

ALDENHAM PARISH COUNCIL

Council Document	AGENDA item 14
To receive and approve the recommendations from the Planning Committee meeting 23 May 2022 regarding the appeal and subsequent planning inquiry regarding the application to install a renewable led energy generating station including ground mounted photovoltaic solar panels etc on land north of Butterfly Lane and west of Hillfield Lane and surrounding Hillfield Farm	Full Council Meeting 30 May 2022

Background

In early 2021 Aldenham Parish Council (APC) was advised under application 21/0050/FULE1, of a proposal to install a solar plant etc as noted above. This was discussed internally first and agreed that the council would engage a planning consultant who would produce a report for the council to enable it to respond appropriately.

This application was considered by the APC planning committee on 15th February 2021 and a response, which included the report from D L A Planning, was sent to HertsmereBC. HertsmereBC considered the application and refused permission.

APC was advised on the 9th May 2022 by the planning inspector that they had received an appeal by Mr S Wheeler the proposer of the original application. The planning inspector confirmed that this would be conducted as a public inquiry. If APC, or any group or organisation wish to take an active part in the inquiry they need to lodge interest with the inspector by the 7th June 2022.

Between being notified and the planning committee meeting of 23 May 2022, the Chairman of the Council, plus the Council Manager were in discussions with the council's solicitors and other experts regarding the way in which APC could respond to the appeal. Discussions took place with 4 5 Grays Inn Square, a firm of barristers that could act on APC behalf. A fee proposal was received and discussed at the planning committee meeting.

At the planning committee meeting on 23 May these proposals were discussed and the following recommendations made to full council including executive action by the Chairman/Council Manager as this committee has no delegated powers or budget. The recommendations which Full Council is asked to ratify are as follows;

- a) That APC employ a planning Barrister (4 5 Grays Inn chambers) and Solicitor (Debenhams Ottaway) to represent them at the hearing with an initial budget of £5,000 which will include the lodging of the appeal and initial general advice.
- b) That APC ask the Barrister to lodge with the planning inspector their requirement to be noted as an organisation under rule 6. In light of the timeframe for this action, executive power is given to the Chairman & Council Manager to make this appointment immediately.
- c) That the Full Council agrees for a budget of £25,000 from reserves towards the contractors.

Reasons for recommendation

- a) As this inquiry covers matters of technical law it would be advisable for APC to employ a technical expert in this field. The barrister's rules of engagement state that they must be appointed and supported by a solicitor.
- b) Unless APC lodge under rule 6 with the inspectorate we cannot take part in the inquiry.
- c) There is no current budget for this matter, and the planning committee have no delegated financial powers so this needs to be agreed by the full council.

Alternative options

APC could decide not to take part in the inquiry and rely on the evidence that has already been supplied to HertsmerBC planning committee. This will be forwarded to the planning inspector as part of the background information by Hertsmer Borough Council.

Financial Implications

The costs are outlined above.

Members are asked to consider this report.

Peter Evans
Council Manager