



Minutes of the meeting of the **Council** held in Committee Rooms at East Pallant House Chichester on Tuesday 19 September 2017 at 14:00

Members Present	Mrs N Graves (Vice-Chairman), Mrs C Apel, Mr R Barrow, Mr J Brown, Mr P Budge, Mr J Connor, Mr A Collins, Mr A Dignum, Mrs P Dignum, Mr M Dunn, Mr J W Elliott, Mr N Galloway, Mr M Hall, Mrs P Hardwick, 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, Caroline Neville, Mr S Oakley, Mr C Page, Mrs P Plant, Mr R Plowman, Mr H Potter, Mrs C Purnell, Mr A Shaxson, Mrs S Taylor, Mrs S Westacott and Mr P Wilding
Members Absent	Mrs E Hamilton, Mr G Barrett, Mr T Dempster, Mrs J Duncton, Mr J F Elliott, Mrs G Keegan, Mr J Ransley, Mr J Ridd, Mrs J Tassell, Mr N Thomas, Mrs P Tull and Mr D Wakeham
Officers Present	Mr S Carvell (Executive Director), Mrs K Dower (Principal Planning Officer (Infrastructure Planning)), Mrs D Shepherd (Chief Executive), Mr G Thrussell (Senior Member Services Officer) and Mr J Ward (Head of Finance and Governance Services)

246 Approval of Minutes

In the absence of the Chairman of the Council, the Vice-Chairman Mrs Graves chaired this meeting of the Council. First of all she welcomed and explained the emergency evacuation procedure.

The Council received the minutes of its meeting on Tuesday 25 July 2017, which had been circulated with the agenda.

There were no proposed changes to the minutes.

Decision

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

RESOLVED

That the minutes of the Council's meeting on Tuesday 25 July 2017 be approved without amendment.

Mrs Graves then duly signed and dated the final (twentieth) page of the official version of the aforesaid minutes as a correct record.

247 Late Items

Mrs Graves stated that there were no late items under agenda item 9 for consideration at this meeting.

248 Declarations of Interests

Declarations of personal interests were made in respect of agenda item 6 (Approval for Consultation of the Draft Infrastructure Business Plan 2018-2023 with the City, Town and Parish Councils and Key Infrastructure Delivery Commissioners) by the undermentioned who were members of the stated councils or bodies consulted about or otherwise involved with the subject matter of that item:

- Mrs Apel – Chichester City Council
- Mr Budge – Chichester City Council
- Mr Dignum – Chichester City Council
- Mr Galloway – Chichester City Council
- Mr Hayes – Southbourne Parish Council
- Mr Hixson – Chichester City Council
- Mrs Kilby – Chichester City Council
- Mrs Lintill – Chichester District Council appointed member of the Sussex Police Panel
- Mr Macey – Chichester City Council
- Mr McAra – Midhurst Town Council
- Mr Morley – Midhurst Town Council
- Caroline Neville – Lodsworth Parish Council
- Mr Oakley – Tangmere Parish Council and West Sussex County Council
- Mr Plowman – Chichester City Council
- Mr Potter – Boxgrove Parish Council

- Mrs Purnell – Selsey Town Council, West Sussex County Council and Chichester District Council appointed substitute member of the Sussex Police Panel
- Mr Shaxson – Elsted and Treyford Parish Council and Harting Parish Council
- Mrs Taylor – West Itchenor Parish Council
- Mrs Westacott – Fishbourne Parish Council

249 **Chairman's Announcements**

Mrs Graves mentioned the following apologies for absence:

Mr Barrett, Mrs Duncton, Mr J F Elliott, Mrs Hamilton, Mrs Keegan, Mr Ransley, Mr Ridd, Mrs Tassell, Mr Thomas, Mrs Tull and Mr Wakeham.

Mr Dempster was also absent from the meeting.

All other CDC members were present.

Mrs Graves made the following announcements:

(1) Change in the Running Order for Agenda Items 6 and 7

She advised first of all that she proposed a change in the running order for two agenda items in order to accommodate the availability of Mrs Hardwick who would have to leave the meeting early, namely that agenda item 7 (Committee Calendar of Meetings 2018-2019), which would be presented by Mrs Hardwick, would be taken before agenda item 6 (Approval for Consultation of the Draft Infrastructure Business Plan 2018-2023 with the City, Town and Parish Councils and Key Infrastructure Delivery Commissioners).

She invited someone to second her proposal, which Mr Dignum duly did.

In accordance with the CDC *Constitution* she put her proposal to the vote.

Decision

There was a unanimous vote in favour of the proposal with none against and no abstentions.

RESOLVED

That the published order of business in the agenda for this meeting be altered by taking agenda item 7 (Committee Calendar of Meetings 2018-2019) before agenda item 6 (Approval for Consultation of the Draft Infrastructure Business Plan 2018-2023 with the City, Town and Parish Councils and Key Infrastructure Delivery Commissioners).

(2) Death of Kevin McCoy

Mrs Graves read the following statement:

'It is with great sadness that I inform you of the death of Kevin McCoy.

Kevin worked for Chichester District Council from 17 December 1983 until he retired due to ill health on 31 July 2015.

Kevin came to CDC from Havant Borough Council as a Senior Supervisor at Westgate Leisure Centre and became Assistant Manager in April 1987, Deputy Manager in June 1989, moving then to the position of Manager in December 1996.

He made many great contributions to Westgate and helped it move forward in numerous ways. Kevin was always very committed and passionate about how he, as the manager, could help customers and staff improve their health, well-being and quality of life. He was always very personable, kind and treated everyone with respect.

On behalf of the elected members and the staff of Chichester District Council I send our deepest condolences to Karen, his wife and all of Kevin's family at this very sad time.'

Members acknowledged Mrs Graves's sentiments with audible appreciation.

(3) Special Meeting of the Council

Mrs Graves pointed out that there would be a special meeting of the Council on Wednesday 27 September 2017 at 14:00 in order to consider a single item of business, namely the A27 Chichester Bypass Improvement Scheme. The agenda would be published later in the day after this meeting had concluded. She exhorted members to use their best endeavours to attend.

(4) All Parishes Meeting

This meeting would take place on Wednesday 20 September 2017 at 19:00 in the Assembly Room at Chichester City Council with a buffet from 18:00. She encouraged members to attend the evening.

(5) Housing and Economic Land Availability Assessment Member Briefing

This would be held on Tuesday 26 September 2017 at 10:00 in Committee Room 1 at East Pallant House and it was hoped that members would make every effort to attend.

(6) Southern Gateway Masterplan Member Workshop

This had been arranged for Wednesday 4 October 2017 at 09:30 in Committee Room 2 at East Pallant House and members' presence was very important.

250 **Public Question Time**

No public questions had been submitted for this meeting.

[**Note** Minute paras 251 to 255 below summarise the consideration of and conclusion to agenda items 6 to 10 inclusive but for full details please refer to the audio recording facility via this link:

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

251 **Committee Calendar of Meetings 2018-2019**

As approved by members earlier in the meeting, this item was taken before agenda item 6.

The Council considered the agenda report.

The recommendation in the report was formally proposed by Mrs Hardwick (Cabinet Member for Finance and Governance Services) and seconded by Mr Dignum (Leader of the Cabinet).

Mrs Graves indicated that there were some proposed changes to the calendar, which would be outlined by Mrs Hardwick.

Mrs Hardwick introduced the report. She explained that this was the annual report setting out the framework under which the committee meetings for the CDC administrative year May 2018 to May 2019 would be set. The aim was to plan ahead and to spread CDC's business in an effective manner during the aforesaid period. As usual it avoided insofar as possible meetings in the West Sussex County Council school holidays and the CDC elections at the start of May 2019. Start times were indicative and would be formally agreed at the first meeting in the new CDC year. There was a proposal to amend the calendar insofar as some of the dates for the Development Plan and Infrastructure Panel (DPIP) were concerned namely where its meetings were on the second Thursday of a month. In those cases meetings would now start at 14:30 instead of 10:00. The seven meetings affected were: 10 May 2018, 12 July 2018, 13 September 2018, 8 November 2018, 13 December 2018, 11 April 2019 and 9 May 2019. All DPIP members had been consulted on those timing changes and had agreed to them. She commended the framework, as amended, for members' approval.

There was no debate on this matter, although there was a short question about the usual day for Council meetings, which was confirmed to have been almost invariably a Tuesday for many years.

Decision

The Council voted unanimously on a show of hands in favour of the recommendation in the report as amended in the case of certain of the DPIP dates and is set out below.

RESOLVED

That the calendar of meetings for the Chichester District Council administrative year 2018 to 2019 be approved subject to the start times of the Development Plan and Infrastructure Panel on 10 May 2018, 12 July 2018, 13 September 2018, 8 November 2018, 13 December 2018, 11 April 2019 and 9 May 2019 being 14:30 instead of 10:00.

- 252 **Approval for Consultation of the Draft Infrastructure Business Plan 2018-2023 with the City, Town and Parish Councils and Key Infrastructure Delivery Commissioners**

The Council considered the recommendation made to it by the Cabinet at its meeting on Tuesday 5 September 2017 as set out on the face of the agenda, the details in respect of which were contained in the report and its two appendices on pages 22 to 55 of the agenda for that meeting (the appendices to the first appendix were available only electronically).

Mrs Taylor (Cabinet Member for Planning Services) formally moved the recommendation of the Cabinet and this was seconded by Mr Dignum (Leader of the Cabinet).

Mrs Taylor said that approval was sought for consultation on the Infrastructure Business Plan (IBP) 2018-2023 with parish councils, neighbouring local planning authorities and key infrastructure delivery commissioners for a period of six weeks. The consultation would offer an opportunity for consultees to: (a) check that the information provided to Chichester District Council (CDC) was still up to date; (b) influence which projects were to be selected for funding from the Community Infrastructure Levy (CIL); and (c) comment on whether the projects had been correctly categorised within each year. CDC's Development Plan and Infrastructure Panel (DPIP) had reviewed the draft IBP and in relation to school places noted that since 2016 the amount requested by West Sussex County Council (WSCC) had increased by 50%. Detailed costs would be required before funds could be released and WSCC had been asked to show how existing section 106 contributions together with other sources of funding available to it would be used to offset its CIL request. With regard to Sussex Police, a number of new projects had been put forward for funding during 2018-2019 relating to new police cars and automatic number plate recognition cameras. Sussex Police had explained that it could not fund those projects out of its existing budgets and it had set out a detailed case for CIL funding. Whilst it was accepted that those projects were 'infrastructure' for CIL purposes, officers had challenged the availability of other sources of funding such as council tax receipts. Sussex Police had advised that the projects could not be funded from the growth in council tax receipts and it had confirmed that the assets were in addition to its existing approved capital budgets. The DPIP considered the Sussex Police projects to be premature, as the housing growth upon which their justification was based had not yet taken place. The projects had, therefore, been removed from the CIL spending plan for the time being. The real time passenger information screen project to be delivered in 2019-2020 and 2020-2021 had

previously been considered and rejected by members for CIL spend but WSCC had since requested that that project be reconsidered. The DPIP had duly done so and now supported it since it encouraged modal switch upon which the Chichester Local Plan depended. The CIL spending plan (page 26 of the Cabinet agenda papers) reflected the views of both the DPIP and the CDC/WSCC Infrastructure Joint Member Liaison Group (IJMLG) as to which projects should be selected for funding within the next five years. After the end of the consultation officers would report any suggested amendments to the IJMLG for consideration prior to further consideration by the DPIP, the Cabinet and the Council for approval in March 2018.

Members discussed:

- (a) The need for CDC members who represented wards in the South Downs National Park Authority (SDNPA) area, and which were therefore outside CDC's CIL jurisdiction, to have access to the SDNPA's CIL documents and information.
- (b) The advantage of requiring community groups to apply for CIL funding via parish councils.
- (c) The importance of effective scrutiny of all requests for CIL funding, which should be considered (a) on their own merits eg CCTV and real-time passenger information devices (the latter could quickly become out of date and would require maintenance by the infrastructure provider) and (b) with regard to other requests.
- (d) The deductions from CIL in respect of allocations to parish councils (which varied according to whether there was a neighbourhood development plan (NDP): a 25% share for parishes with a NDP and a 15% without one) and administrative costs.

Mrs Taylor, Mr Carvell and Mrs Shepherd responded where appropriate to members' questions and comments on points of detail about the foregoing.

At the end of the debate the following decision was made by the Council.

Decision

The Council voted with respect to the recommendation made to it by the Cabinet and on a show of hands it was in favour of making the resolution set out below, with no votes against and no abstentions.

RESOLVED

That the consultation on the draft Infrastructure Business Plan 2018-23 (in appendix 1 to the agenda report for the Cabinet meeting on 5 September 2017) with the city, town and parish councils, neighbouring local authorities including the South Downs National Park Authority and key infrastructure Delivery Commissioners be approved for a period of six weeks from 2 October to 13 November 2017 subject to the amendments (as set out in the said agenda report) recommended by the Development Plan and Infrastructure Panel.

Questions to the Executive

Mrs Graves invited members to indicate if they wished to ask questions of the Cabinet members and the names of those so desiring were noted. She reminded members that a maximum of 40 minutes was allocated for this item.

The questions asked and the responses given were as follows:

Question by Mrs Apel: The Short Agenda for this Council Meeting

Mrs Apel expressed her surprise at the short length of the agenda for this meeting with only one recommendation from the Cabinet and the fact that it had made the final decision on all of the other matters listed on the agenda for its meeting on Tuesday 5 September 2017.

Response by Mr Dignum and Mrs Shepherd

Mr Dignum (Leader of the Council) said that this merely reflected that there was only one item of business at the Cabinet's meeting earlier in the month which required the approval of the Council, the remaining matters falling within the Cabinet's jurisdiction as key or other decisions for executive determination. It should be remembered that with the August hiatus there was only one Cabinet meeting leading into this Council meeting. **Mrs Shepherd** (Chief Executive) pointed out that the respective decision-making functions were set out in CDC's *Constitution* and that most decisions were in fact made by officers under delegated powers or the Cabinet. It was open to members to challenge a Cabinet decision by invoking the call-in procedure set out in the *Constitution*. The number of recommendations made to a Council meeting varied and on this occasion there happened to be only one.

Question by Mr Shaxson: Air Pollution in North Street and Rumbolds Hill Midhurst

Mr Shaxson referred to a question he had asked of Mr Barrow (who was then responsible for the environment portfolio) at the Annual Council meeting in May 2015 with regard to air pollution in Rumbolds Hill Midhurst. These concerns had been raised by other members since then including at the Annual Council meeting in May 2017. Air quality monitoring had revealed serious pollution issues. Further investigation was required before an air quality management area (AQMA), which in his view patently was needed, could be declared. He referred to the considerable concern in the town about the number of lorries travelling to and from the Pendean Sand Quarry. CDC could and should submit comments about this issue to the South Downs National Park Authority and he requested CDC to take appropriate action to address this pollution problem.

Response by Mr Connor

Mr Connor (Cabinet Member for Environment Services) said that he was aware of the situation and he had liaised with Mr S Ballard (Senior Environmental Protection Officer) recently and he would make available his advice to members

and the press. There was not a great deal that CDC could do and it was unable to control or influence lorry movements.

[**Note** Here is the text of an e-mail from CDC's Environment Services to Mr Connor sent shortly after the end of this meeting with respect to whether Midhurst could be declared an AQMA and whether it could be a priority for CDC's Air Quality Working Group:

'AQ Monitoring is undertaken by CDC at a site on Rumbold's Hill, Midhurst - this site measures NO₂ from all vehicles using Rumbold's Hill, not just quarry traffic. The only part of Midhurst where CDC has evidence of non-compliant air quality is Rumbold's Hill. Previous monitoring on Midhurst High Street suggested that it was very comfortably compliant with the UK Objective. As such, and subject to a more full consideration (to possibly include computerised air quality modelling), Rumbold's Hill could be declared an AQMA. This can be a priority for discussion at the Air Quality Working Group on 29 September 2017 and was on the agenda. Any decision to declare an AQMA is supported with the appropriate evidence base including modelling, which would require further funding and therefore a report to the Cabinet to request this. It is a Full Council consideration to determine an AQMA after a report supported by the Cabinet. With any strategic piece of work, there are contributing factors to consider such as understanding the new Local Plan housing numbers. This matter was subsequently discussed at the Air Quality Working Group. Mr Ballard and Mr S Morley (one of the two CDC ward members for Midhurst) would also meet to discuss this further and to agree a briefing note. Mr Ballard was able to provide further information.]'

Question by Mrs Westacott: Noise Levels on the A27

Mrs Westacott raised the issue of future traffic noise levels in the event of further improvements works being carried out to the A27 Chichester bypass. It was her understanding that CDC did not routinely measure or map noise in the area and that when the A27 was previously improved the modelling produced figures which were out of date by ten years very shortly after the road opened. She wished to know if (a) CDC intended to participate in the provision of noise information and, if so, whether it would disclose that data and (b) if CDC did not intend to do so and it was done instead by Highways England (HE), whether HE's data would be made available to the public in view of the important concerns about future noise levels which would inevitably give rise to complaints.

Response by Mr Connor

Mr Connor (Cabinet Member for Environment Services) undertook to make enquiries and provide a written reply.

[**Note** Here is the text of the written answer supplied by Mr Connor to Mrs Westacott and all CDC members on 3 October 2017:

'Dear Cllr Westacott,

I am responding to your enquiry at Council on 19th September about traffic noise on the A27.

Following an EC Directive, the Environmental Noise (England) Regulations 2006 require the Government to map noise from major road, rail and urban sources, and devise plans to minimise the noise. DEFRA, through the Highways Agency (now Highways England) consulted with local authorities to produce maps showing areas of major noise, and CDC took part in this work in 2012. The main outcome was that LNRS (Low Noise Road Surface) would be installed at the next major road resurfacing scheme. The 2006 Legislation requires the information to be publicly available; to that end an interactive map showing the “Important Areas” (IAs) is available at <http://www.noiseactionplan.co.uk>

Our Environmental Health Officers are consulted on all planning applications which may have noise implications; and that, of course, includes matters involving the Local Plan. EHOs will advise on suitable mitigation measures that should be taken in this respect. CDC does not respond to complaints about traffic noise on the A27 or any other road, as traffic noise is specifically excluded by legislation from the list of matters which could be considered a statutory noise nuisance. Aircraft noise is similarly excluded. What few enquiries CDC receives about noise from traffic tends to be about specific vehicles with faulty exhausts, or where drivers are exhibiting anti-social driving behaviour. These complaints are directed to the Sussex Police “Operation Crackdown” website.

Yours sincerely

Cllr. John Connor
Cabinet Member for Environment Services’]

Question by Mr Oakley: Threat to the Chichester Local Plan by Government Housing Target

Mr Oakley referred to a recent planning appeal decision to allow the building of 100 houses at Shopwyke. The inspector had discounted quite a large part of CDC’s five-year housing land supply on the basis that many of the sites were not coming forward, although these were for legal/land ownership reasons over which CDC had no control. On Thursday 14 September 2017 the government had announced proposals to boost housing supply numbers, in the case of Chichester District 609 houses/dwellings per annum. In view of the appeal decision (permitting development outside the management of the Chichester Local Plan) and the projected higher housing target (which level had not previously been achieved in the area), he asked if there was now a significant threat to the Chichester Local Plan and the delivery of CDC’s strategic sites.

Response by Mrs Shepherd

Mrs Shepherd (Chief Executive) commented that officers would consider carefully the implications of the government consultation. CDC could not control when developers implemented planning permissions and 609 houses per annum was a high one compared with the figure in the Chichester Local Plan and what had been built previously. Local planning authorities were expected to make sites deliverable notwithstanding the targets being hard to achieve.

Question by Mr Brown: A27 Chichester Bypass Improvement Works Scheme Option 2

Mr Brown asked the Leader of the Council if, in view of the forthcoming special Council meeting on the A27 Chichester bypass improvement works scheme, members could expect any indication whether there might be modifications to the online option 2.

Response by Mr Dignum

Mr Dignum (Leader of the Council) advised that the agenda papers for the special meeting of the Council would be published by the end of the afternoon and he preferred to defer any response to such a question until that special meeting, by which time members would have been able to read the papers.

[**Note** End of questions to the executive]

254 **Late Items**

As announced by the Chairman of the Council at agenda item 2 (see minute 247 above), there were no late items for consideration at this meeting.

255 **Exclusion of the Press and Public**

In the absence of any Part II items on the agenda for this meeting a resolution to exclude the press and the public was not required.

[**Note** The meeting ended at 14:46]

CHAIRMAN

DATE