

## TENTERDEN TOWN COUNCIL



### **MINUTES OF A MEETING OF THE SPECIAL TOWN COUNCIL HELD AT ASSEMBLY ROOM ON MONDAY, 9 SEPTEMBER 2019**

**Councillors Present:** V. Cole, J. Crawford, Mrs. J. Curteis (Mayor), Mrs. S. Ferguson, Dr. L. Lovelidge, J. Nelson, R. Quinton, Mrs. P. Smith, A. Sugden and Mrs. K. Walder

**Officers Present:** P. Burgess (Town Clerk), Mrs. C. Gilbert (Deputy Town Clerk) and Mrs. L. Owers (Administrative Assistant)

**Others Present:** nine members of the public.

**Reverend Hammond said prayers.**

3316 **APOLOGIES FOR ABSENCE.**

Cllrs. M. Carter, A. Gardner, M. Hickmott, C. Knowles, K. Mulholland, R. Parkin and Borough Councillor P. Clokie.

3317 **DECLARATIONS OF INTEREST.**

Cllrs. Crawford and Quinton declared interests in Agenda Item 6 – Legal Advice regarding EIA screening direction for Limes Land. They would both participate in the discussions, but not vote.

3318 **QUESTIONS FROM MEMBERS OF THE PUBLIC AND COUNCILLORS.**

Ms. S. Nepp of the Tenterden & District Residents Association and Mr. A. Poole of Appledore Road both wished to speak regarding the Limes Land EIA.

3319 **RECREATION GROUND PROJECT.**

(a) Skatepark Design. It was **RESOLVED** to approve the fee of £5,400 dependent on the result of the tender as discussed by the Internal Committee.

(b) 3D Visualisation Images of the Recreation Ground. The Internal Committee had agreed to **DEFER** the purchase of the images pending quotations being received for all three re-generation projects.

3320 **CINEMA FOCUS GROUP - FULL BUILDING FEASIBILITY STUDY.**

It was **RESOLVED** to approve the cost of a full building feasibility study of The Pebbles at a cost of approximately £26,845.

3321 **LEGAL ADVICE REGARDING EIA SCREENING DIRECTION FOR LIMES LAND.**

Ms. S. Nepp of the Tenterden & District Residents Association (TDRA) address the Town Council. Ms. Nepp reported that the TDRA believes that the justification presented by ABC supporting this decision lacks proper consideration of all the detailed comments submitted, including recommendations by the Council for the Protection of Rural England and the Weald of Kent Protection Society as well as the local community. The TDRA requested that the Town Council sought legal counsel to assess the soundness of ABC's decision. *A full copy of Ms. Nepp's speech can be found on the Town Council's website.*

Mr. A. Poole of Appledore Road reported that he had submitted a detailed response which challenged the assertions of Ms. J. Ashton, representative of the developer. Mr. Poole reported that the decision notice had clearly favoured the developers view. Mr. Poole provided a detailed report, a copy of which is available on the Town Council's website. Mr. Poole concluded that in his view the decision was a rewrite of the Ms. Ashton's letter with a subjective view against each of the listed criteria which indicates that it is not likely to have significant effects on the environment to require an EIA. The report was not an objective report based on facts; it demonstrated a lack of understanding of what is proposed which is the very reason why a full Environmental Impact Assessment should be carried out.

Cllr. Sugden reported that ABC had decided that an EIA assessment was not required for the Land North of 14 Westwell Court development and Cllr. Sugden would like both Westwell and Limes Land to be considered for legal advice. Cllr. Mrs. Walder agreed with Cllr. Sugden in that both sites should be considered for legal challenge to support parity. Cllr. Crawford commented that the Westwell Court planning application on the ABC planning portal required attention as many of the papers required sorting. Cllr. Crawford suggested that the Town Clerk write to ABC with the comments.

Cllr. Crawford reported that too much weight had been placed by ABC on Ms. Ashton's letter and all the evidence presented for why an EIA was required seemed to have been ignored. It also appeared that the applicant's letter had been plagiarised and the text inserted into the decision notice. Cllr. Crawford had experience of this process as it was investigated in another parish. If the Town Council does not agree with the decision then this has to be taken up with ABC and then the Secretary of State. If the cost of legal counsel is over £3,000 then three quotations would be required.

Cllr. Mrs. Ferguson agreed with need to seek legal counsel, however, she questioned whether the proposal being discussed was legal in itself. The Town Clerk responded that the decision had been deferred in the correct manner to the Town Council for ratification.

It was **RESOLVED** to fund up to £3,000 on legal advice from an Environmental Solicitor regarding ABC's decision not to request an EIA on Limes Land.

It was agreed that a discussion as to whether to challenge the decision for not conducting an EIA at Land North of 14 Westwell Court should be discussed at the October meetings.

**The meeting opened at 8.53 pm and closed at 9.22 pm**

The foregoing Minutes and Report were confirmed and signed at a meeting of the Town Council held on Monday, 11 November 2019.

Chairman \_\_\_\_\_ (Monday, 11 November 2019)