

# HEMPNALL PARISH COUNCIL

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## Minutes of the Parish Council meeting held on Monday 25th November 2013 at 7:30pm in The Mill Centre

ACTION

### Present

Vice Chairman Mr David Hook, Mrs Debbie Ashford, Kevin Cunningham, Mr Richard Delf, Mr David Pointer, Mr Mike Turner, Mr Peter Workman and the Clerk Mr Ian Nelson.

### Members of the public present

Mr Roger Parker, Mr Ian Cundy, Mr Hamish Rose, Mrs Melanie Hook, Mr Roger Stretton, Mrs Edwina Peck, Mrs Lesley Oldfield, Mr Tony Tilford, Mr Michael Watts, Mr John Watts, Mr Hamish Rose, Mrs Janette Franks, Mr David Taylor, Mr David Burrows.

### Apologies

Apologies were received from County Councillor Alison Thomas, District Councillor Michael Windridge, Mr Geoffrey Moulton, Mrs Liz Allen.

### Declarations of Interest

None.

### Minutes of the previous meeting

The minutes of the meeting on 29<sup>th</sup> October 2013 were approved and signed.

### Public Participation

#### **Springwood – Potential Traveller’s Site**

Mr Tony Tilford representing the Norfolk Bat Group, stated that if SNC disturb the bats or the Great Crested Newts which occupy the site they would be breaking the law. It was also noted that the site is a county wildlife site and has some ancient woodland.

Mrs Edwina Peck said that she had been contacted by the Norfolk Wildlife Trust indicating that they did not think the proposed development would be a problem for wildlife.

Mr Tony Tilford stated that he had spoken to Norfolk Wildlife Trust and they had emailed him to state that they would not withdraw the letter sent to SNC indicating that the proposed development would be a problem for wildlife, however they now agreed that they would not support any development beyond the existing proposal.

#### **Wind Turbines**

Mr Roger Stretton asked if SNC agree to the Streetwood application would it reduce their costs now that the matter had been referred to inquiry.

Mr Hook read extracts from advisors and reported the views of SNC. Unfortunately there were conflicting opinions and Mr Hook intended to continue to investigate.

DH

Mr Tony Tilford commented that the same ecological issues applied to the wind turbine site as the Streetwood site.

Mr David Burrows suggested that residents should not give up the fight against the turbines and that people should dig into their pockets to support the costs.

Mr Roger Parker asked if the parish council could claim back the VAT on any legal costs, the clerk confirmed that it could.

Mrs Melanie Hook suggested that the parish council write to Helen Mellors at SNC to determine when she is due to make her recommendation.

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## County/District Councillor updates

None received.

## Wind Turbines - Application 2013/0105 - revised

### *General Update*

#### *Meeting at SNC*

Messrs Hook, Delf, Turner and Nelson attended the meeting at SNC on 31/10. It was felt necessary by those attending the above meeting to consult a planning lawyer (as previously approved at the last parish council meeting). Mr Hook had researched a suitable lawyer and the likely cost for the initial work was within budget.

At the meeting Mrs Mellors had agreed to forward a copy of the animations and our landscape comments to SNC's Landscape Consultant for comment. The parish council had not been seen a response so the clerk will write to enquire about progress. IN

The clerk had circulated the parish council's full response to the planning application for comments by voting councillors and subsequently submitted it to SNC.

The planning lawyer, Mrs Ring, a Partner in Richard Buxton Environmental & Public Law, has advised the parish council to, as a priority :

1. apply to the Secretary of State to call in the application for his determination.
2. ask for the support of our MP in support of the above request.
3. apply for Rule 6 status as a parish council at the planning inquiry as soon as possible.
4. seek for the matter to be dealt with at planning inquiry rather than by written representation.

Mr Hook explained that tonight's parish council meeting had been called because Mr Ring had explained that the above matters needed to be dealt without delay.

Mrs Ashford proposed, Mr Turner seconded and it was unanimously agreed that the advice provided our solicitor should be followed in detail and that she be instructed to :

1. apply to the Secretary of State to call in the application for his determination.
2. apply for Rule 6 status as a parish council at the planning inquiry as soon as possible.
3. seek for the matter to be dealt with at planning inquiry rather than by written representation. IN

and that the clerk asks our MP for support of the request in item 1 above. IN

The lawyer had also recommended that the parish council engage a barrister as soon as possible, Mrs Ring recommended Zack Simons as the barrister. Having researched Mr Simon's track record, Mr Hook reported that his credentials seemed impressive. For a 6 day hearing the total costs for his services could be as much as £15,000 plus VAT which is comparable with the costs in 2009 for Mrs Douglas. A number of councillors said that it was important, having sought legal advice, to actually follow that advice. Mrs Ashford proposed, Mr Turner seconded and it was unanimously agreed that should the matter proceed to inquiry Mr Simons be engaged. IN

Mr Hook pointed out that the barrister could be shared with SHOWT however Mr Pointer considered that it would be to the advantage of the parish council and SHOWT if they engaged separate barristers and this viewpoint was endorsed by a number of councillors. Mr Pointer proposed, Mr Workman seconded and it was agreed 6 votes for, 0 against and 1 abstention that the parish council engage its own barrister. IN

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Mr Delf proposed, Mr Pointer seconded and it was unanimously agreed that if the application was confirmed to go to inquiry an expert would be engaged to write the proof of evidence stating the case put forward by the parish council in its submission to SNC. A budget was set for up to £7,000 plus VAT. Enquiries to be made via the barrister regarding an expert.

IN

Mr Hook proposed, Mrs Ashford seconded that if we learn that it is factually correct that if SNC approve the application it does not have to go to inquiry, the parish council should engage a barrister for advice and action in order to reinforce the case made by the parish council in advance of the Development Management Committee meeting. This matter to be included in the budget set above for the barrister.

IN

Mr Turner proposed, Mr Delf seconded and it was unanimously agreed that the clerk write to Helen Mellors to ask when she is to make her recommendation and for details of the rest of the inquiry timetable. In addition clarification should be sought about the rules should SNC approve the application and the effect on the inquiry.

IN

## **Planning Applications**

### **New applications since the last meeting:**

None.

### **Village Hall Overflow Car Park Sign**

Mrs Allen had requested permission to allow the village hall committee to erect an overflow car park sign on the pole of the existing parish council sign situated on the playing field. Mr Pointer proposed, Mr Turner seconded and it was unanimously agreed that permission be given.

IN

### **Applications approved since the last meeting:**

None.

### **Springwood – Potential Traveller’s Site**

The clerk had written to SNC to ask if Springwood was being seriously considered as a travellers site and if so pointing out that the existing enforcement order should be actioned and that SNC should comply with the results of their previous consultation. Their response was as follows:

*“I would like to assure you the planning application is being seriously considered. All planning applications that are submitted are assessed against the guidance set out in accordance with the National Planning Policy Framework (NPPF) – Planning Policy for Traveller sites.*

*The fact that there is an unauthorised use in relation to the forestry accommodation for Mr Hollis, does not prevent the Council considering an application particularly when that application seeks to regularise that use. If the application is refused then authorisation would be sought from the Committee to pursue enforcement action against the unauthorised use.*

*The Council consultation to which I believe you are referring to did not result in a formal adoption of traveller sites. Under the New Local Plan the Council is looking to allocate sites for Travellers, starting the process again with fresh consultation. Notwithstanding the fact the site has not been formally identified this would not prevent an application being submitted and being granted consent if it accords with the NPPF Planning policy for traveller sites.*

*The NPPF Planning policy for travellers allows for sites outside development boundaries to be granted consent as an exception. However it does state that the Local Planning Authority should strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan. “*

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Mr Tony Tilford commented that one of the country's leading bat experts, Bob Stebbings will provide a report to SNC detailing how the bats and Great Crested Newts are protected by the Habitats Directive.

Mr Hook proposed, Mr Workman seconded and it was unanimously agreed that the clerk should write to SNC to back John Goldsmith of the Norfolk Bat Group who has requested our support re his opposition to the planning application on ecological grounds.

IN

It was noted that Mr Hollis has also appointed an ecological advisor.

**Items for next meeting**

No extra items raised.

**Date of next meeting**

The next planning meeting, if required will take place at 7.30pm on 10<sup>th</sup> December 2013.

The next Parish Council main meeting will take place at 7.30pm on 14<sup>th</sup> January 2014.

There being no further business, the meeting was closed at 8:52pm.

Signed \_\_\_\_\_ Date 14<sup>th</sup> January 2014