



Minutes of the meeting of the **Cabinet** held in Old Court Room, The Council House (Chichester City Council), North Street, Chichester on Friday 24 April 2015 at 9.30 am

**Members Present:** Mrs H P Caird (Chairman), Mrs E P Lintill (Vice-Chairman), Mr M A Cullen, Mr J C P Connor, Mr A P Dignum, Mrs L C Purnell and Mr J J L T Ransley

**Members not present:**

**In attendance by invitation:**

**Officers present all items:** Mrs D Shepherd (Chief Executive), Mr S Carvell (Executive Director), Mr A Frost (Head of Planning Services), Mr M Allgrove (Planning Policy Manager), Ms N Golding (Principal Solicitor and Monitoring Officer) and Mr P Coleman (Member Services Manager)

#### 755 **Minutes**

##### **RESOLVED**

That the minutes of the meeting of the Cabinet held on 7 April 2015 be signed as a correct record, subject to the amendment of the first sentence of the last paragraph before the resolution of minute 748 to read:-.

“The Cabinet expressed disappointment that, because the webcasting of meetings was out of scope of the Project Initiation Document, the full costs and implications of this option were not included in the report.”

#### 756 **Urgent Items**

There were no urgent items for consideration at this meeting.

#### 757 **Declarations of Interests**

No interests were declared at this meeting.

#### 758 **Public Question Time**

No public questions had been submitted.

#### 759 **Loxwood Neighbourhood Plan**

Further to minute 648 of 9 September 2014, the Cabinet considered the report circulated with the agenda (copy attached to the official minutes). At Mrs Purnell's

request, Mr Frost introduced the report. He reminded the Cabinet of the previous history of the Loxwood Neighbourhood Plan, including the legal challenge, which had led to the quashing of the original decision to hold a referendum.

The draft Neighbourhood Plan had been re-examined and, in her report, the Examiner recommended that the plan should proceed to referendum, as modified by her recommendations. Mr Frost explained that, since the Cabinet report had been written, the expected second legal challenge to the Neighbourhood Plan had been lodged.

Mr Frost explained that the Cabinet was, therefore, being asked to consider afresh the Examiner's report, including the modifications she recommended, and the text of the Decision Statement set out at Appendix 1, ignoring his signature and date, and to consider the grounds of the legal challenge.

Mr Frost reported that the Examiner had concluded that, subject to making modifications, the Neighbourhood Plan met the basic conditions set out in the Localism Act and Regulations and should proceed to a referendum. He drew attention to the Examiner's recommended modifications, listed in Table 1 of the draft Decision Statement, which had been considered by Loxwood Parish Council. The modifications were necessary to meet the basic conditions or for clarification, and it was recommended that these should be agreed for the reasons set out in the table.

He also drew attention to, and explained briefly, the potential grounds of legal challenge set out in Appendix 3, and the officers' comments on them.

He amended the officers' recommendations, set out in paragraph 2 of the report, and added a further recommendation. (These are reflected in the Cabinet's resolution set out below.)

The Cabinet considered the report and appendices, in the light of Mr Frost's introduction.

Cabinet members expressed views that many local people were engaged in the production of neighbourhood plans, and devoted huge amounts of time to this work. The concept of Neighbourhood Plans was one of the few tangible expressions in legislation of localism, giving local communities the right to determine the location and type of housing development in their area (although the Local Plan set the context for the scale of development). It was important that the Cabinet sent a clear message to local communities that their work to create neighbourhood plans that reflected the Local Plan would be supported by the Council.

The Loxwood Neighbourhood Plan had been developed by the local community through a consultative process that offered the opportunity for all land owners and local people to have their say, and community acceptance had been demonstrated. The Examiner had confirmed that, with modifications, the Plan met the basic conditions required by the National Planning Policy Framework. Officers had considered the Plan and the Examiner's report, and also believed it to meet the basic conditions. In the light of this, the Cabinet agreed that the Draft Neighbourhood Plan, with the Examiner's modifications met the basic conditions and

thus could properly proceed to referendum. Cabinet members expressed the view that it was untenable for a developer to lodge accusations of bias because a majority of the community had not selected their site for development. Therefore, this claim should be rigorously defended. Legal advice received by officers to date confirmed the officers' recommendations.

Having considered the documents before them, the Cabinet Members unanimously

**RESOLVED**

- (1) That the Loxwood Neighbourhood Plan Examiner's recommendation to proceed to Referendum subject to modifications be approved.
- (2) That the Decision Statement be approved and published with the Examiner's Report (Appendix 2).
- (3) That, based upon legal advice received so far, the claim be defended and expenditure up to £30,000 be authorised. When it is known whether the judicial review will proceed, a further report detailing likely costs is to be submitted.

**760 Exclusion of the Press and Public**

The press and public were not excluded for any part of the meeting.

The meeting ended at 9.53 am

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CHAIRMAN

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Date:

