

PLANNING COMMITTEE

Minutes of a Remote Special Meeting held on 18th May, 2023.

The Committee agenda is available [here](#).

The recording of the meeting is available [here](#).

Present: Councillor N.C. Thomas (Chair); Councillor S.D. Perkes (Vice-Chair); Councillors G. Bruce, I. Buckley, C.A. Cave, C.E.A. Champion, C.M. Cowpe, P. Drake, A.M. Ernest, W. Gilligan, N.P. Hodges, Dr. I.J. Johnson, H.M. Payne, I.A.N. Perry, C. Stallard, E. Williams and M.R. Wilson.

Also present: Councillors A. Asbrey, S. Campbell, V.P. Driscoll, J.E. Charles, C.P. Franks, R. Godfrey, W.A. Hennessy, J. Protheroe and R. Sivagnanam (Cabinet Member for Community Engagement, Equalities and Regulatory Services).

35 ANNOUNCEMENT –

Prior to the commencement of the business of the Committee, the Chair read the following statement: “May I remind everyone present that the meeting will be live streamed as well as recorded via the internet and this recording archived for future viewing”.

36 DECLARATIONS OF INTEREST –

No declarations of interest were received.

37 APPEALS REPORT RELATING TO PLANNING APPLICATION 2019/00871/OUT – LAND AT MODEL FARM, PORT ROAD, RHOOSE (AEC) –

The above-mentioned planning application was presented before Members at the Planning Committee meeting held on 1st March, 2023. The details and background to the matter were extensively set out in the Officer’s report which was presented at that meeting.

A vote took place in respect of a Motion in support of Officer recommendations to approve the application which was defeated. It was subsequently agreed by the Committee that the application would be deferred, to allow further consideration of the reasons for refusal of the application.

In the interim period, the Applicants submitted an appeal to Planning and Environment Decisions Wales (PEDW), citing the reason for the Appeal (Under section F of the Appeal forms) as: ‘Failure of the LPA to give its decision within the appropriate period (Usually 8 weeks) on an application for planning permission’.

The submission of the Appeal against non-determination meant that any formal decision on the application had now been taken out of the Members' control and was now within the jurisdiction of PEDW.

Notwithstanding the above, Members now had to determine (vote) whether they wished to defend the Authority's position at Appeal and, if so, on what basis. If a Motion was passed to defend the Appeal, Members needed to table the specific reasons for refusal they would have provided had they had the opportunity to determine the application.

Alternatively, Members may now decide that they do not wish to defend the appeal which means that the decision would be taken by PEDW on the merits having regard to any other objections from interested parties but without involvement by the LPA.

Having considered the report of the appointed external consultant, it was

RESOLVED –

(1) T H A T the Authority's position, with regard to the Appeal for non-determination of planning application for the Land at Model Farm, Port Road, Rhoose (2019/00871/OUT) be defended at Appeal

(2) T H A T the Authority's defence at Appeal be based on the following putative reasons for refusal:

- Ecology;
- Heritage;
- Climate Emergency.

(3) T H A T a further report be submitted to the Committee in order to approve the exact wording for the putative reasons for refusal as part of the Appeal.

Reasons for decisions

(1) To confirm that Committee wishes to defend the Non-Determination Appeal

(2) To confirm that had the Committee been able to do so it would have refused the application due to the concerns raised around Ecology, Heritage and Climate Emergency factors.

(3) To allow time for preparation of detailed wording in relation to the putative reasons for refusal to be considered and approved by the Committee.