MINUTES OF THE SPECIAL MEETING OF NORTH MOLTON PARISH COUNCIL

HELD ON THURSDAY 23rd February, 2017 IN THE VICTORY HALL

Present: Councillor Bulled (Chairman); Councillor Dunn (Vice Chairman); Councillor Geen; Councillor Kelland; Councillor Palfreym; Councillor Peek; Councillor Procter; Councillor Smaldon; District Councillor Edgell and the Parish Clerk, Noel Brooks

029/02/17 1. Apologies: - Clrs O’Brien, Milne & Yabsley - accepted unanimously.

030/02/17 2. Declaration of Interests: None

031/02/17 3. To Consider How The Revised Financial Contribution of £70,000.00 Is To Be Apportioned In Respect Of The S.106 Agreement Of Planning Application: 59487 - Land To The South Of Old House Barns, North Molton Along With Any Other Business Relating To The Issue.

Chairman Bulled provided a brief history of the above planning application which was approved on 7th July, 2015 together with the terms of the original attendant S.106 Agreement with the latter being summarised as follows:

- an obligation to provide 35% affordable housing;
- provision of community open space (community woodland, allotments & an equipped play area);
- provision of £75,770.40 towards Secondary Education & Transport Costs;
- provision of £7,500.00 for Highways Travel Vouchers;

The total cash contribution excluding the affordable housing and community open space elements was £130,552.80.

Since July 2015, the applicants had decided that the S.106 cash contribution was not deliverable. Accordingly, a viability appraisal had been submitted and independently reviewed. The review had confirmed the retention of the agreed affordable housing and community open space provision but agreed a reduced total cash contribution of £70,000.00 which represented a £60,552.80 reduction (53.6% less) in the monies originally available. The Parish Council was being asked to give its opinion on how it thought the £70,000.00 should be allocated against the competing interests of the Secondary School and its transport costs, the Highways travel vouchers element and the off-site contribution which would provide cash for the Parish Council, North Molton Parish’s Village Halls and the Sports Club.

Chairman Bulled reported that NDC had recommended that the reduced sum of £70,000.00 be split as follows:

- Education: £43,120.00;
- Off-site Element: £26,880.00; and,
- Highways Travel/Cycle Vouchers: £0.00.

NDC’s relevant Case Officer, Miss T. Blackmore was present at the meeting - she informed clrs that the community open space provision commitment had been agreed and was not exchangeable with a view to increasing the total cash contribution.

Various questions were raised by members of the public who were present. One member of the public asked how the applicant could have ‘got the sums wrong initially’ and why this had to be North Molton’s problem and not the applicant’s. Miss Blackmore explained that NDC, under the terms of the National Planning Framework, was not allowed to close the doors to an applicant who later presented a scheme as financially unviable. NDC was bound to follow due process which involved the applicant obtaining a viability report.
which was then subject to an independent review which had found in favour of such report’s findings in this instance. It was unlikely that the applicant would repeat this process on this case. Another member of the public pointed out that the proposed revised off-site sum seemed rather small in terms of the size of project to be undertaken.

District Cllr Edgell commented that any consideration by cllrs to vary from NDC’s recommended proportions to be allocated in respect of the cash contribution should take into account the following:

- the new secondary school in South Molton was due open at the beginning of the summer term and would already have been funded;
- as a direct result of the proposed development under Planning Application: 59487, the North Molton Sports Club would require monies to sound-proof its buildings which would benefit the whole community.

A representative from the Sports Club who was present at the meeting informed cllrs that a rough estimate for such sound-proofing works was £33,200.

Cllrs agreed not to discuss the specific apportionment of the off-site element and to concentrate on agreeing their view on the general figures to hand, namely, the apportionment between the Education and Total Off-site elements.

A member of the public expressed concern at the seeming lack of provision for index-linking the cash contribution bearing in mind the likely length of time involved before the monies would become due (after the tenth house had been built) - Miss Blackmore was not aware of such an index-linking provision which was not the norm in such cases, but could obtain advice from the District’s solicitors.

Cllr Geen proposed that the full £70k be allocated to the off-site element.

Cllr Smaldon considered NDC’s proposed sum for the school to be too high. South Molton would benefit from S.106 monies from many developments taking place within its own parish borders. With NDC having failed to secure the S.106 cash contribution in respect of the Roberts Field Development, North Molton was in much need of the sum in question. Cllr Palfreyman agreed with this sentiment.

Vice Chairman Dunn was in broad agreement but was of the opinion that North Molton’s school children would benefit by allocating £7.5k to travel costs under the Education element with the remaining £62.5k being allocated as the off-site element for the direct benefit of North Molton. Cllrs Procter, Kelland, Peek and Chairman Bulled concurred with this position and the general views expressed.

Effectively, cllrs voted on the two following proposals:

- Cllr Geen’s proposal for the revised £70k to be allocated solely to the off-site element (two for and six against); and,
- Cllr Dunn’s proposal for £7.5k to be allocated to the Education element (school travel costs) and £62.5k to be allocated to the off-site element (Six For and Two Against) - carried.

District Cllr Edgell was mindful that this decision by North Molton Parish Council not to follow NDC’s recommended advice concerning the apportionment of the reduced cash contribution would require justification at the Planning Committee Meeting on 8th March, 2017. Whilst the concession of £7.5k being agreed towards school travel costs would help to support the Parish Council’s view, it might be prudent for Miss Blackmore to include, additionally, in her report, the latest situation regarding the non-payment of the
£28.5k of S.106 Open Space monies in respect of Planning Application: 50080 - Lower Poole Phase II - (Roberts Field) - all agreed.

**Action:** Cllrs agreed for the Clerk to chase NDC for a full legal report and for a view from its legal advisers on the realistic likelihood of NDC recovering the circa £28.5k S.106 Open Space contribution in respect of the Roberts Field Development (Planning Application: 50080) which should have been benefiting the local community. The Clerk was to request Miss Blackmore to include the findings in her report to the Planning Committee Meeting of 8th March, 2017 in support of the cllrs’ decision for the main bulk of the cash contribution to be allocated to the off-site element.

**Action:** The Clerk is to convey, formally, to Miss Blackmore of NDC’s Planning Department, the main motion which was carried tonight whereby £7.5k was requested to be allocated to the Education element (school travel costs) and £62.5k to the off-site element in respect of the reduced total cash contribution of £70k on the S.106 Agreement appertaining to Planning Application: 59487 - Land to the south of Old House Barns. The Clerk is to explain to NDC that one of the determining reasons for North Molton Parish Council’s majority decision was the loss to the local community of the circa £28.5k S.106 open space contribution in respect of the Roberts Field Development (Planning Application No: 50080) which had neither been secured by an appropriate Bond nor been paid by the developer which had become insolvent, allegedly. Additionally, the Clerk is to request NDC to consider the loss to the local community of circa £60.5k in terms of reduced cash contribution following the viability study and independent review regarding the S.106 Agreement on Planning Application: 59487 - Land to the south of Old House Barns.

**Date and Time of Next meeting:** Wednesday 8th March, 2017 at 7.30pm to be held in The North Molton Victory Hall, Fore Street, North Molton.

The Meeting closed at 8.35 p.m..