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Minutes

Meeting of : Northern Area Committee
Meeting held in : Antrobus House, Amesbury
Date : Thursday 14 February 2008
Commencing at : 4.30 pm

Present:

Councillor C Mills – Chairman
Councillor M Hewitt – Vice-Chairman

Councillors: J Broom, D Brown, S Dennis, M Lee, I Mitchell, J Noeken, J Smale, I West, F Westmoreland, G Wright

Apologies: Councillors J Spencer, K Wren and County Councillor Mark Baker

Parish Councillors: G Burt (Bulford), P Fisher (Idmiston), R Fisher (Amesbury), D Healing (Durrington), S Stubbs (Newton Toney)

Officers: E Teagle (Head of Forward Planning & Transportation), A Madge (Principal Planning Officer), G Newell (Principal Solicitor), L Flindell (Senior Planning Officer) and P Trenell (Democratic Services Officer)

83. Public Questions/Statement Time:

Mr S Bezant and Mr M Allen both asked questions relating to allotment provision in Durrington (attached with responses at appendix 1 and 2 respectively). The Principal Planning Officer gave a brief verbal response during the meeting and undertook to provide a full written reply to each question within ten working days.

84. Councillor Questions/Statement Time:

Parish Councillor P Fisher addressed the committee regarding Porton Down. The Green Travel Plan for the site was likely to be delayed by two months from the previous deadline of March 31st pending agreement from Wiltshire County Council and Salisbury District Council. Works to install traffic signals at Winterslow Road railway arch were to commence on 7th April and result in closure of the road for up to 2 weeks. Diversion details and related road signage were being agreed between Wiltshire County Council and Idmiston Parish Council. Defence Science and Technology Laboratories (DSTL) had instructed consulting engineers to carry out a study prior to reconstruction of Pheasant Road, work on which would require road closures of 3 days in total. DSTL had indicated that they would seek postponement of these works to allow building work to be completed prior to reconstruction of the road. DSTL and the Health Protection Agency had agreed to construct new joint crèche facilities, subject to planning consent, on a Brownfield site adjacent to Ministry Of Defence housing in Northway. DSTL had joined Idmiston Parish Council in applying pressure on Wiltshire County Council to resurface part of Winterslow Road close to the Ministry Of Defence gates which has a tendency to flood in wet weather restricting access to Porton Down. County Councillors were asked for their support in resolving this matter.

Parish Councillor R Fisher addressed the committee regarding retailing in Amesbury. He spoke of resident's frustration with the lack of retail provision and the perception in Amesbury that there is a conspiracy to prevent the town and surrounding area from having a modern supermarket. He expressed

dissatisfaction with the tactics employed by supermarkets to thwart their competitors. He noted the scale of housing development in Amesbury and emphasised the need for an accompanying retail infrastructure.

85. Minutes:

Resolved: that the minutes of the meeting held on 17th January 2008 (previously circulated) be approved as correct record and signed by the Chairman.

86. Declarations of Interest:

Councillor Westmoreland declared a personal interest in the item set out under minute 95 below (S/2007/2543) because he was acquainted with the owners of an adjacent property. He remained in the meeting, spoke and voted on the matter.

87. Chairman's Announcements:

The Chairman informed the committee that:

- The 'LDF Core Strategy Preferred Options' paper had been delayed to allow for further consultation with Government Office of the South West and would be brought before committee as soon as it was finalised;
- He and Councillor Hewitt had refused a request to tape record the meeting;
- Letters in response to the Post Office consultation had been sent to Post Office Ltd, Postwatch and Robert Key MP. They had also been circulated to all Northern Area Councillors via e-mail;
- He had sent a response on behalf of the committee to Wiltshire County Council's request for consent to apply for permission to block up a disused section of the A345 at Amesbury and Durrington expressing no objection.

Parish Councillor Stubbs thanked Paul Trenell on behalf of Newton Toney Parish Council for his work on the response to the public consultation on Post Office closures. Councillor Ian West echoed these sentiments on behalf of the Northern Area Committee Post Office Task Group.

88. South Wiltshire Area Grants applications – 2007/8 Tranche 3:

Parish Councillor Stubbs addressed the committee and outlined the findings of the South Wiltshire Area Grants Review Panel.

Resolved: That the recommendations of the South Wiltshire Area Grants Review Panel as set out below be approved.

Ref. no.	Application	Panel Recommendations
NAC/07-08/T3/01	Orcheston Village Hall To revamp out of date electrics	That Orcheston Village Hall be awarded the full amount of £552.25 from the SWAG budget with the following condition: <ul style="list-style-type: none"> • That due to the date of the quotes, any shortfall which may arise be paid for by the Village Hall.
NAC/07-08/T3/02	Winterbourne Stoke Parish Council Youth Shelter and Flooring for village play area	That Winterbourne Stoke Parish Council be awarded the full amount of £5,000 from the SWAG budget.

89. GVA Grimley Update:

The committee considered a verbal presentation from the Head of Forward Planning and Transportation in conjunction with his previously circulated report.

Resolved: That the Planning and Economic Development Overview and Scrutiny Panel be asked to review the evidence regarding retailing in Amesbury and the way in which the evidence is being presented.

90. Stonehenge Monitoring Group:

Parish Councillor Healing informed the committee that he had attended a meeting convened by English Heritage involving the Stonehenge Management Committee and the Stonehenge Advisory Forum on Wednesday 13th February. He had been informed that the Government wished to see improvements at Stonehenge in place by 2012 and the likely dates for public consultation were June to September 2008.

Resolved: That:

- i) the Stonehenge Monitoring Group comprising councillors Mills, West, Westmoreland, Noeken and County Councillor Baker be formally established as a Subcommittee of the

Northern Area Committee with a remit of monitoring council affairs with regard to Stonehenge and reporting back to the Northern Area Committee.

- ii) Councillors West and Westmoreland be tasked to attend all future meetings regarding Stonehenge convened by English Heritage;
- iii) a representative of the Amesbury Community Partnership be invited to join the Stonehenge Monitoring Group;
- iv) an update by the Stonehenge Monitoring Group become a running agenda item at Northern Area Committee.

91. Community Leadership & Governance:

The chairman informed the committee that:

- The Community Leadership & Governance board was hoping to progress area board trials subject to resolving outstanding resource & support issues. The trials were to see various elements of community governance tested in locations throughout the county and further details would be brought to the committee as soon as available. The Northern Area Committee had already submitted a letter to the Leader of the Council and the Chief Executive expressing their interest in participating in the trials.
- Wiltshire County Council had appointed Richard Munro as Town & Parish Council delegation Project Manager. He was to be responsible for consulting with Town and Parish Councils across the county with regard to what functions may be delegated under the new authority.
- The Community Leadership and Governance Workstream had appointed Jo Howes as Workstream Coordinator.

92. Community Update:

Councillor West reported that the first meeting of the Wiltshire Community Safety Partnership on 5th February 2008 was well received by those in attendance.

Councillor Wright reported that Durrington Parish Council had been making progress on establishing an alcohol exclusion zone and were hoping to bring their proposals before Northern Area Committee in March.

Councillor Mitchell informed the committee that a representative of the Amesbury Community Partnership would be happy to attend Parish Council meetings to inform them about the structure and work of the Partnership. He also raised the committee's attention to traffic problems in Archer's Way, Amesbury, especially at school drop-off and collection times.

Councillor Noeken informed the committee that work had recommenced on town centre improvements in Amesbury. He also reported that he and Councillor Brown had attended a meeting of the Police Consultation Liaison Group and commended the police for their efforts in apprehending perpetrators of criminal damage and graffiti.

Councillor Westmoreland informed the committee that Archers Gate Community Centre was nearing completion and he expected the keys to be handed over in March. He suggested that a visit to the site be organised for Northern Area members to tie in with the March committee meeting.

93. S/2007/2411 – Construction of new dwelling & alteration of access at 26 Salisbury Road, Amesbury, Salisbury, SP4 7HL for Space Design Solutions Ltd:

The committee received a presentation from the Senior Planning Officer which they considered in conjunction with the previously circulated report of the Head of Development Services, a site visit held earlier in the day, and information in the schedule of additional correspondence circulated at the meeting.

Resolved: That subject to:

- a) The applicant and any other relevant parties entering into a section 106 of the principal act and providing a financial contribution relating to the provision of public recreation open space in accordance with saved policy R2 of the Salisbury District Local Plan.
- b) The receipt of a construction method statement (to the satisfaction of the Head of Development Services) detailing the potential risks and measures to limit the risks of pollution during and after construction works to ensure that the nature conservation interests of the SSSI/SAC are safeguarded.

The application be approved for the following reasons:

- 1) The scale, height and massing of the proposed development and the agricultural design and appearance of the development is considered appropriate to the proximity to the listed building as a former farmhouse. The proposal is not considered to constitute inappropriate subdivision of the

residential curtilage and will enhance the current setting and obscure views of adjacent inappropriate development in accordance with policies.

2) This application has been considered against the relevant SDLP policies. The proposed development is considered to be appropriate to the locality.

And subject to the following conditions:-

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. AS amended by section 51 (1) of the Planning and Compulsory Purchase Act 2004.

2) Before development is commenced, samples of the materials and finishes to be used for the external walls and roof of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. Development shall be completed in accordance with the approved materials.

Reason: To secure a harmonious form of development.

3) The development shall be completed in accordance with the agreed construction method statement.

Reason: To ensure that the nature conservation interests of the SSSI/SAC are safeguarded.

4) Before the dwelling hereby approved is first occupied, the site access between the back of paved footway and the proposed entrance gates shall be properly consolidated and surfaced (not loose stone or gravel), details of which shall have been submitted to and approved by the Local Planning Authority prior to development commencing on the site.

Reason: In the interests of highway safety.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order with or without modification), there shall be no additional windows added to the elevations or roofslopes of the dwelling other than those hereby approved.

Reason: To enable the Local Planning Authority to retain control over the development in the interests of amenity.

6) Notwithstanding the provisions of Class[es] A to E of Schedule 2 (Part 1) and Class A of Schedule 2 (Part 2) to the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking and re-enacting that Order with or without modification), there shall be no alterations or extensions to the dwelling nor the erection of any structures within the curtilage unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

Reason: To ensure that the Local Planning Authority retains control over any future extensions and structures in the interests of residential amenity and setting of the adjacent listed building.

7) This development shall be in accordance with the following drawing 240/01 deposited with the local planning authority on 1st November 2007, drawings 240/102 and 240/101 deposited with the local planning authority on 29th November 2007, as amended by the drawings 240/103 and 240/104 deposited with the local planning authority on 13th February 2008, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt

And in accordance with the following saved policies of the adopted Salisbury District Local Plan:

G1 (Sustainable development), G2 (General), H16 (Housing Policy Boundary), D2 (Design), CN3 & CN5 (setting of listed buildings), CN11 (Views into and out of conservation areas), C12 (protected species), G2 (flooding), R2 (recreational open space)

INFORMATIVE:-Wessex Water

The development is located within a foul sewered area. It will be necessary for the developer to agree a point of connection onto the system for the satisfactory disposal of foul flows generated by the proposal.

Although not shown on the public sewer record drawing, we understand there may be a sewer crossing the site that by virtue of its age could be deemed a public sewer under the former Section 24 provision of the Public Health Act 1936. Wessex is currently reviewing available data on these sewers in order to update and revise its sewer records, thus indicating these as 'public' in appropriate cases. Public sewerage apparatus is covered by statutory easement and no new building or similar works will normally be allowed within a minimum of 3.0m of this apparatus.

With respect to water supply, there are water mains within the vicinity of the proposal. It is recommended that the developer should agree with Wessex Water, prior to the commencement of any works on site, a connection onto Wessex Water infrastructure.

INFORMATIVE: Wiltshire Fire and Rescue Service

The applicant should be made aware of the letter received from Wiltshire Fire and Rescue Service regarding advice on fire safety measures. This letter can be found on the file, which can be viewed at the planning office between the hours of 09:00 and 17:00 Monday to Friday.

INFORMATIVE:- S106 AGREEMENT

This permission shall be read in conjunction with the Section 106 Agreement, which is applicable to this application, in terms of its restrictions, regulations or provisions.

94. S/2007/2429 – Widen existing access in boundary wall at 26 Salisbury Road, Amesbury, Salisbury, SP4 7HL for Space Design Solutions Ltd:

The committee received a presentation from the Senior Planning Officer which they considered in conjunction with the previously circulated report of the Head of Development Services, a site visit held earlier in the day, and information in the schedule of additional correspondence circulated at the meeting.

Resolved: That the application be approved for the following reasons:

1) It is considered that the proposed widening of the existing gated vehicular access in the boundary wall is not detrimental to the setting of the listed building.

And subject to the following conditions:-

1) The development for which permission is hereby granted must be commenced not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 (4) of the Planning and Compulsory Purchase Act 2004.

2) The new entrance gates of the development hereby permitted shall be faced in vertical timber planking painted in a finish to be submitted to and approved in writing by the Local Planning Authority, prior to development commencing on site. The development shall be completed in accordance with the approved details.

Reason: To secure a harmonious form of development.

3) The new rendered block wall, stone pier and capstone shall match in colour and texture the existing.

Reason: To secure a harmonious form of development.

Informatives: Policy

This decision has been in accordance with the following policy/policies of the Adopted Salisbury District Local Plan:

CN3 and CN5 (setting of listed buildings)

Informative:-

Please note that whilst Listed Building Consent has been granted to widen the existing gated vehicular access, full planning permission for these works is also required.

95. S/2007/2543 – 2 new dwellings at site adjoining Hamoaze, The Avenue, Porton, Salisbury, SP4 ONT for John Coleman:

The committee received a presentation from the Senior Planning Officer which they considered in conjunction with the previously circulated report of the Head of Development Services, a site visit held earlier in the day, and information in the schedule of additional correspondence circulated at the meeting.

Mr R Green, a local resident, spoke in objection to the application. Mr J Coleman, the agent and applicant addressed the committee in support of the application.

Resolved: That the above application be refused for the following reasons:

- 1) The proposed dwelling on plot 2 would be located very close to the east boundary and by reason of its siting, design and massing is considered to have an adverse overbearing impact upon neighbouring properties adjacent to its eastern boundary and as such is considered to be contrary to saved policies G2, D2 and H16 of the Salisbury District Council Local Plan and guidance contained within PPS1 and PPS3.
- 2) The proposed vehicular driveway would run very close to the rear gardens of Trelawn, Rustony and Gable End to the east. The associated vehicular comings and goings would be likely to cause unacceptable noise and disturbance with resultant adverse impact to residential amenity, contrary to saved policies G2, D2 and H16 of the Salisbury District Council Local Plan and guidance contained within PPS1 and PPS3.
- 3) The proposed residential development is considered by the Local Planning Authority to be contrary to saved policy R2 of the Salisbury District Local Plan because appropriate provision towards public recreational open space has not been made.

INFORMATIVE:- Recreational open space

The applicant has signed and returned a standard unilateral undertaking but has not submitted the required financial payment, as this is only requested if the Council are minded to approve the application. It should be noted that the reason given above relating to saved policy R2 of the adopted Local Plan could be overcome if the required financial payment is submitted.

The meeting closed at 19:24
Members of the public present: 19

Questions & Comments in regard to the Planning Application Process applied to S/2006/1698

Following on from my last visit here in December I feel it's important that I bring the following before the Executive:

1. We have been told by Salisbury District Council that to not provide allotments with "continuity of use" as specified in the Adopted Durrington Development Brief would constitute "a breach of material considerations" and therefore would need to be brought back before the Northern Area Committee for consideration before any Planning Permission could be granted. Therefore I ask the committee to urgently investigate the following:
 - a) Why and on what authority did Salisbury District Council extend the deadline set by this Executive in the resolution it passed giving Defence Estates two months from 1st March 2007 to prove that Durrington Allotments were Temporary Allotments?
 - b) Why didn't Salisbury District Council contact the National Society for Allotment Gardeners (who are experts in this field and advises the Government) to ask their opinion as to whether the Durrington Allotments are Statutory?
 - c) Given that in real and **legal terms we do not have continuity of use of Allotments**, why has Salisbury District Council not brought back this matter before this committee for consideration?
 - d) Why did Salisbury District Council allegedly advise Defence Estates to serve notice to quit on our allotments, especially given the fact that had it not been for our interventions here it would have inevitably lead to the aforementioned breach?
 - e) Given that Defence Estates have informed and showed us that they have an Allotment Contract ready for us, why did Salisbury District Council effectively block the use of this contract, therefore effectively delaying the reinstatement of our Allotments?
 - f) Why is Salisbury District Council now allegedly to supply these contracts instead of Defence Estates?
 - g) Given that "**continuity of use**" of Allotments constitutes a **pre-requisite requirement prior to granting Planning Permission**, why is Salisbury District Council suggesting allowing Planning Permission with the following proviso to be included in the 106 agreement?: *"There is a requirement to offer new tenancies to previous plot holders of the existing allotments within one month of completion of the s.106 planning agreement"*

This will put us in a situation where we will have been without Allotments for several months and with no guarantee that they will be supplied within the one month specified, so please ensure we have Allotment Contracts in place before anyone is permitted to sign the 106 agreement!!!

I am to understand from speaking to Defence Estates about this issue that the land is to be sold via tender on the 18th March 2008. Am I to assume that Salisbury District Councils aim is to complete and sign off the 106 agreement before this date, so can I urge members here to take whatever steps to ensure that the correct policies and procedures have and are being followed in this case and that we have valid Allotment Contracts in place before any 106 agreement get signed!

**Stephen Thorne, RD ADC BTP, MRTPI,
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Mr S Bezant
95 Avondown Road
Durrington
Salisbury
Wiltshire
SP4 8JE

DATE: 27/2/2008 **OUR REF:** S/2006/1698 **YOUR REF:**

Dear Mr Bezant

PROPOSAL : Provision of Allotments

LOCATION : Land adjacent Netheravon Road Durrington

I write further to your question placed before Northern Area Committee on 14th February 2008.

- 1 I note your concerns regarding the continuity of use of the allotments at the above site. Officers will be taking a report back to Northern area committee in March which will outline to councilors the current situation as regards the allotments and seek their views on the issue and how they wish to proceed in this regard.

In respect of the other points raised in your questions I would comment as follows- (I have used your lettering for ease of reference).

- a) The Head of Development Services as a Section Unit Head has wide delegated authority under paragraph 3.12 of Part 6 of the Council's constitution. This includes the power extend a deadline where a matter is ongoing and being progressed.
- b) The National Society for Allotment Gardeners are not statutory consultees. The Council therefore saw no need to contact them. The council has it's own in house legal advisors and solicitors and can if need be seek it's own independent advice on any issue.
- c) See point one above.
- d) The Council did not advise the Defence Estates to serve notice to quit. Any advice the Defence Estates have received will have come from their own advisers.
- e) The form of the allotment contract has been the subject of negotiation. The original draft put forward by the Defence Estates legal advisers was not acceptable. It was not until 1 February 2008 that the form of the contract was agreed. This ensured that allotment holders would be given a minimum term which cannot be terminated before September 2008 and that there would be no cost to the allotment holders of issuing the contracts. To have used a contract in other than the agreed form would have prejudiced those allotment holders who signed up to an unapproved version which the District Council could not have ensured included all the agreed terms.
- f) Salisbury District Council is not supplying the form of contracts. Defence Estates will be supplying them in the agreed form.

- g) The S106 planning agreement includes the requirement to offer new tenancies with a month of completion of the S106. It also states that this is a required 'unless this already been done to the satisfaction of the Council.' The reason for this was to ensure that if an incorrect version of the contract had been issued, the Council could ensure that the correct ones were used. There is nothing to stop the contracts being entered into now but the S106 gives a contractual obligation to do so. (See 1 above).
- 2 The timing of the sale is entirely in the control of the applicant and separate from the planning application. The Council has no control of this and cannot therefore interfere with it. The S106 Agreement will be completed as soon as the terms are agreed and everyone has signed. It's timing will not be governed by to the sale.

I hope that this answers the queries raised in your letter and the report to the next Northern area should enable councilors to make a decision on what they wish to do in terms of the continuity of the allotment provision.

Yours Sincerely

Adam Madge
Principal Planning Officer
For head of unit

A Question for the NAC – Thursday 14th Feb 2007

Regarding Planning Application S/2006/1698 – Land between Netheravon Road and High St Durrington (Durrington Allotments)

The Planning Consultation Process – the process works When the outline plans were presented for application S/2006/1698 they showed poor siting for the allotments and no process for handover. Nor was there any suggestion to improve the appalling quality of the “soil” in the location. However, the consultation went well and the plans were changed to improve the site, to include continuous use of an allotment site and to include dialogue with the allotment holders on their needs for new plots.

The Development Brief – the process works

The outline planning application included a Development Brief with this as part.

The Notice to Quit Allotments -Failure

However, the allotment holders received notice to quit their sites with no replacement.

Enter the Northern Area Committee – Saviour of The-Little-Guy: After a presentation to the NAC, the Planning Application required evidence Without Doubt of the statutory nature of the allotments. The date for presentation of this passed, but the application continued anyway. The allotment holders have no allotments as Spring approaches but the plans are about to be approved.

Stalling Actions by SDC -Failure We have advised SDC of their poor legal ground but the application continues. We have asked for information to support our case but this was not provided. We have asked to see the planning file, but this was suddenly unavailable.

Did Defence Estates offer allotments? – No.

Defence Estates have potentially offered allotments sites. We have even seen the draft contracts. However, they claim the new allotments were blocked by SDC this month! SDC deny this.

What is going on? Currently the SDC plan is to sign the S106 and Defence Estates will sell the land on the 18th March 2008. However, the consultation process was not adhered to. The commitments in the development brief were not adhered to. The requirements of the NAC were not adhered to. There have been many other examples of mis-information, conflicting information, failure to meet commitments. The allotment holders have no faith in any promises or the planning process.

Our request of the NAC. Given a sudden unavailability of the planning files, a failure to fulfill request for information, the failure to meet the requirements of the NAC, the blocking of replacement allotments from Defence Estates, and the failure to even follow the planning process the allotment holders have a lack of trust of the SDC. **We request the NAC require the Development Brief be adhered to.** We request that the allotment holders have tenancy agreements before the S106 (planning approval) be signed. Given the right motivation this need not even delay the approval of the S106 and everyone will be happy.

The final failure scenario:

I do not wish to be back in front of this committee to report that planning approval has been granted, the developers are delaying the allotments, and SDC say they have no authority to support the allotment holders. Currently I consider this to be the most likely scenario.

Michael Allen, Jasmine Cottage, College Road, Durrington

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Mr M Allen
Jasmine Cottage
College Road
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SP4 8HP

DATE: 27/2/2008 **OUR REF:** S/2006/1698 **YOUR REF:**

Dear Mr Allen

PROPOSAL : Provision of Allotments

LOCATION : Land adjacent Netheravon Road Durrington

I refer to your question placed before Northern Area Committee on 14th February 2008. You appear to be satisfied with the progress of the matter so far as the consultation and the Development Brief are concerned. Thereafter I would comment as follows -

Notice to Quit of the Allotments. The Council has no control over a private landowner who wishes to terminate a short term lease of allotment land. The Ministry of Defence (MOD) gave the notice in November 2006, long before the matter went to committee in March 2007. The timing was a matter of judgement for the MOD.

Enter the Northern Area Committee

Following the committee meeting the MOD's solicitors contacted the Government Office of the South West which advised that the consent of the secretary of state was not necessary before the land was sold. The Council's legal department have also investigated the matter and concluded that this is correct.

Stalling Actions by SDC I have taken this section of your question to relate to Mr Bezants request under the freedom of information act for correspondence relating to the allotments. The reasons why we could not provide the information Mr Bezant requested was very thoroughly set out in the letters to him. I am assuming that you have viewed these letters. If you have not seen them please let me know and I will provide you with copies. You state that you have asked to see the planning file. Mr Bezant asked to see the planning file on a day when it was in use by the case officer. It was arranged with Mr Bezant to view the file the following day but Mr Bezant did not come to view it. The file is open to the public and remains open to the public providing an appointment is made to view it and it is not already in use in these offices.

Did Defence Estates offer allotments

The form of the allotment contract has been the subject of negotiation. The original draft put forward by the Defence Estates legal advisers was not acceptable to the Council. It was not until February 2008 that the form of the contract was agreed. This ensured that allotment holders would be given a minimum term which cannot be terminated before September 2008

and that there would be no cost to the allotment holders of issuing the contracts. To have used a contract in other than the agreed form would have prejudiced those allotment holders who signed up to an unapproved version

What is going on?

The Council accepts that there will be a gap in the allotment provision between the date of the expiry of the notices to quit last November and the grant of the new tenancies. There is nothing that can be done about this now other than to keep this time gap to a minimum. The Council has been advised by MOD's solicitors that the new tenancies are now being sent out in the agreed form. Whether or not this is done, by having a term in the S106 agreement requiring the contracts to be offered (if not already done) within a month of the date of the agreement, the Council can take action to ensure they are provided. It should be noted that it is intended to take a report to the next Northern area committee which will enable members to debate what they wish to do in regards to the allotments issue.

Having taken time to negotiate the terms of the new tenancies of the old allotments and the reversion of the new ones, the Council now has a document which once signed can be enforced. This document provides that there is to be no time gap between the end of the tenancies now being granted on the existing allotments and the reversion of the new allotments thus the allotment holders will get continuous provision of an allotment at that time.

Request

It did take sometime for the MOD to agree to a contractual commitment in the S106 agreement to offer new tenancies on the existing allotments.

I hope that this answers the queries raised in your questions.

Yours sincerely

Adam Madge
Principal Planning Officer
For head of unit