

ALDENHAM PARISH COUNCIL

Council Document To receive an update on the Council's application for rule 6 status on the upcoming appeal regarding the solar farm application on land surrounding Hillfield Farm	AGENDA item 8 Full Council Meeting 27 June 2022
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Background

This matter was discussed at the Aldenham Parish Council (APC) meeting in May 2022. It was resolved that the following actions are taken.

- 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.

Since the meeting APC have instructed a barrister, supported by a partner at Debenhams Ottaway to put forward APC's case to the planning inspector. APC have lodged with the Planning Inspector to be considered as an interested party in the appeal process under rule 6 which has been approved.

There will be a case management conference (CMC) on 15 July 2022, with the appeal being heard provisionally on the 19 October 2022, and five days have been set aside for this by the planning inspector.

Preparing for the CMC

APC through social media have asked residents of the parish to lodge any objections they have with the planning inspector.

The barrister is preparing the statement of case for APC and have requested reports from a planning consultant and possibly ecology reports to input into these.

APC have also contacted Hertsmere Borough Council (HBC) to ascertain their proposals for the appeal, and they have confirmed that they have lodged as a rule 6 participant. There is also a group of local societies, interest groups, CPRE and Elstree & Borehamwood Town Council who have put in a joint bid to be a rule 6 participant.

Other considerations

There is an option to call a parish meeting to ascertain public feeling to the proposal, which again could be used as evidence at the appeal hearing.

The developer has now lodged a further application 22/0948/FULEI with HBC planning department. This will be considered by APC planning committee at their meeting on 4 July 2022, APC have brought this to the attention of residents through social media so that they can make comments should they wish. APC have also enlisted the support of the local HBC ward councillors.

Recommendations

- a) That APC agree a budget of £45,000 as proposed by F&GP Committee for this process.
- b) That the Council Manager liaises with the Chairman, Vice Chairman of the Council, plus Chairman & Vice Chairman of the F&GP Committee regarding any requests for further reports or specialists requested by the barrister within the budget.
- c) That APC consider holding a public meeting in early September to ascertain the public views on this proposal.

Reasons for recommendation

There is a fine balance between supporting the residents in their opposition to this proposal and ensuring that public monies are spent wisely. By placing a cap on expenditure and involving members of the council in the decision-making process this will meet this obligation.

As this application has the potential to affect the open aspect of the parish, especially its surrounding Green Belt, residents support for the actions taken by its local council is key.

Alternative options

APC could decide that the increasing costs of mounting this appeal is not cost effective so remove itself from the inquiry.

Financial Implications

The current budget for this process is £45,000 which is to be financed through a specific earmarked reserve.

Risk Management Implications

There is a risk that APC are asked to pay costs for the applicant. This is a low risk but one to be aware of.

Members are asked to consider this report.

Peter Evans,
Council Manager