Wiltshire Council
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AGENDA SUPPLEMENT (1)

Meeting: **Western Area Planning Committee**

Place: **Council Chamber - County Hall, Trowbridge BA14 8JN**

Date: **Wednesday 15 November 2017**

Time: **3.00 pm**

The Agenda for the above meeting was published on *7 November 2017*. Additional documents are now available and are attached to this Agenda Supplement.

Please direct any enquiries on this Agenda to Jessica Croman, of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line 01225 718262 or email jessica.croman@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

2 **Minutes of the Previous Meeting** *(Pages 3 - 4)*

A letter in respect of the minutes is attached.

DATE OF PUBLICATION: 15 November 2017

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The Codford Residents' Group (CRG)
[redacted]

Mr Kieran Elliott
Senior Democratic Services Officer
Wiltshire County Council
County Hall, Trowbridge
Wiltshire BA14 8JN

10th November 2017

Dear Mr Elliott

WESTERN AREA PLANNING COMMITTEE MEETING – 18th October 2017
Codford Path No 15 Right of Way Modification Order 2016

Reference A: SMA/113741 dated 31 October 2017
We have not had a reply from you to my letter of 25 October 2017 but we assume that Mrs Marshall's letter (Reference A) did so on your behalf although she did not make that clear. In her letter she quoted from the **draft minutes** of the 18 October meeting and it is those we now wish to address. Ten of us were present on 18 October and we are all of the opinion that the draft minutes are inaccurate and incomplete on significant points, and it will be important for a future Inspector to know more precisely what did happen. We therefore wish to ask you or the Planning Committee to correct the minute of this agenda item before it comes to be approved as a true record.

Quote: "A debate followed ..."
Comment: Cllr Ridout was first to speak, and she proposed that the Committee stood by its decision of 16 November 2016 to which Cllr Wickham questioned the wisdom of going against the recommendation of an Officer, the Rights of Way Officer, and the legal advisor. The Chairman immediately dismissed this on the grounds that it was up to the Committee to decide. Three speakers is hardly a debate, we would propose instead "Councillor Ridout proposed that the committee stood by its previous decision and two other members gave their views."

Quote: " .... The nature of the legal advice was discussed ...."
Comment: Mrs Marshall was invited at the outset to explain the legal circumstances which had led to a second hearing of the Modification Order. There was no discussion and would ask that this passage be corrected to "Mrs Marshall explained the legal circumstances which had led to the Modification Order being brought back to committee with a different recommendation from the officers"

Quote: " .... The weight of evidence ...."
Comment: Mrs Madgwick stated that, under the revised relevant period, there were a further 15 statements which qualified in support of the order (making a total of 43) but not a single mention of these was made by any of the Councillors. The weight of evidence was not discussed nor even considered since we have learnt that those 15 statements were not made available to the members. We suggest that "the weight of evidence submitted by all parties" should be deleted.

Quote: " ..... some members .... that the order should be supported ..."
Comment: Discounting the question raised by Cllr Wickham, when the Chairman invited comment from the members there was absolutely no response. We suggest that "some members" becomes "a member".

Quote: " ..... balance of probabilities ... "
Comment: We know that this is the basis upon which these cases are assessed. At no time were these words used by any member of the Committee following the submissions by both parties. We suggest that ", on the balance of probabilities" is deleted.

Quote: " .... others considering that the impact was not sufficient ... "
Comment: Only Cllr Ridout spoke in favour of upholding the neutral stance, but her only reason for doing so was in acceptance of Mr Thornton "evidence". This you now know to have been given under false pretences. The proposal was seconded by Cllr Kirk who also gave credence to Mr Thornton's remarks, adding that the Council was always keen to support the views of Parish Councils. We suggest that "others considering that the impact was not sufficient" should be replaced with "two others disagreeing that the impact was sufficient"

You may be aware that on 31 October 2017 we submitted a formal complaint to Dr Brand regarding the conduct of the meeting and so, having now seen the draft minutes, this letter is also copied to him.

I conclude by asking that this letter is made available to members of the Committee prior to their meeting on 15 November so that they, too, are aware of our comments. The minutes currently on display are, after all, only **draft** minutes and we have raised a significant number of 'matters arising'. We do this to assist in the production of an accurate record of the meeting.

Yours sincerely,

[redacted]

David Delius (CRG Co-Ordinator)