



HASLEMERE TOWN COUNCIL

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Minutes of the Extraordinary Haslemere Town Council Meeting held at 7pm on
Monday 18th October 2021 - Council Chamber, Town Hall, High Street, Haslemere

Mayor	*Cllr S Dear
Deputy Mayor	*Cllr J Keen
Councillors	*Arrick, *Barton, Cole, *Davidson, *Dullaway, *Ellis, *Hewett, Isherwood, *Lloyd, *Matthes, *Nicholson *Odell, *Robini, *Round, *Weldon, *Whitby

* present

The meeting was clerked by the Town Clerk, Lisa O'Sullivan and also attended by Deputy Town Clerk, Pippa Auger.

15 members of the public were present. A reporter from the Haslemere Herald was also in attendance.

77/21 APOLOGIES FOR ABSENCE

RESOLVED: Apologies are accepted from Cllrs Cole (away) and Isherwood (illness).

78/21 DISCLOSURE OF INTERESTS

The following members declared a non-pecuniary interest as members of the Haslemere Society: Robini, Davidson, Round, Odell, Dullaway (treasurer), Keen.

Cllr Whitby declared a non-pecuniary interest as his relative works for Waverley Planning enforcement.

Cllr Barton declared a non-pecuniary interest as she lives on Scotland Lane. She is also a member of Haslemere Society, Haslemere Vision and Haslemere South residents' association, of which her husband is Chair. Cllr Barton stated that she considered that these facts did not impair her objectivity and that she was looking forward to the discussion on the motion.

Cllr Ellis declared a non-pecuniary interest as she lives adjacent to the site and she is also an HSRA member. Cllr Ellis stated that she did not consider that these interests prevented her from taking part in the debate, fulfilling her role as a councillor and representing her constituents. She said that she looked forward to making an informed decision having listened to the arguments.

79/21 RED COURT APPEAL.

Town Mayor Cllr Simon Dear read the statement appended to these minutes. He then asked Cllr Robini to clarify the situation in regard to a number of questions. Cllr Robini asked to state his own case. He acknowledged that two questions needed to be answered – what benefit HTC's membership of the Rule 6 party will bring and the potential cost implications. Cllr Robini stated that the main benefit was local knowledge and the fact that the Rule 6 party were able to present more arguments to the appeal than WBC who were restricted in what they could say. In terms of costs, the group would need to employ legal professionals, around £13k has already been raised including a £2.5k donation from Haslemere Society. For a cost award to be made against the Rule 6 party they would have had to have acted unreasonably during the process – which they do not intend to do. Cllr Robini questioned why stop now when HTC has objected to the application all along.

Cllr Dear asked if it was possible that someone from the Town Council could alter, adjust, amend or make new points to those which Council had already submitted in its objection. Cllr Robini stated that it was possible that the Council could put its view forward on things not already raised or answer questions that have not to date been asked. There will be a written summation which will hopefully help the inspector come to his decision.

Cllr Dullaway raise the following points:

This isn't about whether or not we support the WBC decision but what role we play.

What benefit will our membership add? If not a lot then it shouldn't be considered but if it would add weight then it should be considered.

The costs award issue is a red herring – would only apply if the process was broken.

What are the costs the Town Council is potentially leaving itself open to – there needs to be a cap.

Cllr Barton stated that the Council should support the Rule 6 Group, which was not as the Mayor had stated a selection of private lobby groups but included respected organisations. HTCs inclusion in the local plan supports the recently adopted local plan. The system works when groups with overlapping interests and arguments join together – and there are advantages to sharing resources etc. It also gives HTC a chance to rebut any new statements made by the developer or add comments in terms of ecology or Neighbourhood Plan which Waverley themselves can't make. In terms of costs, it must be done on ability to pay, for instance HV are joining but have no funds to add.

Cllr Round stated his concern about the costs. Cllr Robini stated that maybe Council could decide on a number similar to that of the Haslemere Society and cap it at that. Cllr Round asked what happens if it all goes wrong and costs are awarded against the Rule 6 party. Cllr Barton repeated that is why there are getting professional legal representation – to ensure the process is followed properly. Cllr Round stated that residents in other parts of the town would need to have it explained why the Council is funding this appeal via taxpayers money then trying to shift the problem to Hindhead.

Cllr Arrick stated that she accepted that we do need development, and sustainable development, but that there seemed to be a move to develop in the countryside, not the town, in an area not close to amenities, bus routes etc and so would entail people having to drive to get anywhere. She accepted that Council had objected to the Red Court development but stated that Council needed to look to other areas as well as those outside of the town.

Cllr Ellis stated that it was Council's role to represent the community. 87% came out in support of the Neighbourhood Plan (NP) and this action supported that.

Cllr Lloyd reiterated the reasons that Council objected to the Red Court application – in addition Council has declared a Climate and Biodiversity emergency and the NP favoured brownfield over greenfield development. Red Court site is outside the settlement boundary. As Cllr Barton stated, the Council has local knowledge and knows the views of residents which means it may be able to offer new grounds for objection or counter new arguments offered by the developer. He suggested costs capped at £2.5k.

Cllr Odell was concerned with the references to brownfield sites and hoped that councillors were not speaking about the Royal School site which is AONB with buildings on and has more protection than the Red Court site. Planning Inspectors may like Rule 6 parties but if you align with a main party you should support them, not form your own group with associated costs etc. WBC is the planning authority and has professional counsel and significant budget. She noted that Council's planning objections are already lodged with the planning authority and questioned why Council was considering doing this – something which Council has not done before. In her view it would set one area against the other in the town when Council has a duty to represent all its residents equally. She warned of setting a precedent and stated that this feels like Council giving a green light to the proposed Hindhead development. LPP2 is not going to make for a happy town, all residents will be expected to be treated the same when it comes to planning applications in their area.

Cllr Robini asked to amend his initial motion so that costs to a maximum of £2.5k are included.

Cllr Odell asked for a recorded vote which was as follows:

For:

Keen, Dullaway, Ellis, Matthes, Lloyd, Weldon, Nicholson, Davidson, Barton, Whitby, Robini (11)

Against:

Dear, Hewett, Arrick, Odell, Round

RESOLVED: That Haslemere Town Council join with other witness groups in a rule 6 party to defend Waverley Borough Council's decision to reject the planning application at Red Court at the appeal hearing. Council will make a contribution towards the costs not exceeding £2,500.

Meeting finished at 7.51pm

Signed.....
Chairman of Meeting

Date.....

Statement by Town Mayor Cllr Simon Dear to ECM meeting 18/10/21

You've seen this motion, and I have been required to call this meeting as Cllrs Robini and Keen want this Council to join with private lobby groups in having Rule 6 status in connection with the planning appeal at what I will call Red Court.

Those lobby groups are the HRSA, the founding members of which are Councillor Barton & her husband, the CPRE and the Haslemere Society. Rule 6 status would make the Town Council a 'Main Party' to the process in the same way as the Appellant and Waverley are.

But members need to understand that this Rule 6 status brings risks and obligations.

For example, there is the risk of an adverse costs award being made against the Council if it is found to have acted unreasonably in persisting with its objections to the development.

Examples of unreasonable would be:

- failure to produce evidence to substantiate each reason for refusal.
- making vague, generalised or inaccurate assertions about a proposal's impact.

It's therefore essential that any objections this Council makes at appeal are supported by evidence.

To remind you, this Council has already set out its stall, and the reasons given for its objection when it came up at planning committee were:

1. It would cause great harm to the natural environment and biodiversity
2. It would be built on AGLV land (and AGLV should be given the same protection as AONB land).
3. The development would not support sustainable transport and would add to traffic congestion.
4. The development should meet a higher, more exacting build standard than was proposed.

Given that the expert professional advice received from the Officers at Waverley was that the development was acceptable in those terms and that permission should be granted, I am extremely concerned that the Town Council will not be able to produce evidence to justify each of the reasons it cited for refusal.

In any event, the representations already made by the Town Council will be fully considered by the Inspector. There is no need for this Council to re-state any comments. As well as that, the Waverley Planning Department will be granted substantial amounts of borough taxpayer's money, by the leadership, to contest the appeal and has instructed

external consultants, expert witnesses and legal counsel to present evidence on its behalf.

If, Members are minded to take this risk, there are a number of questions I think that need to be answered:

1. What costs sharing basis have been discussed with the other Rule 6 parties? HRSA is publicly asking for £20,000 to employ legal Counsel to argue the case as part of this group. How much taxpayer's money do you want to commit and to what ambition?
2. Will the Town Council be indemnified by the existing Rule 6 parties for any adverse costs claim, or is the intention of those behind this motion to put our neck on the block for potentially any amount?
3. Where is the Council going to get the money from if there is no indemnity from the other Rule 6 parties?

I'm told there are about 18,000 people who live in Haslemere and so far as I can see, there is no public interest in committing the taxpayers of the whole of the town and Grayswood and Beacon Hill and Hindhead and Wey Hill to take part in this one isolated appeal with private lobby groups, particularly given that the Council's far-from-unanimous position has already been fully set out in an official decision which will be taken into account.

Finally, having regard to the Code of Conduct, any Members with a personal interest in the outcome of the Red Court appeal, or be involved with the other lobby groups, should think very carefully as to whether they should now remain in the Chamber or participate in the vote.