

HUNGERFORD TOWN COUNCIL

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DRAFT MINUTES of the **Extra-ordinary Full Council Meeting** held on Monday 19th June 2017 at 7.00pm in the Corn Exchange Complex, Hungerford.

Present: Cllrs Knight, Hudson, Crane, Colloff, Brookman, Winsler, Finlay, Chicken, Small, Bumbieris and Farrell

Also: Press - John Garvey (Newbury News) Brian Quinn (Penny Post) and approx. 20 members of public

1. **Apologies:** Cllrs Benneyworth, Whiting, Simpson and District Councillor James Podger
2. **Declaration of Interests:** None
3. **Agree minutes of Extra Full Council held on Wednesday 14th June 2017** – Cllr Crane proposed agreement of the minutes as a true record, seconded by Cllr Finlay, one abstention, rest in favour.
4. **Salisbury Road Site 16/03061/OUTMAJ and DPD: Legal Challenge Update and potential Judicial Review'** Consideration and proposal of further actions
Cllr Hudson advised time restraints (20th June deadline) has meant a lot of work. Concern is the minimising of the impact on the AONB and he had been dealing with a senior barrister from Landmark and Lisa Foster from Richard Buxton Solicitors. Costs need to be considered carefully.

The process involves a statement of Facts and Grounds being submitted and within 4-6 weeks a judge will decide if the case is worth proceeding to court. This is the permission stage. The judge may decide yes to proceed or may wish to see further info from both sides. HTC could be asked to pay the other side's costs. The cost to this stage is £13.5k. If the case is dismissed by the judge there will be no further cost. If it proceeds to JR then we would need around £10k to £15k of further funding. The barrister has advised there are 2 or 3 good points that are worth pursuing.

It was noted that points of process and inconsistency can be argued and the conservation of the AONB area is paramount. The desirable outcome would be for WBC to review their strategy and consider alternative sites that don't damage the AONB. This could set precedence for other locations in the AONB. If the challenge is successful the HSA18 would be quashed at the Salisbury Road site. A planning permission should not be granted if HSA18 is quashed.

We have heard today that the planning application will not be called in and so a JR is the only option to challenge the decision. (Cllr Farrell entered).

Cllr Knight read out District Councillor James Podger's email as he could not be present. His personal opinion is against proceeding with the JR. Cllr Hudson confirmed that he had spoken with the AONB representative and they could not consider a legal challenge themselves due to their connection with WBC.

Cllr Hudson advised it is likely that we will obtain a Protective Cost Order (PCO) which will allow us to retrieve the other side's costs if we lose. Cllr Finlay asked if HTC wishes to ask the public to fund it. He can proceed with crowd funding and already £3000 has been raised. The worst case scenario would be costs of about £35K however if we win we receive most of our costs back.

Concern was voiced that the rate of growth of the town could accelerate changing the town's structure and ethos, if nothing is done putting a strain on infrastructure. It was pointed out that the site has enlarged in hectares and more development could follow on the school site, perhaps another 100 houses?

HTC is following public opinion and acting on behalf of the town. Cllr Small advised the majority of cases are settled before tribunal and it could succeed at the permission stage.

Questions/comments were open to the floor:-

It was commented that traffic has been underestimated and there will be 600 more journeys a day. Has council considered where it will build houses? The triangle of land between Marlborough and Chilton Foliat roads was suggested as an alternative site.

Cllr Hudson advised there are sites available that will have less impact on the traffic and have less impact on the AONB. HTC employed a planning consultant to find these alternative sites.

A member of public (Mr Slater, who has an interest in the site) commented that nobody would wish to live at the station and the garden centre would not wish to sell as it would not be financially viable for 60 houses. Also that Smitham Bridge is a flood site and HTC had not come up with a viable alternative.

Anthony Buckwell (former Mayor) advised that Wyevale has chosen their sites knowing that they can be consumed by housing and the owners submitted their site into the SHLAA. He also advised it was easy to change the designation of land. The site behind the BMW garage is residential. Another layer of car parking could be built at the station.

It was commented that the Oakes site is an excellent location for housing.

Cllr Knight advised this meeting is not to discuss alternative sites as this has already been debated.

Cllr Hudson said costs are a main concern but we need a decision on how to proceed. It was noted that wealthy owners are likely to fight not to lose planning permission but donations can be sought from supporters. Cllr Hudson advised WBC may well issue planning permission in the next few weeks but a JR against the application cannot be made until it is given permission.

Mike Rysiecki was concerned if WBC can't produce an acceptable DPD it is a free for all for the developers. If successful would the JR destroy WBC's DPD?

Cllr Hudson advised only the HSA18 would be quashed, but was not sure if it meant that the entire DPD is put on hold. WBC has a 5 year land supply in place so it shouldn't matter for the rest of West Berks and the AONB are covered by the NPPF.

A member of public stated that WBC has already received 2 JRs.

J Giggins advised the application WBC approved is against their own policy (due to the increase in hectares to 7.12), the WAP were misled and it should be referred to the District Planning Committee. The adopted policy is for a site area of 5 hectares on which the environmental assessment was done.

Cllr Colloff proposed proceeding with the judicial review to the permission stage, seconded by Cllr Finlay, all in favour.

7.55pm