



Meeting	Full Council
Date	22 <sup>nd</sup> March 2023
Report Title	Westbury Town Council - Request for Financial Assistance
Author	Matt Kirby - Director of Community Services

## **1.0 PURPOSE OF REPORT**

- 1.1 To seek a decision from Councillors relating to a financial contribution request from Westbury Town Council in relation to a legal challenge against Wilshire Councils decision to approve a waste incinerator on the edge of their town.

## **2.0 BACKGROUND**

- 2.1 Plans for a waste incinerator on the edge of Westbury were approved by Wilshire Council on 23<sup>rd</sup> June 2021.
- 2.2 Westbury Town Council applied to the Secretary of State to call in the decision, and if successful the Council agreed to apply for Rule 6, representing the Town should an inquiry be granted.
- 2.3 Westbury Town Council approved £30,000 for legal fees and set aside a further £70,000 from general reserves to employ a legal team. On 28<sup>th</sup> September 2021 Chippenham Town Council received an email requesting a financial contribution toward these costs.
- 2.4 At Full Council on 24<sup>th</sup> November 2021, it was RESOLVED that;
- Councillors delegated to the Chief Executive to respond to Westbury Town Council's request to seek further information on what Westbury intend to achieve to understand the risks involved and to pledge £1000 in principle, subject to the Secretary of State agreeing to call in the application.
- 2.5 The Chief Executive wrote to Westbury Town Council on 26<sup>th</sup> November in accordance with the requirements within section 2.4 above - see **APPENDIX A**.

## **3.0 REQUEST FOR FINANCIAL ASSISTANCE**

- 3.1 On 31 March 2022, Wilshire Council received notification that the Secretary of State did not wish to call-in the application.
- 3.2 On 20 April 2022 the Wiltshire Council Planning Committee revisited their original approval decision to consider changes since the original resolution was made. The committee also considered additional representations from third parties.
- 3.3 On 27<sup>th</sup> July 2022, Wilshire Council refused permission for the incinerator.

- 3.4 On 28 June 2022, the applicant submitted an appeal against the council's failure to determine the application to the Secretary of State. The appeal argued that circumstances had not changed from when the application was considered in June 2021 and that they had no choice but to appeal, as the council had taken too long to make a final decision.
- 3.5 The appeal was heard by the appointed Planning Inspector in November and December 2022 and was held at The Laverton, Westbury. The legal representatives and expert witnesses for applicant, Wiltshire Council and other interested parties including Westbury Town Council all put their cases forward. To date Westbury Town Council has paid £40,800 in legal fees (including investigations), expert witness costs and community engagement and promotion including banners, leaflets, and letters and information to residents.
- 3.6 On 23<sup>rd</sup> January 2023 Westbury Town Council contacted Chippenham Town Council requesting payment of the £1000 contribution.
- 3.7 On 21<sup>st</sup> February 2023 the applicant was granted planning permission on appeal. A letter from Westbury Town Council was received - see **APPENDIX B**.
- 3.8 On 8<sup>th</sup> March 2023 Wiltshire Council stated that would not be applying for Judicial Review.

#### **4.0 ANALYSIS**

- 4.1 The original financial contribution of £1000 was approved subject to the Secretary of State agreeing to call in the application. The Secretary of State did not call in the application.
- 4.2 The original financial contribution of £1000 was approved with a request that;
- Further supporting information on the current position relating to the proposed legal action and appropriate and timely feedback relating to the future progress of any further action be provided.

No such information was provided.

#### **5.0 CONTRIBUTION TO CORPORATE PLAN PRIORITIES**

- 5.1 Supporting this request would contribute to the following corporate priority:
- i. Corporate Priority 3 - Maintain and enhance opportunities to create a green, clean and safe environment.

#### **6.0 STAFFING IMPLICATIONS**

- 6.1 No staffing implications are identified.

7.0 **FINANCIAL IMPLICATIONS**

7.1 No budget has been agreed for such requests.

8.0 **RECOMMENDATIONS**

8.1 That Councillors consider;

- i) Whether to make a financial contribution of £1000 towards Westbury Town Councils legal costs in relation to this matter.