

## SILCHESTER PARISH COUNCIL

### Minutes of the Extraordinary Meeting of the Council

<b>Date:</b>	Tuesday 28 <sup>th</sup> February 2017	<b>Time:</b>	7.30pm
<b>Place:</b>	Main Hall, Silchester Village Hall		
<b>Present:</b>	Cllr Mahaffey (Chair) Cllr Macklin Cllr Westwood Cllr Baldock	Cllr Miles Cllr Monger Cllr Earl	
<b>In Attendance:</b>	Maxta Thomas (Clerk) Cllr Roger Gardiner (Borough) Cllr Chapman (County)  Harold Makant – Natural England Inspector Paul Pressley	230 members of the public Cllr Tucker (Borough) Graham Dennis – Hampshire Wildlife Trust  Sgt Martin Cullis – Police Joseph Jones - Gypsy Council	
<b>Apologies:</b>	Ranil Jayawardena MP Adrian Munday - BDBC	Gregg Chapman – BDBC	

#### **Action**

#### 1. **General Announcements**

Cllr Mahaffey ran through the general announcements and informed the public that the meeting would be recorded for minute taking purposes.

#### 2. **Apologies for Absence**

As above.

#### 3. **Declarations of Interest**

None.

#### 4. **Suspension of Standing Order**

Cllr Mahaffey noted that the order of agenda is slightly unusual – this is principally because this is the first occasion that the PC have met to consider the issue. He further noted that there is no formal planning application, and therefore the PC cannot make any objections or commentary on this until there is.

The Chairman proposed that Standing Order 3q be suspended, and that all following votes should be made by closed ballot rather than a show of hands. This was unanimously agreed.

#### 5. **Unapproved development near Silchester Sewage Works**

##### 5.1 Council Policy towards current work at the site – Cllr Mahaffey noted that this meeting will focus solely on the planning issues.

Cllr Mahaffey stated that there were three objectives for the meeting:

- To update the parish on the events of the last 10 days relating to the site.
- To obtain email addresses of those who wish to be kept informed/updated
- To keep the meeting focussed on planning issues and any possible actions moving forward.

Cllr Mahaffey then asked the attending public to indicate by a show of hands whether they wished to see the Parish Council and/or other bodies support activities to prevent and remove the current unlawful development works being conducted at the site. By a show of hands, it was clear that the majority of those attending supported this motion.

Gypsy Council representative Joseph Jones spoke to support the development. He stated that he has never known members of the gypsy community to react negatively to residents in the area. He observed that the planning application is like any other application and should be considered on its merits the same as any other application. He noted the large gypsy community in Hampshire, and that many sites have been sold in last couple of years by the County Council. He finally noted that the traveller community are keen to work with the local community.

Cllr Mahaffey then proposed the motion to the Parish Council, with Cllr Baldock seconding the motion for the Parish Council and/or other bodies to support activities to prevent and remove the current unlawful development works being conducted at the site. A closed ballot was held. The motion was unanimously agreed.

5.2 Possible courses of action – Cllr Mahaffey observed that residents have raised concerns about:

- Sale of land
- Access rights down the track to site, and who it belongs to
- Hardcore being laid down near and on SSSI land
- Main electrical line through site
- Is the hardcore contaminating land? It was noted that Silchester Common has requires the use of specific materials.
- Is the site on a flood zone?
- Potential contamination of Silchester Brook
- What is happening with the field adjacent to site? Is it for sale, and is a children's charity looking at purchasing it to offer country activities to children with special needs?
- Forestry Commission concerns
- Archaeological finds in area.

Above are all subject to conjecture, and do not have a direct impact on any planning response. As such Cllr Mahaffey requested that they were not discussed further within the meeting.

Cllr Miles showed aerial photos of the land in question before and after the start of the development.

Cllr Mahaffey read out a statement from BDBC Officers outlining the current position, and how the planning process works, and how enforcement and appeal would work.

The statement outlined recent events, and summarised the current position with regards to the current High Court injunction prohibiting any further tree removal, bringing on and subsequent laying of hardstanding, further caravans (including mobile homes), buildings, or any other construction work on the land until such time as a valid planning application receives approval. The injunction was served on 21<sup>st</sup> February 2017 after a number of complaints dating from the previous weekend. Since that time, numerous reports of continuing construction have been received, and Officers are investigating the issue as a matter of urgency. If the inhabitants at the site are found to be in breach of the injunction, then appropriate enforcement will be carried out, which could be in the form of a fine, seizure of assets or even imprisonment.

Cllr Mahaffey observed that BDBC officers have reacted very swiftly to this issue, and he noted his commendation of thanks to them.

Cllr Mahaffey stated that there is no point in residents continuing to report breaches at the present time, as this is being thoroughly investigated and further reports would only take up the time of the enforcement team and slow the process down. He noted that the police role is neighbourhood relations, and they have no powers to enforce a High Court Judgment as

this would be carried out by High Court Bailiffs upon direct instruction from the judge.

Cllr Mahaffey noted that he has been informed of an anonymous website to receive anonymous photos of the traveller site, and that he and the Parish Council do not support this as it does not serve any useful purpose and will stir up divisive feelings in the village.

Cllr Baldock asked for clarification on how long the injunction will stay in place – Cllr Mahaffey confirmed that it will stay in place for the entire planning process until and if planning permission is given.

Cllr Mahaffey noted the BDBC local plan. He stated that Silchester is deemed to be an unsustainable community – it has poor transport links, no shop, and no items that would support an expanding community. He gave brief history of the current local plan, which was formally adopted by BDBC in May 2016, and is the primary planning reference document for the BDBC area. He noted that it has taken into account a Gypsy and Traveller needs assessment and has a specific policy for proposed gypsy and traveller sites. He noted that the traveller community believe that not enough sites have been identified in the Borough.

Cllr Mahaffey stated that the Parish Council cannot take the issue much further than the direct planning process, as it does not have the power or resources to do so. Once a valid planning application has been submitted, this will be considered on its own merits in the usual way at the next available Parish Council meeting. It was suggested that residents consider forming an association to address the issues at hand, and that any correspondence with BDBC in the future is through one conduit – either the PC or a residents group.

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### **Open Forum**

Cllr Mahaffey invited comments from the general public. The following concerns/questions were raised.

- Will BDBC be asking the traveller community to remove hardcore whilst the application process is going through. Cllr Mahaffey replied that it will be in the hands of the Enforcement Officers and due process will be followed.
- It was noted that photos of the meeting were being taken. Travellers requested that any photos of them taken at the meeting should be removed. Cllr Mahaffey gave his assurance that he would speak to the photographer to ensure that the faces of the traveller community were not revealed. Residents asked that travellers should do the same with photos that they had taken.
- A resident asked whether the traveller community held national or European passports. Cllr Mahaffey questioned whether or not this type of question was relevant or necessary. Nonetheless, one of the travellers replied that they are local to the Tadley area.
- A Silchester resident noted that he felt that had planning permission had been sought first it would be turned down. The cost of enforcement could be very high, and the resident is keen to hold BDBC officers to account and ensure that enforcement is carried through.
- A resident of the site noted that there is a need for traveller sites in the Borough that is not currently being addressed. He felt that money should be spent on a judicial review of the Local Plan, and further noted that his community are human beings with rights the same as anyone else. It was noted that sites had been sold in Hampshire – 24 families were on a waiting list for sites when this happened, and this has not been addressed since.
- A resident noted that he has no problem with the planning process,

but does not like people applying for retrospective planning permission where a lot of development appears to be happening. He noted his unhappiness with the way development has been carried out at the site, and with the way that it has continued despite the High Court Injunction. He feels that the issue is about more than planning, and is about fairness and legality. He would like to know what all tiers of councils are going to do to prosecute the illegal activity. Cllr Mahaffey supported the comments, but noted that the PC has no enforcement powers on issues such as this, and equally lacks the finances to take further. He suggested that the formation of a residents committee would be able to investigate legal issues that the Parish Council cannot. Cllr Mahaffey further noted that there are no powers other than planning powers at present to tackle the issue, and the BDBC enforcement officers are subject to legal privilege and therefore cannot release any more information than they already have. Cllr Chapman from HCC confirmed that there is a difference between civic law and criminal law. This issue is civil law, and as such is subject to the planning process and enforcement. Cllr Gardiner of BDBC stated that BDBC have to work within policy they have. He stated that criminal issues would be dealt with by the police, and the responsibility for civil issues lie with individuals to take forward. Cllr Mahaffey acknowledged residents frustration, but again stated that he is aware that BDBC are working very hard on the matter.

- A village resident enquired if breaches of an injunction were a criminal matter. Cllr Mahaffey pointed out that he is not legally trained so his any comment he makes should be viewed in that light, but his understanding is that the process will go through the High Court and will be dealt with by High Court Bailiffs rather than the police.
- Residents asked how they can witness and report breaches of the injunction. Cllr Mahaffey stated there are two authorities to whom any concerns can be reported. Any criminal activities should be reported to the police via 101. Breaches of the injunction can be reported to Enforcement at BDBC (tel: 01256 844844). Cllr Mahaffey reminded the meeting that all residents should respect the privacy of families at the site, and avoid anything confrontational.
- A resident asked if removal of trees at the site constituted criminal damage. Cllr Mahaffey took the point, and re-iterated that all relevant authorities are investigating, including the Forestry Commission, Natural England, and the Environment Agency. No evidence about the trees has been submitted to BDBC.
- A resident enquired if suppliers to the site are subject to prosecution. Cllr Mahaffey stated that this will be investigated with the BDBC. He further noted that the number of lorry movements support allegations that the injunction is being breached. The Gypsy Council representative pointed out that many travellers on site are in the construction industry themselves, and this would account for some of the vehicle movements. Cllr Mahaffey noted that continuing to record all lorry movements is likely to be counter-productive at this stage.
- A resident asked whether everything at the site was properly documented at the time the injunction was served, as she was concerned that the case could be dismissed on a technicality. Cllr Mahaffey confirmed that Enforcement Officers were on site, accompanied by the police, and that proper documentation was recorded. However, this evidence is not currently publically available

as it is subject to legal privilege. BDBC are also examining evidence collected by a private surveillance company.

- Residents enquired about the length of time of the process. Cllr Mahaffey has asked this of BDBC, who have informed him that the timeframe might be around 12-18 months if everything is straightforward. It could well take longer. The Gypsy Council representative noted that the process could take any amount of time, and that the application is retrospective, which will complicate the issue. He again stated that if the local authority had provided enough sites, then it would be in much stronger position. Residents pointed out that planning permission should have been sought first. The travellers noted that they want a fair chance for their children growing up, which is why they wish to be settled. Therefore they have put all their money into this site, which they feel is out of the way and not harming anyone.
- A Silchester resident noted the antagonism on all sides, and pointed out that there are around 25 children on site who will be attending local schools. He requested that any antagonism is not passed on to children. This was echoed by other residents.
- A resident noted the possible environmental impact on Silchester Brook, and asked what the Environment Agency has done about this issue. Cllr Mahaffey noted that the EA is investigating the site along with other organisations. The resident thanked the Parish Council for their efforts in getting a dialogue moving between all parties.
- A Silchester resident asked if travellers if they could cease development until the application is fully considered and decided upon, in a bid to help neighbour relations in the community. The travellers replied that some families have already moved in, and that the site is not finished. It therefore needs to be made safe for children to live on.
- A Little London resident stated that the verge of her property had been completely destroyed by one of the trucks moving through, which then got stuck. She enquired who would be responsible for repairing the damage. Cllr Mahaffey noted that it would foster goodwill if any such damage is made good by the traveller community. The traveller representatives agreed that they would do this. Cllr Mahaffey stated that if requests are made for repairs and they are done, this would not count as an admission of guilt on the part of the travellers.
- Travellers reassured residents that they are trying to make a home for themselves, and want to try to get along with their new neighbours.

## **7. Closure of meeting**

Cllr Mahaffey thanked everyone for their input to the meeting. He noted that the next ordinary Parish Council meeting will be held on Monday 6<sup>th</sup> March at 7.30pm in the Club Room at the Village Hall.

The meeting closed at 9.20pm