

Full Council 22 February 2022

Members Questions

Question from Cllr Wrigley

At the full council meeting in September 2021, it was claimed that the planning process had been subverted by the registration of 'fake' objectors filling the two available slots to speak against an application at planning committee. This question, however, relates only to the planning procedures of this council, and not to any specific case.

If the limited places to speak against an application at committee are allocated on a first come first served basis, it would be possible to lock out other objectors with early registration of bogus objectors.

What is the process used to decide who is allocated to the speaking slots at a planning meeting?

Response from the Leader

It is not a "first come first served" system and the system we have is quite robust.

All who wish to speak must register before noon on the Thursday before the meeting.

If there are more registered speakers than the procedure allows, then we put them in touch with one another to agree on a spokesperson, (provided we have authority from them to pass details onto a third person). The spokesperson is asked to mention all objectors' concerns in their address to the committee.

If a spokesperson is not agreed then priority is given to a speaker from the Town or Parish Council since they are elected representatives.

As a last resort remaining places are selected randomly. This is very rare.

Question from Cllr H Cox

At the full council meeting in September 2021, serious allegations were made about the operation of this council in relation to a planning application at Langford Bridge. I am sure all responsible members would expect these allegations to be investigated thoroughly.

Immediately following these allegations, the council's head of legal services asked for evidence to be provided so that it could be properly considered and investigated.

The following day, the Leader of the council also asked for evidence to be disclosed to the Council or taken to the Police.

Has any evidence been provided to this council by any party, to support the claims that were made at the full council meeting in September?

Response from the Leader

No.

Question from Cllr Swain

At the full council meeting in September 2021, serious allegations were made about the way this council selected speakers to object to the Langford Bridge NA3 application when it came to planning committee on 21 January 2020.

How were the speakers selected for that meeting and did this council correctly follow procedure when selecting the speakers?

Response from the Leader

It is important to note that the deadline for registering to speak is noon the Thursday before the meeting, on this occasion, 16 January. In this case by the deadline two objectors had registered to speak. The Democratic Services Officer has advised that at 18.16 hrs on 16 January, the Wolborough Residents' Association emailed to advise they wished to register two individuals to speak.

The following day, at 08.52 hrs the officer emailed the Association thanking them for their email and advising that "unfortunately the deadline for speaking was noon 16 January, and there are already two objectors registered to speak. However, I will contact these individuals and ask if they are prepared to discuss the speaking with you. They can step down from speaking and allow someone else to address the committee on their behalf. So that I can put you in touch with one another could you confirm that you authorise me to pass on your email to them and phone number, and if so could you advise the latter".

It is apparent that whilst there was no obligation to do so, the officer also went out of their way over the weekend of 18 – 19 January to try to contact the two individuals who had registered to speak. Unfortunately this proved unsuccessful. Despite this they also then contacted the Association on Monday 20 January to advise that they would continue and if unsuccessful would arrange for discussions between all parties before the meeting to sort out the speakers although the two who registered within the deadline would actually have the right to speak.

I note that the Association accepted the situation by email at 08.29 on 21 January as follows "Thank you...much appreciated. Do not worry about speaking to them. We were going to ask our Ecologist to speak but as he lives in Oxford we do not want to drag him down on the off chance. Thanks for trying anyway."

Shortly after this time the two registered speakers withdrew from speaking at Committee. The officer then immediately made efforts to speak with the Association contact to advise that there was now an opportunity to speak. The officer spoke with two representatives from the Association before the meeting, guided them on their address to Committee, advised them to read out factual and detailed emails they had received from their Ecologist, advised them to go to reception area to discuss what they wished to say; and offered a request to the Chairman to adjourn the meeting for

a short while if they were not ready by the time the Committee came to consider the application.

All this assistance from the officer was clearly well above and beyond any requirement and enabled the speakers to attend the chamber fully prepared, and speak, before the application was considered.

Questions from Cllr Clarence

Question 1

Following yesterdays Planning Committee meeting of the 15th Feb can the leader of the council confirm through his legal team that Teignbridge is not complicit in continuing to grant planning permissions, which could well be construed to be causing further public nuisance, when already we have been told on the 15th November 2021 by SWW, that 185 stress discharges occurred in the Teign Estuary itself in 2020?

Response from the Executive Member for Planning

The Council as the Local Planning Authority must determine planning applications in accordance with the statutory framework and with the Governments housing targets in mind. Any self-imposed stay on determining planning applications would be contrary to its statutory duty, increase the risk of challenge and would have a significant effect on the Council's ability to meet its housing target which would likely result in sanctions being applied.

Question 2

Could the leader confirm please through his legal team that we dont even have to be negligent to be liable for public nuisance, as a local authority with the above issue as in Common Law under a well known test case (Rylands V Fletcher) that we have granted permission for something that is put onto land and that thing escapes and causes damage, then that person is liable even in the absence of negligence?

Response from the Executive Member for Planning

The questioner is misguided concerning the relevance and his application of the tortious rule in Rylands and Fletcher. In any event, any such pollution incident would be a matter for SWW and the Environment Agency to resolve.

Question 3

Members were told yesterday, by officer advice, at the Planning Committee meeting that despite SWW being a consultee on planning applications that SWW seem to sit outside the planning process. If this is the case does the leader agree with me that this authority could challenge SWW to come up with a betterment plan to avoid such a number of stress discharges by rejecting all further large planning applications for a period of two months to allow SWW to come up with and implement a betterment plan to avoid these excessive stress discharges into the River Teign?

Response from the Executive Member for Planning

As was confirmed in response to a Member Question in November 2021, South West Water proactively reach out to us where there are concerns with regard to specific planning applications. Their website states:

“Whilst we are not a statutory consultant for planning applications, we endeavour to review all applications for planning permission that are submitted to local authorities. We do this to ensure that any development does not compromise our assets including water and waste water networks, which ultimately protects the service we supply to our customers.”

In addition, and as was noted both in November and at the recent planning committee meeting, it is indeed the case that South West Water largely sit outside the planning process as connection and capacity issues are addressed through separate discussions with SWW who publish significant information in this regard on their website.

[Developer services \(southwestwater.co.uk\)](https://southwestwater.co.uk)

As this process addresses both capacity and connection issues and as responsibility for overseeing the work of SWW does not fall to Teignbridge, it would not be reasonable for the Local Planning Authority to decline to determine planning applications where no cause for concern has been raised by either SWW or the Environment Agency.

Indeed, to do so would put us at substantial risk of appeals with the resources costs associated with this as well as the possible risk of formal costs awards as an outcome.