

### 3. DEPUTATIONS BY APPOINTMENT

#### PROPOSED CITY PLAN SUBMISSION OF G A AND J Y McVICAR AND CHRIST'S COLLEGE, CANTERBURY

It was **resolved** that Standing Orders be suspended for the purpose of allowing full discussion of the matters raised by the deputation and that of supplementary agenda item no 6.

Councillor Manning vacated the chair, due to his involvement as Chairman in the hearing of the original application. Councillor Evans assumed the chair.

Tony Hearn QC appeared on behalf of the two submitting parties and in his opening remarks referred to the history of the City Plan and to the fact that his clients had made submissions as far back as 28 September 1995.

He commented that it was a matter of some concern that considerable time had gone by with apparently nothing happening. Legal opinions obtained in this time gave conflicting views, but the common point being when the Council notified the submission it referred to only one planning matter.

He expressed the view that there could not be any doubt at all that the City Council would have to meet the cost of any further hearings.

As his clients were wishing something to happen, for that reason if the City Council was appropriately addressing matters of collateral and other associated matters, it was likely that the parties concerned would consent to a rehearing, but provided this could be done quickly.

He conceded that the No 1 City Plan Hearings Panel for matters of continuity, should be the panel to consider the rehearing.

He accepted that in light of the new evidence, the panel would give a new decision, but this was the only fair way. Any rehearing would need to be on the basis of indemnity cost payable by the Council. On that basis his clients were unlikely to oppose any order for rehearing.

Mr McVicar reiterated the points made by Mr Hearn in that it was now four years since the process had begun, which was rather disappointing but the matter was still no further ahead than then.

Hamish Kenworthy, solicitor for various resident parties, commented that his clients had expressed disquiet in respect of the extent of the plan notification given.

He considered that the purpose of the planning process was to enable members of the public to see if they were affected by the proposal. What eventuated was a relatively drastic change to that proposed.

He referred to what he considered were the extent of the breaches by the Council, one related to the planning map used and the other to the map numbers.

The actual effect of the failure to properly notify was difficult to assess, but he considered it to be "great" and the consequence significant.

The responsible way forward was by way of declaration and enforcement order to the Environment Court.

Insofar as costs went he considered that these would have to be absorbed and his clients would probably have to accept the same hearing panel being used.

If the recommendations were not opposed then the declaration would not be needed.

Gordon Rudd, on behalf of the Cracroft Residents' Association, advised that 280 households live within the floor and spur of Worsley Road, but it was unlikely that his Association would have any argument with the recommendations proposed.