



Minutes of the special meeting of the **Council** held in the Committee Rooms at East Pallant House Chichester on Wednesday 27 September 2017 at 14:00

**Members Present**

Mr G Barrett, Mrs N Graves (Vice-Chairman), Mrs C Apel, Mrs E Hamilton (Chairman), Mr R Barrow, Mr J Brown, Mr P Budge, Mr J Connor, Mr A Collins, Mr A Dignum, Mrs P Dignum, Mrs J Duncton, Mr M Dunn, Mr J F Elliott, Mr J W Elliott, Mr N Galloway, Mr M Hall, Mr R Hayes, Mr G Hicks, Mr F Hobbs, Mrs J Kilby, Mrs E Lintill, Mr L Macey, Mr K Martin, Mr G McAra, Mr S Morley, Caroline Neville, Mr S Oakley, Mr C Page, Mrs P Plant, Mr R Plowman, Mr H Potter, Mrs C Purnell, Mr J Ridd, Mr A Shaxson, Mrs J Tassell, Mrs S Taylor, Mrs P Tull, Mr D Wakeham and Mr P Wilding

**Members Absent**

Mr T Dempster, Mrs P Hardwick, Mr L Hixson, Mrs G Keegan, Mr S Lloyd-Williams, Mr J Ransley, Mr N Thomas and Mrs S Westacott

**Officers present all items:**

Mr M Allgrove (Planning Policy Conservation and Design Service Manager), Mr S Ballard (Senior Environmental Protection Officer), Mr S Carvell (Executive Director), Mrs D Shepherd (Chief Executive), Mr G Thrussell (Senior Member Services Officer) and Mr J Ward (Head of Finance and Governance Services)

**256 Approval of Minutes**

The Chairman, Mrs Hamilton, first of all welcomed everyone present and in particular members of the public to this special meeting of the Council and explained the emergency evacuation procedure.

As stated on the agenda, the minutes of the Council's ordinary meeting on Tuesday 19 September 2017 would, together with the minutes of this special meeting, be presented for approval at the next scheduled ordinary meeting on Tuesday 21 November 2017. There were, therefore, no minutes to be approved on this occasion.

**257 Late Items**

Mrs Hamilton stated that there were no late items under agenda item 7 for consideration at this meeting.

## 258      **Declarations of Interests**

Declarations of personal interests were made in respect of agenda item 6 (A27 Chichester Bypass Improvement Scheme) by Mrs Duncton, Mr Oakley and Mrs Purnell who were members of West Sussex County Council which had been a statutory consultee.

## 259      **Chairman's Announcements**

Mrs Hamilton had no specific announcements to make.

She mentioned the following apologies for absence:

Mrs Hardwick, Mr Lloyd-Williams, Mrs Keegan and Mr Thomas.

The following members of the Council were also absent:

Mr Dempster, Mr Hixson, Mr Ransley and Mrs Westacott.

All other members of the Council were present.

[**Note** Chichester District Council is denoted by CDC in the minute paras which follow]

## 260      **Public Question Time**

Mrs Hamilton said that four public questions had been received (the text of each of which had been circulated immediately prior to the start of this meeting) and she invited each person in turn to come to the designated microphone in order to read out his or her question before a response was given by either Mr Dignum (Leader of the Council) or Mr Connor (Cabinet Member for Environment Services).

The questions (with the date of submission shown with [ ] at the end of the text) and the answer given by the relevant Cabinet member were as follows.

*Question by Mr Nick Reynolds read out his behalf by Mr Michael Tucker*

Mr Reynolds was unable to attend and his question was, therefore, read out by his nominated representative, Mr Tucker.

‘Every single local, regional and national policy is predicated on an online upgrade solution to alleviate the problems of the A27 congestion.

In order to properly deliver the Local Plan will the Council confirm they will accept the first option referred to in HE letter addressed to GK dated 06 Sept. This will involve selection of *a version* of the current proposed on line upgrade scheme and to enter into detailed discussions with HE on *mitigation measures and compensating measures to benefit the wider community*.

Will the council also accept that what is on offer today may never happen in the foreseeable future?’

[24 September 2017]

### *Response by Mr Dignum*

'Thank you for your e-mail dated 24 September and which appears to raise two questions.

1. In order to properly deliver the Local Plan will the Council confirm they will accept the first option referred to in HE letter addressed to GK dated 06 Sept? and
2. Will the council also accept that what is on offer today may never happen in the foreseeable future?

The first point to make is that the Highways England A27 Chichester Improvement Scheme is not being proposed solely to enable the delivery of development identified in the Chichester Local Plan. A separate lower grade improvement scheme within the boundary of the existing A27 highway has been designed (and agreed by Highways England) to accommodate the traffic flows that will be generated by identified growth in the Local Plan. The district council is now collecting developer contributions to help fund these improvement works. The funding is held by Highways England and at an appropriate point they will decide when to implement the scheme.

The wider Improvement Scheme for the A27 goes beyond what is necessary to support the Local Plan. Whether Council Members will accept the first approach as set out in the Highways England letter dated 6 September, will only be known following the debate this afternoon.

Obviously we cannot say with complete certainty what will happen in the future and so in that respect, yes, there is a possibility that an improvement scheme of some description may not happen in the foreseeable future but, there is clear evidence from Mr O'Sullivan's letter of 6 September to our MP that Highways England attach, and I quote "strategic importance" to the A27 and see it as, and I quote again, "important national and regional infrastructure".

Mr Tucker was asked if he had a supplementary question but he declined in view of the fact that he was only acting as Mr Reynold's representative for the question just answered.

### *Question by Mr B Marson*

'I fail to understand why CDC, who are fully aware of the latest HE through traffic numbers (46%) and who are faced with Government housing targets which will further add to an increase in traffic movements, could even consider proceeding with RIS 1. We have had three AQAMs in the city for 7 years now and arguably if pollutants were monitored in other inner city roads eg Spitalfield Rd, Westhampnett Rd, Bradshaw Rd, St Pauls Rd the city would be more polluted than is reported. The RIS 1 Option on offer would exacerbate pollution levels during the 41 months of construction as mitigation diversionary routes will go through the inner city roads, affecting residents and school children in the area (think of Orchard Street!). This is acknowledged in the latest CDC AQ Plan.

My question therefore is in two parts:

- a. Why are CDC not putting Air Quality at the forefront of their deliberations and coming up with an aggressive AQAP, with the support of WSCC Public Health, to leverage Chichester getting a share of the additional funding announced (£255m)

in the Government July 2017 UK Plan for tackling roadside pollution in the shortest possible time, ie in the RIS2 timeframe ?

- b. Surely avoidance of an incremental public health issue from RIS1 makes sense, when during that period, CDC could invest from their reserves proactive additional pollution monitoring including PM2.5, such that a funding case for Chichester was based on facts, ahead of other councils and, could put Chi at the front of the queue for RIS2. Our LAs would however need to be innovative and capitalise on the Government's direction articulated in Sections 15-25 of the aforementioned Government Plan. Is this an approach that CDC would be prepared to invest in for the benefit of the Public Health of Chichester City Residents?

[26 September 2017]

*Response by Mr Connor*

Thank you for your question which concerns future growth in Chichester and air quality.

You ask two specific questions:

1. Why are CDC not putting Air Quality at the forefront of their deliberations and coming up with an aggressive AQAP, with the support of WSCC Public Health, to leverage Chichester getting a share of the additional funding announced (£255m) in the Government July 2017 UK Plan for tackling roadside pollution in the shortest possible time, ie in the RIS2 timeframe?
2. Surely avoidance of an incremental public health issue from RIS1 makes sense, when during that period, CDC could invest from their reserves proactive additional pollution monitoring including PM2.5, such that a funding case for Chichester was based on facts, ahead of other councils and, could put Chi at the front of the queue for RIS2. Our LAs would however need to be innovative and capitalise on the Government's direction articulated in Sections 15-25 of the aforementioned Government Plan. Is this an approach that CDC would be prepared to invest in for the benefit of the Public Health of Chichester City Residents?

By way of context the Council has nine air quality monitoring sites across Chichester city. The monitoring dataset for Westhampnett Road indicates that the air quality there is compliant with the UK air quality standards and objectives for Nitrogen Dioxide. Previous monitoring on Spitalfield Road indicated a similar situation such that air quality monitoring there was discontinued. CDC has a sensible number of monitoring locations that strike a good balance between providing us with a strong picture of local air quality and a prudent use public monies and officer time (to service the monitoring programme).

In answer to question 1: CDC is a member of the WSCC two-session elected member and officer task and finish group looking at air quality and the options for improving it. This group includes a representative from West Sussex Public Health. Likewise CDC's member and officer Air Quality Working Group is meeting this week. It will look at CDC's Action Plan and what actions are deliverable to tackle air pollution in the district with emphasis on the AQMAs. The additional government funding of £255M relates to the local authorities who are mandated by the government to formulate air quality plans which does not include CDC. CDC continues to seek monies from all relevant sources for the improvement of air quality. Air quality was a consideration in the formulation of the Vision for Chichester and

we are working to maximise air quality's policy presence in the Local Plan review. Likewise we will seek to maximise its place in the WSCC LTP review and the WSCC Parking Standards review.

Turning to question 2: the DEFRA guidance for Local Air Quality Management that informs all LAs practice on air quality suggests that LAs should make use of national monitoring when considering PM2.5 concentrations. Furthermore the guidance is clear that DEFRA does not anticipate authorities will carry out monitoring for this pollutant. As such, at the current time, CDC does not intend installing PM2.5 monitoring (which is in any case likely to be a significant investment). CDC is engaging with WS Public Health and WS Highways, both as described above and via a pan- Sussex LA group 'Sussex-air'.

Mr Marson thanked Mr Connor for his very full answer and was grateful that his many public health concerns were shared. He expressed the hope that the joint West Sussex/Chichester District Council Air Quality Working Group would ensure that its principal focus should be an analysis of what advice the government was giving on roadside pollution and of monitoring compliance therewith.

Mr Connor noted Mr Marson's further remarks.

*Question by Mr P Ladds*

'The investment potentially available through HE is naturally enough exclusively focused on A27 improvements. Previous debates have raised the wider issue of an integrated transport policy as well as concerns with the implementation detail of the options presented.

How would CDC (or WSCC) ensure that:

- Any investment (RS1) takes account of concerns raised by the community with the option finally selected by HE.
- Longer term steps are taken in parallel to develop the local infrastructure such that demand is reduced, eg park and ride, improved bus services, more local schools, etc.'

[26 September 2017]

*Response by Mr Dignum*

'Thank you for your question and which raises the issue of an integrated transport policy and the local effects of an implemented improvement scheme. You have specifically asked two questions:

How would CDC (or WSCC) ensure that:

1. Any investment (RS1) takes account of concerns raised by the community with the option finally selected by HE
2. Longer term steps are taken in parallel to develop the local infrastructure such that demand is reduced, eg park and ride, improved bus services, more local schools, etc.

The first thing to say in response is that the Improvement Scheme for the A27 remains the responsibility of Highways England. That said, the district and county councils have listened carefully over a considerable period to the views expressed by the community particularly in terms of what can be done to mitigate the impacts of an Improvement Scheme. Indeed, the district council set out a number of points that it wished Highways England to address including roundabout improvements, better access to the A27 for those travelling east from the B2145, safe segregated crossings for cyclists, noise abatement screens, examining the possibility of lowering the proposed flyovers and importantly using the designated fund to finance mitigation measures.

So, you will see the District Council very much has in mind the measures that are required to address community concerns and is encouraged by the statement from Highways England that they will work with us to identify compensating measures that benefit the broader community and local area.

Concerning measures to reduce travel demand, these will be factored in to the transport modelling that the district council will commission to support the Local Plan Review. This work will be undertaken in partnership with West Sussex County Council as the highways authority and with responsibility also for bus services. The measures will form part of an integrated transport package as with the current Local Plan. Local infrastructure improvements and mitigation will be identified in the Infrastructure Development Plan prepared to accompany the Local Plan Review and will be funded through developer contributions collected through section 106 and CIL. You mention schools but these are a county responsibility.

Mr Ladds did not wish to ask a supplementary question.

*Question by Ms H MacDougal*

'47% rejected the available options presented in Highways England 2016 consultation on the A27 Chichester Bypass Improvement Scheme. These were poor options that did not fulfil the objectives of the project. In particular, the options failed to reduce adverse environmental impacts; four of the options would lead to deterioration in air quality at the Stockbridge AQMA and one option would provide no significant beneficial effects. A report assessing the impact of air pollution on public health, published by the Royal College of Physicians and the Royal College of Paediatrics and Child Health, suggests outdoor pollution contributes to thousands of early deaths every year. The report makes recommendations including for regulators and local governments to ensure there is no inequality in exposure to pollutants between deprived and more affluent communities and that local authorities act in protecting public health where air pollution levels are high. Their expert panel states that "Real change will only occur when everyone accepts this responsibility, and makes a concerted effort." Therefore, when considering whether to re-examine the 2016 consultation options or to submit a proposal for RIS 2, can the District Council truly support any tweaking of the existing options that would continue to condemn Chichester residents to air that does not meet the national quality objectives, or will you accept your responsibility and make a concerted effort to fight for better air quality as part of a project in RIS 2?'

[26 September 2017]

### *Response by Mr Connor*

‘Thank you for your question which concerns air quality. Your specific question is:

..... when considering whether to re-examine the 2016 consultation options or to submit a proposal for RIS 2, can the District Council truly support any tweaking of the existing options that would continue to condemn Chichester residents to air that does not meet the national quality objectives, or will you accept your responsibility and make a concerted effort to fight for better air quality as part of a project in RIS 2?

CDC had input from its air quality officers in formulating its overall response to the A27 consultation and supported the best overall option in terms of air quality. CDC is mindful that a decision by Highways England to bring forward any one of the potential options for improvement will be subject to a full air quality modelling exercise. CDC will review the outputs of such modelling and seek the best design possible for residents bearing in mind the practicalities of the situation.’

Ms MacDougal did not wish to ask a supplementary question.

This marked the end of the public questions and Mrs Hamilton emphasised that it was always appreciated when members of the public availed themselves of the opportunity presented by public question time.

[**Note** Minute para 261 below summarises the consideration of and conclusion to agenda item 6 but for full details please refer to the audio recording facility via this link:

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=132&MId=998&Ver=4> ]

#### **261      A27 Chichester Bypass Improvement Scheme**

Mrs Hamilton introduced this item by referring to the agenda report with its appendix, which requested the Council to determine CDC’s position in respect of a scheme to improve the A27 bypass at Chichester.

The Council received and duly considered the report as set out below.

In response to Mrs Hamilton’s enquiry, Mr Dignum (Leader of the Council) stated that he moved the recommendation in the report and Mr Connor (Cabinet Member for Environment Services) seconded Mr Dignum’s proposal.

Mr Dignum presented the issues in the agenda report by making the following statement:

‘Well today we are asked to make a choice between RIS1 and RIS2. We have had the community workshop on Monday evening [25 September 2017] and we have all had lots of e-mails from the public. So although I can’t answer them all personally I do thank all those who contacted me for your involvement in this huge issue for all the community.

From the 7 July 2017 meeting that Louise Goldsmith and I had with Highways England it is clear to me that Highways England has selected a variation on their Option 2 as their

preferred route. Our MP confirms this is her understanding from her own more recent discussions with Highways England.

Gillian Keegan has now been advised that there can be no extension of time because of the rules relating to RIS1. With three days left to the Highways England deadline there can therefore be no local input into the preferred route prior to publication.

Any changes to secure mitigations would have to be advanced after publication of the route during the statutory consultation period with no guarantee of success. The only certainty is that the funds are definitely there in RIS1.

The alternative to the RIS1 choice is to opt for a place in RIS2. This would give time to agree a route with Highways England through working together. But Highways England is also stating that this route would most likely be an online route. In his 7 September 2017 letter Mr O'Sullivan states:

'I think it is widely accepted that the manner in which the northern route was discussed and handled was not well communicated or managed. Such a (northern) route would heavily contravene current planning guidance due to impacts on the national park, incurs higher cost reducing the Benefit to Cost Ratio and, contrary to popular belief, has had limited development and design work done. Against all the other schemes we are looking at across the country this idea of (a northern route) has almost no probability of success.'

I will be making some further quotes from the same letter which is in your papers. Highways England has this to say about choosing RIS2, and I quote, 'Further time to consider the scheme and other possible alternatives has considerable benefits. Active stakeholder engagement generally brings greater support for the scheme and a more refined outcome that delivers enhanced user, community and environment outcomes'. However, Highways England states 'a new scheme for Chichester would most likely start in 2023'. It also states there is a risk the project will not be included in RIS2. However this could be considered a low risk bearing in mind the Highways England statement that the A27 has 'strategic importance (and) it is important national and regional infrastructure'.

The position now is that the Community workshop on Monday night opted by 32 to 22 organisations (59% to 41%) for the RIS2 approach rather than RIS1. The West Sussex County Council's decision on whether to pursue a RIS 1 or RIS 2 solution for the A27 Chichester will be taken by Councillor Bob Lanzer, Cabinet Member for Highways and Infrastructure. While Councillor Lanzer will have regard to the advice of the Environmental and Community Services Select Committee, which is meeting tomorrow, he has indicated that he is minded to support the RIS2 option.

Our MP also supports the choice of RIS2. In the circumstances our opting for RIS 1 will not achieve anything as Highways England is looking for both councils and the MP to be on the same page.

Some have suggested the workshop is unrepresentative but we do need to bear in mind the 2016 consultation results. There were 4,869 responses. We are all aware of the 47% who rejected all five options on offer. What is not widely realised is that the 47% were then asked what they did want. Eighty-five per cent responded that they wanted a northern route. So the local community divided as follows:



Northern route: 56%

Option 2: 31%

Other options on offer: 6%

No new route at all: 7%

So although only about 80 attended the workshops, the much wider 2016 consultation showed a similar result of majority opposition to the online options presented by Highways England.

Some might think we should go for RIS1 anyway and take the money and in this respect we have heard this very morning from Highways England that it has given preliminary consideration to the mitigation measures we put forward in the 2016 consultation to improve Option 2. Highways England has stated today that the main mitigations we proposed cannot be incorporated in its preferred route. These main mitigations were the lowering of roundabouts and flyovers, providing a south to east flyover for cars and vans at the Portfield roundabout, and reducing the length of the Stockbridge Link Road to just the western section. Furthermore the choice of RIS1 would not achieve anything as Highways England will move forward only with agreement between the councils. We would incur widespread hostility for no benefit by striking out on our own.

So at the end of the debate, I will be minded to propose to you that we choose RIS2 in common with county and community. A common cause between our two councils and our MP will mean we can go forward with Highways England to achieve a solution that works for the community and for all the users of the A27.'

Mrs Hamilton invited members to indicate if they wished to speak in the debate and their names were noted. A summary of the contributions is as follows:

**Mrs Purnell** (Selsey North) said that it was very hard to decide given the different views expressed but on balance she believed that it was important to give the community the opportunity to develop a solution which commanded majority support. Accordingly she favoured RIS 2.

**Mr Brown** (Southbourne) acknowledged that this was a difficult decision and that he had been very critical of the process hitherto and he continued to believe that the public had been let down and poorly served at all levels. He would strive on behalf of residents to ensure that the chosen option worked but he endorsed RIS 2.

**Mr Hayes** raised a point of order with respect to Mr Brown's contribution, remarking that he should not have made a political statement during it but instead have confined himself to the A27.

In reply, **Mr Brown** pointed out that he was in fact taking into account the concern arising from a point made at the public meeting on 25 September 2017 about how national politics might affect the availability of funding for the A27.

**Mr Barrett** said that the quarterly meeting of the Manhood Community Forum which was attended by the local parishes on the peninsular, represented in the region of 26,000 residents. From the feedback he had received in the past two or three weeks all the parishes save one fully supported **Mr Dignum's** statement.

**Mr Page** said that to accept RIS 1 at this stage would completely cut across the community process established by West Sussex County Council and supported by CDC.

By choosing RIS 2 there would be six to seven months to enable the community process to run its course, which would assist in contributing to the community's acceptance of the eventual solution selected, perhaps even an outcome which everyone felt able to support.

**Mr Plowman** said that as a CDC and Chichester City Council member for the west of the city and a former mayor who cared for the city, he had no personal agenda with regard to the A27. On balance he felt the risk of an uncertain outcome should be taken by preferring RIS 2.

**Mr Galloway** indicated that he favoured the recommendation which **Mr Dignum** had already intimated he was minded to make at the close of this debate. The choice to be made was akin to being between a rock and a hard place.

**Mr Hobbs** said that as a result of the workshops the various communities had been brought together and become so engaged in the process. As a result it was incumbent on CDC to follow through that process.

**Mrs Apel** spoke as a Chichester West ward member and said this was one of the most difficult decisions to have to make. There was far too little time to decide what Chichester needed and so it was important to embrace the opportunity presented by RIS 2 to identify the right scheme of improvement works for the A27 Chichester bypass.

**Mr Hayes** supported RIS 2. He could not see how RIS 2 would be stopped if the A27 schemes at Arundel, Worthing and Polegate were implemented since that would leave Chichester as the only bottleneck.

**Mr Ridd** said that he had briefly contemplated RIS 1 on the basis that there was money on the table which it would be a pity to lose. However he now favoured RIS 2.

**Mr Martin** said that the RIS 1 proposals were short-term measures based on out-of-date data in which a through traffic volume of 20% was cited when in fact it was now 46%. It was imperative to devise a long-term strategic solution. RIS 1 was incapable of achieving that but it was possible via RIS 2 with partnership working between West Sussex County Council, CDC, community engagement and collaboration with Highways England. RIS 2 was, therefore, the only way forward and accordingly he supported that approach.

**Mr Oakley** said that the RIS 2 opportunity that Highways England had presented was an opportunity not to be missed: it would enable work towards a long-term and transformational solution to the very poor performance issue of the national strategic road network at Chichester.

**Mr Dunn** stated that having listened to the debate with great care, he would abstain in the vote. It should be recognised that opponents of RIS 2 feared that RIS 2 would include a northern bypass option. It was extremely unlikely that by delaying the RIS 1 option making decisions would be any easier over time and indeed he feared they might become much harder. He was unable to support the case for either RIS 1 or RIS 2 and would abstain.

**Mr Shaxson** commented that Highways England did not emerge very well from this situation. Earlier in 2017 the Council voted in favour of RIS 1's Option 2 provided that certain very necessary mitigation measures were included. Highways England had now refused to countenance those measures and so effectively had made the decision the Council was being asked to take. He had not supported Option 2 during the previous

debate and those reasons still applied. Accordingly he would have no hesitation in voting for RIS 2.

**Mr Hall** said that as the ward member representing the parishes of Lavant and Westhampnett, his concern had been to examine the online options in more detail and he supported RIS 2.

There were no more contributions to be made to the debate, and Mrs Hamilton invited Mr Dignum to sum up and make a specific proposal.

Mr Dignum observed that the debate had revealed how members had arrived by many different routes to the same conclusion in favour of RIS 2 being the right solution for the councils and community at this point. If the resolution he was about to propose was passed, it would be incumbent on CDC to work very closely together with Highways England, West Sussex County Council and the community and to identify a solution which everyone was able to endorse. Self-evidently it would not be easy but with RIS 1 there was no time and the unsatisfactory Option 2 with none of the mitigations which had been sought by CDC in September 2016 and July 2017. There was an absolutely clear choice to be made by the Council.

Mr Dignum then made the following proposal:

'I propose that we adopt approach B with RIS 2 as set out in paragraph 5.1 of the officers' report.

Mr Connor seconded the foregoing proposal.

The Chairman invited members to vote on this proposal.

### *Decision*

On a vote by a show of hands there was save for three abstentions unanimous support for the proposal. There were no votes against.

### **RESOLVED**

That approach B namely RIS 2 (post 2020) for taking forward a scheme to improve the A27 at Chichester as set out in para 5.1 of the agenda report be approved.

### **262 Late Items**

As stated by Mrs Hamilton during agenda item 2, there were no late items for consideration at this special meeting.

### **263 Exclusion of the Press and Public**

As stated in the agenda, there were no restricted items for consideration at this special meeting.

[**Note** The meeting ended at 15:00]

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CHAIRMAN

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DATE