

HEMPNALL PARISH COUNCIL

Minutes of the Parish Council meeting held on Tuesday 12th December 2014 at 7:30pm in The Mill Centre

ACTION

Present

Chairman Mr Geoffrey Moulton, Vice Chairman Mr David Hook, Mrs Liz Allen, Mrs Debbie Ashford, Mr Kevin Cunningham, Mr Richard Delf, Mr David Pointer, Mr Mike Turner, and the Clerk Mr Ian Nelson.

Members of the public present

Mr Roger Parker, Mr Ian Cundy for the whole meeting
Mr Trevor Shurmer to the end of the Football pitch goal areas matter.
Mr Martin Ogilvie, Mrs Pat Leate, Mr Alan Curtis, Mrs Julie Parker, Mr Paul Blyth, Mr David Burrows, Mr Chris Laxton, Mr Roger Stretton, Mrs Jenny Braddock, Mr Richard Benjamin, Ms Lesley Mitchenhall, Mr David Key, Mrs Lucy Melrose, Mr Chris Melrose, Mr Mark Hays, Mr Aubrey Page, Mr Garth Jeffery, Mr Robin Smith, Mrs Sue Eagle, Mr Roger Eagle and Mrs Melanie Hook to the end of the wind turbine matter.

Apologies

Apologies were received from District Councillor Windridge, County Councillor Alison Thomas, Mr Michael Franks Mrs Janette Franks, Mrs Lisa Mathieson, Mr Peter Workman.

Declarations of Interest

Mrs Allen declared an interest in the wind turbine matter.
Mr Moulton declared an interest in the wind turbine matter.
Mrs Ashford declared an interest in the play area matter.

Minutes of the previous meeting

The minutes of the meeting on 11th November 2014 were approved and signed.

Public Participation

Jenny Braddock stated that she was amazed that the wind turbine matter was being allowed to come back and she did not understand why this should be so once the Secretary of State ("SoS") had made his decision and after 8 years of the applications being rejected.

Mr Robin Smith asked if it was a fait accompli that the judicial review would go-ahead.

Mr Hook stated that he endorsed Mrs Braddock's comments and that he had hoped that the turbine saga was over and that the parish would be left to heal itself. He was really saddened that a line has not been drawn under this matter after 8 years of numerous bodies rejecting the applications and he called for anybody with any influence on the matter to call a halt now to the proposals. He said that relationships had been stretched and spoilt as a result of the pursuit of money by some. There were sounds of general agreement from the public.

Mrs Allen left the meeting.

General Update

Mr Hook reported that TCI had challenged the Secretary of State's decision, so the matter would now be considered at judicial review.

Wind Turbine General Update

Mr Hook reported that TCI had issued proceedings in the Administrative (Planning) Court in London on Friday, 5 December 2014, challenging the decision of the Secretary of State ("SoS") dated 27 October 2014. Hempnall Parish Council is named together with SNC and the SoS as the defendants. Mr Hook had contacted the parish council's barrister, Zack Simons, who had advised that if the claim succeeds, the SoS's decision would be quashed

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and the appeal would probably be remitted to a fresh inquiry. There is no question of the court itself granting planning permission.

Mr Hook went on to explain the generality of the challenges made by TCI and that they had cited that the SoS's decision was irrational and unlawful. TCI would be represented by David Hardy, the same barrister who represented them at the public inquiry.

Mr Hook explained that councillors needed to decide if they wished to actively defend the appeal or not. To this end, Mr Hook read the email of 08/12/14 from Zack giving his immediate views on the case. The email stated:

"Our immediate decision is whether and how to respond to the claim form. We have 14 days to acknowledge service. It is open to us simply to not acknowledge service. In that event, we would not be able to attend the hearing without the permission of the Court. In effect, we would then be leaving it to the SoS to defend his decision for us. He may do that very ably, and that could give us the outcome we seek without going to any time or expense in becoming involved. However, the quality of the SoS's representation can be variable (and I say that as one of his representatives!), and there are no guarantees. The down side to that approach in not remaining involved ourselves is that we lose control of the process, and particularly of the ability to ensure that the case against Hardy is being put properly. As an Independent Party which was present at the inquiry, we can explain to the Court what arguments were being run before the Inspector, and what the competing arguments were that he had to consider. If we want to remain involved, I advise that we acknowledge service and I draft some short grounds of response setting out a summary of why we resist the appeal.

I should stress that as an Independent Party if we succeed we are unlikely to recover our costs of participating. On the other hand, we are unlikely to have a costs order made against us if we are unsuccessful.

My overall view is that the SoS decision is defensible and we should play a role in defending it. That said the question may turn on finances. If the costs of instructing me again etc. are considered too high, then it is a perfectly defensible course to allow the SoS to bear the burden of defending the decision, and simply await the outcome. In that case, we would simply have to hope that he does a sufficient job."

D Hook had also sought the views of former SNC Chief Planning Officer, Mr Mike Haslam, who had informed Mr Hook in an email, that, if "The Judicial Review challenge is successful the appeal will be remitted back to the Secretary of State who will order a second Inquiry before a new Inspector with all the costs that entails. Given the likely timetable for the Judicial Review, it is possible that the decision may not be made until after the May General Election. The District and Parish Councils are also subject to elections next May and the (possibly new) District Council will be asked for its position for the second inquiry. They might decide to support the appeal. Whatever the views of SNC, the local community will have to decide if it can raise the money to fight a third public inquiry as vigorously as the two previous inquiries. Having reflected on these matters, and on the HPC barrister's experience of other Judicial Reviews he has been involved in, it does seem sensible, subject to the costs involved, to put a strong case to the Administrative Court now rather than leave it exclusively to the Secretary of State." i.e. We should follow our barrister's advice to be represented at the Judicial Review.

Mr Hook had established that the cost of Zack for a 1 day in court (the likely length of the hearing) and all the preparation for it would cost £3,500 + VAT

Mr Hook reported that Helen Mellors of SNC had asked NP Law for advice as to the best course of action for SNC.

Mr Moulton asked if SHOWT were also defendants as they had been part of the rule 6 party at the inquiry. Mr Hook reported that Zack had advised that it is open to SHOWT to

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seek Independent Party status as well, but the reference to the HPC as the 3rd defendants includes only the parish council. Mr Hook indicated that the parish council would welcome contributions from interested parties. Mr Moulton thought SHOWT may wish to support continuing to fight the turbines, however he would need to liaise with the committee.

Mrs Lucy Melrose suggested that TCI's grounds for appeal were based on the catch all clause in the list of valid reasons to appeal. She said that the list contained many specific stronger grounds for appeal which if TCI felt applied they could have cited.

Mr Roger Stretton asked if it would affect the judge's view if the parish council did not oppose the appeal. Mr Hook said that in Zack's opinion it was better for the parish council to be there as it was felt very important that our views were represented formally at the judicial review.

Mrs Pat Leate asked would the parish council be liable for costs if TCI won. Mr Hook reported that in Zack's the parish council was unlikely to have costs awarded against it.

It was noted that if TCI won, the matter would most likely result in another public inquiry and that in order to hopefully avoid this enormous financial and time cost it would be better to spend a relatively small amount now on combating the challenge by TCI.

Mrs Jenny Braddock asked whether TCI could simply keep submitting applications. Mr Hook thought that it would only stop when subsidies fell to a much lower level to make such projects uneconomical.

Ms Lesley Mitchenhall wished to know the reasons why the SoS had rejected the application. Mr Hook explained. She then asked if any store had been placed on the very high level of local opposition. Mr Hook said that he thought that it had an impact on it being called in by the SoS in the first place.

IN DH

Mrs Melanie Hook asked if any new matters could be raised at the judicial review. Mr Hook said not as the challenge is based upon the content of the SoS's decision.

Mrs Lucy Melrose stated that there had been case law since the inquiry that could be of assistance. She also encouraged the parish council to lobby SNC to exercise its discretion re the 2 year moratorium rule should another application be forthcoming. Mr Hook indicated that this had already been done.

Mr Hook proposed, Mrs Ashford seconded and it was unanimously agreed that we follow the advice of the parish council's barrister and engage Zach to represent us at the judicial review.

IN/DH

Mr Moulton said that it was very heartening that people are still prepared to fight against the erection of the turbines.

Mr Chris Laxton thanked Mr Hook for finding out so much information in such a short time and suggested that the parish council consider lobbying SNC to be represented to add weight to the opposition at the judicial review.

Mr Hook proposed, Mr Moulton seconded and it was unanimously agreed that the clerk write to SNC to advise we are taking part in the judicial review as 3rd defendant and encourage SNC to be represented as 2nd defendant. The clerk to also write to Richard Bacon MP, County Councillor Thomas, the District Councillors representing the affected villages and ask for their support in this.

Mrs Allen returned to the meeting.

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Repair to playing field equipment

Mr Delf reported that much of the work has been undertaken and the rest is following shortly.

RD

Play Area Project

Mrs Mathieson had reported to the clerk prior to the meeting that the questionnaire had been sent to all households in Hempnall. She intended to publish a summary report of the findings by late January 2015 and would bring the draft report to the parish council meeting on 20th January.

Mrs Julie Parker wondered why the playing field seemed to have been renamed as the "play park" in the questionnaire.

Football pitch goal areas

Mr Trevor Shurman pointed out that it had been reported to him that lads are using the main football club goals and are roughing up the goalmouth. Whilst he appreciated that it is difficult to stop, he asked if there is any chance of moving the general goalpost at the corner of the field near the old tug of war area closer to the play area in the hope that it might encourage the lads to use it and leave the football club goal alone. He suggested that the football club would also supply a net and leave it in situ. It may also prevent footballs being kicked against the side of the village hall.

Mr Delf proposed, Mr Turner seconded and it was unanimously agreed that councillors meet with Mr Trevor Shurman on site on 13 December at 9am to agree the final position of the goal.

ALL

Planning Applications

New applications since the last meeting:

Mr David Buck, Firs Field Farm Bungay Road Hempnall Norfolk NR15 2NG - Installation of a 150kW Roof Mounted Photovoltaic Array – Unanimously recommended approval.

IN

Mr & Mrs P Askew , Wizzels, 39 Alburgh Road, Hempnall, Norfolk, NR15 2NS, - Single storey extension to side of dwelling, porch canopy extension and pergola to front and internal alterations. – Unanimously recommended approval.

IN

Mr & Mrs K Stockwell , 11 Bainard Rise, Hempnall, Norfolk, NR15 2NB, - Conversion of loft space and formation of front facing dormer – Unanimously recommended approval.

IN

Applications approved since the last meeting:

There were none.

Applications outside the parish boundary

Norfolk Land Ltd & Norfolk Homes Ltd, Land East, South, West And North West Of Long Stratton - Scoping opinion for bypass, residential development, link roads, retail floor space, employment land, community facilities, public open space, green infrastructure and supporting infrastructure and utilities.

Mr Hook proposed, Mr Delf seconded and it was unanimously agreed that the concerns of the parish council given re the Long Stratton Area Action Plan be restated as part of the scoping process.

IN/DH

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Application 2013/1630 - Spring Wood Hempnall

The clerk had written to SNC again to ask why we have not had a reply and why no enforcement action taken. A copy to be sent to District and County Councillor and Richard Bacon. SNC responded the same day as follows:

"I fully appreciate your Council's wish for the resolution of the present situation and the planning application. The planning application has not yet been determined, as to enable the Council to robustly defend any decision it makes, additional information is required. Equally the planning application does not just relate to Mr Hollis remaining on the site but also the provision of four traveller sites.

For the Council to pursue enforcement action against the unauthorised occupation of a site, authorisation will need to be given by the Development Management Committee, this is not done at an officer level, following the refusal of an application.

In view of the above I will endeavour to determine the application as soon as additional information has been provided.

If the application is refused, then enforcement action will be sought from the DM Committee members at the following meeting.

The applicant will then be able to appeal both the enforcement notice and the refusal of planning permission.

An appeal against an Enforcement Notice has to be submitted within 28 days of the effective date of the notice. In respect of a planning appeal they have 6 months from the date of the refusal.

I am not in the office on Monday but will be on Tuesday if you wish to discuss any of the above before your meeting.'

I am more than happy to meet with you to discuss the situation if you wish.

I however have set out a history of events:

- The siting of caravans on the site was originally brought to our attention in December 2003.*
- An application was submitted under reference 2004/0334 for the Retention of 2no residential caravans by Mr & Mrs Hollis which was refused*
- Enforcement notice was served 2nd June 2004*
- Both the enforcement notice and planning refusal were appeal and the enforcement notice upheld and the appeal dismissed*
- The Inspector on 17 December 2004 gave Mr & Mrs Hollis 9 months to cease the use of the land for the standing of caravans and remove the caravans and all items from the site*
- In 2005 under reference 2005/1493 members gave temporary consent for retention of 2no residential caravans for a temporary period of 3no years for forestry worker and family until 20 September 2008*
- In 2009 under reference 2009/0004 the retention of two temporary residential units for on-site forestry worker and family for Mr Hollis was refused by members due to insufficient justification and enforcement action authorised but no notice served. However under reference 2009/1336 consent was granted for the retention of two temporary residential units for on-site forestry worker and family until 19 October 2012. This decision was made under delegated powers as there were no objections raised to the proposal*
- In October 2012 (2013/1630) a retrospective application for change of use of land to retain existing forestry accommodation (2 no caravans) and develop four traveller pitches to enable stationing of a maximum of 8 no caravans was submitted on behalf of Mr Hollis by Mr Stuart Carruthers but it remained invalidated due to insufficient information(mainly due to inaccurate plans) until 3 September 2013*

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No enforcement action has been authorised by members since 2009 (which was not served). Whilst the original 2004 notice is potentially still valid, the site circumstances have changed and given the event which have occurred since 2004, members authorisation for any further action needs to be sought. Equally the Council is not able to pursue enforcement action against an unauthorised development whilst a planning application seeking to resolve the breach is being determined.”

Planning matters arising - completed

Consultations on Planning Applications

The clerk had responded to SNC selecting Option C

Long Stratton Area Action Plan

Mr Hook had reviewed SNC’s version of our response to ensure accuracy.

Speed monitor system - Alburgh Rd

Mr Turner stated that a couple of parishioners have approached him to request that the monitor be placed on the Alburgh Road.

Mr Turner proposed, Mr Delf seconded and it was unanimously agreed that the next time the monitor was available to Hempnall it would be sited on Alburgh Rd.

KC

The clerk was asked to seek out and distribute the map showing where the monitor can be sited.

IN

Defibrillator

Dr Steven Griffiths had written to the clerk as follows: *“As president of the football club and also previously a G.P. in Hempnall, I have been asked to look into the provision of a community defibrillator for our village.*

Defibrillators are small electrical machines which can re-start a heart which may have stopped working due to sudden illness like a heart attack or sporting collapse. They are now entirely computer-controlled and require no medical knowledge to be used. However, the time available to save a life is limited so having a defibrillator available quickly is key.

A defibrillator project for Hempnall would cost about £2500 of which £500 is available from an existing heart charity who would also supervise it’s purchase and installation in association with the ambulance service.

The most obvious place to position a defibrillator in Hempnall would seem to be at the Village Hall which is well-known, where people most predictably gather and adjacent to the playing field and play area. I have spoken to the Village Hall committee who are keen to proceed and to contribute.

I now need to contact all the relevant organisations of the village, and villagers generally, to ask for contributions of money. I wonder if you can introduce this idea to the Parish Council at the next opportunity. I am happy to do all the other administration with the heart charity etc. myself.

If anyone wants to see what the completed defibrillator unit looks like, there is one in the phone box in Saxlingham Nethergate and one on the outside of the Co-op supermarket in Long Stratton.

Mr Roger Parker explained that it could be sited in the village hall and that they had liaised already with Dr Griffiths.

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Mr Moulton proposed, Mr Turner seconded and it was unanimously agreed that Dr Griffiths to be invited to the February parish council meeting and be informed that the parish council were supportive of the idea in principle.

IN

Items for next meeting

- Precept
- CPRE light pollution survey

IN

Date of next meeting

The next Parish Council main meeting will take place on 20th January 2015 at 7.30pm at the Mill Centre.

There being no further business, the meeting was closed at 9:00pm.

Signed _____ Date 20th January 2015

DRAFT