

Parish Council of Coleford

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Minutes of the Parish Council Meeting held on Wednesday 27th October 2021

Present

Cllr Ham (Chairman presiding) Cllrs Allen, Banks, Bell, Evans, Paterson, Pearce, Townsend and Turner. 3 members of the public attended.

1. Public Forum

Members of the public attended to observe or hear the update on the Gladman application. Cllr Ham said that he would allow the public to speak after Cllr Townsend had given his update on the Gladman Appeal.

2. Apologies for Absence (acceptance of any reasons offered)

Cllrs Drescher, Harding, and Barrett all sent apologies which were accepted by the Chair.

3. Declaration of Interest and Dispensations granted since last meeting

There were none.

4. Update on the Appeal APP/Q3305/W/20/3265459 by Gladman Developments Limited. Site Address: Land off Anchor Road, Coleford, Somerset, BA3 5PY - Discuss and agree any further action

The Chairman stated that the Parish Council first heard about the potential application in June 2019. The 2 applications have both been to the planning board which were both refused – 7-6 and 12-1 and now the appeal which was upheld. The cost of this to the Parish Council is £15630 with the potential for an additional £1100 to be discussed later in the meeting.

There have been many hours of work invested in defending the applications with hundreds of documents to consider. Thanks goes to Cllr Townsend, the Clerk, Nicola Philips, Steve Mogg, Andy Conn and Cllr Ham all supported by the Coleford Councilors and the 320 people that objected by email or letter.

The fact that the appeal has been upheld raises questions: What is the value of the Mendip Plan Part II which is about to be adopted? What is the phosphate problem of the Somerset Levels to do with Gladman in Coleford? What is the consultation all about if no one listens? Why have Mendip District Councilors, Parish Councilors, Town and Parish Councils spent so much time, money and energy to produce the plan that is worthless and cost hundreds of thousands of pounds?

Cllr Banks joined the meeting at 19.22hrs

Cllr Townsend made the following statement:

There are no polite words to describe the anger felt by the Parish Council and the overwhelming majority of our residents by the notification on 21-10-21 that the Planning Inspectorate had allowed the appeal by Gladmans. Their outline application ref 2019/2345 for 63 houses on Anchor Rd was refused by Mendip's Planning Board on 26-8-20. They then submitted an almost identical application ref 2020/2201 which was refused by the Board on 17-3-21. In both cases the recommendation of Mendip's planners was to accept. In parallel Gladman had raised an appeal against Mendip's original refusal. This was heard at a virtual public session on 18-8-21 by Inspector Rennie, we now have his judgement.

The Inspector's letter summarises the main reasons for refusal – harm to the landscape character and appearance, highway safety, sewerage issues, ecology, heritage, effects on neighbours, and planning policy and politely dismisses them all. Harm to the landscape is very subjective, he does agree there is some, but in his opinion it is limited. Highway safety he recognises is an issue but concludes that there would be no material adverse effects despite the details he was sent of the litany of accidents on Charmborough Lane. We have had no support from County Highways who seem to take the position that there were no personal injury accidents within 500m in the last 5 years so no problem. He has accepted the position of Wessex Water that they have a statutory obligation to take sewerage off the site despite our detailing all the history of overload. Apart from the obvious visual impact which the Inspector minimises, he dismisses the significance of the Elm tree because Mendip did not see fit to place a TPO on it despite us requesting it twice.

The worst issue is that of planning policy. The Parish has been working in good faith with Mendip over some 5 years on the Local Plan Part 2 (LPP2) to establish preferred locations for future developments in the village. The final updated version of LPP2 was issued by the Planning Inspectorate to Mendip on 1-9-21 and approved by Cabinet on 4-10-21. This was hailed by Mendip as providing a "clear way forward". Except it does not. It has failed to address the additional housing requirement on Mendip published in July 2019 and therefore does not provide a 5 year forward supply of housing land. This opens the door to any developer to propose anything anywhere and the only defence is to prove that the harm significantly and demonstrably outweighs the benefits. The Inspector took the view that the benefits of more houses in Coleford and associated economic benefits outweighed the harm, which he had already minimised in his view.

The fear is that we are now back in the planning 'free for all' that Mendip experienced around 2014 when LPP2 was previously out of date and we then witnessed all the developments in Chilcompton, Rode, Norton St Philip, Beckington, to name but a few.

So where do we go from here?

Firstly, we would like to ask our planning consultant to see if there are any legal loopholes in what the Inspector has done. If there are any possibilities we may have a chance to challenge him in the Courts through a Judicial Review. He will conduct a detailed review of the Inspector's findings and then discuss them with lawyers to see if there are any opportunities for us. Our consultant would require £1100 plus VAT immediately to carry out his review and approach chambers. We are asking Councillors to give approval for this tonight. He will get back to us with the Lawyer's view, what are chances are, and what the costs could be. A figure of £25000 has been mentioned. If that is the case, we have to decide whether to proceed and how to raise the funds. We need also to be clear as to what our exposure would be for costs if we lose, we are pursuing the legal position on this.

We are also talking to Mendip to get their views on the judgement and whether they see any loopholes to exploit.

If we fail, we need to ensure that Mendip and Gladman, or whoever develops the site, go through as much rigor as possible to ensure that all conditions imposed by the judgement are followed to the letter. Bearing in mind that this was an Outline application that has only had approval for the principle of developing up to 63 dwellings and the forming of the access to the site on Anchor Rd. So called Reserved Matters cover appearance, landscaping, layout and scale and these have to be the subject of a separate application to be submitted within 3 years.

No development work shall commence until the following are agreed:

- Coal mining legacy – details of a scheme for intrusive investigation of mine entries and shallow coal workings have to be submitted with the Reserved Matters. Then no development can start until any identified remedial work is carried out,
- A Construction and Environmental Management Plan has to be agreed with Mendip,
- A detailed Arboricultural Method Statement has to be agreed with Mendip,
- Precise details of site layout etc. are Reserved Matters
- A Low emissions/renewable energy strategy covering construction and occupation are Reserved matters. We have the recent precedent of Heat Pumps on the Nunney development.
- A Landscape and Ecological Management Plan, including long term upkeep, has to be agreed with Mendip
- A Surface water drainage scheme has to be agreed with Mendip
- A Management Plan for the western boundary hedgerow works has to be agreed with Mendip
- A Scheme to protect nesting birds has to be agreed with Mendip if it is proposed to remove trees, hedges or shrubs between 1st March and 31st August
- A programme of Archaeological investigation has to be agreed with Mendip
- A ‘lighting design for bats’ plan has to be approved
- A scheme for ecological and bio-diversity gains has to be agreed with Mendip before occupation

A Foul water drainage scheme is required to be agreed with Mendip, but no mention of prior approval. Also, there is no explicit mention of the moving out of the 30mph limit – we have questioned Mendip on this and will pursue with County Highways.

If we then think there is a case to fight, we would hold a public meeting and ask if the public wish to help fund it. The Parish Council would need to submit its intention to appeal within 30 days of the 21st October – the date of the decision

Cllr Townsend confirmed that a letter has been sent to our local MP. It's is hoped that he will then speak with Michael Gove who is now Secretary of State for Levelling Up, Housing and Communities.

Cllr Pearce asked who would action the Judicial review, Mendip District Council or the Parish Council? If successful would our costs be reimbursed? Cllr Townsend said that these points need to be established.

Those present thought that the Parish Council should again pursue a TPO for the Elm tree.

Cllr Ham invited members of the public to speak.

Tony Mayell attended and said that if the build does go ahead then the Parish Council should do its best to influence the green credentials of the buildings so that they can be something to be proud of. The houses on the new estate in Nunney are all to be built with air source heat pumps and are hugely insulated. We should insist that the Coleford houses are the same standard and sustainable. Government is offering £5K to convert houses from gas to heat source but the reality is that it would cost more.

Mary Pearce had emailed to ask the Parish Council to consider applying for a TPO on the Elm tree as one of the reasons the TPO was refused previously was because they are not normally given to trees in the open countryside. It was then refused again as it could not be guaranteed that the tree would live for twenty years.

As planning permission has now been passed, this is no longer open countryside. Also, this is not a normal tree. There are only two young mature elm trees in the whole of Somerset. So, destroying half of the population of a species of a very rare tree needs to be looked at again.

The thirty-mile sign being right next to the tree is the reason for the existence of the tree. Now the thirty-mile sign will need to be relocated. So, if this one could be removed carefully then the future life of the tree should be extended. Mrs Pearce recommended the Council gets a tree expert to give an expert opinion as to the life expectancy of the tree, and its importance to the future of the species as a whole.

Mrs Pearce went on to ask

- Can get our MP to confirm that it is government policy to build houses in a part of Somerset that has very little to offer in the way of jobs and facilities?
- Can we get someone to confirm that East Somerset is expected to take up the numbers of houses that should be built in West Somerset.
- Is it possible to get the inspector to name the other villages that have the same facilities as Coleford and are expected to take an excess of houses over and above their allocated number? (Nunney, Stratton, Stoke?)
- Just because all of the rural roads are inadequate, this is not a reason to ignore and add to the problem. Can Coleford be downgraded to a secondary village now that there is no post office?

The Council acknowledged the points made by Mrs Pearce and said that they will be addressed.

Mr Eugene Osborne emailed to ask if there is still a chance of saving the Elm tree on Anchor Road seeing that there is only one other specimen within Mendip. He suggested that the landowner be contacted by the Parish Council to try and save and relocate it. Councillors agreed that at this point other avenues would be explored but if those fail then this could be an option.

Cllr Banks stated that there was a recent CPRE article about Gladman which highlighted the loop hole which they target. The Local plan should be kept on track to help fight the Gladman application.

It was noted that just 3 weeks ago Mendip District Council made a statement saying that the Local Plan Part II is a plan which offers clear way forward for Mendip. The report confirms that the Local Plan and policies are sound, and can be adopted with specific changes known as 'Main Modifications'.

The Inspector has also set out his reasons on the need for additional housing in the north east of the district, and the approach to identifying sites. The LPP2 proposed for adoption includes the following highlights:

- 30 new development sites are identified
- three existing development allocations from Local Plan Part I are updated (Saxonvale, land west of Street, and Street Business Park)
- the status and purpose of 'Future Growth Areas' identified in LPP1 is clarified
- existing employment sites are identified, additional employment land is allocated, and a policy for identifying land in future is set
- the policy on self-build exception sites for single dwellings is confirmed
- the allocation of housing sites in Norton St Phillip and Beckington is confirmed as well as development sites near Midsomer Norton and Westfield

Publication of the report brings the examination stage to a close, and no further major revisions can be made.

After discussion it was proposed by Cllr Ham and seconded by Cllr Pearce that the Parish Council funds £1100 + VAT to instruct Mark Reynolds of Context Planning to conduct a detailed review of the Inspector's findings and then discuss them with lawyers to see if there are any opportunities for us. This is subject to him getting back to us by 13/11/21.

Vote 9 For; 0 against; 0 Abstention

Action: Cllr Townsend to instruct Mark Reynolds of Context Planning to act on behalf of Coleford PC

It was agreed that the statement prepared by Cllr Townsend on behalf of the Parish Council will be posted on Facebook tomorrow to keep members of the public informed.

Action: Clerk to post the Parish Council statement to Facebook

It was proposed by Cllr Townsend and seconded by Cllr Paterson that once the report has been received from Context Planning a public meeting will be arranged to discuss the option of taking it to Judicial review and the predicted costs of doing so or whether to concentrate on ensuring that every condition is met as the planning process continues

Vote 9 For; 0 against; 0 Abstention

***Action: Clerk in conjunction with Cllrs Ham and Townsend arrange a public meeting
Clerk to ask our insurance company if there is any cover to help with legal fees.***

5. Planning Application

2021/2332/PAA - Prior Approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development. Cherry Gardens Farm, Lipyeate Cross To Luckington Cross, Newbury, Frome, BA11 3RL
Not consultees on this application but MDC have confirmed that we are welcome to comment if we so wish. After brief discussion it was noted that we no comments would be submitted.

6. Consider the budget and precept for 2022/23

The Clerk had circulated a draft budget for 2022/23 for discussion. After consideration it was agreed that some amendments should be made before sending to Councillors by email for further discussion at the next meeting.

The Clerk to chase up the Tree Survey so that the work is completed in this financial year so that we can establish if funds will be required for tree work in the future.

*Action: Clerk to chase up Idverde who quoted for the tree survey
Consider cancelling membership to Institute of Crematorium and Cemetery Management*

7. Consider how to progress with the Somerset County Council Emergency Climate Fund Grant

It is hoped that there will be a meeting with the land agent of the land offered at Vobster to consider the site and rent required.

8. Matters of Urgency – at the Chairman’s Discretion

There will be a meeting to discuss the planning of the Queens Platinum Jubilee on the 3rd November starting at 7pm.

Action: Clerk to send reminders to interested parties and village groups

9. Date of Next Meetings:

10th November 2021 – Monthly meeting

24th November 2021 – Planning meeting