

Minutes of the Special Meeting of the **Council** held in the Council Chamber, East Pallant House, Chichester on Monday 24 November 2014 at 2.30 pm

## **Members (48)**

Mr M J Bell (Chairman)

Mrs C M M Apel	Mr P Jarvis
Mr G A F Barrett	Mrs G Keegan
Mr P J Budge	Mrs E P Lintill
Mrs H P Caird	Mr G V McAra
Mr A D Chaplin	Mr J A P Montyn
Mr J L Cherry	Mr D J Myers
Mr P Clementson	Mr S J Oakley
Mr J C P Connor	Mr R T V O'Brien
Mr M A Cullen	Mr H C Potter
Mr A P Dignum	Mrs L C Purnell
Mrs P M Dignum	Mr J J L T Ransley
Mrs J E Duncton	Mr A M Shaxson
Mr T M E Dunn	Mr A R H Smith
Mr A J French	Mr N R D Thomas
Mrs N D Graves	Mrs P M Tull
Mrs E Hamilton	Mr S Lloyd-Williams
Mrs P A Hardwick	Mr M Woolley
Mr G H Hicks	

were present (36)

## **Members not present**

Mr S L Carr	Mr J Ridd
Mr Q J R Cox	Mr F Robertson
Mr J F Elliott	Anne Scicluna
Mr B Finch	Mrs J A E Tassell
Mr R J Hayes	Mrs B A Tinson
Mr R M J Marshall	Mr B J Weekes

## **Officers Present for All Items**

Mrs D Shepherd – Chief Executive  
Mr S Carvell – Executive Director  
Mr P E Over – Executive Director  
Mr J Ward – Head of Finance and Governance  
Mr P Coleman – Member Services Manager

## **263 Rogate By Election**

The Council welcomed Mrs Gillian Keegan as the newly elected councillor for the Rogate ward following the by election held on 23 October 2014.

## **264 Minutes**

### **RESOLVED**

That the minutes of the meeting of the Council held on 23 September 2014 be signed as a correct record.

## **265 Urgent Items**

There were no urgent items for consideration at this meeting.

## **266 Declarations of Interests**

The Council was reminded that members who were also members of parish councils, West Sussex County Council or the Chichester Harbour Conservancy had declared that fact as a personal non-prejudicial interest when the Local Plan had been debated previously. This applied also to the further consideration of that matter (minute 269 below).

## **267 Chairman's Announcements**

- (1) The Chairman reported that he and the Vice-Chairman had represented the Council at many events since the last meeting. He especially referred to the visit by HRH the Duke of Kent to Chichester Harbour on 3 October 2014. He thanked Mr Montyn for hosting the visit and congratulated Mrs Jane Polden, Personal Assistant to the Chief Executive, who had organised it very well.
- (2) The Chairman also announced that an error had been made on the agenda for the next Cabinet meeting, which would take place on Thursday 4 December, not Tuesday 2 December as stated on the agenda.

## **268 Public Question Time**

**Mr Mike White** asked the following question:-

“Why does the Council support the proposed layout of the development of Whitehouse Farm when it is skewed by the false assumption that the southern half of the site is naturally waterlogged?”

“All waterlogging is primarily due to the neglected and blocked, to varying degrees, ditches and the blocked culverts aided by the collapsed land drains, all preventing the dispersion of rain fall as it occurs.

“By equitable use of all of the SDL (Strategic Development Location) a much better layout for the benefit of existing and new residents could be used.”

**Mrs Caird** (Leader of the Council) replied:-

“The Council has produced a concept statement to aid the masterplanning of the West of Chichester site.

“Whilst we understand the developer is preparing a masterplan which includes open space in the southern part of the site, this has yet to be settled through the formal planning process.

“The overall layout of the site will form part of the masterplan with details following at planning application stage and throughout this process there will be opportunities for public comment.”

Mr White thanked Mrs Caird for her reply and expressed the hope that the process she had described would result in a significant revision of the developer’s proposals, not just a minor change.

**Mr Clare Apel** asked the following question on behalf of the Parklands Residents Association:-

“The Inspector has asked for the Green Infrastructure policy Appendix 1 on Page 259 of the Local Plan to be removed or presumably she will find the Local Plan unacceptable.

“This Council obviously thought it was important or it would not have passed the Local Plan in the first place. Residents have also expressed grave concern over the removing of the Appendix as it protects and gives essential Policy detail on green infrastructure matters.

“Can we be reassured that even if this appendix is removed from the Local Plan, the important policies contained in the Appendix 1 will still have the same status and, if need be, a special resolution should be passed to ensure this?”

The Chairman reported that a question on the same topic had been received from **Mr Bill and Mrs Sarah Sharp**, and as they were unable to be present he read it:-

“The Council is proposing to change the status of the Green Infrastructure Appendix in the Local Plan. But people, when they read this Appendix during the consultation, assumed it would be part of the plan. I don’t imagine anyone objected, and indeed many would have found it one of the few reassuring parts of the plan.

“To remove or change its status now would be a difficult to understand travesty of what a consultation process is meant to be. One more step in a developer-led take over.

“Moreover, in more technical terms, any downgrading would be a “Major Modification” which would need to be consulted on.

“Council officers have suggested that they believe this Appendix would require further work to come up to the level of robustness required of a Local Plan. So, can I ask that, rather than relegating this Appendix to the status of a toothless add-on, the required work be carried out to knock it into shape?

“After all, I think we all know that “mere guidance” counts for little in the world of planning and development.”

**Mrs Caird** (Leader of the Council) replied to both questions:-

“Any material change to the Local Plan will need to be in the form of a formal modification which will be approved by the Full Council. This would then be subject to public consultation and any representations received would be considered by the Inspector, who would also consider whether there is a need to hold another hearing or deal with it through written representations. Officers are minded to keep the broad guidance contained in the green infrastructure appendix within the local plan but clarify that it is guidance not formal policy. Were it to be converted to development plan policy it is likely that it would have to be substantially amended and much of the important detail removed. It would also then be subject to public consultation, including with developers, whose views would be considered by the Inspector. This matter is likely to be considered by the Council in January but is not the subject of debate at this meeting.”

Mrs Apel asked a supplementary question about the lesser status of guidance, as opposed to policy, and expressed the view that the green infrastructure provisions in the Local Plan should be regarded as policy.

Mrs Caird replied that the Inspector had made her position clear and the Council had little choice. She did not wish to see the detail of the appendix lost and felt the proposal in the reply she had given was the best compromise.

Mr Ransley and Mr Cullen pointed out that it was wrong to suggest that planning guidance counted for little. The guidance would clarify the formal policy and the appendix would carry weight. Mr Oakley agreed that planning guidance carried weight, but felt that the green infrastructure appendix should be retained in the body of the Local Plan with a status as near as possible to formal policy.

## **Decisions made by the Council**

### **269 Recommendations of the Cabinet**

#### **Cabinet – 24 November 2014**

##### **Chichester Local Plan**

Mrs Caird (Leader of the Council), seconded by Mrs Purnell, moved the recommendation of the Cabinet. She explained that, during the public examination of the Local Plan, the Inspector had indicated that she wanted to see up to date evidence to justify the District Council's proposed housing figure of 410 homes per annum and to see whether it could be increased.

The report, and supplementary report, that had been considered by the Cabinet was the outcome of considerable work carried out under extreme time pressure within the timeframe agreed with the Inspector. She announced some minor amendments as follows:-

Cabinet report, Appendix 3 (page 38)

The note below the table should read:-

“\* These figures do not take existing commitments into account and should not be taken cumulatively.”

### Cabinet report, Appendix 6

Delete the following references from the first two pages of the spreadsheet:-

BI08178 (land south of Church Lane, Birdham)

FB08225 (land west of Blackboy Lane, Fishbourne)

LX0857 (Land South of Loxwood Place Farm, Loxwood)

### Supplementary Report

Page 4, reference to Para 7.12: Delete "In total"

Page 5, reference to Policy 4: Delete "a total of" in paragraph 1 and the word "Total" from the heading of the right hand column in the table below.

Mrs Caird went on to explain that the evidence indicated that it was possible to increase the housing target by 25 per annum to 435 per annum. This equated to 415 in total over the plan period. This might not sound much, but was significant to local communities, and to the infrastructure implications.

It also reflected the significant limitation provided by the Chichester Transport Study of Strategic Development Options (Jacobs 2013) which had tested the effects of up to 440 houses delivered per annum. Advice from West Sussex County Council and the Highways Agency was clear that increasing the housing target above that would require additional transport modelling. This would delay plan adoption by at least 6 months and possibly as much as two years.

Other constraints within the district also had a limiting impact on housing numbers, and the report noted wastewater treatment capacity, coalescence of settlements and concerns for settlement character and capacity.

This report would demonstrate to the Inspector that the Council was planning positively and had undertaken a review of its evidence and had found capacity for additional housing.

The Chairman added that, in her view, the result was a sound, objective, balanced plan. Based on the evidence available, it represented a modest increase in housing numbers. It was deliverable, and represented the best possible outcome for the whole district. It would allow the Inspector to recognise the effort made to deliver the optimum number of homes in the district, within the constraints identified, and provide much-needed homes for communities.

She warned that if the plan was not adopted now, the District would be without a plan for possibly as much as to two years. This would risk planning by appeal, resulting in development where the Council and community did not want it, in numbers it could not accommodate and without the infrastructure to make it bearable.

Mr Oakley proposed, seconded by Mr Ransley, the following further amendments to the Supplementary Report (page 7):-

Local Plan page 57: Additional sentence at end of paragraph 7.28 to read:-

**"Housing sites for Chichester city will be allocated through the Site Allocations DPD and may include sites adjoining the Chichester city Settlement Boundary in neighbouring parishes."**

Local Plan page 58: Footnote to table to read:-

**“(1) Suitable sites will be allocated through the Site Allocations DPD and may include sites adjoining the Chichester city Settlement Boundary in neighbouring parishes.”**

Mrs Caird agreed to accept these amendments as proposed.

Mr Oakley also drew attention to paragraph 7.4 of the Statement, which stated that the Council considered that additional development would not be deliverable at the Tangmere Strategic Development Location “within the plan period”. He felt that a greater degree of certainty was required about the long term and feared that incremental development might take place after the plan period which would lead to a cumulatively growing infrastructure deficit.

Mr Carvell explained that officers and the Inspector would require evidence before any statement could be made about the long term. He suggested that the issue should be dealt with through the master plan. Mr Ransley added that the neighbourhood plan would be a means of providing more certain detail about the timing and quantity of development.

Mr Barrett stated that he supported the Local Plan and the proposed recommendation. However, he felt that the need for the proposed additional 80 dwellings at East Wittering and Bracklesham required attention. He pointed out that, since 2001, around 550 additional dwellings had been provided in the wards of East and West Wittering, many of them affordable, yet the increase in households had been only about 300; the number of second homes in these wards now approached 1,000. At present, some 189 housing units had been already approved, of which 17 had been completed; 115 were under construction and the remaining 57 planned for completion by 2019. Of the 189, there were 94 affordable homes to meet the in-need waiting list of less than 70. There were also several windfall sites with planning approval.

Mr Barrett pointed out that there was no secondary school in the Witterings and no sixth form college on the Manhood Peninsula, and so some 550 secondary students and more than 450 sixth form students required daily transport. Even though a wide range of types of housing had been built, families were not moving into the area. The under 50 population had remained static since 2001. The number of locally available jobs had fallen dramatically in the last couple of years. Well known traffic problems were regularly experienced. The sewerage network was inadequate to cope with the current level of housing, and so far Southern Water had failed to respond to the many complaints.

Mr Barrett concluded that the increase of 80 could be accommodated in the long term, but only after the A27 upgrade had been completed and the sewage issues had been resolved.

Mr Myers drew attention similarly to sewerage problems in his ward, and felt that Southern Water and the Environment Agency needed to be pressed to solve these difficulties.

Mr Carvell replied that the Local Plan dealt with strategic development and infrastructure requirements. However, existing difficulties in the drainage network were recognised and dialogue with Southern Water was continuing in order to pursue a solution to them.

Mr Dunn commented that it was clear that the majority of the electorate was opposed to additional housing and depended on their councillors to express their views. It was difficult to balance this with central government's requirements. He felt that the Council's approach had been exemplary and he would support the recommendation.

Mrs Apel asked whether the impact on the important and historic city of Chichester of the additional allocations at the West of Chichester Strategic Development Location and in the city or adjoining areas, over and above recent development at Roussillon Barracks and Graylingwell, had been considered.

Mrs Caird replied that the additional allocations were over a long period and could be managed.

Mr Smith referred to the creative tension he experienced, as ward member for a parish receiving major development and Chairman of the Planning Committee, in responding to the Inspector's requirements. He wondered whether the construction industry had the capacity to deliver a rate of development in the next fifteen years that they had not achieved in the last ten. Whilst there was a risk in allocating too many houses, there was also a problem in allocating too few, as witnessed by rising house prices. He felt that the Council had got the balance right and that delaying the Local Plan would result in a worse situation.

Mr Shaxson supported the recommendation, but drew attention to the critical importance of the assumed expansion of the Tangmere Wastewater Treatment Works in 2019. He asked what the fallback position would be if that did not take place.

Mr Carvell replied that the officers would explain to the Inspector their level of confidence that the expansion would take place. However, if it did not, there might need to be a review of the Local Plan.

#### **RESOLVED**

That the Evidence Audit attached at Appendix 1 to the report, amended as reported by Mrs Caird, be submitted to the planning inspector for the Local Plan examination, and that the *Chichester Local Plan Key Policies – Pre-submission 2014-2029* be modified by incorporating therein the consequential changes to the text and policies set out in the supplementary report, amended as reported by Mrs Caird and as proposed by Mr Oakley:

- (1) by increasing the housing target by an additional 415 homes (this would bring the housing target per annum to 435 homes); and
- (2) by allocating those additional housing numbers at West of Chichester SDL (250 dwellings); and increasing the housing numbers for Chichester city or areas adjoining the city (85 dwellings) and East Wittering and Bracklesham (80 dwellings).

(Mrs Apel voted against)

#### **270 Report of Urgent Decision: The Grange – settlement of final account**

The Council noted the report circulated with the agenda (copy attached to the official minutes) of an urgent decision, made by the Cabinet on 14 October 2014 with the agreement of the Chairman of the Overview and Scrutiny Committee, which was contrary to or not wholly in accordance with the budget approved by full Council. The Cabinet had resolved that the offered final account settlement for The Grange

project be accepted, and that £128,000 be allocated from capital reserves to cover the total project costs..

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

### **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 the following item on the agenda 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 Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A to the Act and the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **Cabinet – 4 November 2014**

## **272 Investment Opportunity**

Mr Ransley (Cabinet Member for Support Services), seconded by Mr Dignum, introduced the recommendation of the Cabinet. He reminded the Council of their previous support for the purchase of assets which would offer a favourable return on investment at a manageable level of risk and which would support the local economy. An opportunity had arisen to pursue the acquisition of a commercial property within the district, subject to satisfactory due diligence and survey. The investment would produce a rate of return well in excess of the return on cash investments, currently around 1%. There was also potential to increase income and capital growth. Mr Ransley described the property in question.

Mr Dignum supported the recommendation. He acknowledged that there were risks, but gave reasons why the level of risk was considered acceptable. He drew attention to the Statement of Resources (Agenda Item 5, Appendix 2 for the Cabinet meeting to be held on 4 December 2014) which showed that the Council had adequate resources for the proposed acquisition. He also drew attention to the community benefits in terms of the local economy.

Members supported the recommendation. Some members encouraged the Cabinet to search for investment opportunities that would support the local economy in other towns in the district, and Mr Ransley assured them that opportunities throughout the district were considered.

A member also suggested that the Council should offer low initial rentals for start up businesses, and Mr Dignum drew attention to the role of the Grants and Concessions Panel in considering such requests.

Mr Chaplin asked about the scope of the Public Services (Social Value) Act 2012, and the Chief Executive agreed to provide a written reply.

### **RESOLVED**

That the sum referred to in paragraph 6.1 of the report be allocated from reserves for this purchase.



[**Note** The meeting ended at 12.24 pm]

\_\_\_\_\_  
CHAIRMAN

Date \_\_\_\_\_