

Park admits error in not spotting change in clause

THE National Park admitted its own solicitors were to blame for not picking up on the wording of a broken 106 agreement at the Newport Golf Club (see above).

At a meeting of the Pembrokeshire Coast National Park Authority, on Wednesday, February 5, monitoring officer Mike Kents said he had a duty to report to members when the authority might have acted unlawfully.

The monitoring officer said Mr Noot, owner of Newport Links Golf Course, had not been aware at the time the document was executed "that the effect of the change of the wording enabled him to sell on all those properties".

He added there had been no significant loss to the National Park financially.

"So far as the public are concerned, while there would be some problem in that money should have been reinvested in the golf club, there is no tangible financial disadvantage been suffered by them."

Mr Kents said that any remedy was likely to be expensive to pursue. The options he gave were a judicial review and revocation of planning permission.

He said judicial review was unlikely to succeed due to the amount of time that has elapsed could cause issues and the chance of the judge agreeing was unlikely.

Revocation was also unlikely because it was likely to be felt that people who had bought the properties at arm's length should not have to suffer when they had acted in good faith.

"The only possible action really is against the authorities own solicitors and in fact, they have been magnanimous and agreed that it was their fault and they should have picked up this change of wording and they didn't pick it up," he said.

"If there was a complaint that wouldn't be defended in principle and in fact, they have agreed to pay the additional costs.

"While it is very regrettable

this has happened, there is little point, in my view in taking legal action because any legal action is never certain to succeed. We don't want to throw good money after bad.

"There is little that could have been done to avoid it - the authority instructed competent solicitors to deal with this, an error occurred for which they have taken responsibility."

PCNPA member Julie James said while there hadn't been a financial loss, there had been a reputational loss to the authority.

Chief executive Tegryn Jones apologised to the members saying it was "one we didn't do right".

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