

**EXTRAORDINARY COUNCIL MEETING held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN on 19 AUGUST 2014 at 7.30pm**

Present: Councillor K Artus – Chairman.
Councillors G Barker, S Barker, C Cant, R Chambers, J Cheetham, J Davey, A Dean, R Eastham, M Felton, M Foley, J Freeman, E Godwin, S Harris, E Hicks, D Jones, A Ketteridge, J Ketteridge, R Lemon, K Mackman, J Menell, D Morson, J Parry, D Perry, V Ranger, H Rolfe, J Rose, J Salmon, A Walters and L Wells.

Officers in attendance: J Mitchell (Chief Executive), M Cox (Principal Democratic Services Officer), R Harborough (Director of Public Services), M Perry (Assistant Chief Executive – Legal) and A Taylor (Assistant Director Planning and Building Control).

C35

PUBLIC SPEAKING

Dan Starr made a statement, a copy of which is appended to these minutes.

C36

APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Eden, Evans, Howell, Loughlin, Knight, Parr, Redfern, Rich, Smith and Watson.

Councillor Chambers proposed that the meeting move to Part 2.

C37

EXCLUSION OF THE PUBLIC

RESOLVED under Section 100I of the Local Government Act 1972 that the public be excluded for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972.

C38

LEGAL ADVICE ON APPEAL – LAND SOUTH AND NORTH OF THAXTED ROAD SAFFRON WALDEN

The council was advised of the current position in relation to the appeal following the decision to take second independent counsel's advice.

Councillor S Barker proposed the following motion:

That having taken counsel's advice from two independent barristers and having considered the views of the council's own professional planning officers, this council resolves not to defend the appeal.

Discussion took place on this proposal, which was put to the vote and carried by 21 to 7 with 2 abstentions.

A recorded vote was requested and the voting was as follows:

For the proposal: Councillors Artus, G Barker, S Barker, Chambers, Cheetham, Davey, Eastham, Felton, Freeman, Harris, Hicks, Jones, A Ketteridge, J Ketteridge, Menell, Ranger, Rolfe, Rose, Salmon, Walters and Wells.

Against the proposal: Councillors Dean, Foley, Lemon, Mackman, Morson, Parry and Perry.

Abstain: Councillors Cant and Godwin.

RESOLVED that having taken counsel's advice from two independent barristers and having considered the views of the council's own professional planning officers, this council resolves not to defend the appeal.

The meeting ended at 8.20pm.

PUBLIC SPEAKING

WeAreResidents.org statement to Full Council 19th August 2014
Good evening. During your Part 2 meeting tonight you will review and discuss the second legal opinion on Kier. It is likely that you will then be asked to vote on a motion not to defend the Council's refusal. We believe that the Council should defend its refusal.

Firstly I'd like to thank you for your decision of the 5th August. In asking for a second opinion, you sent a clear message that Members expect full, unbiased and proper advice that considers at all the evidence. But basing that second advice only on one sexed-up, dodgy dossier won't have created a valid opinion.

What do I mean when I say that? We have sent each of you a detailed letter, but here are 5 summary points to consider:

1. The second legal opinion is incomplete: Errors and misinformation in the Officer's Reports were not corrected. Other key reports, that the Planning Committee used to make their refusal, were purposely withheld from lawyers, including those from the Town Council, DEFRA, and others;
2. The likelihood of winning is, therefore, almost certainly higher than you are being told: To reach a balanced opinion, any law firm needs to see the reasons for and against – and all detailed supporting evidence on both sides of an argument. By only considering one side, the recommendation for approval, the stated odds of success will be overly pessimistic;

3. Statements recently made to Full Council were wrong: In spite of what you were told at last Full Council, the draft Local Plan does not carry significant weight; it is almost inconceivable that any costs would be awarded against UDC; and the proposed section-106 obligations do not come close to providing the required infrastructure;
4. There is a strong, defensible case for refusal and fighting the appeal will be widely supported by the public: If all of the evidence had been considered by the lawyer, it would be clear that this appeal is very defensible. But now the case is even stronger. Since refusal, 360 additional homes have been approved on the east of Walden, and so Kier has a bigger challenge in meeting its sustainability obligations. And the 5-year land supply has been assured – with a 20% safety buffer;
5. The Planning Committee will be irrevocably broken: If you take the highly irregular step to decide not fight this appeal, you will be condoning the meddling of a few, and undermining the legitimate and party-politically independent operation of the Planning Committee.

So in summary:

The second opinion, although likely to be better than the first, is still incomplete. This appeal is highly winnable. If you pull the plug on your defence, you would be doing so for the wrong reasons. Please resist the pressure on you from what is seen by the voters of Uttlesford as an increasingly desperate oligarchy. We ask that you continue to defend the appeal.

Thank you for your consideration tonight.