

Southern Area Planning Committee

15 November 2018

By Dr Claydon

To Southern Area Planning Committee

In relation to application 17/10079/FUL: Nightwood Farm, Lucewood Lane, West Grimstead, SP5 3RN, considered by Committee on 10 January 2018.

Questions:

1. The responses given to my submitted questions on 20th September were factually incorrect, misleading and showed a contempt for the due processes required of the LPA in regard to Nightwood Farm. Has the LPA reviewed what they said in the two replies?

Response: The LPA is satisfied with its responses and does not intend to review them.

2. Since I was given reassurances at the Planning Meeting of 20th September in regard to the total failure of the LPA to manage the instruction of the Southern Area Planning Committee of the 10th January nor to reject the application for a Certificate of Lawfulness for Nightwood Farm registered 21st June, I would request a clarification and an update in what is happening for the benefit of the whole Planning Committee.

Response: After the application was refused the LPA liaised with the Environment Agency who were considering what action to take under their legislation. On 21 February the Environment Agency informed the LPA that they did not intend to take any action. On 1 June the LPA's Enforcement Team served a requisition for information, the first stage in enforcement proceedings but on 31 May the certificate of lawfulness application was received and enforcement action was held in abeyance pending consideration of this application. The CLE remains undetermined and legal advice is expected to be received by 20 November.

3. What was the legal advice that was given to the LPA in regard to Nightwood Farm and what I consider to have been the incorrectly validated application for the Certificate of Lawfulness.?

Response: The Council is still waiting for the legal advice. However, we do point out that Legal Privilege is a recognised exemption under both

the Freedom of Information Act and the Environment Information Regulations and upon receipt of any such advice consideration as to whether such advice can or should be released or not can then be made.

Notes: Questions relating to an undetermined applications are not permitted under the rules of the constitution.