



Minutes of the meeting of the **Cabinet** held in Committee Room 2 - East Pallant House on Tuesday 6 March 2018 at 9.30 am

**Members Present** Mr A Dignum (Chairman), Mrs E Lintill (Vice-Chairman), Mr J Connor, Mrs J Kilby, Mrs S Taylor and Mr P Wilding

**Members Absent** Mr R Barrow

**In attendance by invitation**

**Officers Present** Mr M Allgrove (Divisional Manager for Planning Policy), Mr N Bennett (Divisional Manager for Democratic Services), Mr I Brightmore (Divisional Manager for Health Protection and Wellbeing), Mr M Catlow (Group Accountant (Technical and Exchequer)), Mrs K Chapman (Planning Policy Officer), Cunningham (MPP Project Officer), Mr T Day (Environmental Coordinator), Mrs J Dodsworth (Director of Residents' Services), Mrs K Dower (Principal Planning Officer (Infrastructure Planning)), Mrs T Flitcroft (Principal Planning Officer (Local Planning)), Mr A Frost (Director of Planning and Environment), Mrs J Hotchkiss (Director of Growth and Place), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive), Ms A Stevens (Divisional Manager for Environmental Protection), Mrs E Thomas (Wellbeing Manager), Mr G Thrussell (Senior Member Services Officer) and Mr J Ward (Director of Corporate Services)

#### 485 **Chairman's Announcements**

Mr Dignum welcomed the members of the public, the press representatives and Chichester District Council (CDC) members and officers who were present for this meeting.

Mr Barrow had submitted his apologies for absence.

All other members of the Cabinet were present.

As previously notified to all CDC members and on the committee papers page of CDC's website for this meeting, agenda items 12 (Revisions to the Section 106 and Community Infrastructure Levy Protocol) and 18 (St James Industrial Estate Chichester) had been withdrawn and would not be considered at this meeting.

There were no late items for consideration.

Mr Dignum and Mrs Lintill paid tribute to two senior officers, Steve Carvell (Executive Director) and Steve Hansford (Head of Community Services), both of whom would be retiring from CDC at the end of March 2018.

Mr Dignum said that Mr Carvell had been at his side in almost every Cabinet meeting during the past nearly three years. As a director with extensive experience in local government, he had always given Cabinet members wise counsel. He could always be relied on to draft appropriate diplomatic wording when handling complex and controversial issues. For that reason it was only appropriate that one of his last responsibilities had been to lead on behalf of officers with respect to the particularly exacting matter of the A27. All Cabinet members would miss him and on their behalf he extended his warmest wishes for Mr Carvell's future.

Mrs Lintill said that as the Cabinet Member for Community Services she had worked with Mr Hansford for some time and she was well aware that his reputation was second to none and he was highly regarded. His high integrity was acknowledged. He had been involved in many initiatives and projects including the gypsy and traveller transit site at Westhampnett, which had included lots of negotiations with residents. He had been very closely involved in (a) the New Park Centre redevelopment - its management team had greatly appreciated his contribution, (b) the merger of the Chichester District and Arun District advice bureaux and (c) Careline - working with the manager Brenda Jackson to deliver a service greatly appreciated by residents. He would be greatly missed. On behalf of the Cabinet she wished him a healthy and happy retirement.

[**Note** Hereinafter in these minutes CDC denotes Chichester District Council]

[**Note** Minute paras 486 to 502 below summarise the consideration of and conclusion to agenda items 2 to 18 inclusive but for full details of the items considered in public session please refer to the audio recording facility via this link:

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=135&MId=979&Ver=4>]

#### 486 **Approval of Minutes**

The Cabinet received the minutes of its meeting on Tuesday 6 February 2018, which had been circulated with the agenda.

There were no proposed changes to the minutes.

#### *Decision*

The Cabinet voted unanimously on a show of hands to approve the aforesaid minutes without making any amendments.

## **RESOLVED**

That the minutes of the Cabinet's meeting on Tuesday 6 February 2018 be approved.

### **487 Declarations of Interests**

No declarations of interests were made at this meeting by Cabinet members.

Of the CDC members who were present as observers, Mrs Purnell declared in respect of agenda item 13 (Selsey Haven) a personal interest as a member of Selsey Town Council.

### **488 Public Question Time**

No public questions had been submitted for this meeting.

### **489 Senior Staff Pay Policy Statement 2018-2019**

The Cabinet received and considered the agenda report and appendix A with its nine appendices (appendix A and appendices 1 and 5 thereto were circulated with the report and the remainder were published in the second agenda supplement for online viewing only).

This item was introduced by Mr Wilding.

Mr Ward was available to answer questions on this matter.

Mr Wilding explained that each year CDC was required to publish a pay policy statement (PPS) with the approval of the Council. As required by the Localism Act 2011 the purpose of the statement was to ensure that as a public body CDC was fully transparent in terms of its pay policies and pay levels for senior staff. On 22 November 2016 the Council approved a new senior management structure, which would commence on 1 April 2018. One of two executive director posts and two of the previous seven heads of service posts had been deleted. The remaining five heads of service would continue to be part of the management team with revised posts and designated as directors. Those changes would achieve annual savings of £129,100.

Mr Ward did not wish to add to Mr Wilding's introduction.

There were no questions asked by members.

### *Decision*

The Cabinet voted unanimously on a show of hands to make the recommendation to the Council set out below.

## **RECOMMENDED TO THE COUNCIL**

That the Senior Staff Pay Policy Statement 2018-2019 be published.

## 490 Solent Recreation Mitigation Strategy

The Cabinet received and considered the agenda report and its appendix in the agenda supplement.

This item was introduced by Mrs Taylor.

Mr Day was in attendance for this matter.

Mrs Taylor pointed out that Chichester Harbour was one of the three designated Special Protection Areas (SPAs) in the Solent. The Solent had an internationally recognised bird wildlife significance eg as the overwintering home for waders, wildfowl and ten percent of the global population of Brent Geese. This wildlife was vulnerable to the impact of the 60,000 much-needed new homes which were planned for the Solent area up to 2034. In order to minimise the impact of that extensive development, the Solent Recreation Mitigation Partnership (SRMP) had been established and the SRMP had produced the appended Solent Recreation Mitigation Strategy (SRMS). It was proposed to use initiatives and education to encourage responsible dog walking and other recreational coastal activities and the SRMS would be implemented by a team of five to seven coastal rangers. It sought to provide mitigation for the duration of the impact in perpetuity (80 years after 2034). Its effectiveness would be monitored and regular strategic reviews would be undertaken: ordinarily this would be once every five years but the first one would be after three years, and if that first review indicated any uncertainty over the effectiveness of the SRMS, then a further review less than five years later could be agreed. Implementation and monitoring of the measures would be funded by developer contributions; these would be calculated according to the bedroom numbers of the property and were equivalent to an average of £564 per dwelling. This would apply to all new dwellings within 5.6 km of the SPAs. If the strategy was unsuccessful then it would be necessary to look at other regulatory measures such as the introduction of bylaws to keep dogs on leads or prevent access to parts of the coast or footpaths during the winter season. However, the SRMP preferred to promote behaviour change through positive engagement wherever possible. The SRMS had generally been well received by developers as it afforded them certainty and obviated the need for them to provide mitigation measures (although they were free to provide their own measures). In the case of very large developments, the developers might be required to provide other measures besides the financial contribution. CDC had taken the lead in mitigating the effects of development on wildlife in the Graylingwell and Roussillon schemes and one of its own officers had chaired the panel that formed the SMRS.

Mr Dignum drew attention to the list of authorities involved in the SRMS (page 3 of the agenda supplement).

Mr Day did not add to Mrs Taylor's introduction.

During the discussion Mr Day and Mr Allgrove responded to members' questions and comments with regard to how existing and prospective residents would be made aware of the SRMS (para 5.1 of the report).

Mr Allgrove drew attention to the need to amend para 4.2 of the report in that the first review of the SMRS would be a three- and not a five-year review and advised that the third line thereof would be amended by substituting 'an initial three-year review' in place of 'a five-year review'. The Cabinet noted and supported this amendment, a mention of which would feature in the recommendation to be made to the Council.

### *Decision*

The Cabinet voted unanimously on a show of hands to make the recommendation to the Council set out below.

### **RECOMMENDED TO THE COUNCIL**

That the definitive Solent Recreation Mitigation Strategy be approved for use in the determination of relevant planning applications with the amendment agreed by the Cabinet.

### 491 **South Downs Local Plan - Duty to Co-operate**

The Cabinet received and considered the agenda report and its appendix.

This item was introduced by Mrs Taylor.

Mr Allgrove was in attendance for this matter.

Mrs Taylor reminded the Cabinet that it was a pre-requisite for CDC's Local Plan Review (LPR) to be found sound that the duty to co-operate (DTC) obligations had been fulfilled and a statement of common ground (SCG) agreed with its neighbouring authorities. The South Downs National Park Authority (SDNPA), which would shortly be submitting its local plan for examination, had now asked CDC whether it would consider how it would be able to accommodate some or all of its unmet housing need within Chichester District. Whereas the *Chichester Local Plan* (CLP) had to be development-led, the SDNPA's was landscape-led and this meant that the SDNPA did not have to meet its full housing need within the South Downs National Park (SDNP) and under the DTC it could request adjacent authorities to consider unmet need. When CDC's extant CLP was being examined, it was anticipated that the supply of new housing within the Chichester District part of the SDNP would be approximately 70 dwellings per annum (dpa). However, under the SDNPA's draft local plan the proposed supply was 81dpa which gave rise to an objectively assessed need (OAN) housing shortfall in the Chichester part of the SDNP of approximately 44dpa. The appended SDNPA letter set out why the SDNP could not meet its full OAN given the landscape protection accompanying national park status. The SDNPA's request was considered by CDC's Development Plan and Infrastructure Panel (DPIP) on 1 March 2018 and concerns were raised that (a) whilst the SDNPA had previously made CDC aware that it would not be able to meet its shortfall, it had only made a formal request to CDC to consider whether it would be able to meet its unmet need after the end of the consultation period and (b) in not meeting its OAN within the SDNP, this could result in sustainability issues in the SDNP villages within Chichester District. As to (b), although CDC was not the local

planning authority for the SDNP area within Chichester District, it was nevertheless responsible for supplying other services within the SDNP such as housing, and insufficient new housing in the villages could make them unsustainable as well as having an unbalanced demographic. Accordingly, the DPIP recommended a revision of the recommendation before it (which is what then appeared in the Cabinet report), namely that any decision regarding the SDNPA's request should be subject to the evidence-based work associated with the Chichester LPR and the assessment of sites to meet the identified housing needs. The DPIP was cognisant of the DTC to make the LPR sound but it felt that recognition of that obligation should be balanced with the need to ensure that the SDNP villages in the Chichester District area should remain viable.

Mr Allgrove did not add to Mrs Taylor's introduction.

Mr Dignum, who was a member of the DPIP, briefly elaborated on the DPIP's rationale for the revised recommendation.

Mr Frost alluded to the e-mail sent on 2 March 2018 to all members drawing their attention to the report on the Consultation on South Downs Local Plan Pre-Submission presented to the Cabinet meeting on 7 November 2017. That report referred to the proposed housing requirement for and its distribution within the Chichester District area. It should be borne in mind that towns such as Midhurst and Petworth were proposed to take housing numbers similar to Chichester District's settlement hubs in the current CLP eg 180 homes for East Wittering/Bracklesham (CLP Policy 4) and even in smaller village settlements indicative parish housing numbers between ten and 50 were identified (CLP Policy 5). The concerns expressed by the DPIP were not relevant to the soundness of the SDNPA's draft local plan and should not be a reason for objecting to it *per se*. In reply to a member's question, Mr Frost confirmed that other local authorities within the SDNP had received a similar request from the SDNPA to take some of its unmet housing need and to agree an SCG accordingly.

### *Decision*

The Cabinet voted unanimously on a show of hands to make the recommendation to the Council set out below.

### **RECOMMENDED TO THE COUNCIL**

That, subject to the completion of the ongoing evidence-based work and the assessment of sites to meet the identified housing needs associated with the Local Plan Review, Chichester District Council will assess the ability to meet some or all of the unmet housing needs of approximately 44 dwellings per annum arising from the part of the South Downs National Park within Chichester District via the Chichester Local Plan Review.

## **492 Update on Tangmere Strategic Development Location Compulsory Purchase Order**

The Cabinet received and considered the agenda report.

This item was introduced by Mrs Taylor.

Miss Flitcroft was in attendance for this matter.

Mrs Taylor said that in the Chichester Local Plan the Tangmere strategic development location (SDL) had been identified for the provision of 1,000 homes and associated infrastructure. The parish council was supportive and had included the SDL site in the Tangmere neighbourhood development plan. Despite meetings between CDC officers and the landowners/promoters of the site, little progress had been made so far due to the consortium being seemingly unable to collaborate to deliver a comprehensive approach to the development. Since the site was essential to the delivery of the Chichester Local Plan housing requirement and a five-year housing land supply, the Cabinet had resolved in July 2017 to support the use of a compulsory purchase order (CPO) and specialist advisers had been retained. A timetable for the formal process to seek a CPO was in the report and section 16 notices had been served in order to identify ownership and interests in the land. In parallel with this work, efforts would continue to be made to engage with the consortium. In view of the very specialised nature of CPO work, an additional £150,000 was now sought in order to engage the appropriate experts. It was proposed that approximately £25,500 should come from the Planning Delivery Grant Reserve and £124,500 from CDC's General Fund Reserves. It might be possible to recoup the £150,000 via CDC's developer partner.

Mrs Flitcroft did not add to Mrs Taylor's introduction.

There was no discussion of this item.

### *Decision*

The Cabinet voted unanimously on a show of hands to make the recommendation to the Council set out below.

### **RECOMMENDED TO THE COUNCIL**

That a sum of £150,000 be allocated from the remaining Planning Delivery Grant Reserve and General Reserve to fund the continued work on the Compulsory Purchase Order in respect of the Tangmere Strategic Development Location.

## **493 Social Prescribing**

The Cabinet considered the agenda report and its appendix in the agenda supplement.

This item was introduced by Mrs Lintill.

Mrs Thomas and Mr Brightmore were in attendance for this matter.

Mrs Lintill referred to the Cabinet's approval on 9 January 2018 of the initial project proposal document for the Social Prescribing (SP) pilot scheme as summarised in section 3 of the report. She drew attention to the table of the project costs in section 7 of the appendix. The preferred option was for CDC to host this project; the

alternatives and the reasons for discounting them were listed in section 6 of the report. SP was being actively and increasingly embraced by local authorities. In order to illustrate the objectives and outcomes of SP, she cited a real-life case, which was an extreme example of the sort of person who could be assisted by this project to be rehabilitated and become self-reliant. This really exciting pilot project would be overseen by a steering group and would be subject to careful monitoring and review.

Mrs Thomas and Mr Brightmore did not add to Mrs Lintill's introduction.

On behalf of the Cabinet Mr Dignum strongly commended the SP project and pointed out the involvement of other organisations working in partnership with CDC.

### *Decision*

The Cabinet voted unanimously on a show of hands to make the resolution set out below.

### **RESOLVED**

That preferred option 1, detailed in the Project Initiation Document in the appendix to the agenda report, that Chichester District Council hosts the Social Prescribing service, be approved.

#### 494 **Authority's Monitoring Report 2016-2017**

The Cabinet considered the agenda report and its appendix in the agenda supplement.

This item was introduced by Mrs Taylor.

Mr Allgrove and Mrs Chapman were in attendance for this matter.

Mrs Taylor explained that the Authority's Monitoring Report (AMR) was a statutory requirement and was published annually to inform members and residents of the progress of the *Chichester Local Plan* when measured against key and local planning policy indicators over the relevant period. Although this AMR was for April 2016 to March 2017, it also referred to key matters beyond March 2017 such as the issues and options summer 2017 consultation. She summarised the topics featured in the AMR.

Mr Allgrove and Mrs Chapman did not add to Mrs Taylor's introduction.

Mr Dignum pointed out a typographical error in the third bullet point on page 43 of the agenda report: in the fifth line the figure '3,503' should in fact read '3,139'.

This item was not discussed.



*Decision*

The Cabinet voted unanimously on a show of hands to make the resolution set out below.

**RESOLVED**

That the publication of the Authority's Monitoring Report 2016-2017 on Chichester District Council's website be approved.

**495 Draft Havant Borough Local Plan – Consultation Response**

The Cabinet considered the agenda report.

This item was introduced by Mrs Taylor.

Mr Allgrove was in attendance for this matter.

Mrs Taylor drew attention in her introduction to para 5.1 where it was stated that Havant Borough Council (HBC) intended to meet the objectively assessed need for housing development within its area. Section 5 of the report summarised CDC's position with regard to HBC's draft local plan; para 5.3 set out particular issues CDC would ask HBC to take into account.

Mr Allgrove did not add to Mrs Taylor's introduction.

Members did not ask any questions about this item.

*Decision*

The Cabinet voted unanimously on a show of hands to make the resolution set out below.

**RESOLVED**

That Chichester District Council's response to the consultation on the Draft Havant Borough Local Plan as set out in the agenda report be endorsed.

**496 Revisions to the Section 106 and Community Infrastructure Levy Protocol**

As announced by Mr Dignum during agenda item 1 (minute 485) this item had been withdrawn from the agenda and so was not considered at this meeting.

**497 Selsey Haven**

The Cabinet considered the agenda report and its six appendices in the agenda supplement.

This item was introduced by Mr Connor.

Mrs Cunningham and Mrs Stevens were in attendance for this matter.

Mr Connor said that this was the third report to come to the Cabinet regarding the feasibility of a small harbour or haven at East Beach Selsey (Selsey Haven (SH)) to provide fisheries protection, economic opportunities and a visitor focus on the Manhood Peninsula. The second report had sought approval for £25,000 match-funding from Selsey Town Council and the Fishermen's Association for a further technical study and a wider socio-economic study. This report set out the findings of those studies with a view to the Cabinet approving their integration into the Selsey Vision Action Plan (SVAP) and resolving to commit no more CDC resources to progressing the SH scheme. Whilst the scheme was found to be feasible technically, there were still some outstanding issues which the studies had not fully understood or resolved, notably the impact on the Pagham Harbour Special Protection Area. In addition, an increase in the size of the SH to make it more economically viable would probably be unacceptable to residents and would still leave doubts about economic viability. He summarised the recommendations contained in the studies for improving the economic environment within Selsey for the fishing and tourist industries and these could be incorporated into the SVAP. He emphasised the concerns expressed by the Selsey Fishermen's Association about the long-term viability of the local fishing industry and the risks posed to it and other marine and fishery related activities in the absence of a SH. He hoped that the Selsey Haven Steering Group (a very representative and experienced body) would continue to seek a solution. Accordingly he proposed the following amendments to the recommendations in section 2 of the report:

- (1) That the Cabinet notes the findings of the consultants' reports and supports the inclusion of recommendations in the Marshall Regen socio-economic report and those in the Wolfstrome Way-finding report detailed in para 5.1 of the agenda report and that these are subsumed into the Selsey Vision Action Plan.
- (2) That no further Chichester District Council resources are committed to progressing the Selsey Haven Project proposals outlined in the consultants' reports due to the significant uncertainties around both economic viability and securing the necessary capital investment outlined in the Marshall Regen report.
- (3) That should the Selsey Haven Steering Group and Selsey Town Council wish to pursue an alternative project to assess options to support the fishing industry and related marine activity, then the Cabinet would be willing to consider committing resources to preliminary work, including investigating funding sources, subject to costs being matched by Selsey Town Council

Mrs Cunningham and Mrs Stevens did not add to Mr Connor's introduction.

Mrs Kilby supported Mr Connor's proposed amendments as she felt it was important to pursue options to support the local fishing and tourist industries in Selsey.

In endorsing Mr Connor's proposed amendments, Mr Dignum referred to the detailed findings in the consultants' reports and explained the financial factors for the revised recommendation (2).

*Decision*

The Cabinet voted unanimously on a show of hands to make the resolution set out below which adopted the aforesaid amendments.

**RESOLVED**

- (1) That the findings of the consultants' reports be noted and the inclusion of the recommendations in the Marshall Regen socio-economic report and those in the Wolfstrome "Way-finding" report detailed in para 5.1 of the agenda report be supported and be subsumed into the Selsey Vision Action Plan.
- (2) That no further Chichester District Council resources be committed to progressing the Selsey Haven Project proposals outlined in the consultants' reports due to the significant uncertainties around both economic viability and securing the necessary capital investment outlined in the Marshall Regen report.
- (3) That should the Selsey Haven Steering Group and Selsey Town Council wish to pursue an alternative project to assess options to support the fishing industry and related marine activity, then consideration be given by the Cabinet to committing resources to preliminary work, including investigating funding sources, subject to costs being matched by Selsey Town Council.

**498 Report of Urgent Decision - Exception to Need to Tender - Beach Management Plan 2016-2021 - Beach Replenishment at Selsey**

The Cabinet noted, as set out on the agenda front sheet, that an urgent decision had been taken in respect of this matter.

**499 Late Items**

There were no late items for consideration at this meeting.

**500 Exclusion of the Press and Public**

In order to consider the Part II confidential exempt matter listed as agenda item 17 (item 18 had been withdrawn from the agenda) Mr Dignum read out the resolution set out below, which was duly proposed and seconded.

*Decision*

On a vote by a show of hands the Cabinet approved unanimously the following resolution.

## **RESOLVED**

That in accordance with section 100A of the Local Government Act 1972 (the Act) the public and the press be excluded from the meeting during the consideration of agenda item 17 (Southern Gateway Implementation) for the reason that it is likely in view of the nature of the business to be transacted that there would be disclosure to the public of 'exempt information' being information of the nature described in the following paragraphs in Part I of Schedule 12A to the Act as follows:

- 1 (information relating to any individual)
- 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information))
- 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) and
- 6 (information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment)

and because in all the circumstances of the case of item 17 the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **501 Southern Gateway Implementation**

The Cabinet considered the confidential Part II agenda report and its two appendices in the agenda supplement which had been circulated to members and relevant officers only.

The report was presented by Mr Dignum.

Mr Bennett was in attendance for this item.

During Mr Dignum's introduction, he advised that the sixth of the seven recommendations in section 3 of the report (para 3.6) had been withdrawn as it was now proposed that decisions on spending portions of the LEP grant would be made by the full Cabinet.

Mr Ward briefed members on each of the matters set out in para 6.1.1 of the report.

Mr Bennett and Mrs Shepherd responded to questions on points of detail.

#### *Decision*

The Cabinet voted unanimously on a show of hands in favour of making the recommendation to the Council set out below.

## RECOMMENDED TO THE COUNCIL

- (1) The offer of £5m of funding from the Coast to Capital LEP be accepted, and the Funding Agreement attached as appendix 1 be approved.
- (2) Chichester District Council formally requests the LEP to authorise use of Flexibility Funding, as set out in para 6.1.1.1 of the report, to enable draw down of funds to commence in 2017-2018.
- (3) In the event that Flexibility Funding is approved by the LEP, Chichester District Council's Capital Programme be amended as follows:
  - £500,000 of LEP funding will be applied to the Enterprise Centre in 2017-2018.
  - £500,000 of Chichester District Council's capital reserves be transferred from the Enterprise Centre to the Southern Gateway project in 2018-2019 to supplement the £4.5m balance of LEP funding.
- (4) Should the LEP refuse Chichester District Council's request to utilise Flexibility Funding, and should Chichester District Council also be unable to draw down funding by 31 March 2018, delegated authority be given to the Executive Director to amend the funding agreement to reflect a reduction in funding to £4.5m following consultation with the Leader of the Council.
- (5) The Executive Director be given delegated authority to make other minor amendments to the funding agreement prior to signature after consultation with the Leader of the Council.
- (6) Chichester District Council is prepared, in principle, to use its compulsory purchase powers to make and promote a compulsory purchase order(s) to acquire the relevant land for a comprehensive development comprising a mix of uses as set out in the adopted Southern Gateway Masterplan area (attached as appendix 2).

### 502 **St James Industrial Estate Chichester**

As announced by Mr Dignum at the start of the meeting (minute 485), this item had been withdrawn from the agenda and so was not considered at this meeting.

**[Note** The meeting ended at 10:45]

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CHAIRMAN

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DATE

