



# COMPTON PARISH COUNCIL

*Local Government Act 1972*

Minutes of a EXTRAORDINARY MEETING of Compton Parish Council

held on **Tuesday 1<sup>st</sup> April 2025 at 6pm**

At Pucks Oak Barn

For the transaction of the under mentioned business

**Present:** Cllr S Mallet (in the chair), Cllrs R Nagaty, K Hecker-Meschede, J Palca, C Sharples,  
N Wyschna  
6 members of the public  
**In attendance** The Clerk, Mrs J Cadman

**035/25 Apologies for Absence:** all members were present.

**036/25 Declarations of interest :** none were made.

**037/25 Legal Challenge regarding GBC's decision to approve the Solar Farm**

The Chairman summarised actions to date, as follows: a meeting had been held with the barrister and solicitor to take advice on the grounds on which the Parish Council might seek a Judicial Review. These grounds were set out in a letter (PAP) to GBC, alerting them to our intentions and giving them an opportunity to either query the claim or withdraw or overturn their decision. This letter had been approved by all councillors, by email circulation, before it was sent.

The 11<sup>th</sup> April is the final date to submit a judicial review, and a response should have been received from GBC to the PAP by the 8<sup>th</sup>, 2 weeks after it was sent on the 26<sup>th</sup> March. However, they may not respond. If we are to proceed to JR the lawyers would need to be instructed as soon as possible to give them time to prepare the documents.

The Chairman asked Cllr Palca to summarise the advice given.

Cllr Palca first wished to thank Karen Stevens for the enormous amount of time she has given to this.

Chairman Cllr Mallet and Cllr Palca (a retired solicitor and judge) had, with Karen Stevens and the Clerk, met with the barrister, Andrew Parkinson, and the solicitor, David Warman from Richard Max, as agreed at the previous meeting. Andrew Parkinson had advised that there are 3 potential grounds of claim. A JR has to be based on the Council following incorrect procedure, it cannot simply be an application that the decision be reviewed. The PAP contends that GBC erred in concluding that the sequential approach to flood risk set out in the National Planning Policy Framework (NPPF) or Planning Practice Guidance on Flood risk (PPG) did not apply in circumstances where built development is proposed in areas at high risk of surface water flooding. Andrew Parkinson had advised that this ground had a good chance of success.

The other two grounds are as follows:

1. The Council erred by failing to follow its constitution, since the Chair of the Planning Committee did not ask whether any Member wished to propose an alternative motion in circumstances where it is clear that at least some Members did not support the Officer's recommendations.
2. The Council erred in finding that the duty in Section 85 of the Countryside and Rights of Way Act 2000 did not apply to the development.

If GBC accept that the Parish Council has a case, they would still need to go to court to withdraw the planning consent. Then it is likely that they will submit the application again, with the necessary documents.

Taking this into account, the reason that the Parish Council has decided on this challenge by way of a PAP is that the delay might enable the proposed boundary review to go ahead, which may stop this development. The boundary review is likely to be sent to the Secretary of State at the end of 2025 or the beginning of 2026, and the SOS may take time to reach a decision after that. Equally, if the JR succeeds, any new planning application will also take time.

£7,000 to £7,500 has been incurred to date, in seeking barristers advice and the drawing up of the PAP. Preparing of claim documentation will incur a further £10,500 to £13,000. If permission is granted on the papers, following a renewal hearing or a successful appeal to the Court of Appeal, preparation and attendance at a substantive hearing: £20,000 to £27,500. The Parish Council was warned to add a potential 15% to 20% to these costs.

If the Parish Council wins, then it is likely that we will be able to reclaim half to two thirds of our costs. If it loses, then we would be liable for GBC's costs, but it is hoped that these could be capped at £10,000, if the claim falls within the scope of the Aarhus Convention.

Some of these costs could potentially be offset through crowd funding and contributions from other interested parties. The Parish Council could also call a hold to the claim at any stage.

Comments from members of the public:

- i. The flood risk issue is of concern.
- ii. Why isn't the university car park being used for the solar panels? The Parish Council was advised that there was not enough space in the car park.
- iii. Karen Stevens had advised that the panels were an old model, and the slope is north facing.
- iv. It is likely that the parish council will spend a lot of money without any surety of the result. But if the solar farm goes ahead then Natural England will re-assess and take that area out of its plans.
- v. If GBC agree that they were wrong, or if the Parish Council won and they are forced to re-do the whole application, what is the likelihood of their being able to build the solar farm there anyway? It would depend on the timing of the Natural England boundary review. It might also be that GBC would re-look at their decision and a different decision be made regarding agricultural land.

Pre-Action Protocol letter to GB )  
Summary of costs ) attached to the agenda and on the website

Residents were thanked for coming and for taking part. The open element of the meeting was now finished.

**038/25 Exclusion members of the public and press**

In accordance with the provisions of section 1(2) of the Public Bodies (admission to meetings) Act 1960 the press and public were excluded from the meeting by reason of the confidential nature of the business to be transacted: next steps in this matter.

**039/25 Date of next meeting: 21<sup>st</sup> May 7pm**

**Annual Parish Meeting: 7th May, Compton Club, 7pm**