

EXTRAORDINARY COUNCIL 19TH AUGUST 2014

NOTES AGAINST NOT DEFENDING KIER, SAFFRON WALDEN PLANNING APPEAL

1. We are here to decide whether UDC should defend the appeal by Kier.
2. We must take account of:
 - a. The unwavering past practice of defending all appeals;
 - b. Evidence, including what I have heard tonight, that the lawyer, James Burton, was not in possession of all relevant evidence available to the planning committee in April and yet will be presented at the appeal.
 - c. Whether his opinion is, therefore, firmly founded, or whether his odds for success are understated;
 - d. Whether all future appeals to be abandoned unless there is certainty of success? There never is.
 - e. Whether or not there is strong evidence and justification for this council to depart from its long-established practice of defending all appeals.
3. The fact that Mr Burton was not positively provided with all relevant information is a disgrace.

4. Sadly, the truth is that this is not about the risk of having the appeal upheld or dismissed. It is about some influential elements of this council doing all they can within their power to ensure the council loses.
5. Those people are determined to do whatever they can to put the draft, untested local plan before
 - a. The adopted local plan, which remains the council's handbook to planning the best for this district, and
 - b. The credibility and integrity of the planning committee.
6. Members of the planning committee have told me about their outrage at being attacked in public by officers of this council for *getting it wrong*.
7. They also have no confidence in a planning committee chairman who fails to back her committee, when the planning committee makes a decision, but instead tows a cabinet line.
8. The dividing line tonight is between
 - a. those who believe that a council should stand by the decisions of its planning committee for good and for ill and follow them through, or
 - b. those who would undermine the non-party-political planning committee by putting money and their untested political aspirations contained in an untested local plan before all else.

9. These same people are, in my opinion, running the risk of trashing the reputation of this council before the court of public opinion.
10. A decision to pull out would soon be seen as a strategic blunder as smart developers come to see UDC as a soft-touch organisation without the backbone to follow through its refusals to appeal.
11. Are we going to spend public money on legal advice before all future planning appeals? I think not!
12. I am not willing to support such behaviour. It will inflict untold damage our ability to shape the future of this special district. The way it has been portrayed as a financial issue is frankly dishonest.
13. I urge members to vote against not defending the appeal.

Cllr Alan Dean