

HUNGERFORD TOWN COUNCIL

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DRAFT MINUTES of the **Extra-ordinary Full Council Meeting** held on Wednesday 26th April 2017 at 8.00pm in the Corn Exchange Complex, Hungerford.

Present: Cllrs Crane, Winser, Hudson, Bumbieris, Farrell, Simpson, Wood, Colloff and Chicken.
Also: District Cllr James Podger and approx. 50 members of the public.

1. **Apologies:** Cllrs Brookman, Benneyworth, Small, Knight

2. **16/03061/OUTMAJ – Land to the south of Priory Road, Hungerford**

Consideration of further actions following the decision of the West Berkshire Council WAP meeting to agree the outline planning – The Mayor Cllr Crane explained the outcome of the WAP meeting. He asked the question if that result can be called into the District Planning Committee. We can react through press/media or can take legal action. NWD has called the decision into the planning inspectorate. A judicial review will only consider procedural errors. WBC has not taken into account the AONB status which is the same as a National Park. From a previous housing survey there is no evidence that 100 houses are needed however for the town to grow we require development. Cllr Cole (WBC) demonstrated predetermination with her comments. For developers it is convenient to have one large site. We wanted ‘pepper-potting’ of houses over several sites. The inspector hasn’t given sufficient weight to the vehicle movements through the town and the dangerous route through the common with the cattle. The original town plan was put together some time ago and this was updated with a 2013 refresh document which was put before WBC and adopted. We were told previously by WBC that we did not need to do a Neighbourhood Plan. As we don’t have a neighbourhood plan (NP) in place now we are vulnerable – look at Salisbury Road! We need a NP to protect us against issues over the next 20 years. A NP could cost up to £50K. We do have some reserves. What is the feel of the public?

Ian Hepburn (IH) of North Wessex Downs AONB – He is involved in putting together a case and putting a call in to the planning inspector against the decision. There are number of issues cropping up. The statement ‘the core strategy accepted 2000 houses in the AONB’ is wrong, it accepted ‘up to 2000 houses, and half are already built or had planning permission. It was also stated that any shortfall of housing will be allocated to sites outside the AONB. This point hasn’t been addressed properly. Insufficient info was put in front of the planning committee at the WAP meeting. They weren’t aware of alternative sites. The Megavissey case is an example of a local Parish Council taking a County Council to Judicial review (JR).

Open to the floor:-

Mike Rysiecki from Salisbury Road – It is not appropriate for the AONB to pursue a JR as they have a partnership with WBC. Who will initiate?

IH - Anyone can initiate a JR subject to time limit and cost. The time limit is 6 weeks after the decision has been put on the web. The election will not interfere with the process.

Is it an important enough case to take to JR? IH believes national issues are at stake. The definition of ‘exceptional circumstances’ has not been justified.

Cllr Hudson will speak to the UK Environmental Law Association (UKELA) who for a fixed fee will review the case to see if worth pursuing. The Inspector hasn’t addressed the ‘exceptional circumstances’ aspect either. He

will ask what the budget is and UKELA should be able to help financially along with members of the public who have offered financial support.

District Cllr James Podger (JP) advised from WBC's point of view officers had received feedback from the Inspector prior to his decision being published. If we can prove enough weight has not been given to the 'exceptional circumstances' we could pursue. He doesn't believe that WBC will call it in and it will be up to HTC to take it further. There was a lot of weight behind the WBC decision but if it is flawed and setting a precedent then it is the right thing to investigate a JR.

Cllr Crane advised there was no clear definition of what 'exceptional circumstances' are. Cllr Benneyworth asked at the WAP meeting, what with 74% of the district being AONB land what are the exceptional circumstances that allow building to take place on designated land, but was not given an answer.

A member of the public advised that his planning application was approved by HTC but turned down by WBC. Why? The reason given was that it was outside the town boundary and in the AONB. Have WBC changed their policy as they have agreed Salisbury Road which is also outside the town boundary and in the AONB?

JP advised that the experts at WBC, the town planning officers, have considered all sites and considered the need. It is important for WBC to have a DPD in place so it can protect against development. If no plan is adopted you are left open to development. WBC has to provide a number of houses by a certain date but it still doesn't mean it is right. Policy has not changed. It is not a case of that.

Pepper-potting would produce 96 houses around the town. Cllr Hudson advised the sites within the town boundary were excluded by WBC for consideration. The WBC protected employment zone is preventing 39 houses at the station area from being built.

JP said sites within the town boundary weren't included as they could be developed anyway and were seen as windfall sites.

We could end up with 196 houses. It was noted an HTC preferred site HUN001 was rejected previously by WBC and whilst some of HTC sites are brownfield, some are outside the town boundary. HTC's preferred sites would cause less harm to the AONB and this should strengthen a case against the decision made.

3. Neighbourhood Plan - Next steps

Cllr Crane advised we need to put together a Neighbourhood Plan.

Jenny Booth – There is nothing to stop others from developing.

JP advised development to the north of the town instead would impact on the watercourse and WBC has written a well-reasoned document on this.

Is there a general approval of a NP?

Cllr Simpson said we are left wide open and need to have a NP to protect the town.

Cllr Crane advised so far HTC are looking at requesting a call in, proceeding with a NP and obtaining advice on whether we have a strong case for a JR.

Town Clerk advised a NP can protect green space, the environment and can include Neighbourhood Development orders which grant planning permission for a specific development in a particular area.

Gareth Heaps asked if JP had considered the impact on traffic, flooding issues and the reduction of buses.

JP answered that CIL/S106 will be negotiated to mitigate impact.

Chris Scorey advised that WBC encouraged Parish Councils to put together Town plans (Community Plans) following the Localism act but a change in wording since has resulted in loss of weight of these plans which are now deemed only for non-land use. This affected 45 town plans across West Berkshire. Where is a NPs basis in law and to what extent can we work with WBC and trust them?

WBC would need to be entirely supportive of the NP for it to be produced as the NP would eventually become part of WBC's local plan and WBC should guide HTC through the process. NPs have to be in conformity with the local plan and not undermine its policies. IH advised planning policy is watering down the strength of the AONB.

JP confirmed the only site in the DPD is Salisbury Rd and advised WBC are experts and we should read their traffic survey. JP advised he and District Cllr Paul Hewer have fought against WBC planning regards Salisbury Road but he can understand their reasoning.

Cllr Colloff commented that we will get development on the brownfield sites also as they can't be refused. Cllr Farrell advised at the WAP meeting questions were put to the committee, what are the alternative sites? Those present and voting were not aware of them. The question as to why the sites within the town boundary are not being considered was repeatedly put and not answered.

It was suggested WBC has an agenda. JP advised the objective is to meet certain housing numbers within a certain time and if WBC doesn't get a solution it is taken out of their hands and central government takeover.

Cllr Farrell advised a meeting will be scheduled for 24th May to reconvene. She requested all those interested leave their contact details.

Meeting closed at 9.00pm.