

Harrietsham Parish Council

Minutes of the Extra Ordinary Parish Council Meeting held on Friday 15th March 2024 at 10.00am in the Parish Office

Cllr Powell welcomed all present to the meeting.

1 Present

Cllr E Powell, Cllr T Sams, Cllr J Sams, Cllr F Stanley, Cllr C Roots, Cllr S Brown, Cllr S Luck, Cllr T Griffiths, RFO Mr M Cuerden and the Clerk Mrs A Broadhurst
No Members of Public

2 Apologies for absence

Cllr R Dayes

3 Disclosures and confidential items

Changes to the Register of Interests

There were no changes to the register.

Declarations of Pecuniary Interests

There were no declarations of interest.

Requests for Dispensation

There were no requests for dispensation.

4 Allocation of Funds relating the MBC's Local Plan Review

It was noted that the documentation from the Planning Inspector had been circulated to all present. Cllr Powell stated that Harrietsham had been ignored during the process and, even though there are now less services in the village, the Inspector has still concluded that Harrietsham meets the requirements to be classed as a Rural Service Centre in the Local Plan. MBC have arranged several meetings in the week commencing Monday 18th March and it is likely that the Local Plan will be adopted before purdah commences. Cllr Powell stated that the Plan is unsound and needs to be challenged.

Cllr Powell explained that he has discussed the current situation with the Parish Council's Barrister and other Parish Council Chairs and Mr Bell has given a brief outline of the process, timescales and approximate costs in an email and the Clerk requested that this be circulated to all present.

ACTION: Cllr Powell

A brief overview of the details was as follows:

- To obtain advice on a potential challenge, if the Local Plan is adopted on the 20th March 2024: £3,500 (+vat)
- To submit a pre-action letter, within 1-2 weeks, to set out grounds of challenge: £2,000 (+vat)
- To review MBC's response to the pre-action letter and if decision made to proceed, draft the final claim document (including claim form and witness evidence): £3,000 (+vat)
- MBC then have 21 days to file a defence, which may require a further response (this would need to be completed within 7 days): £750 - £1,000 (+vat)
- Once these phases are complete the Judge will decide whether to allow the claim to proceed
- If permission is granted, the case will be listed for a hearing (usually one day set aside to hear oral submissions from both sides) The Parish Council will need to produce a hearing bundle in PDF format with a skeleton argument: £7,000 - £10,000 (+vat)
- If permission is refused the Parish Council has the right to renew the application for permission. This will be dealt with by a Judge hearing oral arguments: £2,000 (+vat)
- If refused, the Parish Council can not progress further, unless the decision is made to submit an appeal to the Court of Appeals.
- There would be Court fees for filing a claim: £145 (+vat) and if the permission is granted this rises to £750 (+vat)
- As part of the earlier process, the Barrister would draft an application that the Parish Council be granted a cost cap for bringing the claim, which limits its cost exposure to MBC (should the

permission be refused). This cap would be £5,000 and MBC's reciprocal order would be in the region of £35,000 (these figures include VAT)

If the Local Plan is adopted on the 20th March the various stages, up to submitting the documents to the Judge for consideration, must be completed by the 29th May 2024 and then it could take around 2 months for a permission decision to arrive. The Court goes into recess at the end of July until the end of September or mid-October, therefore it is likely that a judgment would be unlikely before December 2024 and if refused the decision would be known straight away. If permission were to be granted, a substantive hearing judgment would be likely in January/February 2025.

There was then an in-depth discussion regarding the funding of a legal challenge and the impact the Lenham Heathland development will have on Harrietsham; these are points which have been raised at each step of the Local Plan Review.

Taking the various possible costs into consideration, it was proposed by Cllr T Sams that the Parish Council allocate initial funding of £25,000 towards the challenge, with this money being taken from general reserves. This was seconded by Cllr Powell with 7 in favour and 1 against.

It was noted that, once Mr Bell's email has been circulated to all Members of the Council, there will be clear parameters of the steps which need to be taken in the coming weeks and months. As the Parish Council will be entering purdah on the 23rd March it was proposed by Cllr J Sams that delegated powers be given to the Parish Council Officers, to ensure that the challenge can progress as laid out, until the new Parish Council is in place after the elections. This was seconded by Cllr Griffiths, with all in favour.

ACTION: Clerk & RFO

Councillors then discussed the possibility of sending a letter to all MBC Borough Councillors asking them to delay voting on the adoption of the Local Plan until the end of May 2024. This will allow for a decision to be made in a timelier manner, when Parish Councils are properly constituted, after the elections. All Councillors were in agreement with this and it was agreed that a draft would be circulated ready to be sent via email on Tuesday 19th March.

ACTION: All Cllrs & Clerk

5 Date of Next Meeting - Wednesday 27th March 2024 at 7.30pm in the Booth Hall

With no further matters to discuss the meeting closed at 11.29am.