents have agreed to contribute to the costs of professional fees. A part of the Parish Council's reserves can be put towards this, as long as proper governance procedures are put in place to ringfence the money and protect the Parish Council against overspending against an agreed budget limit.

Decisions

Decision: 1. Whether the Parish Council should participate in the appeal process.

The Parish Council unanimously agreed that the Parish Council should be involved in the appeal process.

Decision: 2. What role should the Parish Council play in the appeal process?

The Parish Council unanimously agreed that we should instruct our own planning consultant to provide additional information to CWaC's brief to Fisher German, or make our own statement at the inquiry.

The Parish Council unanimously agreed that we do not seek Rule 6 status at the inquiry as our preferred route. The Parish Council appreciate that CWaC are taking this seriously, that the appeal depends heavily on the GTAA and the circumstances of the occupants (neither of which we can significantly influence ourselves), and there is no difference between CWaC's position on the harm to the green belt and our position, and therefore Rule 6 status is not judged to be appropriate. Also, it would, in our opinion, create an unnecessary and potentially confusing duplication.

This decision is subject to two further criteria:

- a) That sufficient funds can be raised by public subscription and from Parish Council reserves to cover the cost of professional fees.
- b) That the decision gains broad support from all interested parties at a future meeting (including but not limited to CWaC Enforcement and/or Planning, Ward Councillor Hugo Deynem, representatives of local residents, and the planning consultant) to agree how resources should be aligned. In the case that support is not forthcoming, the Parish Council agreed that we should pursue the Rule 6 route as an alternative option.

Decision 3. What financial contribution the Parish Council should make towards legal costs.

The Parish Council unanimously agreed to donate up to £2000 towards the professional fees (planning consultant, and any barrister's fees if we pursue the Rule 6 route).

A separate, ring-fenced account should be set up to accurately and transparently monitor and control the expenditure (Action – Parish Clerk to contact TSB to arrange this). If this is not possible, an internal system of controls needs to be put in place.

The total expense will be capped, subject to formal quotations, and any underspend will be returned to the donors on a pro-rata basis. Likewise, the Parish Council's expenditure will be reduced on a pro-rata basis.

Any Other Business

No items raised

The meeting closed at 7.25pm