

## Market Deeping Town Council – Planning and Highways Committee

Minutes of an **extraordinary** meeting of Market Deeping Town Council's Planning and Highways Committee held on Wednesday 20<sup>th</sup> June at 6.30pm in the Town Hall, Market Deeping. Chairman Cllr Brookes presided over Cllr Gamble, Cllr Miss Moran and Cllr Shelton. The deputy clerk was also in attendance.

### **19. Chairman's Welcome**

Cllr Brookes welcomed everyone to the meeting.

### **20. Apologies for Absences**

Apologies were received and accepted from Cllr Mrs Redshaw.

### **21. To receive declarations of interest under the Localism Act 2011**

No declarations of interest were received.

### **22. For members to discuss and agree the Council's reply on footpath 4 to the Planning Inspectorate and provide a final report which will be forwarded on.**

Cllr Brookes explained that the deadline for the submission of the Council's Statement of Case is Tuesday 26<sup>th</sup> June and this Statement is what will be relied on for the inquiry. All parties set out their evidence in this way so that there are no surprises on the day, and all parties can then prepare a response. The committee had previously sought legal advice in order to prepare the best response, but due to unforeseen events at the legal advisor's company, and the difficult timeframes, all agreed to review and amend the document at this meeting. The committee have reviewed LCC's Statement of Reasons and comments to prepare this final Statement of Case and are therefore responding to points raised by LCC.

Cllr Gamble stated the inquiry will be looking at what is 'reasonable' and whether the law has been broken, and this does not require legal language. Cllr Brookes agreed that although public inquiries often use lawyers to represent the main parties, this would not be expected for this case. Cllr Brookes also confirmed that he would represent the council during the inquiry due to his detailed knowledge of the case. He will attend another inquiry in Lincolnshire in the coming weeks to gain an understanding of how the process works. He believed that the inquiry may not proceed into the second day set aside for it due to the limited number of witnesses. He felt it may be prudent to write to DSJPC after the Statement of case has been submitted to ask if they would like to appear as any ruling will affect them. The Rathbone trust, as landowners in Deeping St James, will be affected and it is hoped they will write in support of Market Deeping Town Council.

Cllr Shelton enquired as to timeframes for the case and Cllr Brookes confirmed that Tuesday 26<sup>th</sup> June is the deadline for the Statement of Case to be submitted to the Planning Inspectorate. Approximately 4 weeks after this proof of evidence must be supplied (and in our case this may well be a summary of our SOC), then LCC will receive a copy of our Statement of Case and can make a response. The inquiry itself is then scheduled for 21<sup>st</sup> and 22<sup>nd</sup> August at the Oddfellows Hall, although Cllr Brookes believes it may not go into a second day.

Cllr Brookes then acknowledged the comments and corrections suggested by Cllr Miss Moran including the footnote to 3.2.4. In 5.3.1 and 5.3.3 the word 'Easy' had been typed instead of 'East'. Cllr Brookes corrected this and confirmed that he had corrected all other typing errors noted. Other amendments were agreed as follows:

3.2.3 2<sup>nd</sup> paragraph to read 'the legal route of the footpath, did not show a route as per the definitive map...'

3.2.4 2<sup>nd</sup> paragraph to read 'We used the planning process to make the case for suitable provision for active travel as the OMA suggests it is the appropriate time.'

Section 5 – legal submissions . Cllr Brookes felt it could be argued that the authorities are not using their proper powers and there is a strong case for the orders not being confirmed at all. There are many mistakes and residents and landowners are affected by this.

Appendices – Cllr Brookes had included full documents where their size is up to 10/15 pages, but has included only relevant sections of larger documents, such as the local plan.

Cllr Brookes pointed out that our case is not exceptional and the things MDTC are asking for are not unprecedented. He referred to a long outstanding case in Faversham with similar issues where houses have also been built on a PROW.

It was then proposed by Cllr Gamble, seconded by Cllr Miss Moran and **RESOLVED** unanimously that the council would not seek further legal advice as the time frames are too difficult. The deputy clerk will advise the legal company of this.

Cllr Shelton reminded the group that Full Council had delegated power to the Planning and Highways committee to act on the Footpath 4 issue, and it was then proposed by Cllr Gamble, seconded by Cllr Miss Moran and **RESOLVED** unanimously to accept the approach suggested in this Statement of Case, to accept the modifications agreed at the meeting and to submit the amended document to the Planning Inspectorate. Cllr Brookes will make the agreed amendments and pass the updated document to the deputy clerk to submit.

There being no other business, Cllr Brookes thanked the members for attending and the meeting closed at 7.14pm.

**Chairman signature.....**

**Date.....**