

# Wickham Bishops Parish Council

## Parish Councillors

I S F MacGregor (Chairman)  
 Mrs A Mickelsen (Vice Chairman)  
 H M Bass  
 P J Bates  
 R Mundell  
 S J Nicholas  
 Mrs R M Pink CBE  
 I D Wardrop



Winner Best Kept Village 2009, 2015  
 3<sup>rd</sup> Place Essex Village of the Year 2015  
[www.wickhambishopsparishcouncil.org](http://www.wickhambishopsparishcouncil.org)

## Parish Clerk

Mrs L J Rowland  
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<b>MINUTES of Extraordinary Parish Council Meeting held on Tuesday 21<sup>st</sup> February 2017 at 8.15pm in the Village Hall's Small Hall</b>	
<b>Item</b>	<b>Subject</b>
<b>17/034</b>	<p><b>Those Present and Apologies for Absence</b>            In the chair: Cllr MacGregor            Present: Cllrs Bass, Bates, Mickelsen, Mundell, Nicholas and Wardrop; District Cllr Durham.            Apologies for absence were accepted from Cllr Pink and Liane Rowland, Clerk to the Council.            There were approximately one hundred members of the public present.</p> <p>The Chairman announced that Cllr Sayers had resigned as parish councillor and expressed the council's thanks for his 13 years of service and his planning expertise.</p>
<b>17/035</b>	<p><b>Declaration of Interests and Compliance with the Ethical Framework</b>            There were no declarations of interest.</p>
<b>17/036</b>	<p><b>Approval of Minutes</b>  <b>Resolved:</b> that the minutes of the Parish Council meeting held on 31<sup>st</sup> January 2017 be approved as a true record. Proposed Cllr Mundell, seconded Cllr Wardrop.</p>
<p>The Chairman explained the purpose of this meeting was to discuss the outcome of the planning appeal with regard to 'Land North of 9 Church Road' and to establish the Parish Council's next actions. Cllr Bass, in his dual role as District Councillor, spoke about his disappointment with the outcome of the appeal, and read out a letter from the Rt. Hon. Priti Patel MP expressing her support for the village against unwanted development; Ms Patel has also written on the parish's behalf to the Planning Inspectorate.</p> <p>Cllr Bass explained the single remaining option is to apply for a judicial review, which, if allowed, would be costly and if successful would quash the decision. This would result in another Planning Inspector deciding the appeal, but with no guarantee that they would make a different decision. Cllr Bass spoke about aspects of the appeal judgement on which it was felt a Judicial Review could be based and advised that he and Cllr Durham would be discussing the possibility with Maldon District Council Officers. The deadline for a decision to lodge a judicial review application was noted as 15<sup>th</sup> March 2017.</p> <p>Cllr Durham reported that MDC hopes for its Local Development Plan to be approved by late summer, and remarked that in general, Planning Inspectors have acknowledged that Maldon district has at least a five-year land supply identified; as such Cllr Durham was disappointed with the Inspector's decision to afford little weight to its existence in this appeal. Cllr Durham stated that there were some recent and current events which gave cause for concern, those being a decision by the Rt. Hon. Sajid Javid MP, Secretary of State for Communities and Local Government, to overrule a district council's decision to refuse a large planning application; a government white paper on planning; and the Neighbourhood Planning Bill which is currently progressing through parliament.</p>	

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<b>17/037</b>	<p><b>Public Forum</b></p> <p>A Parishioner spoke about the issue of assessed need which was raised in the Planning Inspector's report. Cllr Durham responded that there are different ways of assessment but was hopeful of future standardisation.</p> <p>In answer to the question of whether MDC was in favour of a judicial review, Cllr Bass responded that he felt the residents' and the Parish Council's support, including offers of financial help, may influence the decision of the District Council; that decision also being dependent on legal opinion and the need to protect the public purse. Cllr Bass pointed out that a review will only consider the evidence and application already submitted.</p> <p>A member of the public suggested that as the Church Road site had been identified as a potential site in the District Council's Strategic Housing Land Availability Assessment, it would be a difficult task for the Council to argue against its development. Another member of the public responded that a Planning Lawyer in his company had concluded that the case for a judicial review was not strong, citing his opinions on the arguments and suggesting that residents' energies could be better directed towards producing a Neighbourhood Plan.</p> <p>A point was made about upcoming applications that could be affected by this decision and concern was expressed about inconsistencies and possible misinformation in developers' submissions and weak responses from statutory consultees. Cllr Durham replied that such evidence was challenged when possible but cannot be changed. Cllr Bass explained that government directive was that if the detrimental effects of a planning application can be mitigated by way of conditions, they cannot constitute a reason for refusal.</p> <p>Residents expressed the view that, despite the risk, a judicial review would demonstrate the parish's strength of feeling on the matter. Cllr Durham suggested writing to the Secretary of State for Communities and Local Government Sajid Javid MP and to the Minister of State for Housing and Planning Gavin Barwell MP, with a copy to Witham MP Ms Priti Patel, and separately to the Chief Executive of Maldon District Council Ms Fiona Marshall.</p> <p><b>Action:</b> <i>Cllr Bates to arrange for an insert to the parish magazine giving a summary of the issue and including contact details for parishioners to use in directing their letters of complaint.</i></p> <p>In answer to whether the Parish Council could proceed alone with a judicial review if the District Council chose not to proceed, it was advised that the Parish Council's resources are too limited for unilateral action.</p>
<b>17/038</b>	<p><b>OUT/MAL/15/01342 - Land North of 9 Church Road Appeal</b></p> <p>Cllr Wardrop spoke in favour of a judicial review and outlined some of his issues with the Inspector's report, making mention of the housing density and the pedestrian routes.</p> <p>Cllr Bass spoke about how the village had evolved over his lifetime and stated that he would try to obtain an early decision from Maldon District Council. Should MDC not be in favour of legal action, Cllr Bass would endeavour to mitigate the more harmful effects of the development.</p> <p>Cllr Nicholas queried the District Council's level of commitment to supporting the village and commented that he felt MDC could be more robust in its responses, in particular in challenging ECC Highways and the NHS. Cllr Nicholas advocated keeping up the pressure on the District Council Chief Executive, and District Cllr Durham reminded the meeting that MDC has a legal duty to spend taxpayers' money appropriately.</p>

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	<p><b>Resolved:</b> that Wickham Bishops Parish Council would:</p> <ul style="list-style-type: none"> <li>• support a judicial review led by Maldon District Council;</li> <li>• contribute up to £2000 of retained funds towards the legal costs of the judicial review in accordance with <i>the General Power of Competence, Localism Act 2011 S.1(1)</i>;</li> <li>• seek contributions from parishioners towards the legal costs of the judicial review.</li> </ul> <p>Proposed Cllr Nicholas, seconded Cllr Wardrop and carried unanimously.</p> <p>The Chairman thanked the residents for attending and reported that the annual litter pick will be held on Saturday March 4<sup>th</sup>, meeting at 9.30am outside One Stop with all welcome, and advised that the Parish Council currently had a vacancy for a councillor and asked that interested parties should contact him.</p>
<b>17/039</b>	<p><b>Dates of Next Meetings</b></p> <p>Friday 24<sup>th</sup> February 2017 Planning Committee Meeting at 11.30am  Tuesday 7<sup>th</sup> March 2017 Full Council Meeting at 7.30pm  Friday 24<sup>th</sup> March 2017 Planning Committee Meeting at 11.30am <i>if required</i></p>
<b>17/040</b>	<p><b>Close of Meeting 10.00pm</b></p>