



DRAFT MINUTES

Meeting: EXTRAORDINARY
COUNCIL

Date: 8 June 2015

Time: 7.30 PM

Venue: NORTH WEALD LIBRARY, 138 HIGH ROAD, NORTH WEALD

PRESENT:

Councillors (9) C Hawkins (Chairman), B Eldridge, T Blanks, A Buckley, B Clegg,
R Spearman, Mrs A Grigg, B Bartram, D Stallan

Also in Attendance (2)

Susan De Luca – Clerk to the Council
Adriana Jones - Principal Finance Officer

Members of the Public (0)

Members of the Press (0)

C15.037 APOLOGIES FOR ABSENCE (3)

NOTED that apologies for absence had been received from Councillors Mrs Godwin-Brown, Tyler and Mulliner.

C15.038 OTHER ABSENCES (2)

NOTED other absences of Cllrs Adams and Bedford.

C15.039 DECLARATIONS OF INTEREST

None declared.

C15.040 QUESTIONS FROM MEMBERS OF THE PUBLIC

There were no members of the public present.

C15.041 NEIGHBOURHOOD AREA PLAN

a) Barristers Advice

Members were reminded that this Extraordinary meeting of the Parish Council had been called to consider the advice received by the Council's appointed Barrister, Michael Rudd, concerning Epping Forest District Councils (EFDC) recommendation going to Cabinet on 11th June 2015 to designate an alternative Neighbourhood Plan (NP) Area to that request by this Council. Due to various factors, Members had been made aware that the advice was not expected to be received until the day of the meeting, 8th June.

A copy of the advice received by the Barrister was tabled, and members were given time to read the entire document, asked to pay specific attention to paragraphs 29 onwards, which in essence summarised the Barristers opinion. A copy of the covering email sent by the Barrister was also tabled for members information.

The Clerk reminded members that the Cabinet meeting was on the Thursday of that week, and drew members attention to suggestions that were in the covering email.

The Clerk stated that Members needed to decide how they now wanted to move forward with this matter.

Cllr Stallan asked if clarification could be sought as to when the 6 week Judicial Review timeframe started; was it from the date of the meeting at which the initial decision was made, the date at which the decision notice was actually published, or the date on which the call-in process had ended. The Clerk confirmed she would contact Green Planning Services (GPS) to establish this.

Cllr Blanks stated that paragraph 35 of the report summed up his feelings, and read this out to Members. Cllr Blanks stated that some time ago the Principal Finance Officer (PFO) had stated that it seemed EFDC wanted to exclude this area 'just in case', and the Barristers report seemed to agree. He continued stating that it is his understanding that EFDC have put back their Local Plan time frame again, and at this rate it could be that EFDC may be the last Authority to complete their plan. He recalled that it was over a year ago that Cllr Wagland had stated to Cllr Bassett at an Overview and Scrutiny Committee meeting that the problem won't be inspectors, but the public and developers.

Cllr Clegg mentioned the paragraph in the email where it referred to sharing some of the advice with EFDC, stating he felt it was a good idea that EFDC were aware that the Parish Council know what they are doing, and giving EFDC an opportunity to prepare for the possibility of legal action. Cllr Clegg stated that he didn't particularly want to go 'head-to-head' with EFDC, but that it was important to make the point of identifying the concerns of this Council in the hope that they may realise we were not trying to cause problems, but could actually relieve some of the pressure on EFDC's overworked Planning Department. Cllr Buckley agreed, stating that he too felt paragraph 35 summed the advice up.

The Clerk stated that she had spoken with Simon Hill (Democratic Services, EFDC) and also Derek Macnab (Director of Neighbourhoods, EFDC) regarding the advice being sought by the Parish Council, together with concerns over the emergence of a possible Strategic Aggregate Recycling Site behind McDonalds in Hastingwood, and Simon Hill had requested he be kept informed of the Parish Councils decisions. Should Members wish to follow the advice of the Barrister and send Cabinet members details of the advice received, Simon Hill had indicated this would need to be with Cabinet Members by 3pm on the 9th June. The Clerk had pre-empted this by contacting Cabinet Members by email asking to confirm if they would be happy to accept any information by Email, however she had not received a response from any Members. Cllrs Grigg and Stallan stated they had not responded as they were coming this evening meeting and intended to inform the Clerk at this time that they would be happy to accept details via email. Cllr Stallan stated that delivery by hand is the better option.

Cllr Grigg stated that even though she had now seen the Counsels advice, she had not seen a full copy of the advice given to EFDC by Counsel, and had specifically requested she had not wanted to see it. Cllr Grigg continued, stating that EFDC has a very experienced Barrister, and that she would support the sharing of this information

with EFDC, although not the specific detail. It was noted that para's 29 onward contained the main advice, and that perhaps these were the pages that should be given to EFDC Members. Cllr Blanks volunteered to assist with deliveries if needed.

Cllr Clegg asked Cllrs Grigg and Stallan for their personal views as to how EFDC are dealing with this issue. Cllr Grigg stated that up until the Parish Council had received this advice, they had only heard a partial amount from EFDCs Counsel. Cllr Grigg continued, stating that she is not happy with the suggestion that the area is excluded, and reminded members that she had been in this situation before with Church Langley.

Cllr Stallan stated that at the previous Cabinet meeting at which the Neighbourhood Area Designation criteria was discussed, he had questioned why the criteria based assessment was being introduced at this point, and both he and Cllr Grigg voted against it. Cllr Stallan stated he too felt it was important that EFDC are made aware of the advice from the Parish Councils Barrister. Cllr Stallan confirmed he had made the point to Cllr Bassett that in the past we had received assurances there would not be a boundary review request regarding Church Langley, with resolutions being passed, however this was not adhered to.

The Clerk stated that the sentence in paragraph 32 was concerning, in that it referred to the District Council's discretion being broad but not unfettered. She continued, stating that Cllr Whitbread had stated that he felt it was remiss that the Parish Council were not spoken to at the beginning.

Cllr Blanks stated that his feeling was that the Parish Council, who has responsibility for the Parish, have been excluded from any meaningful discussions. Even though EFDC can do this legally by way of the Town and Country Planning Act, the question is why would they want to.

Cllr Eldridge stated that he has been uneasy about the relationship between Harlow and Hastingwood for years, especially when Robert Halfon MP writes in the CM7 magazine and includes Harlow, Church Langley and Hastingwood collectively. Cllr Clegg stated he agreed.

Cllr Blanks stated that he had been made aware of the proposed SARS site by McDonalds which is on Mr Padfields land, and he had sent an email to Derek Macnab asking him if this would make a difference to the proposed excluded area and if it would be deemed a strategic site, to which Mr Macnab had responded saying it would not be. The PFO stated that this proposed site is being put forward by Essex County Council as a Strategic Aggregate Recycling site, therefore by definition is strategic.

Cllr Clegg asked if there would be any mileage in requesting a deferment, thereby giving the Parish Council an opportunity to discuss this with EFDC directly. Cllr Stallan reminded members that any decision made is subject to a call-in, and that the Parish Council could formally request of their District Councillors present that if the recommendation to EFDC is agreed, there may be an opportunity to call it in if the Parish Council so request. Cllr Grigg stated that she would need to know if the Parish

Council are formally requesting that either herself or Cllr Stallan should request a deferment. Cllr Blanks stated that his opinion is that the Parish Council should not seek a deferral. Cllr Stallan reminded members that there is a call in process whichever way the Cabinet decides on the recommendation.

The Clerk asked if there was a proposer for a formal request to the two District Councillors present to request a deferment. Cllr Spearman **PROPOSED** that there should not be a request for a deferment. This was **SECONDED** by Cllr Blanks. A vote was taken as follows:

- 7 - For
- 0 - Against
- 2 - Abstentions (Cllr Grigg and Cllr Stallan)

The Clerk asked Members for any proposals for a way forward. Cllr Eldridge **PROPOSED** the following:

1. The Clerk should contact GPS regarding what elements of the advice received should be passed to EFDC, specifically which paragraphs
2. Dependent on the advice received by GPS, the relevant paragraphs should be circulated by hand to EFDC Cabinet Members, and relevant personnel at EFDC.
3. A meeting should be arranged with EFDC at some point in the near future

This was **SECONDED** by Cllr Buckley. A vote was taken as follows:

- 7 - For
- 0 - Against
- 2 - Abstentions (Cllr Grigg and Cllr Stallan)

Cllr Stallan asked if the Clerk was going to circulate this information to Cllr Morgan. The Clerk stated that at this point she was only going to circulate to Cabinet Members, however if Council requested she circulate to District Councillors, she would also have to circulate to Cllr Breare-Hall and Cllr Church. It was **AGREED** the relevant District Councillors should also be sent a copy.

b) Essex County Council Waste & Minerals Plan – Call For Sites – Area at the Rear of the County Highways Site – M11 Roundabout Junction 7 (adjacent to McDonalds Restaurant)

Councillors noted that the Clerk had been advised that this area has been included for a large Recycling Facility (type Currently unknown) by Essex County Council in their current call for sites. A copy of the email received and associated map was tabled for members information, and members were given time to read the documentation.

Cllr Clegg stated that the email referred to Chris Butcher and Liam Flynn of EFDC not attending a recent event to which they were invited to discuss this, and asked why they had declined. The Clerk stated that Chris Butcher had recently left EFDC, however she was unsure why nether or them had attended. Cllr Elridge stated that he

had read through the document after the Hastingwood Village Hall meeting on 6th June, and agreed with Cllr Jacksons concerns, stating that there are a number of areas within Harlow that are suitable for such an operation.

The Clerk reminded members of their visit to view a SARS in operation. Cllr Blanks recalled queues of lorries, sometimes up to 8 long, waiting to get into the site, and felt that such queues on the Harlow roundabout would cause chaos.

The PFO gave members a summary of the history surrounding the Replacement Waste Local Plan stating that it initially started out as the Waste Development Document (WDD) and was closely linked with the Minerals Local Plan (MLP) which was adopted by ECC in July 2014. The MLP had identified the need for a further recycling site in the west of Essex, and this recommendation had been filtered through to the Revised Preferred Approach for consideration. She expressed her concern that this new site was coming into the process at the 'Revised Preferred Approach' stage, however stated that she was attending a meeting on 19th June 2015 at which further details would be given. In addition, a formal consultation was expected later June in this issue, upon which the Council would have a chance to formally resopnd.

Councillors **AGREED** that they would await a further update from the PFO following attendance at the said meeting.

Meeting closed: 7.54 pm

Signed
Date