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Minutes of the meeting of the **Cabinet** held in Virtual on Tuesday 2 March 2021 at 9.30 am

**Members Present** Mrs E Lintill (Chairman), Mrs S Taylor (Vice-Chairman), Mr R Briscoe, Mr A Dignum, Mrs P Plant, Mr A Sutton and Mr P Wilding

**Members Absent**

**In attendance by invitation**

**Officers Present** Mr T Ayling (Divisional Manager for Planning Policy), Mr S Ballard (Senior Environmental Protection Officer), Mr N Bennett (Divisional Manager for Democratic Services), Mrs K Dower (Principal Planning Officer (Infrastructure Planning)), Mrs A-M Ferrier (Planning Policy Officer), Mr A Frost (Director of Planning and Environment), Mr A Gregory (Project Manager - Estates), Mr D Henly (Senior Engineer (Coast and Water Management)), Miss L Higenbottam (Democratic Services Manager), Mrs J Hotchkiss (Director of Growth and Place), Mrs V McKay (Divisional Manager for Growth), Mrs S Peyman (Divisional Manager for Culture), Mr T Radcliffe (Human Resources Manager), Mrs D Shepherd (Chief Executive), Ms A Stevens (Divisional Manager for Environmental Protection) and Mr J Ward (Director of Corporate Services)

## 125 **Chair's Announcements**

There were no apologies for absence.

## 126 **Approval of Minutes**

### **RESOLVED**

That the minutes of the Cabinet meeting held on 2 February 2021 and 16 February be approved as a correct record.

## 127 **Declarations of Interests**

With regard to agenda item 9 Cllr Dignum declared a personal interest as a Chichester District Council appointed member of Chichester Community Development Trust.

## 128 Public Question Time

The following questions were asked by Ian Sumnall in relation to agenda item 7, Local Plan Review:

I am disappointed by the officers responses to suggested changes to Policy DM 8 , Transport, Accessibility and Parking, in the report before you, where their reaction to a suggestion that existing footpaths and cycleways should be protected is seen as '**overly restrictive**'. Could I suggest that this type response endangers the retention of Centurion Way from the developers of Whitehouse Farm Phase 2, for example. Some of you may recall that in your Local Plan for 1996 to 2006 your predecessors ensured Centurion Way's establishment by a policy which protected its route.

**Q1** - If it was 'Fit for Purpose' then why is it not now?

I understand from correspondence between Mr. Ayling and Councillor Sharp that consideration is being given to a '**digital mapping layer**' being appended to the revised Local Plan showing various existing and proposed walking and cycling routes.

**Q2** - Could I ask if such a 'digital layer' will have any legal standing?

**Q3** - Why is it not proposed to include such routes, both existing and proposed in Supplementary Planning Guidance which you intend to use for other land use which would have statutory force?

**Q4** - Finally your officers have previously been supplied with a copy of Policy 80 [Supporting Sustainable Access to Development] from the approved 2018 Local Plan for Cambridge City. Also of relevance is their Policy 5 [ Sustainable Transport and Infrastructure]. If these policies have passed the test in Cambridge why are they not thought suitable for Chichester?

The following answers were provided by Cllr Taylor:

A1 - The response to Policy DM8 in the Preferred Approach Plan consultation in 2018 indicated that existing footpaths and cycleways must be "preserved" suggesting no change. While the principle of protecting cycleways and footpaths is fully supported, there may be occasions when a small change to part of the route could facilitate wider benefits – including environmental, safety or design improvements and as such, it is not appropriate that the policy should prevent consideration of these improvements, i.e. it should not be "overly restrictive". For example, in the course of considering proposed development, should a well-established route be found to jeopardise a protected habitat, species or historic feature, it might be entirely appropriate to suggest a small deviation, as part of the proposals, in the interests of biodiversity or heritage. It is therefore considered appropriate to allow a degree of flexibility in the policy to ensure that proposals consider the social, environmental and economic objectives - sustainable development.

While the reference to the 1996-2006 Local Plan is noted, when considering policies in the emerging Local Plan, reference to the current planning policy framework must be the starting point. The National Planning Policy Framework states at paragraph 11 that “plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change”. Therefore, it is considered that the officer’s response to Policy DM8 is entirely in accordance with current national planning policy.

A2 - An interactive, digital layer will allow us to create a “live picture” of the walking and cycling network at any point in time and identify the most appropriate place to direct improvements or funding.

The digital layer will be linked from a Local Plan Policy, which will remain as adopted. However, the layer itself will change over time, to reflect additions or improvements to the network. It is therefore a source of information rather than of legal status.

A3 - The Council has prepared a Local Cycling and Walking Infrastructure Plan (LCWIP). which is expected to be adopted by the Council in due course. This will form part of the Local Plan evidence base and will help inform the walking and cycling policies in the plan, as well as site allocation policies where improvements to the existing network will be sought. It is suggested that the LCWIP provides the basis for the digital layer described above. As such, the LCWIP will provide technical guidance and carry weight in the planning process and it is not considered that adopting it as an SPG would provide significantly more weight, given that SPGs are not policy, but guidance.

A4 - Officers are aware of the Cambridge City policies and as stated above, support the principle of opportunities to improve walking and cycling policies in the Local Plan Review. Planning Policy Officers are working with the Council’s Environment Team to ensure plan policies reflect the aspirations of the Council to promote opportunities and for improvements to the network. In drafting policies, officers will often research “best practice” from elsewhere.

The officer response to Policy DM8 is an initial response. Work will continue on the wording of all policies to ensure they provide clear and unambiguous direction, but with sufficient flexibility to respond to changing circumstances. We are not rejecting the full text of the Cambridge approach referenced – we are considering this further in the next step of plan preparation.

## 129 **Beach Management Plan 2021-2026**

Cllr Plant introduced the item.

In a vote the following recommendations were made:

### **RECOMMENDED TO COUNCIL**

1. That Council gives authority to the Director of Planning and Environment to apply to the Environment Agency to draw down £250k per year of Flood Defence Grant in Aid for the Beach Management Plan (BMP).

2. That Council approves the funding referred to in paragraph 2.1 to be spent in line with the Beach Management Plan 2021-26 Schedule of Works shown at Table 1.
3. That should the Beach Management Plan Schedule of Works, set out in Table 1, require amendment during this period, that authority to amend the schedule is delegated to the Director of Planning and Environment following consultation with the Cabinet Member for the Environment and Chichester Contract Services.
4. That the Director of Planning and Environment be authorised to procure and award contracts for work in accordance with the BMP 2021-26 and Financial Standing Orders.

130 **Consideration of Consultation Responses Received on Chichester District Council's Draft Infrastructure Business Plan 2021-2026**

Cllr Taylor introduced the item. Cllr Taylor invited Cllr Sharp to comment. Cllr Sharp spoke in favour of keeping the RTPI screens for bus users.

In a vote the following resolution and recommendations were made:

**RESOLVED**

That having reconsidered IBP/355 Bus Real Time Passenger Information screens phase 2 IBP/355 is to remain in the Plan.

**RECOMMENDED TO COUNCIL**

1. That Council:
  - (i) Approves the proposed responses to the representations received as amended and subsequent modifications to the Draft Infrastructure Business Plan (IBP);
  - (ii) Approves the Infrastructure Business Plan 2021-2026 as set out in Appendix 1; and;
  - (iii) Approves the amended IBP including the CIL Spending Plan attached as Appendix 2.

131 **Local Plan Review - Responses to Preferred Approach: Part 2 Development Management Policies, Policies Map, Habitats Regulation Assessment and Sustainability Appraisal**

Cllr Taylor introduced the item.

In a vote the following recommendations were made:

**RECOMMENDED TO COUNCIL**

1. That:
  - a. The Summary of Representations included as Appendix 1 to this report is noted.
  - b. The proposed Council responses to the representations set out in that document are agreed for publication on the Council's website.

- c. The Director of Planning and the Environment is authorised, following consultation with the Cabinet Member for Planning Services, to make minor amendments to the Summary of Representations and Responses prior to its publication.
2. That the issues raised in the Summary of Representations document and the other relevant issues summarised in section 9 of this report are noted as key considerations for the ongoing production of the Local Plan.

## 132 **Revised Local Development Scheme 2021-2024**

Cllr Taylor introduced the item.

Cllr Dignum requested clarification on what stage mitigation will be required in relation to the Stockbridge Link Road. Mr Frost explained that the Transport Modelling Study would guide officers. Mr Ayling anticipated the output of the Modelling to be available in the summer. Cllr Taylor added that a feasibility study is also required in parallel. Mr Frost emphasised the importance for officers to gather evidence to put before members on these matters.

Cllr Sutton asked whether if proposed housing numbers were found to be undeliverable the housing numbers required could reduce. Cllr Taylor confirmed that would be a possibility. Cllr Sutton then requested clarification on the role of the Development Plan and Infrastructure Panel in the Local Plan. Cllr Taylor confirmed the Panel is politically balanced and all of the evidence on the range of local plan studies is put before the Panel. The Panel are then provided with the opportunity to consult officers and make recommendations to Cabinet and Full Council. Mr Frost added that the Panel normally meets once a month.

In a vote the following recommendation was made:

### **RECOMMENDED TO COUNCIL**

That the revised Local Development Scheme be approved.

## 133 **Section 106 Allocation for Chichester Community Development Trust**

Cllr Briscoe introduced the item.

Cllr Taylor with reference to page 32 section 7.1 requested clarification on whether the building would be leasehold or freehold. Cllr Dignum was later able to confirm that it should read Freehold.

In a vote the following recommendation was made:

### **RECOMMENDED TO COUNCIL**

That Council approves the release of £141,250 Section 106 Sport and Leisure monies plus interest accrued to the date of release to Chichester Community Development Trust.

134 **Senior Staff Pay Policy Statement 2021-2022**

Cllr Wilding introduced the item.

In a vote the following recommendation was made:

**RECOMMENDED TO COUNCIL**

That the Senior Staff Pay Policy Statement 2021-2022 be published.

135 **Authority's Monitoring Report 2019/20**

Cllr Taylor introduced the item.

In a vote the following resolutions were made:

**RESOLVED**

1. That the Authority's Monitoring Report 2019-2020 be approved for publication.
2. That the Director of Planning and the Environment be authorised, following consultation with the Cabinet Member for Planning Services, to make any minor amendments to the Authority's Monitoring Report prior to its publication.

136 **Business Rates Pool Grant Bid**

Cllr Plant introduced the item. Mr Ballard added that with reference to Appendix 2 the intended spend in row 3, IBP 656 would be funded by item 6 if it is agreed at Full Council in the afternoon. He proposed that subject to the agreement by Full Council that row 3 £15,000 be moved to the £23,000 to bring forward the development of the LCWIP. The LCWIP funding therefore totalling £38,000. The Cabinet were in agreement with the proposal.

In a vote the following resolution was made:

**RESOLVED**

That Cabinet approves the spend of the Business Rates Pool grant award as detailed in Appendix 2 with the revised amendments (subject to Full Council approval of the Infrastructure Business Plan on 2 March 2021) and that authority be delegated to the Director of Planning and Environment (following consultation with the Cabinet member for the Environment and Chichester Contract Services) to vary the spend with minor amendments where necessary.

137 **Late Items**

There were no late items.

138 **Exclusion of the Press and Public**

Cllr Lintill proposed and read the part II resolution in relation to agenda items 15 and 16 which was seconded by Cllr Taylor.

The Cabinet then voted to go into part II.

### **RESOLVED**

That with regard to agenda item 15 and 16 the public including the press should be excluded from the meeting on the grounds of exemption in Schedule 12A to the Local Government Act 1972 namely Paragraph 3 (Information relating to the financial or business affairs of any particular person (including the authority holding that information)) and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

Members took a short break.

### **139 Coastal and Land Drainage Engineering Service**

*Please note this item was discussed in part II and a recording was made.*

Cllr Plant introduced the item. Mrs Stevens added some points of clarification.

Questions were received from Cllr Taylor, Cllr Briscoe and Cllr Lintill. Mrs Stevens provided the responses.

In a vote the following recommendations were made:

### **RECOMMENDED TO COUNCIL**

The Cabinet makes the recommendations to Council as stated at 2.1, 2.2, 2.3, 2.4 and 2.5 of the report.

### **140 St James Industrial Estate Chichester**

*Please note this item was discussed in part II and a recording was made.*

Cllr Dignum introduced the item.

Questions were received from Cllr Briscoe, Cllr Wilding, Cllr Plant and Cllr Lintill. Mrs McKay and Mr Gregory provided the responses.

In a vote the following recommendations were made:

### **RECOMMENDED TO COUNCIL**

The Cabinet makes the recommendations to Council as stated at sections 3.1, 3.2, 3.3 and 3.4 of the report.

The meeting ended at 11.35 am

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CHAIRMAN

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Date: