

EAST BRENT PARISH COUNCIL

Minutes of the Special Meeting of East Brent Parish Council held at the Village Hall on Monday 29th July 2013 at 7.30pm when the following business was transacted.

Present: Councillors: Cllr E. Champion, Cllr J. Bowden, Cllr V. Rawles, Cllr J. Webb, Cllr W. Walker, Cllr B. Woodward, Cllr Y. Roscorla, Cllr B. Bees and Cllr S. McGreavy and the Clerk, Mr M. Shobbrook.

Apologies for absence and declarations of interest.

Apologies were received from Cllr N. Lloyd-Jones and Cllr A. Gilling declared an interest in the topic under debate this evening and did not attend the meeting.

ONGOING ISSUES

Minute 14/13: Planning Appeal relating to the Pilrow wind farm.

The Chairman explained to the Committee the reasons why he had summoned the meeting tonight. He said that the Parish Council had rejected the planning application for the wind farm some time ago and it now had to consider what action if any, it needed to take in relation to the Appeal lodged by Broadview Ltd. to the Dept. of the Environment.

He said that the Sub-committee members (himself, with Cllrs. Walker and McGreavy) had attended meetings with the No Pilrow group to discuss the various courses of action available. However, it was now appropriate for the full Committee of the Parish Council to debate the issue and to decide if it wished to become a "Rule 6 Party to the Appeal process".

Cllr Walker advised the Committee that S.D.C. was still to declare the grounds it will be relying upon in its presentation to the Inspector and until these were known, the Parish Council was not able to decide which grounds it would include. It is important that there is no repetition of evidence by two parties as this would be dismissed by the Inspector. S.D.C. is bound by its previous grounds for rejection (one being the visual impact on the area) and if S.D.C. did not use "Wildlife" impact issues, as a ground in its presentation, then the P.C. probably would. He said that the P.C. could join with the No Pilrow group and make a joint presentation. He was keen to point out however, that the No Pilrow group has formed itself into a limited liability company and it is therefore to some extent, immune from liability to pay costs. This would apply if the Inspector decided to award costs against the P.C. and its partners, for making any false or inaccurate representations during the Appeal. The Clerk was asked if he knew of any insurance policy which could be take out to cover this contingency. He replied that such policies were both very difficult to arrange and involved a large premium being payable. This was because the risk element was difficult to assess and awards of damages could be very considerable.

The Chairman asked the Committee members if they wished to make any comments, or raise any points before he called for a proposal. He also invited any Councillor who wished to join the Sub-committee, the opportunity to do so. He said that any representations the P.C. put before the Inspector had to be backed up with evidence in the form of reports, surveys and expert witnesses. It was time for the P.C. to decide if it wanted to be considered as a Rule 6 Party to the appeal process and to lodge submissions to the Inspector.

Cllr Bowden said that this was the correct process the P.C. needed to adopt and he gave examples of other P.C. Sub-committees which had reported back to the full Parish Council, before a vote had been taken on a particular course of action.

Cllr McGreavy said that unlike S.D.C. (which is limited to the dismissal grounds of the original application) the P.C. could introduce new views and grounds to oppose the Appeal. Nevertheless, everything had to be backed up and supported with hard facts and evidence.

Cllr Walker said that the Inspector chosen to head the Appeal is Mr. John Wilcock who is a very experienced Inspector and he will appreciate that some of the parties are not legally qualified or trained in dealing with complex Appeal procedures. He is likely to make

allowances for this and should not permit any, “bullying” of witnesses by the Barrister representing the Appellants.

Cllr Webb asked what costs the P.C. might incur, or be liable to pay for. Cllr Walker replied that the P.C. would be liable to pay the fees of any experts it called to represent it. At the present time there was no question of the P.C. being legally represented or advised. Therefore it was not possible to quantify such costs at present.

Cllr Bowden then proposed that the recommendations of the Sub-committee be endorsed, i.e. to lodge a Rule 6 Appeal application for the P.C. to be made a Party to the Appeal process; with the proviso that the full P.C.’s approval is sought and obtained, before any financial commitments are made to expend any money on the process. This was seconded by Cllr Woodward. The Chairman called for a vote and a unanimous vote in favour was passed with no abstentions or votes against, being cast.

The Chairman said he would make contact with other P.C.’s to get their views on the whole Appeal process. Cllr Bowden said this was very sensible as it would show a united approach by all the local communities.

Cllr Walker gave details of the timescale of the Appeal process. Submissions of Statements of Cases must be lodged by 5th August 2013; All Rule 6 applications must be lodged by 10th December 2013; the Inquiry will commence on the 7th January 2014 and will last 6 days. A final decision will be made by the Inspector on or before the 24th February 2014.

The Chairman said that if the P.C. felt that the Inspector should visit a particular position or site, then it would have to pay for the cost of taking the officials to them and it would have to arrange transport for that. Cllr Bowden said that a mini bus could be provided at a low cost and paid for by the P.C. if necessary. This suggestion was readily accepted by all.

The Chairman said that tonight’s decision was just the start of the lengthy procedure the P.C. would have to go through during the Appeal process and further reports would be given the full Committee in due course. Each stage of the process would be debated by the full P.C.

He asked if the Sub-committee was able to co-opt onto itself, any person or party who was able to assist the P.C. in its aims regarding the Appeal. A unanimous vote to allow this, followed.

There being no further comments or views on this matter, the Chairman declared the meeting closed at 8.10pm.

The next meeting of the East Brent Parish Council will be on Monday 2nd September 2013 at 7.30pm in the Village Hall.