



Blackshaw Parish Council

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Draft Minutes of Blackshaw Parish Council at 6.30pm on Thursday 12th May 2022 at Blackshaw Head Methodist Church, Old Shaw Lane, Blackshaw Head, Hebden Bridge, HX7 7JY.

Present: Cllr Lacey (Chair), Cllrs Tiler-Ansell, Bowen, Lomax, Churchill and three members of the public.

1. Apologies previously notified to the Clerk. Cllr Patterson, Cllr King
2. Declarations of interest in items on the agenda. None
3. Confirmed the minutes of the Parish Council Meeting held on 25th April
4. **Proposal to take legal pre-action (Judicial Review) to challenge the decision by Calderdale Council's Planning Committee to approve planning application 20/00337/FUL for the construction of 6 dwellings on land at Barns South of Davey Hall, Davey Lane, Blackshaw Head.**

This meeting was called because of the planning decision made by Calderdale in respect of the above application. The PC objected largely because of the lack of carbon reduction and climate change measures in the application. Having declared a climate emergency the PC is keen to see these as default in new builds. Nothing in the decision to say that the climate committee had even considered these matters. It did not address any carbon reduction measures nor taken into account the provision in NPPF that deals with climate change. Only climate change measure was to consider electric charging facilities for cars. Although the decision requires applicant to report to CMBC the materials to be used, there should be conditions on the planning consent for carbon neutrality factors that go into materials of the building and the design at the design stage. The pre-action is an opportunity not just to challenge the specific development but to point out that when considering this scale of new build should explain to public and place conditions that make a material difference with regard to carbon reduction. Timescale for challenging the decision is very short, so it has been necessary to act swiftly. Cllr Lomax drafted formal judicial review pre-action submissions to which 4 councillors put their names. Submitted on basis that it was not yet formally approved by PC. Council now have 14 days to respond. So this meeting needs to decide whether to adopt this pre-action letter formally. Costs will be nothing (no compulsion to take any further action when receive the response), and no legal costs as Cllr Lomax worked on this in personal capacity.

Question from member of public – was involved in a judicial review when a member of this council previously. There was considerable expense involved, especially when gets to point of briefing barristers. Concern that should action go further this would be reflected in parish precept so advises against unless there was a specific chance of making concrete change, or if CMBC were acting illegally. Cllr Lomax answered that we anticipate considering a response from Calderdale and deciding what to do about it at that point and feel that it is quite unlikely we would embark on formal court proceedings, due to prohibitive costs.

Other options available – going to the agent/applicant to request some undertakings, for example. Or might go to CMBC and demand better in the future.

Cllr Churchill feels that CMBC didn't act illegally but is supportive of pre-action as a good shot across the bows regarding the climate emergency. She is also supportive of the application because of the need for more housing in the area.

Member of public also raised the heritage aspect being close to Davey Hall. Wondered if could include

additional recommendations – eg that it remains only 6 dwellings. Response - that has been addressed in the decision notice, including no loft extensions.

Agreed unanimously to ratify the document that has been sent.

Parish Council Meetings: - Annual Meeting - 23rd May, Town Hall, Hebden Bridge, 27th June (tbc)

Allotment Committee: - October 2022

Signed *Catherine Bann, Clerk to Blackshaw Parish Council*