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Date: 17 May 2010

Meeting of the Joint Planning Committee

DATE: WEDNESDAY 26 MAY 2010

TIME: 7.00PM

PLACE: COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS,
GODALMING

4. **QUESTIONS BY MEMBERS OF THE PUBLIC**

Under Procedure Rule 10 members of the public who have a legitimate interest in the Borough by way of work or residency may ask questions at the Joint Planning meeting.

The question below has been received by Waverley Borough Council within the required terms of notice and will be put to the Committee at the next meeting on the 26th May 2010.

“Chairman,

Will this council please confirm and explain clearly to Members that

(a) Article 5 of the EIA Directive requires that the data required to assess the likely effects of proposals be provided, and where it is not, permission must be refused;

(b) the *Barker* Judgement requires the proper re-assessment of EIA and Habitats applications where it is known that a proper assessment has not been completed at the previous stage, or where the situation has since changed; and

(c) with regard to the Habitats Directive and the over-riding 'catch-all' principle, where re-assessment of the likely effect (e.g. re-assessment of the proposed mitigation due to changes in the strategy) is not supported by the obligatory convincing evidence, and where an Article 6(4) Application would fail, the accepted advice of Mr David Elvin QC is that the lawful decision would be to revoke the extant consent?

Thank you

Jerry Hyman”