

# WADHURST PARISH COUNCIL

## THE MINUTES OF WADHURST PARISH COUNCIL EGM MEETING HELD AT THE PAVILLION, SPARROWS GREEN RECREATION GROUND, ON THURSDAY 21<sup>ST</sup> JULY 2022 AT 1915 HOURS.

**Present:** Cllr Smith (Chair), Cllr C Moore, Cllr P Moore, Cllr Griffin, Cllr Shairp, Cllr Bullock and Cllr Murphy (in part).

**Also, in attendance:** Claudine Feltham (Clerk/RFO). There were no members of the public present.

### MINUTES

1. To receive apologies and reasons for absence.

*Apologies were received and accepted from Cllr Gadd, Cllr Crawford, Cllr Tincombe and Cllr Edwards*

2. To receive declarations of personal, prejudicial and disclosable pecuniary interests on items on the agenda and updates to members' register of interests.

*None*

3. Public Forum – time limit 15 minutes.

*No members of the public present*

4. To approve that legal opinion is sought in order to clarify the impact of the Monk Hill ruling in relation to Wadhurst.

*Cllr Shairp commented that there is a depressing regulatory of major applications in Wadhurst, all siting the fact that WDC doesn't have a 5-year housing plan, whilst usually building with AONB should be protected.*

*Developers are trying to get around things by saying this planning authority does not have a 5-year planning supply.*

*However, there has been an Important development; Monk Hill 2021 court of appeal case; the tilted balance is not applicable in every case, and you may not have relevant policies, it may be on AONB, it may be that the tilted balance should be tiled in favour of protection.*

*The purpose of this proposal is to establish how the Monk Hill case can be used for cases in Wadhurst, especially given that there are a lot of big developments coming through. We need to know if Monk Hill has been superseded by any other legislation.*

*An initial conversation with a barrister (Simon Bell) had taken place; the Monk Hill ruling had not been superseded and he could prepare a submission which could be used for planning applications within Wealden, to help booster parish council objections.*

*Cllr P Moore added; If this is law, and these developments shouldn't be going ahead as there are, then if WDC ignored the legal advice then it could be subject to a judicial review. Suggest we get the barrister in, get legal opinion, and use this with our responses to WDC when considering major planning applications.*

*Cllr Murphy queried how do you determine which applications are worth spending money on legal advice on? Cllr Shairp answered that it is about principle, rather than site specific, so for example could be used for developments of over 10 houses.*

**Resolved:** *Cllr Shairp proposed that legal submission is sought in order to clarify the impact of the Monk Hill ruling in relation to Wadhurst. This was seconded by Cllr C Moore and reached a majority approval.*

5. To approve a budget of £3,000 to be transferred from general reserves for legal costs (as per agenda item 4).

**Resolved:** *Cllr Shairp proposed that a budget of £3,000 be approved, this was seconded by Cllr Griffin and reached majority approval.*

6. For the selection of a planning law adviser to be delegated to Wadhurst Parish Council Planning Committee.

*The Barrister (Simon Bell) is fairly local to area and offers a 'direct access' system so can speak to barrister directly. He has also offered a discounted rate to Wadhurst Parish Council. **Resolved:** Cllr P Moore proposed that Simon Bell was awarded the contract, this was seconded by Cllr C Moore and reached a majority approval.*

7. Urgent issues at the discretion of the Chair for noting or inclusion on future agenda.

*None*

Meeting closed: 1945 hours.