

# Public Document Pack

**JOHN WARD**

Director of Corporate Services

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## Notice of Meeting

### To All Members of Chichester District Council

You are hereby summoned to attend a meeting of **THE COUNCIL** in the Council Chamber East Pallant House East Pallant Chichester West Sussex PO19 1TY on **Tuesday 22 January 2019 at 14:00** for the transaction of the business set out in the agenda below.

A handwritten signature in black ink, appearing to read 'Diane Shepherd'.

**DIANE SHEPHERD**

Chief Executive

**Monday 14 January 2019**

### NOTES

(1) The Council meeting will be preceded by the following arrangements for members:

- **13:00** Open Forum
- **13:45** Intermission

(2) Members are requested to bring with them to this meeting their copies of the agendas and agenda supplements for the Cabinet's meetings on Tuesday 4 December 2018 and Tuesday 8 January 2019. Those agenda papers may also be viewed in the committee papers section of Chichester District Council's website and exempt material for the Cabinet meetings on the extranet via logging into Modern.Gov.

## AGENDA

### PRELIMINARY MATTERS

#### 1 **Approval of Minutes** (pages 1 to 34)

After an initial welcome and the reading of the emergency evacuation procedure by the presiding chairman, the Council will be asked to approve as a correct record the minutes of the meeting on Tuesday 20 November 2018, a copy of which is circulated with this agenda.

## **2 Late Items**

The presiding chairman will announce any late including urgent items which are to be dealt with under agenda item 15 (Late Items).

## **3 Declarations of Interests**

Members and officers are requested to make any declarations of disclosable pecuniary, personal and/or prejudicial interests which they have in respect of matters on the agenda for this meeting.

## **4 Chairman's Announcements**

Apologies for absence will be notified at this point.

The presiding chairman will make any specific announcements.

## **5 Public Question Time**

In accordance with Chichester District Council's public questions scheme and with reference to standing order 6 in Part 4 A and section 5.6 in Part 5 of the Chichester District Council *Constitution*, consideration will be given at this point in the meeting to questions which have been submitted by members of the public in writing by 12:00 on the previous working day. The time allocated for public question time is subject to the chairman's discretion to extend the period for each member of the public (five minutes) or the total time for public questions (15 minutes).

### **RECOMMENDATIONS BY THE CABINET**

The Council is requested to consider the following recommendations in agenda items 6 to 10 inclusive, which were made by the Cabinet at its meetings on Tuesday 4 December 2018 and Tuesday 8 January 2019.

At its meeting on Tuesday 8 January 2019 the Cabinet also made recommendations to the Council in respect of two confidential exempt agenda items, which appear at agenda items 17 and 18 below.

### **A - TUESDAY 4 DECEMBER 2018**

## **6 Financial Strategy and Plan 2019-2020**

The material relevant to this item is the report on pages 33 to 37 of the agenda and 1 to 19 of the (main) agenda supplement considered by the Cabinet at its meeting on Tuesday 4 December 2018.

The following recommendations were made by the Cabinet to the Council:

### **RECOMMENDATIONS TO THE COUNCIL**

- (1) That the key financial principles and actions of the five year Financial Strategy set out in appendix 1 to the agenda report be approved.

- (2) That the current five year Financial Model detailed in appendix 2 to the agenda report be noted.
- (3) That, having considered the recommendations from the Corporate Governance and Audit Committee, the Minimum Level of the General Fund Reserves be set at £6.3m.
- (4) That the Director of Corporate Services be given delegated authority, following consultation with the Cabinet Member for Corporate Services, to accept the government's offer to participate in the 75% localisation business rate pilot for 2019-2020, if the West Sussex councils' bid is successful or if not to revert back to the Coastal West Sussex existing pooling arrangement for the coming financial year.
- (5) That the current resources position as set out in appendix 3 to the agenda report be noted.

**7      Increasing the Provision of the Council's Temporary Accommodation at Freeland Close Chichester**

The material relevant to this item is the report on pages 39 to 43 of the agenda and 21 to 43 of the (main) agenda supplement considered by the Cabinet at its meeting on Tuesday 4 December 2018.

The following recommendation was made by the Cabinet to the Council:

**RECOMMENDATION TO THE COUNCIL**

That the allocation of £102,000 from the Housing Investment Reserve be approved to enable the scheme design to be finalised and submitted for planning approval.

**B - TUESDAY 8 JANUARY 2019**

**8      Adoption of the Chichester Local Plan Site Allocation Development Plan Document**

The material relevant to this item is the report on pages 19 to 21 of the agenda and 1 to 107 of the (main) agenda supplement considered by the Cabinet at its meeting on Tuesday 8 January 2019.

The following recommendation was made by the Cabinet to the Council:

**RECOMMENDATION TO THE COUNCIL**

That the submitted Local Plan Site Allocation Development Plan Document 2014-2029, amended to include all the main modifications recommended by the planning inspector to make the Plan sound, together with other more minor modifications already agreed with the inspector, be adopted and published (including any consequential and other appropriate minor amendments) in accordance with regulation 26 of the Town and Country Planning (Local Planning) Regulations 2012.

## 9 Corporate Pay Review

The material relevant to this item is the report on pages 23 to 30 of the agenda and its appendix considered by the Cabinet at its meeting on Tuesday 8 January 2019.

The following recommendations were made by the Cabinet to the Council:

### RECOMMENDATIONS TO THE COUNCIL

- (1) That the proposed New Reward Scheme (NRS) be adopted with effect from 1 April 2019 subject to receipt of the signed collective agreement from Unison.
- (2) That the budget allocation of £303,500 per annum to support the NRS, funded by the £300,000 annual budget that has previously been set aside to support the pay review, with the £3,500 shortfall added to the revenue base budget 2019-2020, be approved.
- (3) That the release of up to £360,600 from previously earmarked reserves to fund salary protection costs during the three-year period 2019-2020 to 2021-2022 be approved.

## 10 Initial Project Proposals 2019-2020 and Corporate Plan (pages 35 to 61)

The material relevant to this item is the report at pages 31 to 34 of the agenda and its nine appendices\* at pages 109 to 135 of the (main) agenda supplement considered by the Cabinet at its meeting on Tuesday 8 January 2019.

\*During the meeting amendments were made to seven of the nine of the appendices and accordingly all of the appendices as amended are being circulated with this agenda.

In addition to resolutions made by the Cabinet, the following recommendations were made to the Council:

### RECOMMENDATIONS TO THE COUNCIL

- (1) That it be agreed that the Corporate Plan approved in January 2018 shall remain unchanged for the year 2019-2020.
- (2) That the release of £206,000 from Chichester District Council's General Fund Reserve to fund the feasibility work and small projects identified in para 5.2 (as amended) of the agenda report for 2019-2020 be approved and that £30,000 of this funding be released with immediate effect to allow for the Novium business plan feasibility work.

[**Note** Para 5.2 (f) of the agenda report was amended by the deletion of the second bullet point namely 'Branding (Chichester) - £40,000 for consultants']

### RECOMMENDATIONS BY COMMITTEES AND PANELS

NONE

## QUESTIONS TO THE EXECUTIVE

### 11 Questions to the Executive

[**Note** In accordance with standing order 14.11 of Chichester District Council's Constitution, this item is allocated a maximum duration of 40 minutes]

## OTHER REPORTS

### 12 Constitutional Amendment (pages 63 to 68)

The Council is requested to consider the agenda report and its appendix and to make the following resolutions:

#### RESOLUTIONS BY THE COUNCIL

- (1) That the membership of committees shall be amended as set out in the appendix to the agenda report from the date of the May 2019 elections.
- (2) That the Monitoring Officer be required to provide a report annually to the Corporate Governance and Audit Committee as to the use of his delegated powers to amend the Constitution.
- (3) That the wording regarding the approval of designation of neighbourhood areas in accordance with the Neighbourhood Planning (General) Regulations 2012 be amended to further state: '....and following the Director of Planning and Environment informing the appropriate Cabinet Member and the relevant ward member(s)'.
- (4) That the Monitoring Officer be directed to amend the Constitution to clarify that attendance by members for the purposes of section 85 (1) of the Local Government Act 1972 shall be limited to the Council or a committee to which that member is allocated only.
- (5) That the consideration by the Task and Finish Group of the Monitoring Officer delegations as to the Constitution and its recommendation that these remain unchanged be noted.
- (6) That the delegation to the Deputy Section 151 Officer be amended such that the post-holder shall have delegation in the absence of the Section 151 Officer for all financial matters.

### 13 Discharge of Litter Enforcement Functions (pages 69 to 77)

The Council is requested to consider the agenda report and its appendix and to make the following resolution:

#### RESOLUTION BY THE COUNCIL

That it be noted that the Chief Executive intends to use the power conferred by Article 10.02 in Part 2 of the Constitution of Chichester District Council to discharge the enforcement functions detailed in para 5.2 of the agenda report to

**14 Urgent Decision: Gatwick Airport Draft Master Plan 2018**

There is no written report for this agenda item, which is for noting only.

In accordance with para 36 in section 4.5 in Part 4 of Chichester District Council's Constitution, (a) the recent decision by the Cabinet in respect of this matter that it was to be taken as a matter of urgency and (b) the reason for that urgency are hereby being formally reported to the Council.

At its meeting on Tuesday 8 January 2019 the Cabinet considered a report on the Gatwick Airport Draft Master Plan 2018. The report appears at pages 35 to 40 of the agenda and its two appendices at pages 137 to 140 of the (main) agenda supplement. All members have received those papers and have been requested to bring them to this meeting of the Council. The Cabinet accepted the recommendation in para 2.1 of the report. Having heard at the meeting from the Chairman of the Council, Elizabeth Hamilton, the Cabinet resolved furthermore to treat its decision on this matter as being urgent and so it would not be subject to Chichester District Council's call-in procedure.

The Cabinet's two-part resolution was as follows:

- (1) That the recommended response set out in appendix 2 to the agenda report be endorsed as Chichester District Council's response to the consultation on the draft Gatwick Airport Master Plan.
- (2) That this decision is urgent and so is not subject to Chichester District Council's call-in procedure, the consent of the Chairman of the Council having been obtained both that this decision is reasonable in all the circumstances and that it should be treated as a matter of urgency, having regard to the consultation's closing date of 10 January 2019.

The Council is requested to note the following points:

- (a) The Cabinet considered the decision to be taken in respect of this matter was urgent and so should not be subject to the call-in process.
- (b) Any delay caused by the call-in process, if it were to be invoked with regard to this matter, would seriously prejudice Chichester District Council's interest and/or the public interest, namely the opportunity to influence the emerging Master Plan for Gatwick Airport which has been prepared on behalf of the airport owners as an expression of intent for the future development of the airport. Given the potential implications arising from the draft Master Plan for Chichester District, including residents in the northern parishes, it was considered to be necessary to set out Chichester District Council's position within the stipulated time-limited opportunity.
- (c) The consent of the Chairman of the Council was obtained that the decision was reasonable in all the circumstances and that it should be treated as a matter of urgency.

## FINAL MATTERS

### 15 **Late Items**

- (a) Items added to the agenda papers and made available for public inspection.
- (b) Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting and recorded in the minutes.

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

The Council is asked in respect of agenda items 17 (St James Industrial Estate) and 18 (Staffing Matters) to make the following resolution:

#### **RESOLUTION BY THE COUNCIL**

That the public including the press should be excluded from the meeting on the following grounds of exemption in Part I of Schedule 12A to the Local Government Act 1972 namely (a) in the case of agenda item 17 Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) and (b) in the case of agenda item 18 Paragraph 1 (information relating to any individual) and because, in all the circumstances of the case in (a) and (b), the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

### 17 **St James Industrial Estate Chichester**

The material relevant to this item is the confidential exempt\* agenda report and its two appendices which were printed on salmon-coloured paper for members and relevant officers only within the Cabinet papers for the meeting on Tuesday 8 January 2019; the report is at pages 61 to 66 in the agenda and the appendices are at pages 141 to 153 of the (main) agenda supplement.

In addition to resolutions made by the Cabinet, the following recommendation was made by the Cabinet to the Council:

#### **RECOMMENDATION TO THE COUNCIL**

That the allocation of £5,225,000 of New Homes Bonus Reserves for this project, inclusive of temporary loss of revenue as referred to in section 8.4 of the agenda report, be approved.

\*[Note The ground for excluding the public and press during this item is that it is likely that there would be a disclosure to them of 'exempt information' of the description specified 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 Local Government Act 1972]

The material relevant to this item is the confidential exempt\* agenda report and its two appendices which were printed on salmon-coloured paper for members and a very limited number of officers only within the second agenda supplement for the Cabinet meeting on Tuesday 8 January 2019.

The following recommendations were made by the Cabinet to the Council:

**RECOMMENDATIONS TO THE COUNCIL**

That the recommendations set out in the paras 3.1 to 3.5 inclusive of the confidential exempt agenda report be approved.

\*[**Note** The ground for excluding the public and press during this item is that it is likely that there would be a disclosure to them of 'exempt information' of the description specified in Paragraph 1 (information relating to any individual) of Part I of Schedule 12A to the Local Government Act 1972]

**NOTES**

- (1) The press and public may be excluded from the meeting during any item of business wherever it is likely that there would be disclosure of 'exempt information' as defined in section 100A of and Schedule 12A to the Local Government Act 1972.
- (2) The open proceedings of this meeting will be audio recorded and the recording will be retained in accordance with the council's information and data policies. If a member of the public enters the committee room or makes a representation to the meeting, they will be deemed to have consented to being audio recorded. If members of the public have any queries regarding the audio recording of this meeting, please liaise with the contact for this meeting at the front of this agenda.
- (3) Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intention before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided.

## MEMBERS

Mrs C Apel	Mrs J Kilby
Mr G Barrett	Mrs E Lintill
Mr R Barrow	Mr S Lloyd-Williams
Mr J Brown	Mr L Macey
Mr P Budge	Mr K Martin
Mr A Collins	Mr G McAra
Mr J Connor	Mr S Morley
Mr T Dempster	Mr A G F Moss
Mr A Dignum	Caroline Neville
Mrs P Dignum	Mr S Oakley
Mrs J Duncton	Mr C Page
Mr M Dunn	Mrs P Plant
Mr J F Elliott	Mr R Plowman
Mr J W Elliott	Mr H Potter
Mr N Galloway	Mrs C Purnell
Mrs N Graves	Mr J Ransley
Mr M Hall	Mr J Ridd
Mrs E Hamilton	Mr A Shaxson
Mrs P Hardwick	Mrs J Tassell
Mr R Hayes	Mrs S Taylor
Mr G Hicks	Mr N Thomas
Mr L Hixson	Mrs P Tull
Mr F Hobbs	Mr P Wilding
Dr K O'Kelly	[ONE VACANCY]

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Minutes of the meeting of the **Council** held in the Committee Rooms at East Pallant House East Pallant Chichester West Sussex on Tuesday 20 November 2018 at 14:00

## **Members Present**

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

## **Members Absent**

Mrs E Hamilton, Mr R Barrow, Mr T Dempster, Mr M Dunn, Mrs P Hardwick, Dr K O'Kelly, Mr C Page, Mrs J Tassell and Mr D Wakeham

## **Officers Present**

Mr M Allgrove (Divisional Manager for Planning Policy), Mrs J Dodsworth (Director of Residents' Services), Mr A Frost (Director of Planning and Environment), Mrs J Hotchkiss (Director of Growth and Place), Mr T Radcliffe (Human Resources Manager), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive), Mr G Thrussell (Legal and Democratic Services Officer) and Mr J Ward (Director of Corporate Services)

## **33 Approval of Minutes**

In the absence of the Chairman of the Council, Mrs E Hamilton (West Wittering), who was indisposed, this meeting was chaired by the Vice-Chairman, Mrs N Graves (Fernhurst).

The Vice-Chairman welcomed everyone present to the final Council meeting of 2018, which was likely to be longer than usual, and explained the emergency evacuation procedure.

The Council formally received the minutes of its previous meeting on Tuesday 25 September 2018, a copy of which had been circulated with the agenda for this meeting.

There were no proposed changes to the minutes.

The Vice-Chairman sought and obtained the Council's approval for her to sign and date the minutes as a correct record.

## *Decision*

The Council voted unanimously on a show of hands to make the resolution below.

### **RESOLVED**

That the minutes of the meeting of the Council on Tuesday 25 September 2018 be approved as a correct record.

The Vice-Chairman then duly signed and dated as a correct record the final (thirteenth) page of the official version of the aforesaid minutes.

[**Note** This para and paras 34 to 50 below summarise the consideration of and conclusion to agenda items 1 to 18 inclusive but for full details of the matters summarised hereunder (save for the exempt item 18) reference should be made to the audio recording facility via the link below.

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=132&MId=923&Ver=4> ]

[**Note** Hereafter in these minutes Chichester District Council is denoted by CDC]

### **34 Late Items**

There were no late items for consideration at this meeting.

### **35 Declarations of Interests**

Declarations of prejudicial interests were made by the two undermentioned members in respect of agenda item 7 (Chichester BID Alteration Ballot):

- Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place) as he was a director on the Chichester Business Improvement District Board.
- Mrs J Kilby (Cabinet Member for Housing Services) as a substitute member on the Chichester Business Improvement District Board.

Declarations of personal interests were made by the two undermentioned members in respect of agenda item 12 (Chichester Local Plan Review: Preferred Approach), insofar as it was relevant to do so, where reference was made to the Goodwood Motor Circuit and/or Goodwood Airfield:

- Mr M Hall (Westhampnett), who was the CDC appointed member on the Goodwood Airfield Consultative Committee.
- Mr R Plowman (Chichester West), who was the Chichester City Council appointed member on the Goodwood Airfield Consultative Committee.

A declaration of a personal interest was made by Mrs P Tull (Sidlesham) in respect of agenda item 12 (Chichester Local Plan Review: Preferred Approach) in that she was a personal friend of the owner of the land which might be affected by the proposed housing allocation for the parish of Hunston.

## 36 Chairman's Announcements

Six apologies for absence had been received:

Mr R Barrow (Selsey South and Cabinet Member for Residents Services), Mr M Dunn (Westbourne), Mrs E Hamilton (West Wittering and Chairman of the Council), Mrs P Hardwick (Fernhurst), Dr K O'Kelly (Rogate) and Mr C Page (North Mundham).

The Vice-Chairman made two specific announcements with respect to the recent centenary anniversary of the end of World War I:

- On Sunday 11 November 2018 she in common with no doubt many members had attended a Remembrance Day service.
- Many parishes had organised local events to mark the end of the Great War and CDC had made available to each parish in Chichester District (if requested) the sum of £150 to hold a commemorative beacon lighting event.

## 37 Public Question Time

Eight public questions had been submitted for this meeting, details of which appear below.

The text of all the questions had been circulated in a document to CDC members, the public and the press immediately prior to the start of this meeting. The Vice-Chairman invited each person in turn to come to the designated microphone in order to read out the question before an oral response was provided.

The questions (with the date of submission shown within [ ] at the end of the text), any supplementary questions and the answers given by Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place) or Mrs S Taylor (Cabinet Member for Planning Services) were as follows.

*Question (1): Mr Stephen Holcroft*

'I would like to ask a public question in the above meeting and have the attachment made available along with my question.

**[Note** The attachment was a map which appeared at the end of the text for this question in the aforementioned document setting out all the public questions]

The question relates to item 12 of the agenda "Chichester Local Plan Review: Preferred Approach – Consultation" and is as follows:

All the proposed strategic site allocations in the Chichester Plan have sensibly been allocated in flood zone 1 areas of low probability of flooding with the exception of SA6 Land South-West of Chichester.

As you can see from my attachment this allocation has been placed directly on a zone 2 medium risk and zone 3 high risk area.

I refer you to the Strategic Policies section 5.54 of the plan.

5.54 As a consequence of the rise in sea levels and storm surges, parts of the plan area will be at increased risk from coastal erosion, groundwater, fluvial and/or tidal flooding. Hard defences may not be possible to maintain in the long term, therefore development needs to be strongly restricted in areas at risk to flooding, whilst ensuring that existing towns and villages are protected by sustainable means that make space for water in suitable areas

Also the Government Planning Framework is quite clear when it states:

‘Only where there are no reasonably available sites in Flood Zones 1 or 2 should the suitability of sites in Flood Zone 3 be considered.’

Ask yourselves the question, if the flood risk looks like this now, what will it look like in 20/50/100 years’ time? This proposed site is not a long term vision. It is quite frankly reckless to even consider this as a sensible area for development given the problems already highlighted in 5.54 of the plan.

My question to the Council is:

Why is this allocation the only allocation to be placed on a Zone 3 high flood risk area and why are you considering such an unsuitable site for development given the high risks of flooding?’

[Friday 16 November 2018]

*Response: Mrs S Taylor (Cabinet Member for Planning Services)*

‘Thank you for your question. Whilst a portion of the proposed site allocation is in Flood Zones 2 and 3, the allocation is larger than is required for the proposed development which can, in fact, be accommodated on land in Flood Zone 1 only (ie on land at least risk of flooding). This approach is in recognition that a part of the site is affected by flooding and will not be developable.

Para 6.47 of the supporting text to the proposed policy for this site explains that further testing will be required as the Local Plan moves forward. Nevertheless, initial assessment indicates that given the site size (of approximately 85 ha), there is potential to deliver significant development allowing for flood risk and other constraints.

The proposed allocation is for approximately 33 ha of employment land, a minimum of 100 dwellings and a new link road and ancillary facilities. The remainder of the site is expected to remain undeveloped with a significant proportion expected to be open space. As already mentioned, further detailed work will be undertaken in relation to this site as the plan progresses, and in consultation with the local community and key stakeholders. More detail about the identification of this site will be set out in the evidence supporting the Local Plan, which will be published on 13 December 2018, subject to the Council approving the plan for consultation.’

*Supplementary Question: Mr Stephen Holcroft*

As the plan incorporated at the end of his question (above) showed the current position and did not take into account climate change and rising sea levels, the flood risk situation in 50 to 100 years from now had to be questioned.

*Response: Mrs S Taylor (Cabinet Member for Planning Services)*

Mr Holcroft's supplementary point was noted.

*Question (2): Mr Mike Dicker on behalf of Ms Fiona Horn*

'As a resident of Donnington, how can such a local plan be sanctioned by the Council when there is no suitable mitigation already in place for road infrastructure and environmental impacts to name but two. Chichester is already being choked by nationally damning air quality and insufficient schools/doctors etc. The A27 upgrade/Northern bypass is still far from being resolved and yet you are intending to put forward plans for even more mass housebuilding schemes in areas like Donnington and Apuldram that have no infrastructure to cope with this.

My question is: Why is the Council even considering a plan for a huge housing development between Donnington and Apuldram when the road infrastructure funding and planning is so uncertain and the whole development as shown on the Governments own flood documents, is classed as a Flood Zone 3, the least suitable for development due to the high risk of flooding?'

[Sunday 18 November 2018]

*Response: Mrs S Taylor (Cabinet Member for Planning Services)*

'Thank you for your question. The first point to make is that the District Council working closely with West Sussex County Council, remains focused on achieving strategic improvements to the A27 Chichester Bypass that will provide long term benefits and also address concerns about matters such as poor air quality and journey reliability. As part of the BABA27 initiative, the concept schemes developed by consultants Systra were reported to a special meeting of the full Council in June 2018 where it was resolved that in promoting a scheme to Highways England for inclusion in the government's second Road Investment Strategy (RIS2), our preference is for the Mitigated Northern route with the alternative Full Southern route put forward as a reasonable alternative. Highways England agreed to develop the concepts further to check they are technically viable and to establish a base cost for each option and we anticipate its response in the coming weeks. However, we have to recognise that there is, at this stage, no certainty that a scheme for Chichester will be included in RIS2.

Consequently, in preparing a review of the local plan, which we must do if our plan is to remain up to date so that we remain in control of the location and distribution of new development across the plan area, then the plan must identify a scheme of highway mitigation that can be relied upon for the A27 which is not dependant on RIS funding. That is why we have commissioned specialist consultants to prepare a transport study which identifies junction alterations to the A27 Chichester Bypass to mitigate the traffic impact of development in the Local Plan review and to ensure that the junctions continue to operate effectively.

The proposed development at Apuldram/Donnington is primarily identified for employment use with a relatively small housing element and a new link road as part of the transport mitigation strategy. The Council is committed to securing the infrastructure required to mitigate the impacts of development but recognises the challenges involved in securing funding. The Council is involved with ongoing discussions with Highways England and

West Sussex County Council to agree an implementation strategy to deliver these improvements if and when they become necessary.

In relation to flood risk, the proposed allocation is for approximately 33ha of employment land, a minimum of 100 dwellings and a new link road and ancillary facilities on land with a site area of some 85ha. Whilst a portion of the proposed site allocation is in Flood Zones 2 and 3, the allocation is larger than is required for development which can, in fact, be accommodated on land in flood zone 1 only (ie on land at least risk of flooding). The remainder of the site is expected to remain undeveloped with a significant proportion expected to be open space. Further detailed work will nevertheless be undertaken in relation to this site as the plan progresses, and in consultation with the local community and key stakeholders.'

### *Supplementary Question*

No supplementary question was asked.

### *Question (3): Mr Ray Briscoe – Westbourne Parish Council*

'Mrs Chairman, Members of the Council

There have been numerous developments approved for Gypsy/Traveller and Travelling Showpeople (GTTS) within the last five years, amounting to virtually all the allocated pitches and plots required in the relevant local plan up to 2027. A new report has been commissioned in order to assess the needs of this community for the revised Local Plan, this will include as part of the baseline all existing plots and pitches and those approved but not yet implemented.

Despite approved plots and pitches being restricted under the terms of the relevant planning permission to occupation by bona fide residents from the GTTS community, many of the developments are now occupied simply as "**Park Home**" developments whose residents are not nomadic in their lifestyle. If the original applications had been made on the basis of unrestricted occupation in normal circumstances they would be refused as being contrary to countryside policy. However, in order to circumvent the system, the applicants claim that the occupants are or will be from the GTTS community. Once approved it is very difficult for the Enforcement Team to prove the contrary. There would appear to be widespread knowledge within the GTTS community and in our conventional settled communities that this abuse of the system is rife.

We accept there are occasions where occupation of these GTTS plots and pitches is operating in compliance of the planning system but unfortunately this seems to be only in the minority of cases.

If the basis of future demand for new GTTS plots and pitches starts from an artificially inflated level, including the type of unauthorised occupation mentioned above it will result in the provision of unacceptably high levels of GTTS plots and pitches being provided with undesirable consequences for our settled communities.

I would like to ask:

1. What tangible evidence has been presented to the Planning Department and so to this Council in the report to show those living on these developments are

Gypsy/Travellers as per the National Planning Policy Guidance (Of nomadic Lifestyle)?

2. How do the Council intend to control such inappropriate developments and applications in future as the application of restrictive occupation conditions appear to be either ignored or ineffective and;
3. Will they ask the consultants writing the report, to quantify their findings before adopting the figures put forward and before asking the Full Council to approve?

There are many parishes across the Chichester Area which have serious concerns regarding this issue.'

[Sunday 18 November 2018]

*Response: Mrs S Taylor (Cabinet Member for Planning Services)*

'The first point to make is that a Gypsy and Traveller Accommodation Assessment (GTAA) has been carried out by Opinion Research Services (ORS) on behalf of the Coastal West Sussex Authorities according to a nationally recognised methodology, which has been tested at a number of local plan examinations. ORS are leading specialists in this field. In answer to your specific questions:

1. In carrying out the assessment for the Council, ORS sought to identify every potential gypsy and traveller household. They used a team of experienced field workers who conducted face to face interviews with each household to determine whether they meet the criteria set in national policy. The Council is consequently satisfied that the evidence of gypsy, traveller and travelling showpeoples' need is robust and reliable.
2. Where we become aware of a potential breach of planning control, officers will investigate the complaint in accordance with the adopted Enforcement Strategy. This includes investigating allegations of a breach of occupancy conditions. I must emphasise however, that taking formal enforcement action is a serious matter which must be based on evidence of a breach of control. Nevertheless, the Council takes its enforcement role very seriously and will take appropriate action to enforce compliance with permissions granted where it is expedient to so.
3. The consultants' full report and findings of need will be published alongside the Local Plan consultation in the event that the recommendations are agreed by Council. Final figures will not however be adopted until the local plan has been through further consultation and the formal examination process. All interested parties are encouraged to look at the evidence to the policies within in the draft plan and to submit representations should they wish to.'

*Supplementary Question*

No supplementary question was asked.

*(4) Question: Ms Tracey Ellis*

**[Note** Ms Ellis was not present at the meeting and so neither her question (the text of which had been circulated in the aforementioned document of all the public questions) nor the response was read out but for completeness and the record both appear below]

‘Chichester District’s transport proposal for traffic management for the 12,000 new homes for the area will cause gridlock and rat running through the city and is based on the same configuration which was roundly rejected by thousands of locals in the last HE consultation. The Brett solution involves the imposition of no right hand turns on or off the A27 at the Stockbridge and Whyke Roundabouts that would mean ALL the Manhood traffic (including Selsey traffic) will use the A286 Witterings road which is the most congested road in the entire district. It provides no alternative routes for residents trapped in beach traffic except to go through Chichester to get anywhere. It will be a disaster for the coastal roads AND Chichester. This cannot be approved.

My question for the meeting is why is there even a consideration (again) for no right hand turns on or off the Stockbridge or Whyke roundabouts when the routes are already congested and will also cause further severe congestion in Chichester too?’  
[Sunday 18 November 2018]

*Response: Mrs S Taylor (Cabinet Member for Planning Services)*

‘Thank you for your question. The transport study prepared by consultants, Peter Brett Associates on behalf of the Council identifies the likely highway impacts of development and suggests potential mitigation, including improvements to junctions on the A27 Chichester Bypass. The strategy identified by the consultants for the design of the A27 junction improvements needs to be viewed in its entirety rather than each junction individually. The introduction of new traffic lights at the Stockbridge and Whyke roundabouts also needs to be seen alongside the introduction of a new Stockbridge link road which will directly link Fishbourne roundabout and Birdham Road (A286).

The consultant’s study serves to demonstrate that the level of development proposed in the review of the Local Plan can be accommodated within the existing highway network with suitable mitigation (i.e. specified alterations to existing junctions). Indeed, the proposed mitigation to the A27 junctions could have the effect of ensuring that as much traffic as possible utilises the A27 for through trips, rather than rat-running through the city centre. I would however wish to reassure you that detailed schemes coming forward for the A27 will need to be discussed further with Highways England, West Sussex County Council and the local community.’

*Supplementary Question*

In the absence of Ms Ellis, there was no supplementary question.

*(5) Question Part One: Mr Mike Dicker*

**[Note** The three-fold question set out below (a) was with the Vice-Chairman’s consent asked and answered in three parts and (b) is in accordance with the original text submitted by Mr Dicker although when he asked his questions additional material was orally added at [\*], details of which may be heard via the audio recording on CDC’s website]

'At the Cabinet meeting last week I asked three questions. One of the answers I received from Councillor Dignum did not answer my FOI question and I have subsequently asked for a written response.

**Q1** At the Cabinet last week we heard the following statement from Councillor Dignum in response to one of my questions:

'CDC has full confidence in Peter Brett Associates in their work and the findings of the study the estimate of £25.2 million is based on construction costs only whilst HE costs included full costs of construction.'

We then heard from Mr Allgrove:

'Emphasize the evidence base is work in progress. Some aspects of evidence base are still to be finalised such as the transport study, Sustainability appraisal and habitat regulations assessment...ongoing strategic flood risk assessment and landscape study.'

[\*]

I therefore ask:

**Q1a** What confidence you as councillors have in your leaders statement at cabinet and the state of the transport report provided by peter Brett Associates which is at odds to the HE report to the tune of £25 million for Peter Brett and £46 Million for HE report on option 3?

**Q1b** I would further ask why are we going to public consultation without a complete set of evidence and options for members of the public to comment on?

We have been here before and the majority response was NO OPTION. We also are potentially letting Highways England off the hook as if we write this in our plan they may consider that we have consensus and are accepting Option 3 which is not the case and not what this council voted for.

**Q1c** Would we not be better providing a transport study that outlines multiple options that integrate with future Highways England solutions particularly the mitigated Northern route and provides local mitigation and stresses the council's position strongly on this matter?

We have time to do this. This traffic proposal, effectively option 3, provides mitigation for through traffic but not for local traffic and was resoundingly rejected at the last debacle of a consultation and should be removed from the local plan.'

*Response: Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place)*

**Q1a** 'We recognise that there are differences in the cost of schemes identified by Peter Brett Associates (PBA) and the Highways England consultation, albeit that they are not identical schemes. Officers are exploring with PBA and HE the need to either refine the costs or add commentary within the report to explain the difference in cost eg land acquisition and maintenance.'

**Q1b** 'We need to commence consultation on the Local Plan Review now and are satisfied that the evidence base is sufficiently advanced to make the decision to consult at this

time. The evidence base will continue to be refined up to the point of the submission of the plan for examination. If the Council does not agree to progress the Local Plan Review now, it is likely that we will face having to plan for much larger amounts of development firstly, because we will lose the 40% 'cap' that the government provides on our housing increase and secondly, through the planning application and appeals system, in all likelihood with less funding from developer contributions to infrastructure as a result of smaller sites coming forward in an unplanned fashion.'

**Q1c** 'Whilst I appreciate the rationale for the question and have previously explained that the Council remains focused on achieving improvements to the A27 Chichester Bypass that will provide long term benefits and also address concerns about matters such as poor air quality and journey reliability, there is, at this stage, no certainty that a scheme for Chichester will be included in the government's second Road Investment Strategy and the draft RIS will not in any case, be published by the DfT until late 2019; furthermore, we will no doubt all recall that the Secretary of State responded to the 'No option' consultation response by withdrawing the funding for the major scheme.

There are limited options to mitigate the impact of further development on the highway network. Our transport consultants have identified a relatively low cost option that can be funded through development with some potential additional public funding. It would not be realistic to progress a northern bypass as part of the Local Plan mitigation as this amounts to a strategic solution to the long term issues of the A27 trunk road around Chichester and goes beyond the need (in relation to the Local Plan review) to mitigate the impact of proposed development. Furthermore, a northern bypass would not be capable of being funded through developer contributions and any top up funding needed to facilitate development. It is of course open to Mr Dicker and other interested parties to suggest possible alternative mitigation solutions in response to the consultation.'

#### *Supplementary Question*

Mr Dicker requested that he be allowed to pursue **Q1c** with regard to a transport study with multiple options as he had not received an answer to it.

The Vice-Chairman declined his request in view of what would be the lengthy duration of this meeting.

Mr Dicker asked for it to be noted that he objected to not having received an answer.

#### *(5) Question Part Two: Mr Mike Dicker*

**Q2** 'Why are CDC agreeing to accept 50 to 81 homes per year from the SDNP allocation when as we understand it communities in the Park want more housing in their villages to provide affordable housing for their children and hence sustain their communities? When was this agreed between CDC, SDNP and where do these allocations fit into this local plan?'

*Response: Mrs S Taylor (Cabinet Member for Planning Services)*

'Thank you for your question. Following a request from the South Downs National Park Authority, it was resolved at a meeting of the Council on 6 March 2018, 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, the District Council will

assess its ability to meet some or all of the unmet housing needs arising from the part of the South Downs National Park within Chichester District via the Chichester Local Plan Review. At that time this was estimated to be 41-44 dwellings per annum. National policy does not require national parks to meet all objectively assessed housing needs within their areas. All interested parties were able to respond to the consultation process on the National Park's Local Plan to suggest alternative approaches to development, whether they are communities within or outside the national park.'

*Question Part Three: Mr Mike Dicker*

**Q3** 'Under S16 there is broadly a proposal not to build "noise sensitive" residential property within 400m of Goodwood race circuit. Why is this not part of the local plan for a strategic employment site around the south of the circuit as the noise issue is not the same as for residential properties and there are or could be of course excellent road links and appropriate space?'

[Monday 19 November 2018]

*Response: Mrs S Taylor (Cabinet Member for Planning Services)*

'Officers have not proposed to allocate land in this location for employment development. Whilst the noise constraint would not be as great a consideration as for residential development, the land to the south of the motor circuit has significant flooding and landscape constraints. It is open to Mr Dicker and other interested parties to propose that this land be allocated in response to the consultation.'

*(6) Question: Mrs Joan Foster – Hunston Parish Council*

'Hunston Parish Council would like to question the new proposals for development of 200 houses in Hunston contained in the Chichester Local Plan Review 2035 – Preferred Approach December 2018.

The Parish Council expects that the Council will be aware of the question it raised with the Cabinet at last week's meeting.

In addition to those representations made the Parish Council would add the following;

Under Transport Infrastructure, there is no reference to the B2145 through Hunston being the fourth busiest B Road in the United Kingdom, according to Road Traffic Statistics (Road Traffic Statistics 2014). Page 86 states that there will be small scale junction improvements on Manhood Peninsula. Setting aside the proposed developments in West Wittering, Birdham, 450 houses between Hunston and Selsey in reality means additional road traffic, potentially 900 cars. Alongside this the Free School has resulted in daily traffic hold-ups on this road.

Currently there are approximately 571 residences in Hunston – 200 more houses increases that by 35%, that is not development that is social change.

Page 232 defines Hunston as an Urban area. The definition of Urban in the English Oxford dictionary is 'in, relating to, or characteristic of a Town or City'. This Hunston is not, it is a rural village.

At the Cabinet meeting last week the member for Loxwood made reference to the housing allocation for Loxwood and asked why neighbouring villages had not received an allocation. In answering this Mr Andrew Frost replied that no land had been made available in those parishes and made reference to Loxwood being a Service Village.

Whilst the Parish Council notes that Hunston is a service village, so too is North Mundham and it also has deliverable land for housing.

Hunston Parish Council's question is as follows:

Will the Council please agree to amend the officers' recommendations and substantially reduce the housing allocation to Hunston?'

[Monday 19 November 2018]

*Response: Mrs S Taylor (Cabinet Member for Planning Services)*

'Thank you for your question. It is recognised that both Hunston and North Mundham are Service Villages as defined by the Local Plan and the concerns of the parish council regarding the relative allocation of housing numbers between the two parishes are noted. The main purpose of the Housing and Economic Land Availability Assessment is to demonstrate that there is sufficient land available to meet the development needs of the plan area and in the case of the allocations referred to; the officers' initial views are that the suitability of land within the parish of Hunston justifies the split now shown. I would emphasise however, that the Council will consider the content of the Plan today and will determine whether the split of housing between the two parishes, as proposed, is appropriate. I would also suggest that Hunston Parish Council makes formal representations on the plan if the recommendations are agreed so that this matter can be given further detailed consideration.'

#### *Supplementary Question*

No supplementary question was asked.

**[Note]** The final two questions, 7 and 8 below, were about the same subject and very similar in content and so at the Vice-Chairman's invitation the two members of the public who had submitted them came together to the designated microphone to read each in turn her and his question before a single response to both questions was supplied]

*(7) Question: Ms Maggie Campbell-Culver*

**[Note]** Unlike question (8) below, this question was asked in full by Ms Campbell-Culver]

'My question relates to the temporary ice rink being installed in Priory Park, Chichester.

At the CDC Cabinet meeting on 6 November we were twice told that the financial risks associated with the ice rink lie with the Council's commercial partner and not with the Council.

It has come to my attention that at an earlier CDC Cabinet meeting on 2 October, members were asked to consider as a matter of urgency expenditure exceeding £100,000 on the installation of this temporary ice rink within Priory Park.

The Council notice dated 13 September states that the press and public were to be excluded from that part of the Cabinet meeting since there was a disclosure of information relating to the financial or business affairs of a particular person or persons.

Please would you advise me of the decision taken that day by the Cabinet, and if deferred, the nature of the deferral and of any subsequent decision.

If expenditure in excess of £100,000 was agreed, or is likely to be agreed in the near future, will this take the form of a loan, and if so, please advise me:

- what is the real amount?
- who is/will be the recipient of this loan?
- what is the specific purpose of the loan?
- on what terms has or will this loan be made?
- what guarantees for repayment have been made and by whom?

If not a loan, what is the amount, what form does or will the payment take, to whom, and for what specific purpose?

[Monday 19 November 2018]

*Response: Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place)*

[**Note** The response appears underneath question (8) below]

#### *Supplementary Question*

No supplementary question was asked.

*(8) Question: Mr Tom Bottrill*

[**Note** In view of question (7), only a *précis* of this question (in full below) was asked]

'My questions relate to the proposed ice rink to be installed in Priory Park, Chichester. At the CDC Cabinet meeting on 6 November we were told that the risks associated with costs for staging the temporary ice skating rink lie with the contractor and not with the Council.

It has come to my attention that at an earlier CDC Cabinet meeting on 2 October, Committee Members were asked to consider as a matter of urgency where the press and public were not permitted to attend. It involved expenditure exceeding £100,000 for the installation of a temporary ice skating rink with ancillary facilities in Priory Park. It is also understood that the notice was not published 28 clear days before the meeting as local authorities are required to.

I understand the press and public were excluded from that part of the Cabinet meeting since there was a disclosure of information relating to the financial or business affairs of a particular person.

Please would you advise me of the decision taken by the Cabinet, and if deferred, the nature of the deferral and any subsequent decision.

If the expenditure was agreed, or is likely to be agreed in the near future could you please advise me:

- who is/will be the recipient of this expenditure?
- what is the specific purpose of the expenditure?
- on what terms has or will this expenditure be made?
- are there any guarantees for repayment have been made and by whom?

[Monday 19 November 2018]

*Combined Response to Questions 7 and 8: Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place)*

'The notice that you refer to is the notice of forthcoming key decision and/or actions decisions to be taken in private.

Local authorities are required to publish a notice of key decisions and/or of their intention to hold a meeting of the executive (the Cabinet) in private at least 28 days clear before the meeting. This notice sets out key decisions to be taken in private at the meeting of the Cabinet on the date below, which have not been included in previously published statutory notices (the forward plan). In accordance with Part 2, Regulation 5, of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the chair of the Overview and Scrutiny Committee had been consulted and agreed that the item was urgent and cannot reasonably be delayed.

The notice sets out the key decision reason if appropriate - ie if the decision is likely to incur expenditure, generate income, or produce savings greater than £100,000 or if a decision is required in a timely manner.

Expressions of interest had been received by this date, however options for the delivery of the project and therefore costs were unknown at this stage. It was later confirmed that the proposed contractor would take all financial risk for the project and therefore a Cabinet decision was not required.

Therefore I can confirm that the Cabinet on 2 October 2018 did not receive a report regarding the ice skating proposal as there was no formal decision of the Cabinet required.

I can confirm that the Cabinet did not receive a report to the 2 October 2018 meeting as there was no formal decision of the Cabinet required.

I can also confirm that no expenditure was agreed or is likely to be agreed in the near future.'

#### *Supplementary Question*

Mr Bottrill requested the opportunity to ask a supplementary question.

The Vice-Chairman declined his request in view of what would be the lengthy duration of this meeting.

The response to the eighth question above concluded public question time and the Vice-Chairman thanked everyone for their questions.

The Council considered the recommendation made to it by the Cabinet at its meeting on Tuesday 2 October 2018, as set out in the Cabinet report (pages 25 to 27 of the Cabinet agenda).

Mrs J Kilby (Cabinet Member for Housing Services) formally moved the Cabinet's recommendation and this was seconded by Mrs S Taylor (Cabinet Member for Planning Services).

Mrs Kilby presented the Cabinet's recommendation by summarising the report. CDC currently held just under £1.2m unallocated commuted sum monies, which had been received by developers when on-site affordable units were impossible to provide eg when the contribution due was for only a fraction of a unit. This commuted sum fund was set aside solely to enable affordable housing. Of the £1.2m, just over £221,000 had been received from schemes in the parish of Chidham and Hambrook. Radian Housing Association had obtained planning permission to demolish an existing house and to develop 11 new homes. Three of those units were secured as shared ownership affordable housing within the section 106 agreement, with the rest to be market sale homes. Practical completion of the site was expected at the end of October 2018. However, due to issues of mortgage availability on the site Radian was willing to deliver all of the units as affordable rented properties. Accordingly, it had applied to vary the section 106 agreement and the usual consultations would take place before any decision was made. As the scheme was acquired as a market site, Radian needed a £165,000 grant to supplement that which had already been awarded from central government to enable the viability of an affordable housing scheme. This was a great cost-effective opportunity to provide more much-needed high quality affordable housing for local people. There were currently 17 households on CDC's housing register which claimed a local connection to the Chidham and Hambrook parish. As there were no other affordable rented units programmed for the parish up to 2029, this could be the last chance for an appreciable time for local people to be housed within that area. It was a fitting opportunity to allocate £165,000 of the sums received from the developments within Chidham and Hambrook parish, thereby enabling the parish to benefit directly from earlier development.

Mr J Brown (Southbourne) said that it seemed that the developer had obtained planning permission to deliver market housing but for some reason (he noted that electricity pylons crossed the site) it was unable to provide the full number of units and was now in effect asking CDC to make up the shortfall and subsidise the building of affordable housing.

Mrs Kilby replied that some of the houses were shared ownership units and the developer would bring these forward. Mrs L Rudziak (Director of Housing and Communities) said that originally the site was to have had three shared ownership and eight market units. The proposed allocation did not amount to a subsidy to meet a shortfall in a market site but was a means of providing additional affordable rented housing.

Mr R Hayes (Southbourne) commended this well-thought out idea to provide affordable housing to those with a local connection who were in need of it.

### *Decision*

On a show of hands the members voted in favour of the Cabinet's recommendation with no votes against and one abstention.

## **RESOLVED**

That the allocation of £165,000 commuted sum monies to Windsor and District Housing Association Ltd (Radian) to fund the delivery of eight additional affordable units at Flat Farm Hambrook be approved.

### **39 Chichester BID Alteration Ballot**

[**Note** Immediately prior to the start of this item Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place) and Mrs J Kilby (Cabinet Member for Housing Services) withdrew from their places on the dais and sat in the public seating area, in accordance with their respective declarations of having a prejudicial interest as recorded in minute 35 above, and they played no part in the discussion of and decision on this matter]

The Council considered the recommendation made to it by the Cabinet at its meeting on Tuesday 2 October 2018, as set out in the Cabinet report (pages 29 to 32 of the Cabinet agenda).

At the invitation of the Vice-Chairman, Mrs E Lintill (Deputy Leader of the Council and Cabinet Member for Community Services) informed the Council that there was an amendment to the Cabinet's recommendation as set out in the agenda, namely that after the final word 'Ballot' and before the ensuing full stop the following words were now inserted: 'if the request to hold the Ballot is formally confirmed by the BID', so that the full text of the recommendation, as amended, now read:

'That authority be delegated to the Deputy Leader to vote in accordance with Cabinet's decision in relation to the Alteration Ballot if the request to hold the Ballot is formally confirmed by the BID.'

Mrs Lintill formally moved the Cabinet's recommendation and this was seconded by Mrs S Taylor (Cabinet Member for Planning Services).

Mrs Lintill presented the Cabinet's recommendation by summarising sections 3, 4 and 5 of the report; the purpose was to delegate authority to Mrs Lintill to vote on behalf of CDC as a BID levy payer because Mr A Dignum (Leader of the Council) could not do so as he was a member of the BID board.

### *Decision*

On a show of hands the members voted in favour of the Cabinet's recommendation with no votes against and no abstentions.

## **RESOLVED**

That authority be delegated to the Deputy Leader to vote in accordance with Cabinet's decision in relation to the Alteration Ballot if the request to hold the Ballot is formally confirmed by the BID.

[**Note** At the end of this item Mr Dignum and Mrs Kilby returned to their places on the dais for the remainder of this meeting]

## 40 **Tower Street Chichester Public Conveniences Refurbishment**

The Council considered the recommendation made to it by the Cabinet at its meeting on Tuesday 2 October 2018, as set out in the Cabinet report (pages 33 to 35 of the Cabinet agenda and pages 1 to 7 of the agenda supplement).

Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place) formally moved the Cabinet's recommendation and this was seconded by Mrs E Lintill (Deputy Leader of the Council and Cabinet Member for Community Services).

Mr Dignum presented the Cabinet's recommendation by summarising sections 3 and 4 of the report. These public conveniences had last been refurbished 30 years ago. In addition to the general modernisation which was due, there were particular issues to address with regard to drainage, the sub-structure and the disabled toilet being unfit for purpose. There were insufficient funds in the Asset Management Programme (AMP) to cover the total cost of the refurbishment and so an additional allocation from reserves was required. It was intended to start the works in 2019 and signs directing the public to alternatives facilities would be in place.

Members spoke in support of the refurbishment, which was both overdue and to be greatly welcomed: the disabled facilities were in desperate need of improvement to meet the public's legitimate high expectations; the city had lost a number of public conveniences in recent years and it was essential to maintain them to a sterling standard; and the standard and condition of the public conveniences were a visible reflection of the excellence of the city as a whole.

Mr Dignum responded to two specific points raised by members: (a) as this would be a further but necessary call on CDC's reserves, officers would be looking at the adequacy of the AMP and (b) Chichester City Council continued to make (as agreed in 2011 at a public conveniences task and finish group) a financial contribution to the upkeep of these important facilities in the city.

### *Decision*

On a show of hands the members voted in favour of the Cabinet's recommendation with no votes against and no abstentions.

### **RESOLVED**

That an additional budget allocation of £65,000 from Reserves to supplement the existing Asset Replacement Programme budget of £80,000 for the project be approved.

## 41 **Absence Management Policy**

The Council considered the recommendation made to it by the Cabinet at its meeting on Tuesday 6 November 2018, as set out in the Cabinet report (pages 17 to 18 of the Cabinet agenda and pages 1 to 17 of the agenda supplement).

Mr P Wilding (Cabinet Member for Corporate Services) formally moved the Cabinet's recommendation and this was seconded by Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place).

Mr Wilding presented the Cabinet's recommendation by summarising sections 3 and 5 of the report and explained the various stages and trigger points in the table in section 4.0 of the draft Absence Management Policy in the appendix (page 3 of the agenda supplement); hitherto there had been no trigger points at all. He also referred to sections 12 (general guidance – sickness absence) and 13 (other relevant guidance) in the draft policy. He was pleased to say that sickness absence was now on a downward trend, currently (October 2018) at eight days per person per annum, and the trend was expected to continue on a downward trajectory.

Mrs C Apel (Chichester West and Chairman of the Overview and Scrutiny Committee (OSC)) and Mr K Martin (East Wittering and OSC member) said that the OSC had examined this revised policy, which was excellent and they commended the very good work which had been done in achieving a well-defined procedure and a balanced approach.

#### *Decision*

On a show of hands the members voted in favour of the Cabinet's recommendation with no votes against and no abstentions.

#### **RESOLVED**

That the revised Absence Management Policy be approved.

#### **42 Determination of the Council Tax Reduction Scheme for 2019-2020**

The Council considered the recommendation made to it by the Cabinet at its meeting on Tuesday 6 November 2018, as set out in the Cabinet report (pages 19 to 23 of the Cabinet agenda and pages 19 to 77 of the agenda supplement).

Mr P Wilding (Cabinet Member for Corporate Services) formally moved the Cabinet's recommendation and this was seconded by Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place).

In the absence of Mr R Barrow (Cabinet Member for Residents Services) Mr Wilding presented the Cabinet's recommendation by summarising the report with respect to sections 3 (the abolition of the national council tax benefit scheme in 2013 and the new local scheme operated by CDC since then), 5 (the four minor amendments made to simply the scheme and reduce the administrative costs), and 6 and 8 (the large level of support during the summer 2018 consultation for the proposed changes). As noted in para 3.6 of the report, CDC was among the minority of local authorities which since the end of the national means-tested council tax benefit scheme had continued to protect its financially vulnerable residents in what was a generous scheme.

Mr R Hayes (Southbourne) said he was proud to be a member of CDC, which took very seriously assisting its residents in need, especially those receiving Universal Credit.

#### *Decision*

On a show of hands the members voted in favour of the Cabinet's recommendation with no votes against and no abstentions.

## **RESOLVED**

That the Council Tax Reduction Scheme for 2019-2020 be approved.

### **43 Non-Domestic Rates Discretionary Scheme 2017-2021**

The Council considered the recommendation made to it by the Cabinet at its meeting on Tuesday 6 November 2018, as set out in the Cabinet report (pages 25 to 28 of the Cabinet agenda and pages 79 to 83 of the agenda supplement).

Mrs E Lintill (Deputy Leader of the Council and Cabinet Member for Community Services) formally moved the Cabinet's recommendation and this was seconded by Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place).

Mrs Lintill presented the Cabinet's recommendation by summarising the report with particular reference to:

- Section 3: (a) the discretionary fund available for four years from 2017 to assist businesses to adjust to the revaluation of non-domestic rates and (b) the lower than expected take-up rate in the first year, due principally (despite initial and repeated publicity by CDC) to a reticence to apply because of the state aid rules.
- Section 5: how in the remaining three years of the scheme, payments to eligible customers would be maximised and a repetition of the first-year underspend would be avoided – the increases in the fixed percentage awards for the next three years were set out in the table in para 5.1 of the report. The recent budget changes would not affect this amended scheme.
- Section 8: in the recent consultation West Sussex County Council had noted with approval the proposed changes and Sussex Police had no comments (it was a statutory consultee but the scheme had no financial implications for it).

Mr A Moss (Fishbourne and Leader of the Opposition) commended the changes to the scheme and said (with reference to the question he asked at the Annual Council meeting on Tuesday 22 May 2018 about the underspend of the funds for the 2017-2018 allocation) that whilst the lower volume of applicants was disappointing he accepted that CDC had done all it could to encourage applications to be made.

### *Decision*

On a show of hands the members voted in favour of the Cabinet's recommendation with no votes against and no abstentions.

## **RESOLVED**

That the Council Tax Reduction Scheme for 2019-2020 be approved.

The Council considered the recommendation made to it by the Cabinet at its special meeting on Wednesday 14 November 2018, with regard to the Cabinet report (pages 1 to 18 of the Cabinet agenda), its appendices (pages 1 to 274 of the agenda supplement), the revised version in the sixth agenda supplement of the agenda report update sheet, and the (first) agenda supplement for this meeting in which an amended version of para (1) of the Cabinet's recommendation was set out (para (2) was unchanged).

Mrs S Taylor (Cabinet Member for Planning Services) formally moved the Cabinet's amended recommendation and this was seconded by Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place).

Mrs Taylor presented the Cabinet's amended recommendation as follows. CDC currently had an adopted Local Plan but was committed to reviewing it by July 2020 to ensure that the development needs of the Local Plan area were addressed in accordance with national planning policy. The Local Plan Review would be for 2020 to 2035 and would cover the Chichester District area outside the South Downs National Park (SDNP). Work on the evidence base to inform the Local Plan Review had been ongoing for the past two years. Appendix 4 to the report set out the evidence base already published together with future dates of publication. The Local Plan area's housing need was based on the government's current proposed methodology and was capped at an increase of 40% of the figure in the existing Chichester Local Plan (CLP), resulting in a housing need figure of 12,350 new dwellings over the plan period ie 609 dwellings plus 41 dwellings per annum to accommodate the unmet housing need of the SDNP within the CLP area, namely a total of 650 dwellings per annum. The Chichester Local Plan Review: Preferred Approach (CLPRPA) had two parts. Part one set out some of the key planning issues and challenges together with the preferred spatial strategies to meet the needs of the Chichester Local Plan.

It proposed *inter alia* specific sites for development. A majority of the planned growth would be in the east-west corridor including Chichester city, with more moderate development for the Manhood Peninsular and in the north of the District. In addition, provision for new employment floor-space was proposed equating to over 230,000 m<sup>2</sup> for the plan period. Part two of the CLPRPA comprised development management policies, which provided greater detail with respect to, for example, design, heritage, housing mix/tenure and landscape considerations. If approved by the Council, the CLPRPA would be published for consultation for a period of eight weeks from 13 December 2018 to 7 February 2019. The Revised Local Development Scheme (the next agenda item at this special meeting) set out the timetable for taking the CLPRPA through to adoption, which self-evidently was very tight. Failure to proceed to consultation on the CLPRPA would be likely to result in the extant CLP becoming out-of-date with its serious consequences. The proposed consultation would afford an opportunity for the community to engage in a positive and constructive way to ensure that the development that took place was planned, and not speculative and unplanned with a lack of control over infrastructure, design and location, as was experienced prior to the adoption of the current CLP. The need for and commitment to new housing was recognised by all of the main political parties ie 300,000 new dwellings per annum. The best way to ensure that the unique qualities of this very beautiful part of the country were preserved was for CDC to ensure that it had an up-to-date Local Plan. She commended the Cabinet's recommendation in its amended form.

During the Council's debate members discussed the draft CLPRPA and asked questions and made comments on points of detail, which were answered by officers where required. A summary of the contributions follows but for the full debate recourse should be made to the audio recording on CDC's website via this link:

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=132&MId=923&Ver=4>

Mr G Barrett (West Wittering) asked three questions:

- With regard to the housing delivery figures and Policy S4: Meeting Housing Needs, there appeared to be a discrepancy between the numbers in the draft CLPRPA 2016-2035 and the objectively assessed need for housing 2016-2019 and 2019-2035 (detailed figures were cited) and if it was the case that there were to be more houses provided than currently required, could there be a review of the number of houses being proposed for the Manhood Peninsula?

Mr A Frost (Director of Planning and Environment) would discuss the details of this point with Mr Barrett outside this meeting but he was satisfied that the housing numbers in the CLPRPA were correct.

- Would the minimum number of homes to be delivered by the CLPRPA be reckoned from 1 April 2016?

Mrs Taylor confirmed that this was the correct date.

- With reference to Policy SA6: Land South-West of Chichester (Apuldram and Donnington Parishes) (page 119 of the main agenda supplement), why were Donnington and Apuldram no longer considered to be part of the Manhood Peninsula?

Mrs Taylor said that this was simply a description of where the two parishes were located. There was an opportunity during the consultation to suggest an alternative geographical description.

Mr S Oakley (Tangmere) made a statement and the following points were included:

- An eight-week consultation period was needed given the challenging size of and the detail in the draft CLPRPA document.
- As central government had imposed for various policy and practical reasons high housing figures and the calculation methodology, CDC had to meet the target and conduct the review imposed by the planning inspector, not least to avoid the planning by appeal jeopardy of not having a five-year housing land supply. The proposed distribution of additional housing was the least damaging option in this scenario.
- The proposed scale of annual targets was of an order not hitherto experienced in this area. Achieving estate design and housing build quality would be under threat.
- The considerable increase in pitch requirements in Policy S7 reflected how legislation allowed preferential treatment for certain elements of the population.

- Infrastructure: (a) wastewater was not an absolute constraint as Southern Water had a duty to serve new development and would build eventually what was necessary; (b) local roads would become more congested as there was not sufficient funding to resolve every need or desire; (c) since (i) the CLPRPA would only mitigate the impact of new development on the A27 Chichester bypass and would not address existing congestion issues and (ii) the funds required for the A27 improvements would not be available until at least the late 2020s, by which time there would have been a further review of the Local Plan, the case for a complete re-alignment of the Chichester A27 under RIS 2 was self-evident; (d) the CLPRPA's sustainable transport infrastructure provision was too aspirational and needed to be expressed in more robust terms; (e) air quality concerns were addressed in the CLPRPA but the problem ultimately required more restrictive national and international emission standards and alternatively powered vehicles.
- Mitigation of the environmental impacts of the proposed development: the wildlife corridors policy, the undertaking given at the Cabinet's special meeting to ensure the enabling of local green spaces would be in the CLPRPA submission version of this plan and the intention to introduce countryside gaps were all to be welcomed. It was also pleasing that looking beyond the CLPRPA the Strategic Planning Board would be considering green belt designations.
- Significant reduction in open space standards for developments over 200 dwellings: this was a cause for concern as with those new standards such large developments would be very urban in character, quite out of keeping with the general pattern of development in the CLP area; drainage ponds, for example, were not usable amenity open spaces.

Mr J Brown (Southbourne) made three points:

- Although Mrs Taylor said that the three main national political parties supported the housing numbers, it was Liberal Democrat policy to have ten new garden cities.

This was noted by Mrs Taylor.

- Why were some wildlife corridors removed from the CLPRPA?

Mr M Allgrove (Planning Policy Manager) explained that officers had examined the evidence for wildlife corridors and four were in the CLPRPA. If others were suggested during the consultation, the merits of those would be considered by officers.

- In order to (a) counter the suspicion felt by the public about the A27 Chichester mitigation measures and the credibility of the transport study and (b) safeguard land for the A27 northern route and a full southern route, the CLPRPA should refer to the A27 RIS2 upgrade and state that A27 mitigation would not be pursued until the RIS2 outcome was known.

Mr Frost said that the A27 was a complicated issue and it was important that the CLPRPA sent a clear message to the community that what was sought was a government - and not a local plan-funded scheme. The funding situation currently remained uncertain and in July 2020 (when the Chichester Local Plan Review was due to be adopted) it would not be known if there would be RIS2 funding for the A27 Chichester bypass. The interface between RIS2 and local plan funding was complicated. Land could not be safeguarded for A27 upgrading in the absence of a

preferred route. There were frequent meetings between officers and their counterparts at West Sussex County Council Highways and Highways England. In the meantime mitigation measures were required as developments came on stream, for example Shopwyke Lakes.

Mr R Plowman (Chichester West) commended Policy DM1: Specialist Housing. He was very pleased that there was for example protection for care homes. He would have liked to see it extended to include the provision of retirement villages. He was concerned about how to secure delivery by developers of housing for which they had been granted planning permission but which was not then built: the government needed to address what was a broken system.

Mrs Taylor said that his second point had already been raised with the MP for Chichester.

Mrs P Plant (Bosham) referred to a number of uncertainties affecting the CLPRPA, such as A27 funding, the calculation of housing numbers and the current restrictions on the Apuldrum Wastewater Treatment Works in relation to the employment-led development proposal in Policy SA6: Land South-West of Chichester (Apuldrum and Donnington Parishes). Since the extensive documentation associated with the CLPRPA had only been made available to CDC members since 1 November 2018 (via the Development Plan and Infrastructure Panel (DPIP) agenda) and there had been many changes made since then, she wondered if the agenda papers for the meetings of the DPIP, the special Cabinet and the Council had been released prematurely.

Mrs Taylor acknowledged the considerable amount of material, which officers had been preparing for two years, but there had been sufficient time since publication to members to review the papers.

Mr J F Elliott (Bury) asked if the 400m buffer around the Goodwood Motor Circuit was inviolable and what scope there was, for example via community land trusts (CLTs), for providing accommodation for elderly people in the countryside.

Mrs Taylor confirmed that the buffer was a policy default position. Mr Allgrove advised that CLTs could be a means for bringing forward affordable housing (but no other type) in the countryside.

Mr K Martin (East Wittering) referred to the A27 mitigation measures in the transport study produced by Peter Brett Associates (PBA), the estimated cost of which could clearly not be met solely from developers' contributions, and the level of traffic increase by 2050 forecast by a Department for Transport study. He asked if the PBA study had comprehended the impact of this very significant increase in traffic *per se* and as a result of development.

Mr Dignum (Leader of the Council and Cabinet Member for Growth and Place) said that PBA had only been commissioned to consider the changes to the highway network which were needed to deal solely with additional housing and so the CLPRPA highway proposals were no substitute for the eventual A27 northern or fully upgraded southern route. The road improvement costs estimated by PBA would clearly not be met in their entirety by developers and so government funding would also be required, for example from the Housing Infrastructure Fund; without the required funding for mitigation measures, the housing could not be provided. Mr Frost said that the PBA costs estimate related only to the quantum of construction costs as at this date and that it was necessary to secure other funding too.

Mrs P Tull (Sidlesham) commented on the proposed housing allocations for the parishes of Hunston and North Mundham. She questioned the rationale for the changes to the original housing allocations for the two settlements of 125 houses each so that now Hunston would take an additional 75 houses and North Mundham would be reduced to 50. Was this new proposed allocation within the range of numbers expected to come forward in the emerging Hunston neighbourhood development plan (NDP)? Hunston had made a very valid point in objecting to a further 200 homes in addition to the original allocation of 571 ie a 35% increase which was a huge change for the parish, even if the impact was mitigated by the promised infrastructure and community facilities (para 6.76 of the CLPRPA).

Mr Frost outlined the process which had led to the proposed housing allocations for Hunston and North Mundham. He acknowledged Hunston Parish Council's concerns and said that the issue could be revisited in the light of the representations made by each parish council during the consultation.

Mr R Hayes (Southbourne) commended the hard work by officers in producing the CLPRPA. He said that it would be interesting to read the consultation responses about the impact on the A259 (and the A27) of the additional 1,250 homes proposed for the parish.

Mr J Ransley (Wisborough Green):

- Sought and received from Mrs Taylor an assurance that all comments made during the consultation would receive parity of treatment and be given due and equal consideration.
- Asked what would happen to the 41 houses to be taken by CDC on behalf of the South Downs National Park Authority if the CLPRPA was not adopted and in that case which authority would be responsible for delivering them.

Mr Allgrove advised that those 41 houses would remain as unmet need for which there would be no mechanism for delivery.

- It was noticeable that the proposed allocation of development for the north of Chichester District was not dispersed but focused on one village, which undermined the credibility of the CLPRPA as a whole and he hoped that this would be addressed post-consultation. He also wondered if the point had been reached of the planning system having become dysfunctional and councils were reduced to implementing central government edicts.

Mrs Taylor said that housing allocation depended on land availability and parishes could comment on this during the consultation. She noted his observation.

Mrs C Apel (Chichester West) pointed out that the Overview and Scrutiny Committee which she chaired had advocated the need for Chichester District Council to deploy more user-friendly consultation software and asked if this would be done.

Mr Allgrove replied that after the cancellation of the previous contract and the trial of new software, in which members had been involved, it was hoped that it would meet with users' approval.

During the debate, which is summarised above, Mr A Moss (Fishbourne and Leader of the Opposition) made the following points and a proposal to amend the draft CLPRPA:

- (1) The consultation period included the Christmas 2018 and New Year 2019 festive holiday period and in view of that the consultation should be extended to the end of February 2019.
- (2) CLPRPA Policies S21: Health and Wellbeing and S23: Transport and Accessibility did not make sufficient provision for cycle routes.
- (3) With respect to CLPRPA Policies S16: Development within Vicinity of Goodwood Motor Circuit and Airfield, SA4: Land at Westhampnett/North East Chichester and, in particular, SA6: Land South-West of Chichester (Apuldram and Donnington Parishes), it was of great concern to him and others that sites within the Lavant flood plain were being proposed for possible development. The land the subject of Policy SA6 was very close to the AONB, which included very important wildlife sites. The employment and housing uses of this land would damage the community and the construction of a road which (for flood risk reasons) would have to be raised would have a major impact on views from Chichester Harbour, especially looking towards Chichester Cathedral. There was a need to look again especially at Policy SA6 and for the site to be removed from the CLPRPA and allocated to the areas the subject of Policies S16: Development within Vicinity of Goodwood Motor Circuit and Airfield and SA4: Land at Westhampnett/North East Chichester. Development in that area would enhance Goodwood Airport and be consistent with the employment use at Rolls Royce, and insofar as residential development was concerned appropriate visual and noise screening could be provided.
- (4) Other important issues in the CLPRPA included housing mix, transport and cycling.

In reply, Mrs Taylor and Mr A Frost explained:

- That the intervening Christmas holiday period had been taken into account by extending the usual six-week consultation period to eight weeks; to change the Policy SA6 and to extend the consultation period would put at risk achieving what was already a very tight timetable.
- The suggestion that the employment use proposed in Policy SA6 could instead be reallocated to land south of the Goodwood Motor Circuit and Airfield was not viable because of flood risk and landscape sensitivity *vis-à-vis* the SDNP. The area of land in Policy SA6 was about 85ha, which was far more than was needed for the proposed employment and housing and so was capable of being developed appropriately. There had been no discussions with the Goodwood Estate about Mr Moss' proposal and it was not possible to say if such an allocation would be suitable, appropriate and deliverable.

Nevertheless Mr Moss formally proposed that the 85ha of land south-west of Chichester for employment-led development should be removed from Policy SA6 and reallocated to elsewhere including the area adjacent to Goodwood Airfield. He had long held the view that the site proposed in policy SA6 was inappropriate for development.

Mrs C Apel (Chichester West) seconded Mr Moss' proposal.

Mr J Ridd (Donnington) said that he would also have liked to have seconded Mr Moss' proposal, whose concern about this site he shared. He also expressed his concern that the draft CLPRPA was very much work in progress and so to consult on it now would be premature.

Mrs Taylor repeated that any delay could be seriously prejudicial to the timetable and risk CDC no longer having a five-year housing land supply with the consequences of planning decisions by appeal and a loss of the government's housing numbers cap.

Mr Dignum noted Mr Moss' points but said cognisance should be taken of the severe timetable constraints and so rather than delay matters, objections to Policy SA6 could and should be submitted during the consultation and these would be carefully considered by officers.

Mr Dignum's response was supported by Mr Oakley and Mr L Hixson (Chichester East).

The Vice-Chairman of the Council then called for a vote by a show of hands on Mr Moss' proposal, which was supported by six members, with a clear majority against it and four abstentions. The proposal was not, therefore, carried.

In concluding the debate Mr Dignum made the following remarks:

The government inspector in approving the CLP in 2015 laid down that a full review had to be completed by 2020, in particular a review of the housing numbers. The CLP laid down a figure of 435 houses per annum within the Local Plan area. The current government formula laid down a figure 40% higher than that, namely 609 houses per annum (hpa) for the Local Plan Review. In addition the South Downs National Park Authority had asked CDC to provide up to 41 hpa. Thus the Local Plan Review would have to identify deliverable sites providing in total up to 650 hpa. It should be clearly understood that the housing numbers were imposed by central government and whatever it felt about the figures, CDC had no choice in the matter and had to fit the numbers into the required locations.

The choices of locations had to avoid the SDNP and the Chichester Harbour Area of Outstanding Beauty, the worst flood zones and take account of the poor access to and from the Manhood Peninsula.

It had to be assumed that no major scheme on the A27 would be having an impact during the period up to the next Local Plan review due in 2025.

All of these constraints meant that the Manhood would be asked to take a far smaller proportion of new homes namely 16% than its share of population might suggest. If new housing over the new plan period had been allocated in proportion to population, the Manhood would receive twice as many homes, namely 33% of the Local Plan Review total. Housing allocations to specific towns and parishes were rarely received with acclamation but CDC members needed to agree a local plan which would deliver an annual number of homes fixed by the government. It had to be grasped that when a housing figure went down in one area, then somewhere else would need to accept a higher figure in order to balance the books and deliver the Local Plan total.

Another major issue was the Local Plan Review's relationship with the A27. In preparing the document officers had to assume that there would be no major scheme implemented by Highways England before another plan review was due in 2025. However, CDC was

required to arrange plans to be prepared to offset the impact of new development on the A27 and local roads. In the absence of a major Highways England scheme, there was no alternative to making relatively minor at grade improvements to the existing A27. This did not mean that CDC was embracing any of the Highways England 2016 options for the existing A27 but it did mean that CDC had to calculate the impact of the new housing that was planned and devise proposals to offset its impact on the whole highways network.

In summary, CDC had to ensure it had a new adopted Local Plan by 2020 or confront the risk of uncontrolled development on any site not included in the current CLP and developers making only a minimal contribution to the necessary infrastructure.

Accordingly, he commended the making to the Council of the two-fold recommendation.

On behalf of Mrs Taylor and for himself, he thanked CDC's planning policy team, led by Mr Allgrove, for all its good work, which had resulted in 274 pages of the draft CLPRPA for the proposed consultation. The Council assented to these words of appreciation with warm applause.

### *Decision*

On a show of hands the members voted in favour of the Cabinet's amended recommendation with no votes against and three abstentions.

[**Note** (i) The Council voted initially on the Cabinet's recommendation in its *original* form as set out in the Council agenda and the result was as stated above. (ii) Following the short adjournment recorded below, and before proceeding to agenda item 13, the Council was asked to vote again for the avoidance of doubt on para (1) in its *revised* form as set out in the (first) agenda supplement (para (2) was unchanged and so was not the subject of a further vote) and the result was again as stated above and as set out below.]

### **RESOLVED**

- (1) That the Local Plan Review: Preferred Approach document (attached as appendix 2 to the Cabinet agenda report), as amended in the sixth agenda supplement, and the schedule of proposed changes to the policies map (attached as appendix 3) be approved for an eight-week consultation from 13 December 2018 to 7 February 2019.
- (2) That the Director for Planning and the Environment be authorised, following consultation with the Cabinet Member for Planning Services, to make minor amendments to the consultation documents prior to their publication.

[**Note** After the end of this item there was a short adjournment from 16:37 to 16:52]

### **45 Revised Local Development Scheme 2018-2021**

The Council considered the recommendation made to it by the Cabinet at its special meeting on Wednesday 14 November 2018, as set out in the Cabinet report (pages 19 to 22 of the Cabinet agenda and pages 275 to 289 of the agenda supplement).

Mrs S Taylor (Cabinet Member for Planning Services) formally moved the Cabinet's recommendation and this was seconded by Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place).

Mrs Taylor presented the Cabinet's recommendation saying that the Local Development Scheme (LDS) identified and timetabled the planning documents to be prepared by CDC for its plan area over a three-year period, and the version of the LDS appended to the report was for the period 2018 to 2021. She drew attention to the revised timetable for the Local Plan Review. As mentioned in the preceding agenda item, the timetable was now very tight and there was no room for slippage if CDC wished to attain its target date of July 2020. The Local Plan Review would require work to commence on development plan documents (DPD) such as Gypsy and Traveller Sites and the Site Allocation DPD. Dates had not yet been set but it was anticipated that work would start on them shortly. The LDS was constantly kept under review and updated. It was published on the CDC's website to enable the community and stakeholders to find out about the planning policies for their area and the timetable for the production of the documents.

Mrs Taylor and Mr A Frost (Director of Planning and Environment) responded to members' questions and comments on points of detail as follows:

- The timetable was admittedly very compressed for preparing the various Local Plan documents but CDC was obligated to have them available for the 2020 deadline set for the Local Plan Review. Some categories of document eg the supplementary planning documents did not have to be produced until after the adoption of the Local Plan Review. Officers were committed to complying with the 2020 deadline and indeed the one after that in 2025. The Planning Policy team was now fully resourced.
- A failure to meet the stipulated five-year review deadlines would put the Chichester Local Plan area at risk of speculative development because of the absence of a five-year housing supply and CDC would lose the benefit of the government's 40% cap on housing. Whilst the approval by the planning inspector of the current Chichester Local Plan was contingent on a full five-year review, officers hoped that the 2025 review would only be a partial one.

### *Decision*

On a show of hands the members voted in favour of the Cabinet's recommendation with no votes against and no abstentions.

### **RESOLVED**

That the revised Local Development Scheme 2018-2021 be approved.

### **46 Questions to the Executive**

The questions to the executive asked by members and the responses given were as follows:

*Question: Compliance with procedures and use of an alternative generator model for the temporary ice rink in Priory Park Chichester*

**Mr R Plowman** (Chichester West) referred to the work now underway for the installation of the temporary ice rink in Priory Park Chichester following the grant of planning permission on Wednesday 14 November 2018 and sought confirmation that all the requirements and procedures were being satisfied and requested an explanation for the choice of a different generator to that identified in the noise study.

*Response*

**Mr A Dignum** (Leader of the Council and Cabinet Member for Growth and Place) said that this was an operational matter and so he deferred to the relevant directors for a response.

**Mrs J Hotchkiss** (Director of Growth and Place) said that the planning permission with conditions had been issued; building control conditions would be addressed once the ice rink structure was on site; the licence to occupy was in force; the management plan would be implemented gradually as the event progressed; and the application for a premises licence would be determined by the Alcohol and Entertainment Licensing Sub-Committee on Thursday 22 November 2018. She was unaware of the change in specification for the generator and would instruct environmental health officers to investigate.

**Mr A Frost** (Director of Planning and Environment) said that he did not believe that there were any pre-commencement planning conditions but there were a couple of conditions for which compliance was required within the next two weeks.

**Mr H Potter** (Boxgrove) observed that in view of the amount of power required to run the refrigerators for the ice rink it was very likely that there would be two generators deployed to work on an alternate basis; this should be borne in mind when monitoring the noise.

*Question: Unresolved breach of condition relating to the provision of sewer upgrades in Southbourne*

**Mr J Brown** (Southbourne) referred to a question he had asked at the Cabinet's special meeting on Wednesday 14 November 2018 about how a breach of condition which had occurred almost a year ago relating to the provision of sewer upgrades in Southbourne had not been properly addressed: no request to vary the original condition had been made, no evidence had been supplied that the work required by the original and extant condition was not necessary and Southern Water had recently completed a different set of works. Southern Water had been contacted and given oral (but no written) assurances that the original condition was not required. In the public's eye, however, there was a planning condition which was not being enforced. He and one of his co-members for the Southbourne ward, **Mr R Hayes**, had pursued the matter during the past year with the CDC enforcement officers, who had advised him that they did not have the power to deal with changes made by Southern Water to the terms of a planning condition. He wondered if in order to expedite this matter and bring it to a successful conclusion a referral about Southern Water could be made to Ofwat, the economic regulator of the water sector in England and Wales, asking it to take action.

**Mrs L C Purnell** (Selsey North) remarked that Ofwat was the correct body to contact and in her experience it could act usefully if approached for assistance.

**Mr R Hayes** (Southbourne) confirmed **Mr Brown's** comments but added that Southbourne Parish Council (of which he was a member) had tried to refer this matter to Ofwat but both in that case and in negotiations with CDC enforcement officers nothing had been

achieved. This was an important issue not only in its own right but in view of the 1,250 houses allocated to Southbourne. If infrastructure could not be satisfactorily achieved on a smaller site such as this one in Southbourne, the prospects for larger sites were not encouraging.

*Response*

**Mr A Frost** (Director of Planning and Environment) noted all that had been said about what was a site-specific matter and said that it should be pursued outside of this meeting; members clearly needed an update about non-compliance with an undischarged condition. He was unsure if Ofwat was the correct body to approach. However, he undertook to write to Southern Water's senior managers (whom he considered to be the first point of contact) and the regulator.

*Question: Completion of housing stock audit by Hyde*

**Mr A Shaxson** (Harting) referred to the large scale voluntary transfer of housing stock owned by CDC in the early part of the previous decade and the audit of that property portfolio which was being undertaken jointly by Hyde and CDC. He asked how long it would take for the audit to be completed.

*Response*

**Mrs J Kilby** (Cabinet Member for Housing Services) said that she would refer to officers for an indicative timescale. She presumed that the audit was part of the asset management review undertaken by CDC's Housing Task and Finish Group.

**Mrs L Rudziak** (Director of Home and Communities) said that there was asset survey (not an audit) being undertaken by Hyde of all its housing stock in Chichester District in order to gain a full picture of where to redevelop or build new properties on the land within its portfolio. The asset survey was being undertaken by consultants engaged by Hyde and it was due to have been completed in October 2018 and shared with CDC in November 2018. The survey was not being carried out in partnership with CDC but the results would be divulged so that CDC could work with Hyde on taking forward its asset management programme.

*Question: Readiness for a sudden general election*

**Mr S Lloyd-Williams** (Chichester North) asked whether, in view of the current political situation, CDC would be ready in the event of a snap general election being called.

*Response*

**Mrs D Shepherd** (Chief Executive) said that CDC's trained electoral services and other staff who assisted with elections would be ready for any early general election.

*Question: Proposals for post office provision in villages east of Chichester*

**Mr S Oakley** (Tangmere) mentioned the scheduled closure of the post office in Tangmere in February 2019. He asked what steps were being taken by CDC to ascertain the Post Office's proposals for local post office provision in the villages east of Chichester.

## *Response*

**Mr A Dignum** (Leader of the Council and Cabinet Member for Growth and Place) said that one of CDC's economic development officers had supplied **Mr Oakley** with a very detailed answer about the situation but it was his understanding that CDC's powers to influence or intervene were very limited. He suggested that **Mr Oakley** write to the local MP.

**Mrs D Shepherd** (Chief Executive) confirmed that CDC had no powers available to deal with post offices but it would endeavour to extract a response from the Post Office.

*Question: Request that Midhurst residents be informed of the repeated concerns expressed by their CDC ward members about the disposal of land at the Grange*

**Mr S Morley** (Midhurst) sought an assurance from the Leader of the Council that when he addressed a forthcoming meeting in the town for businesses to explain CDC's reasons for accepting a bid for care home on part of the Grange site, he would convey how the CDC Midhurst ward members and others had repeatedly communicated the town's objections to this type of development.

## *Response*

**Mr A Dignum** (Leader of the Council and Cabinet Member for Growth and Place) said that this would be a public meeting and if present **Mr Morley** would have every opportunity if he so wished to make that point. His remit at this meeting was not to explain the Grange site bid and disposal but to give a clear picture to Midhurst residents what CDC was doing for the town and to learn of any issues and problems which CDC could seek to address on behalf of the community.

**Mr S Morley** (Midhurst) acknowledged the response and said it would be taken as a 'no'.

[**Note** End of Questions to the Executive]

## **47 Committee Calendar of Meetings - May 2019 to May 2020**

The Council considered the report and its appendix circulated with the agenda for this meeting.

The Vice-Chairman moved the Cabinet's recommendation and this was seconded by Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place).

Mrs D Shepherd (Chief Executive) briefly introduced the report.

At the start of the discussion Mr A Moss (Fishbourne and the Leader of the Opposition) proposed an amendment to the recommendation in para 2.1 of the report, namely that after the final word 'approved' the following words be inserted: 'and officers be invited to investigate a revised calendar of meetings to include some evening meetings to accommodate working councillors and for local residents to attend more easily'.

Mr J Brown (Southbourne) seconded this proposal.

Mr Moss said that whilst he was content with the calendar overall there was in his view a duty to have meetings later in the day to assist both members who were in employment and local residents, thereby maximising attendance routinely at CDC meetings.

Mr Brown pointed out that he had used 15 days of his annual leave to attend various meetings including several Local Plan Review member briefings; he was fortunate in that he had a very understanding employer. He felt that the current arrangement was very off-putting to working-age councillors. He was, therefore, fully in support of Mr Moss' proposal.

Four members spoke against the proposal: Mrs P Tull (Sidlesham), Mrs P Dignum (Chichester South), Mr S Oakley (Tangmere) and Mr J Connor (Selsey North). The points made were that (a) the matter had been discussed several years ago in detail and ultimately it had not been pursued after a limited experiment in holding some meetings later in the afternoon and that did not lead to an increased attendance; (b) later meetings could pose safety issues for lady members who lived in distant wards because they would have to drive home in the dark; (c) evening meetings at CDC would clash with parish, town and city councils which were held at that time of day; (d) evening meetings would have resource implications for CDC officers and other staff and also they and the public would then have to travel home late.

Mrs C Apel (Chichester West) favoured the proposal, saying that the current meetings timetable made it very difficult for younger people to attend and they would be helped by late afternoon and evening meetings. She disagreed that it would create problems with evening parish council meetings because in other local authority areas parish and district/borough council meetings were held in the evenings without a problem.

Mr F Hobbs (Easebourne) sympathised with Mr Moss' point and he too had lost annual leave by attending CDC meetings. He suggested that the best way forward was to approve the calendar now and review the position following the CDC elections in May 2019.

The Vice-Chairman called for a vote by a show of hands on Mr Moss's amendment proposal. There were seven votes in favour, a large (unspecified) number against and one abstention. The proposal was not, therefore carried.

In further discussion the following points were raised with answers given by Mrs Shepherd and Mr A Frost (Director of Planning and Environment) as required:

- It was not proposed to reinstate the CDC diary, which used to be published with meeting dates as a companion to the year book. Electronic calendars were now favoured instead.
- There was no Planning Committee scheduled for May 2019 because following the CDC elections that month committee memberships would need to be determined by the Annual Council and then member induction training provided before the first meeting could be held.
- The first Planning Committee meeting of the new Council administration would be in June 2019 on a Thursday instead of the usual Wednesday but CDC's normal publicity arrangements and members also making the public aware would ensure that there was no confusion.

- The three-week interval between the August and September 2019 Planning Committee meetings was less than the usual four weeks and so the lead-in time would be slightly tight but officers were confident that it could be managed. It should be noted that there would be a slightly longer interval than usual between the September and October 2019 meetings.
- During the current Council year there had been quite a number of changes to fixed meeting dates and this could cause problems in particular for those who worked. In future CDC should adhere to published meeting dates.

#### *Decision*

On a show of hands the members voted in favour of the Cabinet's recommendation with four votes against and no abstentions.

#### **RESOLVED**

That the committee calendar of meetings for May 2019 to May 2020 be approved.

#### **48 Late Items**

As stated by the Vice-Chairman during agenda item 2, there were no late items for consideration at this meeting.

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

A resolution to exclude the press and the public from the meeting during the final agenda item 18 was formally proposed by Mrs E Lintill (Deputy Leader and Cabinet Member for Community Services) and seconded by Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place).

#### *Decision*

On a show of hands the members voted in favour of the resolution set out below with no votes against and no abstentions.

#### **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 18, Transfer of Service, 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 Paragraphs 1 (information relating to an individual) and 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) in Part I of Schedule 12A to the Act and because in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

#### **50 Transfer of Service**

The Council received and considered the confidential exempt agenda report circulated to members and officers only.

The Council considered the recommendation made to it by the Cabinet at its meeting on Tuesday 6 November 2018, as set out in the exempt confidential Cabinet report, both in the original version (pages 41 to 45 of the Cabinet agenda) and the revised version of that report which was circulated in the second agenda supplement for the Council meeting the previous day and provided as hard copy to members shortly before this meeting commenced.

Mrs E Lintill (Deputy Leader of the Council and Cabinet Member for Community Services) formally moved the Cabinet's recommendation and Mr A Dignum (Leader of the Council and Cabinet Member for Growth and Place) seconded it.

The report was presented by Mrs Lintill and Mrs J Dodsworth (Director of Residents Services).

The matter was discussed by the Council.

Mrs Lintill and Mrs D Shepherd (Chief Executive) responded to members' questions and comments on points of detail.

#### *Decision*

On a show of hands the members voted in favour of the Cabinet's recommendation with no votes against and no abstentions.

#### **RESOLVED**

- (1) That the transfer of the service as outlined in section 5 of the report be approved.
- (2) That the Director of Residents Services be given delegated authority to conclude the final details of the transfer, including the capital receipt and the timing of the transfer, after consultation with the Cabinet Member for Community Services.

**[Note** The meeting ended at 17:52]

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CHAIRMAN

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DATE

**Project Documentation - Initial Project Proposal Document**  
**Project:** Resurfacing and Improved Drainage at Westhampnett Depot  
**Author:** Jane Dodsworth, Director of Residents Services

**1. Purpose of Document**

The purpose of this document is to justify the undertaking of the project based on the estimated cost of delivery and the anticipated benefits to be gained. The proposal outlined in this document will be used as part of the process for prioritising future projects.

**2. Project Description**

To resurface the west side of the depot site to include an extended foul drainage system and fully compliant surface water drainage system with new rain water gullies, petrol interceptors, soakaway systems, etc. and additional depot lighting, signage and road and bay markings.

**In scope:**

- Reconstruction and full resurfacing of the west elevation vehicle park extending east west from the vehicle workshop concrete apron to the west boundary and north south from Stane Street to the boundary with the WSCC waste transfer site.,
- To provide a continuous asphalt contoured durable road and vehicle park surface extending from the previous surfacing work undertaken in 2016 with all surfaces drained to falls into a new surface water drainage system.
- Subject to statutory authority approvals, to provide a compliant foul drainage link from the Gypsy Traveller Transit Site (G&TTS) to an extended foul drainage link to be provided for the vehicle wash facility. This connection will offer WSCC the opportunity to fund the capital costs associated with connecting the G&TTS via this foul drain to a public sewer with the economic benefit of reducing revenue costs.
- Subject to completing the above foul link to the G&TTS the current drainage system would be modified to include the disconnection and removal/sealing of the two cesspit vessels. This will be dependent upon WSCC funding the capital costs and WSCC making a contribution towards CDC Southern Water utility on going revenue costs.
- New vehicle park lighting installation and signage.
- Reinstate power to front gate to support future more secure exit / entrance security.

**Out of scope:**

- Fuel storage: CCS currently purchase road diesel for their vehicle fleet off site. However they have two underground emergency use only diesel fuel storage tanks. These tanks provide a total capacity of 6,800 litres and are located at the main entrance beyond the security gates, although these are surveyed and pressure checked annually their upgrading or replacement is not part of these proposals. For information the quantity of diesel stored will provide one week's emergency supply for the freighters.
- Replacement of the current security gates.

### **3. Background**

The Council's Contract Services depot at Westhampnett has been the subject of a major phased refurbishment and redevelopment programme of works lasting several years. This programme has included improvements to the office and workshop accommodation, mechanical and electrical improvements, a demolition and asbestos removal programme and enhanced perimeter security works. The purpose of the refurbishment programme has been to ensure the site is operationally safe, operates in the most efficient and effective way and is fit for purpose in the longer term.

In 2015 a half acre area of the site was redeveloped to form a Gypsy and Traveller Transit Site (G&TTS) in addition to a new service road to provide an exit from the site via the West Sussex County Council's (WSCC) Waste Transfer Station to create a one way road network. More recently, in 2016 the east side vehicle park was upgraded to include improved drainage.

The final phase of this programme of works is the improvement of the west side of the site to upgrade the drainage and resurface the vehicle park to prevent flooding and to repair uneven surfaces following the demolition works. Some remedial works were undertaken in September 2018 to ensure the operating environment was safe and any immediate risk to staff was removed, however these works were remedial and as such, have a short term life span.

### **4. Outcomes to be Achieved**

- Improved road and parking surface drainage to provide oil separation and to reduce flooding of the area in wet weather.
- Improved signage, road and bay markings to ensure a safe working environment for CDC staff and contractors
- Long term removal of risks associated with uneven surfaces.
- Completion of refurbishment programme to ensure the Westhampnett site provides a long term facility for CDC by ensuring the depot area is as flexible as possible and can accommodate forecast growth in vehicle numbers and movements

### **5. Timescales**

The project will initially proceed with the commissioning of Consultants to design and cost the project and to liaise with Southern Water to ascertain drainage options

Subject to an agreed programme with CCS for the implementation of the scheme a Cabinet report and PID will include details of the final design and associated costs.

The duration of the site works will be identified by the design consultant and included within the detailed PID.

## 6. Project Costs and Resources

Detailed capital expenditure costs will be identified by the engineering consultant but officers estimate that construction costs based on a total surface area of 5,045m<sup>2</sup> including engineers consultancy fees are likely to be in the region of £474K/500k. WSCC costs associated with the drainage modifications to the G&TTS are excluded

The design consultant will provide the management of this project. Internal resources will be required for contractual and procurement elements of the project. Contract Services staff will be required to work with the Council's Health and Safety Manager and the design consultant to manage the logistics of the scheme to ensure the depot remains safe and operational during the works.

## 7. Benefits vs. Cost

The benefits associated with this project are identified in the Outcomes to be Achieved section of this paper. Primarily, the objective of this project is to ensure the Westhampnett depot facility is fit for purpose, secure and safe in the longer term; maintaining a valuable CDC asset.

The predicted life expectancy of the facility based on use modelling of similar work is expected to be between 15/20 years.

As mentioned in paragraph 3, there is an associated opportunity to gain some additional income from WSCC which would reduce CDC Southern Water utility costs.

## 8. Identify Risks

- (a) Ground contamination identified e.g. asbestos. Soil test will be undertaken. Contingency to fund.
- (b) Underground structures identified. Trial pit will be dug. Contingency to fund.
- (c) Maintaining an operational site whilst works are undertaken. Works will be phased and some temporary off-site storage facility will be sought.
- (d) Consent by the local water authority to discharge trade waste from the wash down facility to the public sewer and permission to increase the volume of discharge to the public sewer by the addition of the G&TTS, previously estimated at 0.5 litres/second.

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## **Project Documentation - Initial Project Proposal Document**

### **Project: East Beach Selsey Land/Asset Opportunities**

**Author:** Tania Murphy, Divisional Manager - Place & Vicki McKay Divisional Manager Property and Growth

#### **1. Purpose of Document**

The purpose of this document is to set out the requirement for an option appraisal of the land and assets owned by the District Council at East Beach, Selsey, as shaded on the attached plan (appendix 2(a)).

#### **2. Project Description**

This project will look at the options available to the Council to improve the area around East Beach kiosk, Selsey, and consider options to for retail, café/restaurant and facilities for recreational activities such as diving (showers) and walking. Provide links to the fishing population and the legacy of Sir Patrick Moore. The requirement for public conveniences will also be considered with options explored in relation to how those facilities may be provided and potential cost savings available. It is intended that this project will improve the welcome to visitors and feeling of destination at East Beach.

A Task and Finish Group will be established, jointly chaired by Cllrs Barrow and Connor, to oversee the IPPD process on behalf of the Cabinet.

#### **3 Background**

The Council owns an area of land at East Beach, Selsey, which include a kiosk and public conveniences. The Kiosk and Public Conveniences are effectively part of the same building structure, although divided into individual areas; the Kiosk is currently subject to a lease from CDC that expires in November 2019. The lease includes the cleaning, maintenance and opening / closing of the public conveniences. Any future arrangements would be open to competitive tender. The land to the east of the site currently has a BMX track, skate park and play area which is maintained by Selsey Town Council. The public conveniences require refurbishment and repairs to the interior and exterior of the building. Budget is allocated in the Asset Replacement Programme for the refurbishment of the public conveniences (£150,000) for 2022-23. To the edge of the site runs an adopted and unregistered road which provides access to the beach and is currently in a state of disrepair. This project will explore options for improvement and layout of the road and the implications and cost of adoption of the road which would improve the site and access to the beach. (See appendix 2(b))

This proposal is supported by Selsey Town Council and directly supports the Corporate Plan 2018-21 priority to “manage our built and natural environments to promote and maintain a positive sense of place”. The Neighbourhood Plan for Selsey mentions the East Beach area and an aspiration for enhancements to enhance visitor attraction and tourism and foster better links with the sea.

#### **3. Outcomes to be Achieved**

- A high level options appraisal of the possible opportunities for the land and property outlined above will identify the detail outcomes for this project which will include: opportunities for income generation; satisfying services' needs (public convenience), improving customer satisfaction etc. The project should improve the welcome and feeling of destination at East Beach.

- Consideration of the potential to develop the site in order to provide sea views along with an all-weather seating area, potential for showers, canoe and diving storage,
- Enhancing the unique links of the site which include consideration of the legacy of Sir Patrick Moore (an example of which might include a permanent telescope but other options could be considered), along with the links to the fishing community.
- A cost / benefit analysis of the options having regard to both commercial and community objectives, considering future management opportunities of the buildings.
- Consideration of the unadopted beach access road, with costs for initial works, ongoing maintenance and options for adoption.
- Likely timescales for putting the possible options into action
- Any risks associated with each options of delivery

#### 4. Timescales

There is no specific urgent timescale for this project, however, improvements to East Beach is a project which was identified as part of the Selsey Haven project as bringing benefits to the local area and there is a lease expiry date for the kiosk. (Nov 2019) This has also been identified during the current engagement process for the Selsey Vision. Implications relating to the lease expiry date of the café will require consideration as part of this project.

#### 5. Project Costs and Resources

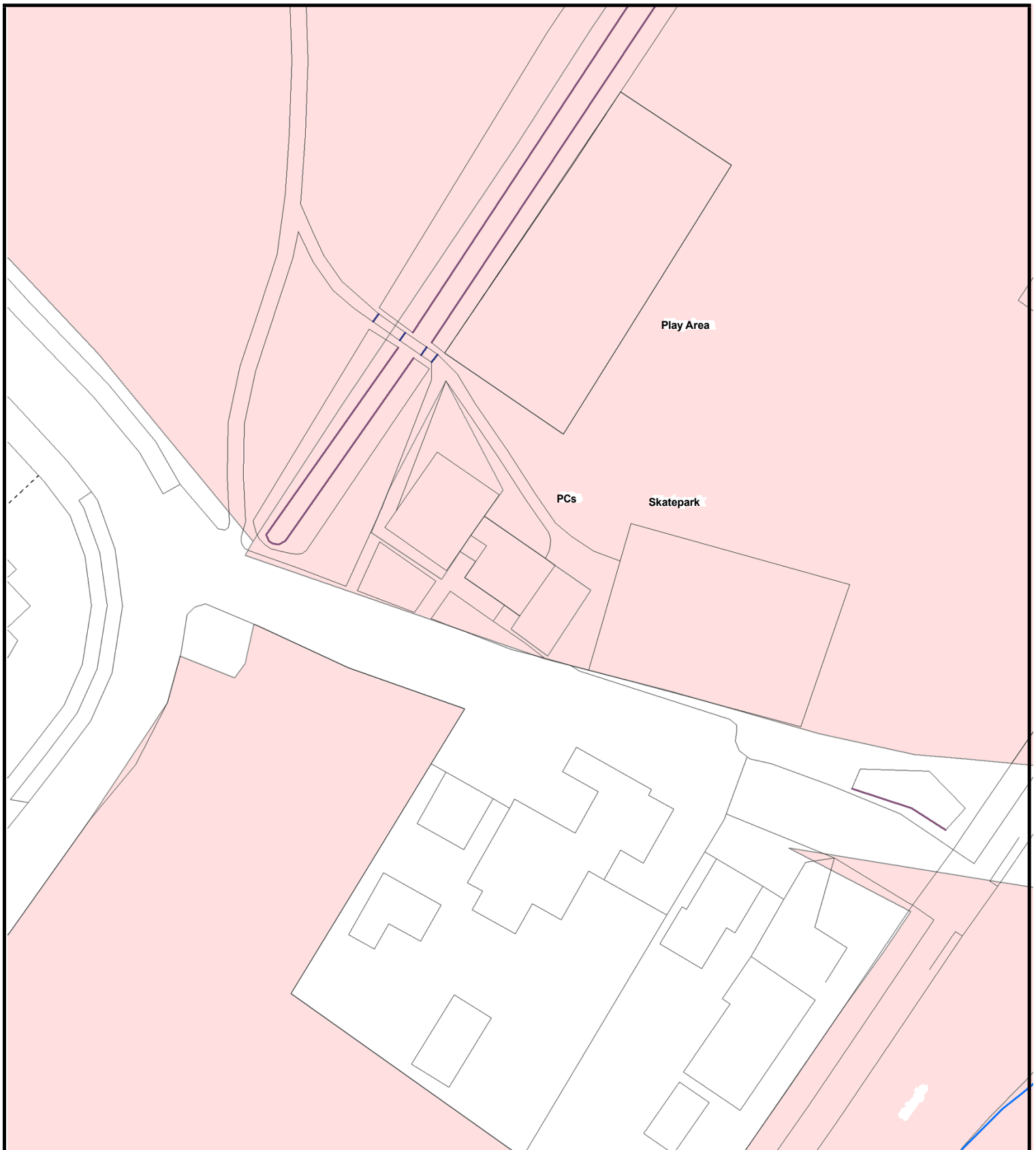
Costs (£)		Source
One-Off	£25,000 (estimate) professional fees	Reserves
Revenue	The Council currently receives annual rent from the Kiosk operator of circa £7,000. There could be potential to identify new income generating opportunities.	
Savings	There may be savings as a result of the café operator providing public conveniences, potential savings from repairs and maintenance and NNDR.	
Services to be involved in the project delivery	Place, Property and Growth, Cultural Services, Licensing Chichester Contract Services, Communities, Environmental Protection, plus the appointment of external consultants.	

#### 6. Benefits vs. Cost

The Council will need to consider what investment would be required by the Council against the likely returns.

#### 7. Identify Risks

The Council runs the risk of losing additional income if opportunities are not maximised then the best value may not be achieved, and continued operating and repair and maintenance costs associated with the facilities. The Council may not receive immediate financial benefit should there be a need identified for capital outlay in respect to refurbishment, conversion or new-build works.



## CHICHESTER DISTRICT COUNCIL

Paul E.Over BSc (Hons), MBA, FRICS  
Deputy Chief Executive



East Beach Kiosk & PC's, Selsey

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East Beach Kiosk



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## **Project Documentation - Initial Project Proposal Document**

**Project:** East Wittering and Bracklesham Vision

**Author:** Tania Murphy, Divisional Manager - Place

### **1. Purpose of Document**

The purpose of this document is to set out the requirement for the inclusion of East Wittering and Bracklesham in the Council's work plan for support to the preparation of a Vision for the area in line with the work undertaken in towns and the city in the district.

### **2. Project Description**

To work with partners to determine the aspirations for East Wittering and Bracklesham, which is intended to conclude with a Vision for the area, along with an action plan. The project will adopt the approach taken in the towns and city as part of the consideration of a Vision and objectives for each.

The Task and Finish Group already established for the Bracklesham Bay project, chaired by Cllr Taylor, will oversee the IPPD process on behalf of the Cabinet.

### **3. Background**

The Council has, for the last year, been working with towns across the district to assist with the creation of a Vision for each area of the delivery of key projects which are linked to each Vision. It has become clear that the process of undertaking a Vision and working with communities in towns in this way is one which could be used elsewhere for the benefit of the local community.

East Wittering and Bracklesham have a combined total population of 4,658 (Census 2011), with a significant increase on this during the summer months. (Note: Population in Midhurst is 4,914 and Petworth 3,027). There are a total of 55 retail outlets (which compares to 87 and 85 in Selsey and Petworth respectively and 110 in Midhurst. The Local Plan identifies East Wittering as a 'Local Centre' in relation to retail and Bracklesham within the definition of 'Local and village parades'. Both areas are identified as areas for development over the coming years as part of the Local Plan which will result in an increased demand on services and will increase the population. There is no Neighbourhood Plan at present for the area and the hope is that any vision work would help to inform the Neighbourhood Plan.

Recognition of East Wittering and Bracklesham as key areas for retailers and visitors was made through the inclusion of the areas in the allocation of shop front grants and training to businesses which are currently in place.

Through working with partners for the Selsey Vision work, both the Rural Town Co-ordinator and Manhood Peninsula Project Officer have identified that broader areas of social and infrastructure interest in the Manhood area have developed which have extended to East Wittering and Bracklesham. East Wittering and Bracklesham are also seen as a major tourist attraction and there are issues with capacity at times in catering for these increased numbers of visitors.

### **4. Outcomes to be Achieved**

A Vision for East Wittering and Bracklesham will complement other community and forward planning work, creating an aspirational environment to develop for economic and community sustainability. Partners will have renewed objectives to deliver on which will help the area to continue to be a

vibrant centre of visitor attraction.

As a result of the improved confidence it is anticipated that businesses in the local area will increase their investment, improve trade, encourage new investment and maintain vacancy rates. It is also anticipated that visitor numbers and tourism spend will increase.

## 5. Timescales

The project will commence in April 2019.

It is proposed to conduct surveys with residents and businesses within the first three months of the project and to conduct participation workshops. A fully supported partner action plan will be created with key areas of responsibility and key tasks to help to continue to improve the area.

## 6. Project Costs and Resources

Costs (£)		Source
One-Off	£10,000 To support the project through the engagement and initial projects. There may be funding from the Parish Council who are supportive of the Vision. Ward Members are also supportive of this project.	CDC Potential for funding from parish council to be confirmed.
Revenue	£17,000 To provide temporary support within the Place team on a two-year basis as an extra 0.5 FTE to assist with delivery of Vision related projects.  An improved area will have indirect benefits regarding income to the district.	CDC
Savings	None	
Services to be involved in the project delivery	Place, Estates, PR and Consultation	

## 7. Benefits vs. Cost

The project will support the continued vitality of the area and help to ensure that businesses vacancy rates are kept low, whilst considering the visitor economy. The project will assist East Wittering and Bracklesham Parish Council with reacting and responding to future demands on the area. Whilst the land at Kosy Kot in Bracklesham is currently subject to a specific project, there may be development opportunities for other council-owned assets in the area. The council owns other assets within the area which include public conveniences, car parks, land and boat storage.

## 8. Identify Risks

Without a partnership approach to the area there may be a lack of partnership approach by agencies supporting East Wittering and Bracklesham.

## **Project Documentation - Initial Project Proposal Document**

**Project:** Review of Chichester District Parking Strategy

**Author:** Tania Murphy, Divisional Manager - Place

### **1. Purpose of Document**

The purpose of this document is to justify the undertaking of the project based on the estimated cost of delivery and the anticipated benefits to be gained. The proposal outlined in this document will be used as part of the process for prioritising future projects.

### **2. Project Description**

The Parking Strategy for Chichester District (2010-2020) was adopted in 2010. A refreshed Parking Strategy will consider the proposals in the Local Plan and policies in the Local Plan need to be reflective of the latest evidence and research regarding parking in the district. Given that parking proposals are also emanating from the WSCC Road Space Audit, along with projects within Chichester Vision currently underway, there is a requirement to review and refresh our Parking Strategy, to ensure that it responds to these new strategies and plans and to ensure that current and future needs are accommodated. The review of the document will take place in conjunction with other partners – including the Parking Forum and West Sussex County Council. It is anticipated that the review will take place during 2019. To undertake a thorough review it is crucial that traffic demands within the district are understood and how these might impact on car parks. It is proposed that consultants be appointed to undertake an audit and then an internal rewrite of the strategy.

#### **In scope:**

The updated Parking Strategy will set the policy basis on which the Council will make future decisions and what these should seek to achieve.

#### **Out of scope:**

The Parking Strategy will not set out each and every decision or action that will affect car parks in the district but will be an overall strategic vision and direction for the car parks.

### **3. Background**

The Parking Strategy requires consideration to include the latest thinking around parking provision across the district and links to other relevant Strategies / documents. Without a review of the Parking Strategy the authority is at risk of not meeting the latest parking needs in the district and having a strategy which may be outdated and not reflect customer demand.

As part of the Local Plan Review a Retail Study was undertaken. The Study has concluded that in order for Chichester city to retain its sub regional retail role there is a need for some additional comparison floorspace and has identified some car parks as potentially providing development sites. If any car park is to be considered for redevelopment it will have an impact on parking within the city, further investigation will therefore be required. It is suggested that an up-to-date assessment of parking is needed in order to make such decisions leading to a revision the Parking Strategy. Officers are currently drafting the Local Plan Review; the Preferred Approach Plan will be

consulted on in December 2018 with the Submission Plan being consulted on in Summer 2019. A refreshed Parking Strategy will be useful in making any allocations for future development on underused car parks.

#### 4. **Outcomes to be Achieved**

An audit to examine the current and future demands on car parking spaces. Confirmation that the council is making the best use of its assets, and that its vision is relevant and appropriate for future years.

#### 5. **Timescales**

Production of the revised Parking Strategy requires consideration in line with other documents in place within the authority and the latest demands in population, etc. It is anticipated that the Parking Strategy is revised during 2019. An indicative timescale is set out below:

Brief produced:	April 2019
Tender:	May/June 2019
Appointment:	July 2019
Audit:	September 2019
Review:	October 2019
Draft Strategy:	December 2019
Consultation:	January 2020
Publication:	March/April 2020

#### 6. **Project Costs and Resources**

The current Strategy was informed by Council-commissioned traffic consultants Mott Macdonald who provided technical support and expertise. It is anticipated that similar technical support and expertise should be provided to assist with the revision of the strategy.

Costs (£)		Source
One-Off	£35,000	Capital Reserves
Revenue		
Savings		
Services to be involved in the project delivery	Parking Services, Consultation Team, Procurement, Finance. Close liaison with WSCC colleagues to ensure any linkages with on street provision are made.	

#### 7. **Benefits vs. Cost**

This is a specialist area of knowledge which can only be undertaken by specialists in this area of work. Costs and Benefits will be identified by the Strategy.

#### 8. **Identify Risks**

There is a risk that the consultants do not deliver on the desired outcome of the scope of the study. This will be mitigated by a definitive scope with desired outcomes and objectives and on-going monitoring of the work underway. There is also a risk that different and competing interests will result in polarised views which make it difficult to finalise the strategy in way that accommodates a variety of needs and demands. This will be mitigated by close and early engagement with the Parking Forum representatives.

## Project Documentation - Initial Project Proposal Document

### Project: Priory Park - Phase Two Option Appraisal.

Author: Vicki McKay

#### 1. Purpose of Document

The purpose of this document is to consider the options available in respect of those buildings outside of the Cabinet resolution stemming from the PID dated April 2018. This will comprise a review of the Bowls Club Pavilion, Brick Pavilion, White Pavilion and public conveniences.

#### 2. Project Description

This project will look at the opportunities available to the Council in respect of the land and buildings in Priory Park as listed below:-

- Brick Pavilion
- Bowls Pavilion
- Public Conveniences
- White Pavilion

The project will consider both current and potential commercial as well as community opportunities within these areas. [The café will be considered as a separate matter outside the scope of the proposed project..](#)

The portfolio holder will kept in close touch with the progress of the project.

#### 3. Background

Following an options appraisal of the buildings in the north-west corner of Priory Park, Cabinet considered a PID at its meeting in June 2018. Cabinet resolved to move forward with works to demolish the current depot and associated landscaping works, provision of a roller store and to carry out repairs to the Coade stone statue.

The work included in the Cabinet resolution is currently progressing with completion expected during summer 2019.

In September 2018 the current café operators were granted permanent planning permission for a café in the existing location within the park; the lease for that site expires in September 2020. As noted above, the café will be considered as a separate matter to this proposed project.

The bowls club have reiterated their requirement for additional space, which they first raised as part of the earlier options appraisal; this requirement has been accommodated to date through temporary use of part of the brick pavilion.

Other buildings considered as part of the earlier options appraisal remain in need of repair or refurbishment, namely the white pavilion, the public conveniences and the brick pavilion.

This IPPD proposes consideration of the following:

- Alternative uses of the brick pavilion – these include the Bowls Club's already stated wish to use the space for short mat bowls; the building could also be used, subject to consents, for a variety of other leisure, community or commercial purposes.

- The existing bowls clubhouse could be considered for other commercial or community purposes should it be vacated.
- A possible community space within the park using the Brick Pavilion, which could be linked to the need for function space.
- Refurbishment or redevelopment of the public conveniences in the Park.
- Refurbishment of and users for the “white pavilion”.

This proposal supports the Corporate Plan 2018-21 priorities to improve and support the local economy to enable appropriate local growth, and to manage out built and natural environments to promote and maintain a positive sense of space.

#### 4. Outcomes to be Achieved

- sustained income;
- enhanced community space;
- improved satisfaction levels from park users;
- suitable and sufficient public conveniences;
- effective use of buildings within the park

#### 5. Timescales

In respect of the Brick Pavilion, the Bowls Club have requested a further temporary use of part of this building for their 2019 season (circa April – October) and it is expected this proposal will be agreed. The options considered as part of this IPPD will therefore need to take this time period into account.

The Cricket Club have indicated their interest in taking a lease of the White Pavilion; discussions with the Cricket Club in respect of this interest will take place alongside the options appraisal work set out in this IPPD. In the event no agreement is reached with the Cricket Club to lease the White Pavilion, this building will then be considered as part of the options appraisal of the wider assets.

The different elements and timescales identified in this IPPD require a phased approach to the work, albeit with all elements ultimately contributing towards the objectives as set out in section 4 above. The expected timescales for each element are summarised in the table below:-

Element		Expected Timescale
	Consideration of White Pavilion and cricket club usage	Spring 2019
	Options appraisal for public conveniences/Brick Pavilion/	Summer/Autumn 2019

#### 6. Project Costs and Resources

Costs (£)		Source
One-Off Phase one	Up to £10,000 to employ an architect to produce the design work required for this options appraisal, which is considered to be an extension to the work already undertaken to inform the April 2018 PID.  The capital costs of implementation are unknown until the option appraisal is completed.	CDC reserves
Revenue	The Council currently receives rent from the café and bowls club.  The White Pavilion is currently used by the Cricket Club on a hiring basis; the potential for a more formal lease arrangement would generate rental income, with the level of that income yet to be determined.	
Savings	Potential savings may be identified through repairs and maintenance, utility and NNDR costs that could be passed to occupiers should additional lettings be secured.	
Services to be involved in the project delivery	The project will be led by the Estates Service supported by CCS, Legal Services, Community Services, Sport and Leisure, Planning Services, PR, Building Services and external consultants.	

## 7. Benefits vs. Cost

The Council will need to consider and balance the community and commercial benefits of the options and will be informed by the option appraisal.

## 8. Identify Risks

The capital costs may be prohibitive or the returns unattractive; costs associated with a void period and accommodating a variety of differing and varied interests, which might be mutually exclusive.

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## Project Documentation - Initial Project Proposal Document

### Project: Novium – Business Plan Feasibility Work.

Author: Sarah Peyman

#### 1. Purpose of Document

The purpose of this document is to support the requirement to undertake feasibility work for projects emerging from the development of The Novium Business Plan.

#### 2. Project Description

To identify and conduct feasibility works for capital projects to be considered as part of the emerging Novium Business Plan.

#### 3. Background

In July 2018 Cabinet agreed to review the Novium Museum and TIC Business Plan to identify potential opportunities for generating additional income and/or reducing expenditure. Work has commenced on the plan however there are a number of larger capital projects being considered as part of the review, which now require the input of specialist consultants.

This IPPD proposes consideration of the appointment of consultants to conduct feasibility appraisals for the following:

- Proposals for redesign on the Novium entrance, shop and café area to create better use of the space and provide a more welcoming entrance to the building.
- The potential opportunities for an enhanced café/restaurant offer either on the ground or on the top floor.
- The potential to increase floor space by glazing over the roman baths which could have a positive impact on the 2 proposals above.

#### 4. Outcomes to be Achieved

Reduction in costs and an increase in income for providing the museum and Tourist Information services and improved satisfaction levels from service users.

#### 5. Timescales

Works will be undertaken late spring/early summer 2019.

#### 6. Project Costs and Resources

Costs (£)		Source
One-Off Phase one	c. £30,000 to employ consultants to produce the feasibility work, required to assess and inform the business plan. Earlier studies undertaken will inform the process. The capital costs of implementation of any of the projects are unknown until the feasibility work is	CDC reserves

	completed.	
Revenue	The Council's overall aim is to reduce the annual revenue budget for the delivery of the museum and tourist information services. All of the proposed projects have been identified due to their potential to generate additional income.	
Savings	As above.	
Services to be involved in the project delivery	The project will be led by the Culture & Sport team supported by Legal Services, Planning Services, Estates Service, Building Services and external consultants.	

#### 7. **Benefits vs. Cost**

The information gained from this work will inform the emerging business plan to identify opportunities to reduce costs and generate additional income, reducing the overall revenue budget for the service.

#### 8. **Identify Risks**

The proposals identified do not generate significant savings for the service or capital costs for delivering the proposals may be prohibitive or unattractive.

## **Project Documentation - Initial Project Proposal Document**

**Project:** Expanding the Gigabit project to achieve a 'lit up' city

**Author:** Joe Mildred – Business Support Manager

### **1. Purpose of Document**

The purpose of this document is to justify the undertaking of the project based on the estimated cost of delivery and the anticipated benefits to be gained. The proposal outlined in this document will be used as part of the process for prioritising future projects.

### **2. Project Description**

Expansion of the Gigabit project, connecting an additional 50 sites within Chichester City and unlocking the ability for the provider City Fibre to connect every house and business within the city. Further detail is to be worked up through a joint business case with WSCC.

#### **In scope:**

All houses and businesses with Chichester City

#### **Out of scope:**

Areas outside of Chichester City at this stage

### **3. Background**

In September 2017 Cabinet approved that the council be part of the County wide Gigabit project. The project was successful in receiving a significant grant from the DCMS Local Full Fibre Network fund and in early 2018 a contract worth £5.7m was awarded to City Fibre to connect over 300 public sector sites across the county, in Chichester district the sites were in Chichester City and Midhurst, the CDC sites were East Pallant House, Careline, the depot and the Novium (there are several more County and health sites). Whilst initially the project benefits will create superfast gigabit (1,000 mbps) connections to these sites, the secondary benefits will be to some local businesses. These secondary benefits will be that businesses that are within 75 metres of the fibre network and 250 metres of the connected sites will be able to connect to the superfast network and there is currently a scheme being rolled out by government that allocates vouchers to SMEs to assist with the costs of connecting for up to £3,000. The scope of the original project didn't include businesses outside of the range described above or any houses. There was however the ability to add additional public sector sites at a cost, the amount of £30k per site was mentioned.

There is now discussion about a further stage to the project which would mean if that if a further 50 sites could be connected in Chichester at a cost of £800k, City Fibre could then be in a position to connect all homes and businesses within the whole city which would in effect what is known as a 'lit up' city. The additional sites connected could be buildings (public sector) or other items that could include CCTV cameras. It is proposed that CDC work on a joint business case with WSCC to work up the detail and potential benefits. A further phase will look at the potential to extend the service in the two towns in the north of the district.

**4. Outcomes to be Achieved**

Increased GVA through better connectivity, the ability to attract a wider range of sectors / businesses when delivering inward investment.

**5. Timescales**

Timescales to be developed through detailed business plan.

**6. Project Costs and Resources**

Costs (£)		Source
One-Off	A contribution towards an estimated total up front cost of £800k	CDC Capital / partners
Revenue	TBC	
Savings	No savings but potential increase to GVA and better potential inward investment prospects	
Services to be involved in the project delivery	ICT, Economic Development and Estates	

**7. Benefits vs. Cost**

Further work is required to establish a full business case developing contribution required from stakeholders and potential benefits.

**8. Identify Risks**

There is a risk of falling behind in terms of digital connectivity, detailed project risks will be specified when the business case is developed. There is a risk of lack of partner investment, again to be established.

## **Project Documentation - Initial Project Proposal Document**

**Project:** Working with Hyde on Asset Management

**Author:** Louise Rudziak, Director of Housing & Communities

### **1. Purpose of Document**

The purpose of this document is to justify the undertaking of the project based on the estimated cost of delivery and the anticipated benefits to be gained. The proposal outlined in this document will be used as part of the process for prioritising future projects.

### **2. Project Description**

To work in partnership with Hyde to review its assets within the district, to identify opportunities for asset rationalisation, new development and redevelopment, in order to maximise affordable housing delivery and maximise the use of existing stock.

#### **Scope:**

The working group will consider several different topics

- Hyde Asset Management Report – a review of Hyde’s current stock in the district
- Hyde’s Strategic Plan for Chichester – establish what Hyde’s long term plans are for housing in the district including use of current stock and any future new developments.
- Chichester DC Housing Strategy – input into the formation of Chichester DC’s forthcoming Housing Strategy.
- Chichester DC Task and Finish Group – The recommendations of Chichester DC Task and Finish Group as they relate to Hyde Group.
- Future relationship – consider how the relationship between the parties will need to adapt and evolve to deliver future plans including identifying any potential changes to the Allocations Policy, Voluntary Stock Transfer Agreement and Service Level Agreement.

### **3. Background**

Hyde is the biggest registered provider in the Chichester District with over 5,000 properties in the area. The vast majority of its stock is old and was part of the stock transfer.

Hyde has commissioned a full asset review in order that it can better understand the opportunities in the district. Senior Officers at Hyde have indicated that they view Chichester as a strategic area for the future. Hyde has also been selected by Homes England as a strategic partner for housing delivery which may increase its access to grants moving forward.

In addition to the stock review referred to above the recent report of the Task & Finish group looking at Housing Standards & Supply will inform the group, which will in turn then feed into the Housing Strategy due to be renewed in April 2020.

### **4. Outcomes to be Achieved**

- Clarity for Officers and Members as to Hyde's future plans in the District and an opportunity to feed into decision making
- Clarity for Hyde on Chichester DC's strategic priorities and an opportunity to feed into our future Housing strategy
- Move the parties from largely contractual relationship towards a more strategic partnership.

## **5. Timescales**

Asset review to Hyde:	Nov 2018
Asset review shared with CDC:	Jan 2018
Working group set up:	Jan 2018
Asset management plan agreed:	TBC
Housing strategy review:	2019/2020
New Housing strategy in place:	April 2020

## **6. Project Costs and Resources**

No costs have been identified currently, although officer time will be needed. Moving forward committed sums and other housing capital can be utilised in accordance with our usual procedures.

## **7. Benefits vs. Cost**

Benefit vs Cost will be worked through as part of the asset management planning process. Costs for this part of the project are officer time only.

## **8. Identify Risks**

A risk is that Hyde could decide not to proceed with any development or redevelopment in the CDC area. That risk is minimised by this proposal for partnership working.

## **Project Documentation - Initial Project Proposal Document**

**Project:** Emerging Vision Projects and Resources

**Author:** Tania Murphy, Divisional Manager - Place

### **1. Purpose of Document**

The purpose of this document is to justify the undertaking of the project based on the estimated cost of delivery and the anticipated benefits to be gained. The proposal outlined in this document will be used as part of the process for prioritising future projects.

### **2. Project Description**

To consider and implement the emerging projects emanating from Vision Projects across the district. To consider resources required to oversee delivery of the requirements of the Vision projects.

### **3. Background**

The Council has, for the last year, been working with towns and the city across the district to assist with the creation of a Vision for each area for the delivery of key projects which are linked to each Vision. In addition to the Growth Board projects a number of projects are arising from the Vision work which require consideration and funding. These include:

Chichester: Improving the link between the city centre and the Theatre – redesigning Northgate Car Park, Wayfinding in and around council-owned car parks – to include improvements to vacant space indicator screens which will assist motorists and reduce unproductive traffic searching for a space, costs of implementing recommendations following brand investigation.

Selsey: (Selsey Haven related projects): Improve the public realm at Selsey East Beach (subject to a separate IPPD), Create better pedestrian wayfinding between town centre and East/West Beaches, Develop trails and improve signage, New temporary commercial units or concession opportunities, Employ a seafood sales and marketing champion, Develop and host crab and lobster events.

Midhurst: Capital costs for wayfinding. Improvements to North Street car park surface (£55,000 already agreed by Cabinet), Parking Strategy/audit re-fresh will assist with transport / parking aspirations.

Petworth: Old Bakery (live project), small scale projects to enhance the sense of place in the town. Petworth Skatepark – proposals being considered, £20,000 agreed to support project from Reserves £50,000 from Petworth Leisure Fund.

In addition to these projects there is a requirement to ensure that the authority has adequate resources within the Place team to oversee the delivery of projects.

### **4. Outcomes to be Achieved**

A district which is vibrant, encourages visitors and supports the business economy.

## 5. Timescales

Work will be undertaken during 2019/20.

## 6. Project Costs and Resources

Costs (£)		Source
One-Off	<p><u>Chichester:</u> Consider options for Re-design of Northgate Car Park – estimated cost £15,000 for design and surveys. Implementation costs would follow the design proposal, no current estimate available. Wayfinding – estimated to be £30,000 dependant on final designs, although support from partners will be requested.</p> <p><u>Selsey:</u> Improve the public realm at Selsey East Beach (subject to a separate IPPD), Wayfinding between town centre and East/West Beaches, Develop trails and improve signage, – estimated to be £10,000, Employ a seafood sales and marketing champion (potential HLF funding), Develop and host crab and lobster events – estimated to be £2,000.</p> <p><u>Midhurst:</u> Wayfinding estimated to be £10,000 although support from partners to be sought. North Street car park already agreed at Cabinet (£55,000).</p> <p><u>Petworth:</u> Old Bakery project costs dependant on results of option appraisal currently being undertaken – the results of which will determine the timescale for subsequent works.</p>	<p>CDC</p> <p>Potential funding from the city Council CIL receipts to be confirmed Potential funding from other partners to be confirmed</p> <p>Potential funding from Selsey Town Council to be confirmed</p> <p>Potential funding from Midhurst Town Council to be confirmed</p>
Revenue	£12,000 for 0.5 FTE Admin support for all vision projects.	CDC
Savings	None	
Services to be involved in the project delivery	Place, Estates, PR, Building Services, Planning	

**7. Benefits vs. Cost**

The project will support the continued vitality of the area and deliver key partner aspiration projects as identified in Chichester Vision.

**8. Identify Risks**

If projects linked to Chichester Vision are not delivered there is a risk that the purpose or role of the vision could be questioned and partners may be less likely to become involved.

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**Chichester District Council**

**THE COUNCIL**

**22 January 2019**

**Constitutional Amendment**

**1. Contacts**

**Report Author**

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**Cabinet Member**

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**2. Recommendation**

- 2.1 That the membership of committees shall be amended as set out in the appendix to the agenda report from the date of the May 2019 elections.**
- 2.2 That the Monitoring Officer be required to provide a report annually to the Corporate Governance and Audit Committee as to the use of his delegated powers to amend the Constitution.**
- 2.3 That the wording regarding the approval of designation of neighbourhood areas in accordance with the Neighbourhood Planning (General) Regulations 2012 be amended to further state: ‘...and following the Director of Planning and Environment informing the appropriate Cabinet Member and the relevant ward member(s)’.**
- 2.4 That the Monitoring Officer be directed to amend the Constitution to clarify that attendance by members for the purposes of section 85 (1) of the Local Government Act 1972 shall be limited to the Council or a committee to which that member is allocated only.**
- 2.5 That the consideration by the Task and Finish Group of the Monitoring Officer delegations as to the Constitution and its recommendation that these remain unchanged be noted.**
- 2.6 That the delegation to the Deputy Section 151 Officer be amended such that the post-holder shall have delegation in the absence of the Section 151 Officer for all financial matters.**

**3. Background**

- 3.1 As part of the proper and effective management of Chichester District Council's (CDC) Constitution, a task and finish group (TFG) was set up comprising members from all three groups, chaired by the Leader of the Council. This focussed upon the changes to committees resulting from the May 2019 elections but also considered**

other constitutional issues which have arisen since the major review of the Constitution in 2016.

#### **4. Outcomes to be Achieved**

- 4.1 The main outcome will be a new committee membership structure which will be fit for purpose and provide a suitable workload for members to enable them to be engaged in committee roles while balancing their other duties and facilitating them to be fully representative for their wards.
- 4.2 In addition several other improvements to the efficiency of process of CDC will be generated through the above recommendations as set out further in the report below.
- 4.3 New reporting of the use of delegated powers by the Monitoring Officer (MO) to the Corporate Governance and Audit Committee will be introduced following this report, this will in turn also provide an opportunity for members to consider future further changes to the Constitution and maintain oversight as to the form and application of the Constitution.

#### **5. Proposal**

- 5.1 The TFG considered a range of issues relating to the constitution and reminded themselves of the previous group and its considerations. It will be seen from reviewing the background papers that some of that consideration led it to a conclusion that there was no need to amend the majority of the Constitution which was found to be fit for purpose. Specifically the TFG debated whether amendments to chairman powers, administration of motions to committees, terms of reference for each committee and sub-committee, the models of delegations and the definitions of senior officer needed amending and following debate these were all found to be sufficient at this time. Detailed explanation of that debate can be reviewed in the notes of the TFG which form the background papers to this report.

#### **Further Reporting**

- 5.2 The TFG noted the powers granted to the MO and the ability, through Modern.Gov, for all members to review changes made by the MO. However, in order to improve transparency and visibility of the use of those delegated changes it was felt by the group that some form of annual headline reporting of those changes would be useful.

#### **Change to Delegated Powers for Neighbourhood Planning**

- 5.3 Delegated functions are currently as set out in the Constitution for the Director of Planning and the Environment in relation to the operation of delegated powers for neighbourhood planning.
- 5.4 Items (c) to (i) of that authority are currently qualified as set out above by the wording: 'and following consultation with the appropriate Cabinet Member and the relevant ward member(s)'.

- 5.5 The word 'consultation' requires local members to be consulted on effectively their own locally drafted plan neighbourhood plan (NP). In addition this also introduces an additional process and time delay element to the process as consultations have their own formal requirements in this context.
- 5.6 In relation to item (c) the action of 'consultation' relates to completing formal comments on a draft NP at Pre-Submission stage and Submission stage. The period for the completion of the CDC response is six weeks. During that period the opportunity is provided to other CDC departments to provide comments to the NP officer to consider for inclusion in the CDC response.
- 5.7 During this same six-week period there is also the requirement for the Principal Officer to sign off the draft responses prior to delegated sign off by the Director of Planning and the Environment. Each of these again needs sufficient time to consider the draft response.
- 5.8 The need for 'consultation' of members requires a period of time. As a consequence the time available for internal comments to be made to the NP officer inevitably backs up through the six-week period in order to allow for sufficient time for consideration, amendments and sign off etc. The TFG considered this issue and recommended to the Council that the delegation be amended to 'informing' rather than 'consulting' in order to improve the efficiency of this process while also maintaining the member awareness.

### **Attendance at Meetings**

- 5.9 Members are required to attend a meeting of the Council not less than every six months. Meeting is not given further definition under the local government acts, so to ensure consistency the TFG considered that a clear definition should be provided within the Constitution that for the purposes of that calculation attendance shall only apply to the Council and committees to which the particular member is appointed.

### **Delegation to the Monitoring Officer to Amend the Constitution**

- 5.10 The MO has powers under the Constitution to amend two types of matters without reference to others, being officer title changes (amendments to reflect recent job title changes which have already taken place for example) or amendments which arise as the result of a change in statute or regulation such as amendments to authorisations as required by post or legal changes. The TFG considered that these are sufficient and reasonable to the requirements of CDC. The TFG also considered the scope of the MO to give dispensations for the purposes of section 85 (1) of the Local Government Act 1972 and noted that this is a statutory power and that no change to the Constitution was required.

### **Delegation to the Deputy Section 151 Officer**

- 5.11 The Section 151 officer role is a key, statutory, officer role at CDC. The financial arrangements of the authority are under daily scrutiny assessment and change. In the absence of the Section 151 Officer there is an overarching delegation for financial decisions set out in a schedule. Some elements of financial activity (such as VAT) are not mentioned in Part IV which outlines the matters delegated to that deputy. For the avoidance of doubt, the TFG considered that the Deputy Section

151 Officer needed to be able delegate in all financial matters without exception in the absence of the full Section 151 Officer and that the Constitution should be so amended.

## 6. Alternatives Considered

- 6.1 Subject to public law principles, all changes to the Constitution are within the Council's control. It is open to THE Council to make no changes, but the view of the TFG was that this would interfere with the proper management of CDC activity.

## 7. Resource and Legal Implications

- 7.1 None of the recommendations has an impact on finance, staffing, IT or property.
- 7.2 The Constitution has legal effect and is required to be consistent with public law principles. The MO advised on those legal issues in the context of the TFG.

## 8. Consultation

- 8.1 This report sets out the recommendations of a member TFG, which included the Leader, Deputy Leader and the leaders of the opposition groups and several other experienced members.

## 9. Community Impact and Corporate Risks

- 9.1 The corporate risks follow on from the implications at para 7.2, that proper legal structure for the organisation is not appropriate if updating amendments are not put in place. The risk is that without proper constitutional arrangements decisions are made improperly or cannot be taken in an appropriate timescale.
- 9.2 There is no direct community impact from the recommendations of this report.

## 10. Other Implications

Are there any implications for the following?		
If you tick <b>Yes</b> , list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
<b>Crime and Disorder</b> The Council has a duty "to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area". Do the proposals in the report have any implications for increasing or reducing crime and disorder?		X
<b>Climate Change and Biodiversity</b> Are there any implications for the mitigation of/adaptation to climate change or biodiversity issues? If in doubt, seek advice from the Environmental Strategy Unit.		X

<b>Human Rights and Equality Impact</b> You should complete an equality impact assessment when developing new services, policies or projects or significantly changing existing ones. For more information, see Equalities FAQs and guidance on the intranet or contact Corporate Policy.		X
<b>Safeguarding and Early Help</b> CDC has a duty to cooperate with others to safeguard children and adults at risk. Do these proposals have any implication for either increasing or reducing the levels of risk to children or adults at risk? CDC has committed to dealing with issues at the earliest opportunity, do these proposals have any implication in reducing or increasing demand on CDC services?		X
<b>General Data Protection Regulations (GDPR)</b> Does the subject of the report have significant implications for processing data likely to result in a high risk to the rights and freedoms of individuals? Processing that is likely to result in a high risk includes (but is not limited to): <ul style="list-style-type: none"> <li>• systematic and extensive processing activities and where decisions that have legal effects – or similarly significant effects – on individuals.</li> <li>• large scale processing of special categories of data or personal data relation to criminal convictions or offences.</li> <li>• Any larger scale processing of personal data that affects a large number of individuals; and involves a high risk to rights and freedoms eg based on the sensitivity of the processing activity.</li> <li>• large scale, systematic monitoring of public areas (including by CCTV).</li> </ul> <b>Note</b> If a high risk is identified a Privacy Impact Assessment must be provided to the Data Protection Officer.		X
<b>Health and Wellbeing</b>		X
<b>Other</b> (please specify)		

## 11. Appendices

### 11.1 Schedule of the amended committee numbers

## 12. Background Papers

12.1 Task and finish group meeting notes - 3 July 2018

12.2 Task and finish group meeting notes - 19 July 2018

12.3 Monitoring Officer's notes to the task and finish group

[**Note** These three background papers are published in the agenda supplement for this meeting]

## Appendix

The existing number of members sitting on individual committees was reviewed.

Following consideration of the workloads of each committee and the impact of their decisions member numbers were agreed for recommendation to the Council:

<b>Name of Committee</b>	<b>Existing Numbers</b>	<b>Agreed Numbers</b>
CGAC	10	8
Planning	15	13
Licensing	15	10
Overview and Scrutiny	15	11
<b>Sub-total</b>	<b>55</b>	<b>42</b>
Investigation and Disciplinary	5	5
Standards	7	7
<b>Full Total</b>	<b>67</b>	<b>54</b>

**Chichester District Council**

**THE COUNCIL**

**22 January 2019**

**Discharge of Litter Enforcement Function**

**1. Contacts**

**Report Author**

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**Cabinet Member**

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**2. Recommendation**

- 2.1. **That the Council notes the intention of the Chief Executive to use the power conferred by Article 10.02 in Part 2 of the Constitution of Chichester District Council to discharge the enforcement functions detailed in para 5.2 of the agenda report to East Hampshire District Council under powers granted to local authorities under section 101 of the Local Government Act 1972.**

**3. Background**

- 3.1. Littering and fly tipping consume considerable resources of Chichester District Council (CDC) both in terms of officer time and budget. The Council originally approved a Litter and Fly Tip Strategy in September 2017 and in December 2018 the Cabinet approved an updated Action Plan (appended hereto).
- 3.2. The Action Plan focuses on publicity campaigns to promote awareness and community involvement, having the right infrastructure and improved enforcement to make littering and fly tipping socially unacceptable.
- 3.3 CDC participated in a year-long litter enforcement trial with East Hampshire District Council (EHDC). Owing to the success of the trial, the Cabinet approved (as part of the revised Action Plan referred to in para 3.1 above) entering into an agreement with EHDC for litter enforcement within the district for a further three years.

**4. Outcomes to be Achieved**

- 4.1 Reduced littering by discharging certain litter enforcement functions to EHDC under agreement to enable EHDC officers, on behalf of CDC, to patrol areas of Chichester District where there are known littering and dog fouling problems, issuing fixed penalty notices for £100 where they witness offences.

## 5. Proposal

- 5.1 Article 10.02 in Part 2 of CDC's Constitution requires the Council to note the decision of the Chief Executive to discharge certain litter enforcement functions to EHDC under an agency agreement under powers granted to local authorities under section 101 of the Local Government Act 1972.
- 5.2 The enforcement functions which are to be discharged are: the offence of leaving litter (section 87 of the Environmental Protection Act 1990), to issue fixed penalty notices for leaving litter (section 88 of the Environmental Protection Act 1990) and breach of a public space protection order (sections 67 and 68 of the Anti-social Behaviour, Crime and Policing Act 2014).

## 6. Alternatives Considered

- 6.1 The Chief Executive's delegation is not exercised, which would mean litter enforcement as agreed at the meeting of the Cabinet in December 2018 could not be implemented.

## 7. Resource and Legal Implications

- 7.1 None

## 8. Consultation

- 8.1 None

## 9. Community Impact and Corporate Risk

- 9.1 There is a risk that proceeding with enforcement action against individuals which the public considers is unfair or unreasonable could cause reputational harm. However, evidence shows the public view littering as completely avoidable.
- 9.2 Any corporate risk from poor publicity arising from enforcement can be minimised by ensuring the legal agreement includes detailed procedures and the contract is properly monitored.

## 10. Other Implications

Are there any implications for the following?		
	Yes	No
<b>Crime and Disorder</b> If supported, the enforcement work will directly address the offences of littering, dog fouling and dog exclusion	X	
<b>Climate Change and Biodiversity</b>		X
<b>Human Rights and Equality Impact</b>		X
<b>Safeguarding and Early Help</b>		X
<b>General Data Protection Regulations (GDPR)</b> Personal data is not	X	

passed between EHDC as the service provider and CDC. All data is referenced with the fixed penalty notice reference number and individuals cannot be identified by Chichester District Council		
<b>Health and Wellbeing</b>		X
<b>Other</b> (please specify) None		X

## 11. Appendices

### 11.1 Litter and Fly Tip Action Plan 2018

## 12. Background Papers

### 12.1 Litter and Fly Tip Action Plan: Cabinet agenda report dated 4 December 2018

[Available to view on Chichester District Council's website as agenda item 12 for the Cabinet's meeting on Tuesday 4 December 2018 via the following link:

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=135&MId=1050&Ver=4> ]

### 12.2 Crime and Disorder Impact Assessment - Litter Enforcement January 2019

[This is published in an agenda supplement for this meeting but it was also published on Chichester District Council's website in the second agenda supplement for the Cabinet's meeting on Tuesday 4 December 2018 via the following link:

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=135&MId=1050&Ver=4> ]

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**Against Litter**

**A Litter and Fly Tip Action Plan for Chichester District - 2017 – 2020**

**Year 2 - Revised September 2018**

## The Action Plan

The responsibility to monitor the delivery of the action plan lies jointly with the Service Manager at Chichester Contract Services, the Divisional Manager for Environmental Protection and the PR Manager.

Projects that are shaded are completed or now part of normal working practice.

### 1. Sending a clear message

	Original Action Plan	Progress to date and Options 2019/20	When	Resources
<b>Awareness and Community Involvement</b>				
1	Continue and expand the current Communication Strategy including;  Keep it Clean, Keep it Green campaign in Initiatives and other CDC literature covering - cost and impact of littering, cigarette litter, dog fouling, duty of care towards waste, fly tipping	Developed into the Against Litter brand. Maintaining existing publicity campaigns; Litter Enforcement, Adopt an Area and Green Dog Walker Scheme.	On-going	Staffing from existing Resource Materials £2,000
2	Deliver a Tradesman Project (strategic fly tip campaign) in partnership with retailers of trade tools and hardware including campaigns on properly sheeted commercial vehicles, duty of care towards waste	Outstanding Action	January 2019	Project Officer (PR) £13,300 Materials £5,500
3	Introduce an "Adopt an Area" Initiative which incorporates themes appropriate to local needs such as community clean up days, "Paws and Pick Up" events,	Completed – continuation into year 2 detailed in action 1 above.	March 2018	-

## Revised Litter and Fly Tip Action Plan

	citizen awards, community pledges for particular problems e.g. dog fouling			
4	Deliver a Clean Street Pledge in Chichester, Midhurst, Selsey, Petworth towns	Completed as part of action 3 – continuation into year 2 detailed in action 1 above.	April 2018	-
5	Support and compliment the WSCC Highways and Highways England initiative to keep roads and verges clear of litter through social media campaigns.	Completed	November 2017	-
6	Run WSCC Waste Buster in 5 local schools each year	Delay in launch. This action will progress if WSSC launch initiative in 2019.	Determined by launch by WSCC	From existing resources

## 2. Cleaning up the District

	What	Progress to date and Options 2019/20	When	Resources
<b>Infrastructure and Collaboration</b>				
7	Review of Infrastructure including; <ol style="list-style-type: none"> <li>1) Litter bin &amp; dog bin audit (right place/frequency/right messages)</li> <li>2) 'Recycle on the go' provision</li> <li>3) Shops / pubs to have cigarette bins</li> <li>4) Improve clean up resources and use of external contractors</li> <li>5) Co-ordinate highway work (grass cutting / routine maintenance)</li> </ol>	1 – 6 completed in 2018. 2019 - Phase 2 7) Continue infrastructure review by undertaking a pilot to review bin usage to evidence infrastructure need. 8) Review and improve signage on bins to send clear and consistent messages as to what	On-going,	Funding secured from Cabinet Sept 17 (£10k for sensors, £7k for signage and replacement bins)

	6) Review of existing street cleaning schedules	can go in bins.		
8	Improve and expand on collaboration between internal teams and services - waste management, street cleaning, environmental protection, community wardens, legal services, including clear roles and responsibilities and efficient procedures	Completed	April 18	-
9	Hold quarterly Member Officer Litter Working Group meetings/workshops, including annual reporting of costs related to littering and fly tipping and enforcement action	Part of normal working practice	On-going	-
10	Attend county-wide strategic Member waste group	Part of normal working practice	On-going	-
11	Attend county-wide officer waste group	Part of normal working practice	On-going	-
12	Improved stakeholder collaboration including parish councils, Chichester City Council, Chichester BID, WSCC, SDNP, Waste Partnership.	Part of normal working practice	On-going	-
13	Attend land owners fly tip liaison meeting	This group disbanded, will attend if and when it is resurrected.	On-going	-

### 3. Improving enforcement

	What	Progress to date and Options 2019/20	When	Resources
<b>Enforcement</b>				
14	Participate in the Litter Enforcement Trial with East Hants District Council, targeting enforcement to towns, car parks, parks/recreation grounds, other open space, and beaches.	Completed. Option to engage East Hants District Council for continuation of Litter Enforcement on a 3 year legal	January 2018	(£11,048) - £12,664

## Revised Litter and Fly Tip Action Plan

		agreement.		
15	Continued use of the Corporate Fraud Officer for fly tip investigations	Replaced by 0.5 FTE Environmental Protection Officer. Completed	On-going	Funding secured from Cabinet Sept 17
16	Plain cloth operations at problem dog fouling areas	Part of normal working practice	On-going	From existing resources
17	Participate in multi-agency Countywide remote cameras trial for fly tipping	WSCC led project.  On-going	August 2017	Staffing from existing resources

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