

HASSOCKS PARISH COUNCIL

Minutes of the extraordinary meeting of the Parish Council on 19th December 2016 at 7.30 pm in the Council Chamber, Parish Centre, Adastra Park, Hassocks.

Attendees: Parish Councillors: Jane Baker; Judith Foot; Frances Gaudencio; Peter Gibbons; Bill Hatton; Sue Hatton; Chris Hobbs; Nick Owens & Ian Weir (Chairman)

Locum Clerk: Colin Hunt

16/577 APOLOGIES

577.1 To Accept Apologies for Absence.

Parish Councillors Kate Bailey; Leslie Campbell; Justine Fisher; Rev Darryl Sinclair and Victoria Standfast

16/578 DECLARATIONS OF INTEREST

578.1 Disclosure by Councillors of personal interests in matters on the agenda, and whether the Councillor regards their interest as prejudicial under the terms of the Code of Conduct.

There were no declarations of interest at the onset of the meeting.

16/579 PUBLIC PARTICIPATION

There were 3 members of the public present.

579.1 Mr Frank Rylance was of the opinion that if, following a judicial review, it was accepted that MSDC had acted in some way outside the law, then the court might ask MSDC to review its action. A judicial review could not overturn MSDC's decision. In that sense a judicial review would be at best a pyrrhic victory.

Mr Rylance also referred to the costs of a judicial review which could be considerable and in the region of £30,000 or more, even if a Protective Costs Order were to be made in the council's favour and asked the council to bear this in mind during its debate.

Finally Mr Rylance enquired whether the Council would be proposing to allocate the same level of funding and resources to prevent any future proposed developments on each of the other sites on the NP should they be so threatened.

579.2 Mr Mark Alder commented on the matter of sequential testing of the sites and posed the argument that if MSDC had not undertaken adequate testing then their case may well fail if challenged. He also mentioned that he felt there were other more minor issues that he did not elaborate on at the meeting.

The Chair thanked both residents for their comments.

16/580 REPORTS

580.1 JUDICIAL REVIEW – FRIARS OAK FIELDS PLANNING APPROVAL

Council was requested to authorise a budget of £5k to be cover the preparation of a brief, prior to seeking a legal opinion on whether a judicial review would be advisable.

Although it was not known at this stage whether a judicial review would be required it was considered expedient, due to the short timescales for applying for a Judicial Review, that preparatory work be undertaken in advance.

Cllr Bill Hatton, the newly appointed Chair of the NPWG, concurred with the comments made concerning the possible cost of a Judicial Review but that the NPWG had placed a ceiling on the budget. Cllr Hatton explained that HPC was only interested at this stage in undertaking a feasibility study to determine whether there might be grounds to undertake a legal challenge. Even if this was the case there would be a number of subsequent stages all of which afforded the Council the opportunity to consider whether to continue.

Cllr Hatton expressed the NPWG's opinion that it was worth exploring the possibility of pursuing this as it went to the heart of the ethos of Neighbourhood Plans and consultation. Three sites had been considered and evaluated and the Friars Oak site was determined to be less appropriate than others and that the MSDC, in not accepting the NP had dealt the Council 'a body blow'.

Cllr Ian Weir supported consulting the experts.

Cllr Sue Hatton explained the reasoning for the urgency in this matter.

Cllr Nick Owens advised that there would be further decisions to be made depending upon the outcome of the advice received but he remained optimistic that if the advice favoured a challenge then the outcome would be successful.

Cllr Peter Gibbons however was less optimistic and had serious reservations. He commented that Developers had potentially greater funds available to mount legal arguments which could, in the extreme, bankrupt the Council.

Cllr Gibbons also maintained that he saw no difference in developing either side of the road and that perhaps the flooding issue was a 'red herring'

Cllr Judith Foot supported obtaining expert advice and reminded Council of the enormous investment it had made in developing its Neighbourhood Plan. Cllr Foot acknowledged that the Council would need to tread carefully and consider its position every step of the way but nevertheless she wished the

Council to defend local democracy and not 'roll over' and yield to outside pressures.

Cllr Ian Weir brought the discussions to an end by reminding Council that this was to be the first step in a process to allow Council to obtain advice as to whether it would be worthwhile for Council to continue further in this matter.

Cllr Weir moved the motion that Council authorise a budget of £5k to cover the preparation of a brief, prior to seeking a legal opinion on whether a judicial review would be advisable.

Cllr Sue Hatton moved to amend the motion by limiting the budget and inserting 'up to £5k'. This was agreed.

The amended Motion before Council was *'that Council authorise a budget of up to £5k to cover the preparation of a brief, prior to seeking a legal opinion on whether a judicial review would be advisable'*.

The Chair called the vote which was carried by eight in favour of the amended motion and one vote opposed.

16/581 URGENT MATTERS

Urgent Matters at the discretion of the Chairman for noting and/or inclusion on a future agenda.

There were none

The meeting closed at 7.56 pm.

Chairman's Signature

BACKGROUND PAPERS INCLUDED WITH AGENDA

Appendix 1

Paragraph 1 extract from Minute 16/505 - Public Participation – Council meeting of the 8th November 2016.

Appendix 2

Minute 8 from the NPWG meeting of 24 November to discuss seeking legal advice on the request for Judicial Review on planning approvals not in the Neighbourhood Plan.