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Minutes of the meeting of the **Council** held in the Committee Rooms - East Pallant House on Tuesday 18 July 2023 at 2.00 pm

Members Present: Mrs C Apel (Chair), Mr I Ballantyne, Mrs T Bangert, Mr R Bates, Mr S Boulcott, Mr B Brisbane, Mr R Briscoe, Mr J Brookes-Harmer, Mr J Brown, Ms J Brown-Fuller, Ms B Burkhart, Mrs H Burton, Mr M Chilton, Ms H Desai, Mr G Evans, Mrs E Hamilton, Mr C Hastain, Ms O Hickson, Mr F Hobbs, Mrs D Johnson, Mr S Johnson, Mr T Johnson, Mr A Moss, Ms E Newbery, Mr T O'Kelly, Mr H Potter, Ms S Quail, Mrs S Sharp, Mr J Vivian, Ms V Weller and Mr T Young

Members not present: Mr J Cross, Mr D Betts, Mr R Chant, Ms M Corfield and Mr C Todhunter

17 Minutes

RESOLVED:

That the minutes of the full Council meeting held on 17 May 2023 be approved and signed as a correct record.

18 Urgent Items

There were no urgent items.

19 Declarations of Interests

Cllr Sharp as a member of West Sussex County Council also declared a personal interest in relation to agenda items 6, 8, 10 and 12.

20 Chair's Announcements

There were no Chairman's announcements.

Apologies for absence were received from Cllr Todhunter, Cllr Corfield, Cllr Chant, Cllr Cross and Cllr Betts.

21 Public Question Time

Questions from Michael Warden:

1. Will the Council refuse all and any new development applications until such times as there is a proper sewage system upgrade to do the job it was intended to do.

Southern Water must also robustly defend itself and state categorically that it cannot accommodate any more development and has not been able to do so for a number of years.

2. The Central Government has said on several occasions that development of agricultural land should be resisted and in this District it should be stopped with immediate effect. The realisation that at this time in history if this country was isolated and unable to import food, we can only feed about 60% of the population and that is dwindling fast. It is not sustainable and needs to be identified as such.
3. The Local Plan needs to be reviewed and updated with all haste and should include mandatory policies for the inclusion of solar power, battery storage and heat source pumps. It is ludicrous to even consider other means of energy. Also all commercial development should have the same policies.
4. A policy needs to be provided for the installation of solar power to all and any building that has a roof space, such as factories, car parks can be upgraded with roofs over for solar power. Grazing land can be used for solar power as cattle and sheep can still graze below.

There is a lot that can be done if willing and determined to stand up and do it.

Answer from Cllr Bill Brisbane

Thank you for your questions.

In answer to question 1:

Southern Water has a statutory obligation to find solutions and provide infrastructure for new development, so it cannot refuse to accommodate more development unless it can be proven that there is no solution available. It identifies solutions through its business planning process, including through the development of a Drainage and Wastewater Management Plan (DWMP). Southern Water has recently published its DWMP which sets out investment needs from 2025 – 2030 and looks ahead to 2050. In 2021 the Council agreed a Statement of Common Ground with Southern Water to make sure that planned housing growth can be accommodated within the wastewater treatment works. We continue to work closely with Southern Water and the Environment Agency to ensure that planned housing growth is phased to align with improvements in capacity at wastewater treatment works.

All planning applications must be assessed on their individual merits, taking account of the potential for harm that may occur, but also the suitability of any proposed mitigation. As an individual assessment is required in each case, it is not possible to impose a blanket moratorium on all planning applications for housing development.

However, if a statutory provider raises issues which are not able to be satisfactorily mitigated, this will be afforded significant weight in the determination of an application.

The FAQs on the council website cover these matters in greater detail.

In answer to question 2:

The emerging Local Plan recognises the importance of high-grade agricultural land and Policy NE2 'Natural Landscape' includes a preference for development of poorer quality agricultural land and consideration of the impacts of any significant loss of best and most

versatile agricultural land on the economy and soil, air, water or noise pollution. Policy S2 'Settlement Hierarchy' restricts development to within settlement boundaries, with development in the rest of the plan area restricted to that which requires a countryside location or meets a rural local need.

However, rural districts such as Chichester will not be able to accommodate all their development needs, including those required by government targets on land that is not in some form of agricultural use. This is why a prioritisation of the development of lower value agricultural land as set out in the current Local Plan, and updated in the emerging Plan, is an important consideration in the determination of planning applications.

In answer to question 3:

Work on the emerging Local Plan has considered and tested meeting 10% of residual energy demand (after energy efficiency measures) from incorporation of renewable energy. However, viability testing at the earlier stages of preparing the draft policies led to a scaling back of renewable energy requirements in the Plan. This is because of the cumulative costs of mitigation measures required to make the Local Plan growth acceptable, for example the A27 and nutrient neutrality costs, in addition to the need to provide affordable housing.

However, the Plan can rely on the requirements of the Building Regulations (Part L), which already require that the use of high efficiency systems including energy from renewable sources are considered. Changes that came into effect in June 2022 required a 31% carbon reduction over the previous 2013 Building Regulations and are a requirement of all building regulation approval submission since that date. Further changes are expected from the introduction of the Future Homes Standard from 2025, which through Building Regulations will reduce carbon emissions by 75-80% beyond the previous 2013 Regulations.

In answer to question 4:

As stated previously, the emerging Local Plan does not require installation of solar power to roof spaces for viability reasons. However, Policy P1 'Design Principles' requires high quality design and the submission of a Sustainability Statement to demonstrate that the proposals apply sound sustainable design, good environmental practices and sustainable building techniques and technology.

The emerging Local Plan includes Policy NE1 which supports the provision of stand-alone renewable energy proposals such as solar farms and requires opportunities for habitat creation to be considered.

Questions from Debbie Carter:

How does the Council propose to engage the greater community in the impending climate crisis?

Answer from Jonathan Brown:

Thank you for your question. We have started work on this through the current Climate Emergency Action plan which we inherited from the previous council. We are promoting the various domestic energy efficiency grants which are available, and we have held 2 public events which have concentrated on what householders can do to reduce their domestic carbon emissions. That work will continue and we will expand it with a new network of community climate champions. However, your question is on the climate crisis,

and this implies engagement with global as well as local issues and going beyond engagement on individual carbon reductions.

As a new council and new cabinet, we are not yet in a position to answer this in detail, but my view is that our first priority is reviewing the existing Climate Emergency Action Plan and identifying what scope we believe the Council has to exert influence on the wider community. There's little point in spending a lot of time focussing on something we are certain we won't be able to influence. But the purpose of the review is to identify areas we would be able to influence, even if these are not areas we have attempted to engage with in the past.

This will in turn inform a public engagement and collaboration strategy, which will work on several levels with:

- business and economic interests,
- stakeholder groups and community organisations,
- Parish Councils and other residents' groups,
- and of course, with individuals.

We will use a mixture of formal and informal communication methods to suit the different audiences and it will involve high profile events as well as utilise ongoing relationships. We will be looking at whether a form of Climate Assembly could or should play a role in this, bearing in mind that the Action plan itself will need renewing and we want to engage our communities in this process. I will work with the Environment Panel and my cabinet colleagues to develop a more detailed plan by the autumn.

Question from Oliver English:

Chair, thank you for giving me the opportunity to ask my question. For 18 months I have been working in the community to encourage local shops and businesses to "switch off their lights" to save energy, money in their businesses, and encourage dark skies. I have been conducting an effective campaign on social media, by e-mail and by visiting local shops. I have had verbal support from several local councillors in this time including Adrian Moss and the previous administration. In the last 28 days I have had 1.7k reach with 800 engagements on Facebook alone, which is not the primary social media platform.

I initially concentrated in Chichester (which has a conservation area concerned with estate agents' boards - but not with their light pollution) and the pedestrian precinct, which is well served by extensive street lighting, speaking with independents and contacting the larger chain stores and having conversations with others. The campaign has long since extended far beyond Chichester with over 900+ shops going dark across the UK. I have also had engagements and positive comments and feedback from some 8+ countries. Some of the companies I have approached have not responded to the campaign but have now gone dark. The brightest shops locally are Space NK and Lakeland, all banks aside from Barclays also burn lots of lights, and estate agents all have very bright window displays. Chichester is very bright at 3am!

Previously one councillor described the campaign as "small beers" compared to other issues, but this is still some action, rather than no action; enough small beers and we have a party. Two other councillors didn't see light pollution as an issue. Recently I have contacted 33 of the 36 district councillors and had less than 10 responses.

Chichester has two Dark Sky reserves as well as the South Downs Planetarium. Both the Harbour Conservancy and South Downs National Park have a dark skies policy. Patrick Moore chose Selsey because of how visible the night sky used to be here. Indeed, Chichester's own astronaut Tim Peake commented in response to me on twitter: "Great idea, hopefully it will catch on. The lights of cities at night were very dominant from the

station" - which for the most part it hasn't. Oaklands Park has a dark corridor through its middle, for the protection of bats - however, light pollution in Oaklands Park has increased.

A number of businesses already switch off their lights e.g. such as Analogue October Records, the new vape shop. Currently approximately a 30/70 split (dark v light).

Regeneration is increasingly an important issue for Chichester. I feel it would be important to have a policy to tackle light pollution. Encouraging unnecessary lights to be switched off when premises are closed needn't be a negative, indeed it could be capitalised on in encouraging Dark Skies tourism to the area. Light Pollution is still pollution! Some of the supporters of the recent "The Green Big Week" didn't even look at light pollution, but there are many studies in the public domain on the negative impact of light pollution on bats, birds, trees, other animals and of course people. Businesses are not illuminating their premises to make streets safer, but rather for commercial purposes, however most people aren't window shopping at 3am. A good marketing campaign along with newly darker skies could be a positive that sets Chichester aside and encourages others to follow.

I think it's imperative that the District Council and their new administration not only provide their vocal support but actively look at implementing a dark sky's policy, add their support via their economic development team and ask all councillors to actively promote the campaign. Could this also be added to the local plan? I am aware that the high street has and continues to go through difficult times, this campaign is not now and never has been anti high street and should not be interpreted as such.

In closing, I would draw your attention to your obligation under the Environmental Protection Act 1990, which states that all councils must investigate complaints about issues that could be a 'statutory nuisance' (a nuisance covered by the Environmental Protection Act 1990). Councils must investigate complaints about artificial light from premises if the light could be classed as a 'statutory nuisance' under this act. So light pollution from shops observed while walking along the road at 2am would not be covered, but people living directly across from e.g. the Novium Museum and impacted by their security lights are protected under this act but are probably currently unaware that they are. The same could apply to anyone living opposite business premises that do not switch off their lights.

You can see examples of Chichester's light pollution issue and the campaign so far by viewing it on social media

Climate change is happening, and we all should do what we can.

Answer from Jonathan Brown:

Thank you for your question, and indeed for your campaigning, which I know has achieved some notable successes.

I will first give you my personal thoughts and then some specific responses from various officers who've kindly fed back to me.

I am distinguishing, as I think you are, between the carbon emissions that must be caused by pointless burning energy to light up the night and light pollution. They are two different things.

I agree with the principle, but what might success in combating light pollution in Chichester – the city – look like in practice? Clearly, not the city being pitch black at night. There are too many people for that to be possible, practical or desirable.

When we have communicated about this before, you've made clear that you don't want to put anyone in danger. Threat perceptions differ from person to person and you may be comfortable with the city being darker than others, but I think it's fair to say those most

likely to be or to feel threatened are unlikely to be wandering the streets at 3am. I also think it unlikely that such people who are out at that time will be paying much attention to advertising in shops.

So, some thoughts:

There is a difference between the needs of the city's economy and those walking through the city between dusk and, say, midnight, and between 1 and 5 o'clock in the morning. Switching off the lights when really no one is around is a different ask to requesting they be turned off when the evening and night time economy is still active.

I note that the APPG for Dark Skies calls for the creation "a 'Dark Sky Towns & Cities' initiative, i.e. giving local government the power to go further to reduce light pollution by creating a voluntary 'Dark Sky Town/City' classification." I could be mistaken but I do not think there's any such classification at the moment, and most formal powers we have relate to new rather than existing development. The new Local Plan's dark skies policy (NE21) is aimed at more rural, undeveloped parts of the district than Chichester, and I don't think we can introduce a change at this stage now, so achieving change within the city is most likely to be achieved by steadily campaigning, writing and talking to property owners, rather than through CDC imposing anything.

I have a few other 'bullet point' type points to make, based on officer feedback:

- The Council investigates complaints about potential nuisance where lights cause spill and glare. Most complaints are about security lighting on a property as this is more likely to have an unreasonable impact upon the occupation of a home, however curtains are considered acceptable mitigation for glare/overspill.
- The Environmental Strategy Team will comment on lighting schemes on developments where there are likely to be ecology impacts (particularly bats) and will encourage dark corridors within the layout of the development to mitigate light impact, but that's probably not relevant to what we're talking about here.
- Policy P6 (Amenity) of the emerging Local Plan also includes criteria to make sure lighting design is appropriate for the context and that it must be targeted for energy efficiency and to avoid light pollution, particularly in sensitive areas such as designated landscapes and historic environments. Again though, this is a forward looking policy, not one intended to deal with an existing issue.
- In 2022 the Council commissioned an Evening and Night Time Economy audit, which did look at lighting. Concerns were raised about lighting being needed in the evening and at night to ensure safety and that residents and visitors felt welcome to stay out and enjoy what Chichester has to offer. I would support that, but as I've said already, the evening and night time economy doesn't go on all night so there is scope for reducing light pollution. Even the late-night licensed venues don't stay open after 2am, and there aren't very many of them.

To come back to your specific questions, I do not believe it is possible to insert a new dark skies policy into the Local Plan. I would certainly encourage officers and members to support the campaign to get property owners to turn off lights when they are really not needed, though I would qualify or clarify that point by making clear that what is needed will vary from place to place and at different times of night. Given that we're not going to have a very dark high street in the late evening, I would prefer to see more people out and about enjoying themselves when the lights are on.

I would be reluctant to say that the District Council will or should put a lot of resource into a campaign of contacting property owners at this time, for two reasons.

Firstly, because until and unless we can get the Local Plan in place, everything else is a bit moot – the damage that will continue to be done by the lack of proper Planning Policy will outweigh almost anything else we can do.

Secondly because the Environmental Strategy Team are already working very hard to protect habitats, promote renaturing and working on the climate emergency. To be clear, I

do see potential for returning to the subject of reducing light pollution in future, but we – members and officers – can only do so many things at once so I don't think it's very likely that we'll be able to do this, probably at least for a year.

22 Council's Annual Report 2022-23

The Chair of the Council invited the Leader of the Council to present this report.

Members discussed the breakdown between tenants and offers at the St James industrial estate. Members also discussed the possibility of the Park and Ride scheme for the duration of the Christmas period.

RESOLVED:

1. That the Annual Report 2022-2023 recommended by Cabinet be received the Council.

23 Development Management Resources

The Chair of the Council invited the Cabinet member for Planning to present this item.

Members enquired about whether the £267,650 was an upper limit and asked if it would be delegated to officers if it went above the stipulated amount. In response the Cabinet Member for Planning stated that it would be delegated to officers due to appeals being unpredictable. Officers stated that the cash amount released from reserves was an upper limit that is set by council. Officers also stated that if costs went beyond existing approval, then were alternate options to address this issue. One of these ways would be to look at existing budgets. Alternatively, Council would have to supplement the budget.

RESOLVED:

1. That the £21,000 from reserves to cover the cost of retaining temporary agency staff to address current staff vacancies be released, and
2. £276,650 from reserves to cover the cost of engaging specialist professional services to support the local planning authority in defending six planning appeals be released.

24 Public Conveniences Refurbishment

The Chair invited the Cabinet member for Growth and Place to present this item.

The Council discussed the issue of renovating the town as it would be uneconomic. Members also asked what lessons could be learnt to avoid any such disruption in the future specially regarding toilets in the town centre. Members enquired about modular toilets and what they could bring to the community.

RESOLVED:

1. That Cabinet recommends to Council to release an additional £241,000 as set out in Appendix one from general reserve funds for the refurbishment of the public conveniences at Priory Park, East Beach Selsey, Bosham Lane and Market Road.

2. That Cabinet accepts that the cost of refurbishment of the Tower Street, toilets are uneconomic and delegates authority to the Director of Growth and Place to progress options for the Tower Street site including for its demolition and the provision of a modern modular toilet and the reuse of the remainder of the site, with a full report to be brought back to Cabinet.

25 **Standards Committee - Independent Persons Remuneration**

RESOLVED:

1. That the Council be authorised to make an annual payment of £750 to each appointed independent person from 1st April 2023.
2. That the Council authorises that the payment for Mr Thompson be paid from 1st May 2022 in recognition of his carrying out the role for several years.

26 **Update on the Proposed Submission version of the Chichester Local Plan 2021 - 2039**

The Chair invited the Cabinet Member for Planning to present this report.

Members enquired about the submission of the local plan to the inspector and if the plan could then be used for planning decisions. Cllr Brisbane responded by stating that until the plan had been thoroughly examined, it would not hold a lot of weight. Officers added that once the plan is ready for formal examination the weight of the plan would increase.

Members noted concern about the infrastructure in parts of the plan area. Members noted that some wards had non-existent bus services and the medical centres. Members asked what steps were remaining before the Local Plan could be submitted.

RESOLVED:

1. That progress be noted by the Council in relation to the processing of representations to the Regulation 19 consultation on the Proposed Submission Chichester Local Plan, and the timetable for submission of the Plan for Examination and provides any comments and continues to support the resolutions 5.2 and 5.3 made by the Council on the 24 January 2023 which will allow for the submission of the Local Plan for examination as soon as possible and the Director of Planning and the environment to make amendments as required to address matters raised in the representations.

27 **Body Worn Cameras**

The Chair invited Cllr Mark Chilton, Cabinet Member for Finance, Corporate Services and Chichester Contract Services and Nicholas Bennet, Divisional Manager of Legal and Democratic Services to present this report.

Members enquired about the length of time that any footage/date or pictures were retained by the officers who were wearing the cameras. Officers stated that several factors affected how long this would be including the equipment used and that they would follow any guidance from the Home Office Surveillance Code of Practice. Members asked about what

training was available for individuals to comply with Code of practice and asked what the ramifications were for non-compliance. Officers stated that training was provided alongside equipment.

RESOLVED:

1. That the Council authorised officers set out in appendix 1 to wear body worn cameras when carrying out their duties.
2. That it be authorised by the Council that the Data Protection Officer update the Council retention scheme to comply with the Home Office Surveillance Camera Code of Practice.

28 Questions to the Executive

The following Questions to the Executive were asked with responses that followed:

Cllr Hamilton asked if a letter could be written to the local MPs, National Highways, and the minister in charge of roads to point out a serious discrepancy and ask when serious action would be taken regarding the A27 road. Cllr Moss explained that the A27 was a major challenge locally and stated that it was the responsibility of National Highways to bring forward any new proposals. Cllr Moss went on to clarify that in May this year, National Highways announced changes to the proposals and urged Cllrs to read the Route Strategy Initial Overview report Southcoast Central May 2023.

Cllr Evans stated that he was keen to find out what Chichester District Council's stance on banning disposable vapes was as he felt it was the duty of the Council to protect the health of young people in the district. Cllr Bangert responded by stating that despite vapes helping people to give up smoking they can become a gateway drug to young people taking up smoking. This is due mainly to the fact that they are cheap and readily available. Cllr Bangert went onto state that vapes contain nicotine which is highly addictive. Cllr Bangert suggested that a line of communication be established between the waste disposal team at CDC to ensure that vapes are disposed of properly.

Cllr Sharp stated that emissions need to be reduced and clarified that that the Climate Change Committee requires the council to plan for a reduction in traffic. Cllr Sharp asked if road traffic could be considered when Cllr Moss writes to the local MPs and the National Highways. Cllr Moss replied and stated that the council need to come up with more sustainable transport solutions as per the Local Plan and reassured Cllr Sharp that this was a very important area of concern for the current administration.

Cllr Johnson stated that the state of the pavements is acting as an impediment to the regeneration of the district. Cllr Johnson went on to ask if a dialogue could be opened with West Sussex County Council to move this process forward. Cllr Moss explained that he met with the leader of West Sussex County Council, and they discussed the surface and if there was any clarity on that. Cllr Moss also stressed the importance of this issue and assured members that it was a very high priority.

29 Late Items

There were no late items.

30 **Exclusion of the press and public**

RESOLVED:

1. The Council is asked to consider in respect of agenda item numbers 15 and 16 whether the public, including the press, should be excluded from the meeting on the grounds of exemption under Parts I to 7 of Schedule 12A of the Local Government Act 1972, as indicated against the item 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.

31 **Allocation of Commuted Sums to Deliver Affordable Housing**

RESOLVED

That the recommendations as outlined in the exempt report be approved.

32 **Urgent Decision Notice - Leisure Centres**

RESOLVED

That the exempt Urgent Decision Notice be noted.

The meeting ended at 4.10 pm

CHAIRMAN

Date: