

HAWARDEN COMMUNITY COUNCIL

Minutes of the **MEETING** of the **PLANNING COMMITTEE** held on
13 DECEMBER 2010

PRESENT: Chair: Councillor Joyce Angell
Vice-Chair: Councillor Ralph Small

Councillors: As per Council Meeting

Officers: R N Barnes, Clerk & Financial Officer

APOLOGIES FOR ABSENCE:

Apologies for absence were received from Councillors Veronica Amos, George Hardcastle and Danielle Platten.

DECLARATIONS OF INTEREST:

Councillor Ralph Small declared an interest in Planning Applications 10/1/048032/DGJ – Land at Overlea Drive, Hawarden and 10/1/048073/PXR – Land side of Colliery House, Mancot Lane, Mancot. Councillor Small completed his declaration of interest form and left the Chamber whilst the applications were discussed.

The Clerk declared an interest in Planning Application 10/1/048083/RMH – Land South of The Larches, Hawarden which had been submitted by members of his family.

MINUTES OF THE PREVIOUS MEETING:

IT WAS RESOLVED: that the Minutes of the Meeting of the Committees held on 8 November 2010 be received as a true record and that they be signed by the Chair.

MATTERS ARISING FROM THE MINUTES:

There were none

PLANNING APPLICATIONS:

IT WAS RESOLVED:

- (a) To formally note that the participation of those Councillors who were also Members of the County Council, in both the debate and subsequent vote, was on the basis that the views expressed were preliminary views taking account of the information made available to the Community Council. The County Councillors reserved their final views on the applications until they were in full possession of all relevant arguments for and against.

- (b) That the County Planning Authority be advised that this Council's observations on the applications submitted to it for consideration were as per the attached schedule.

PLANNING APPLICATION DECISIONS:

IT WAS RESOLVED: that the planning application decisions be noted.

MEMBERS' INFORMATION ITEMS:

- Planning Appeals – Land at Seaview Farm, Old Aston Hill, Ewloe

The Clerk informed Members that he had that day received notification from the Welsh Assembly Government Planning Inspectorate in respect of the appeals lodged by D Morgan Plc in respect of three enforcement Notices issued by Flintshire County Council.

The Inspector had determined that the Enforcement Notices were a nullity and that he proposed to take no further action in connection with the appeals. The Inspector stated that "It is an established principle in law that the recipient of an Enforcement Notice is entitled to know what he has to do to comply with the Notice with a reasonable degree of certainty. The Site B Enforcement Notice failed to provide this. For these reasons and taking into account all other matters raised I conclude that Site B Enforcement Notice is a nullity". Furthermore he stated that "If the Site B Notice is a nullity then the two Embankment Notices are also a nullity".

Councillor Judith Hough said that local residents had also learnt that day of the decision and were angry about the way Flintshire County Council and its predecessor Alyn & Deeside District Council had dealt with this issue. She said that residents had hoped that the tipping levels on this site would be reduced but that that no longer appeared to be a possibility.

Councillor Angell said that the regularisation and monitoring of this site by Flintshire County Council and previously Alyn & Deeside District Council had been carried out in an incompetent manner.

Councillor Halford proposed that the Council should write to Flintshire County Council expressing its concern at the outcome of the appeal and seek to ascertain whether any further action could be taken against D Morgan Plc in order to have these levels reduced.

IT WAS RESOLVED: accordingly.