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Arun District Council
Civic Centre
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Littlehampton
West Sussex
BN17 5LF

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9 March 2022

COUNCIL MEETING

To all Members of the Council

You are summoned to attend a meeting of the ARUN DISTRICT COUNCIL to be held on **Wednesday 9 March 2022 at 6.00 pm** in the **Council Chamber at the Arun Civic Centre, Maltravers Road, Littlehampton BN17 5LF** to transact the business set out below:

James Hassett
Chief Executive

AGENDA – SUPPLEMENT – AGENDA ITEMS 6 [MINUTES] AND 9 [URGENT MATTERS]

6. MINUTES (Pages 1 - 26)

To approve as a correct record the Minutes of the Special Meetings of the Council held on 23 February and 3 March 2022, which are now attached as published to the web on 8 March 2022.

8. URGENT MATTERS (Pages 27 - 30)

To deal with business not otherwise specified in the Council summons which, in the opinion of the Chairman of the Council (in consultation with the Chief Executive), is business of such urgency as to require immediate attention by the Council.

An urgent report is attached.

Note : If Members have any detailed questions, they are reminded that they need to inform the Chair and relevant Director in advance of the meeting.

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Public Document Pack Agenda Item 6

Subject to approval at the next Full Council meeting

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MINUTES OF A SPECIAL MEETING OF THE ARUN DISTRICT COUNCIL HELD IN THE ARUN CIVIC CENTRE ON 23 February 2022 at 6.00 pm

Present: Councillors Brooks (Chair), Mrs Staniforth (Vice-Chair), Batley, Bicknell, Blanchard-Cooper, Bower, Caffyn, Chapman, Chace, Charles, Clayden, Mrs Cooper, Cooper, Coster, Daniells, Dendle, Edwards, Elkins, Goodheart, Gunner, Hamilton, Mrs Haywood, Hughes, Huntley, Kelly, Lury, Needs, Northeast, Oliver-Redgate, Oppler, Pendleton, Purchase, Rhodes, Roberts, Stanley, Tilbrook, Thurston, Dr Walsh, Warr, Worne and Yeates.

672. WELCOME

The Chair welcomed Councillors, representatives of the public, press and Officers to this Special Meeting of the Council.

673. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Bennett, Buckland, Catterson, Dixon, Mrs English, English, Gregory, Jones, Seex and Smith and from Honorary Aldermen Mrs Stinchcombe and Mr Dingemans.

674. DECLARATIONS OF INTEREST

Councillor Northeast declared a Personal Interest in Agenda Item 9 [Arun District Council Budget 2022/23] as his wife was a member of staff. Councillor Northeast confirmed that he would not take part in the vote on this item.

The Declaration of Interest Sheet set out below confirms those Members who had made a declaration of their personal interest as a Member of a Town or Parish Councillor or a West Sussex County Councillor, as confirmed in their Register of Interest as these declarations could apply to any of the issues to be discussed at the meeting.

Name	Town or Parish Council or West Sussex County Council [WSCC]
Councillor Tracy Baker	Littlehampton
Councillor Kenton Batley	Bognor Regis
Councillor Jamie Bennett	Rustington
Councillor Paul Bicknell	Angmering
Councillor Billy Blanchard-Cooper	Littlehampton
Councillor Jim Brooks	Bognor Regis
Councillor Ian Buckland	Littlehampton and WSCC
Councillor David Chace	Littlehampton

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Councillor Mike Clayden	Rustington
Councillor Andy Cooper	Rustington
Councillor Alison Cooper	Rustington and WSCC
Councillor Sandra Daniells	Bognor Regis
Councillor Roger Elkins	Ferring and WSCC
Councillor Paul English	Felpham
Councillor Steve Goodheart	Bognor Regis
Councillor Pauline Gregory	Rustington
Councillor June Hamilton	Pagham
Councillor Shirley Haywood	Middleton-on-Sea
Councillor David Huntley	Pagham
Councillor Henry Jones	Bognor Regis
Councillor Martin Lury	Bersted
Councillor Claire Needs	Bognor Regis
Councillor Mike Northeast	Littlehampton
Councillor Francis Oppler	WSCC
Councillor Jacky Pendleton	Middleton-on-Sea and WSCC
Councillor Vicky Rhodes	Littlehampton
Councillor Emily Seex	Littlehampton
Councillor Martin Smith	Aldwick
Councillor Samantha Staniforth	Bognor Regis
Councillor Matt Stanley	Bognor Regis
Councillor Isabel Thurston	Barnham & Eastergate
Councillor Will Tilbrook	Littlehampton
Councillor James Walsh	Littlehampton and WSCC
Councillor Jeanette Warr	Bognor Regis
Councillor Amanda Worne	Yapton
Councillor Gillian Yeates	Bersted

675. PUBLIC QUESTION TIME

The Chair confirmed that no questions had been submitted for this meeting.

676. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

There were no Questions from Members with prejudicial/pecuniary interests.

677. PETITIONS

The Chair confirmed that no petitions had been received.

678. MINUTES

The Minutes of the Council Meeting held on 26 January 2022 were approved by the Council as a correct record and would be signed by the Chairman at the end of the meeting, subject to the Apologies for Absence announced at the meeting being recorded, these being Councillors Baker, Batley, Bennett, Catterson, Chace, Charles, Haywood, Huntley, Jones, Needs, Purchase, Rhodes and Seex.

679. CHAIR'S ANNOUNCEMENTS

The Chair confirmed that he had no communications to announce.

680. URGENT MATTERS

There were no items for this meeting.

681. ARUN DISTRICT COUNCIL BUDGET 2022/23

The Chair confirmed that this Special Meeting of the Council had been called to consider the Budget for 2022/23 and to set the Council Tax for the Arun District Council. Members needed to be advised that West Sussex County Council (WSCC) had had to postpone its precept setting meeting due to be held on 18 February 2022 due to a red weather warning having been issued for the area due to storm Eunice. As a result, this council had not been notified of WSCC's precept. The Chair confirmed that without the precept this council could not set the aggregate Council Tax but could continue to proceed in discussing the Arun Council Tax Calculation and Budget for 2022/23.

The Council had 11 recommendations to consider but in the absence of the precept from WSCC, recommendation 9 would have to be withdrawn from tonight's meeting. Recommendation 9 with the supporting documents would be circulated after 28 February 2022, when WSCC was scheduled to meet, to decide its precept. The Chair confirmed that he would adjourn the meeting at the appropriate point to 3 March 2022 when it would be possible for the council to formally pass the statutory resolutions.

An extract from the Minutes from the meeting of the Policy & Finance Committee [Minute 651] held on 10 February 2022 had been emailed to Members; uploaded to the Council's web pages; and circulated to the meeting. These minutes set out the recommendations for Council to consider as outlined in the Officer report.

The Leader of the Council, Councillor Gunner, opened his Budget Statement confirming that this was the first budget of the council's new administration. Councillor Gunner confirmed that he wished to start by thanking Council staff for all they had done in going above and beyond in continuing to deliver services for the district's residents during the pandemic. Now that restrictions were coming to an end, this was the time to be looking to the future.

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The Council's Budget for 2022/23 was a positive and forward-looking budget representing delivery showing support for the district's high streets; businesses; the environment and most importantly support for the district's people. Residents and businesses could be safe in the knowledge that never had this council been doing so much as it was right now in working on so many positive projects in the district.

Councillor Gunner stated that when he had become Leader, he had stated that local businesses and the economy were the driving force of the Council. He was therefore proposing to increase the size of the Economy Team by 20% to ensure the continued delivery of projects like the Jobs Fair held last week. This real and practical work included £2,000 shopfront grants; the new £150,000 high street fund; and the one to one retail support to assist high street businesses. The aim was for Arun to be an even greater tourism destination, and the £250,000 in the budget for a range of events was a testament to the council's determination to get people visiting and spending money in towns and villages. Money would also be spent on digital marketing to put the district on the map, as well as investing in works to the roof at the Windmill Theatre, in Littlehampton; works to revitalise The Arcade in Bognor Regis; £3.5m for Littlehampton High Street and the £19.4m received from the Government as part of the Levelling-Up agenda which would see work to the seafront and greens at Littlehampton and a transformation of the Alexandra Theatre in Bognor Regis.

As a result of a favourable financial settlement to the council from the Government, it had been possible to propose the lowest change in Council Tax for 7 years and at half the rate of inflation. Councillor Gunner praised the Government's decision to grant a £150 rebate to bands A-D which would assist households in the district. WSCC would be providing an additional £150 as part of the Local Hardship Fund to assist further. Joint work with WSCC included the Arun Growth Deal to provide further improvements in Bognor Regis and Littlehampton as well as work on dualling the A259, the realignment of the A29, the Lyminster Bypass, and the A27 Arundel Bypass highlighting the level of investment in roads and infrastructure in Arun.

In addition to this, the council was working to protect the environment with £79,000 for sea defences in Middleton and £180,000 in the Community Flood Fund for areas such as Pagham and Climping. Further inland, the £225,000 designated for play areas had provided a new playground in Lashmar Road, East Preston and a new play area in Aldwick. This was in addition to the 33,000 trees that the council was already starting to plant to include 100 in every single parish as a contribution to the Queen's Green Canopy. There was £320,000 in the capital budget for the Bersted Brooks Country Park which would enhance Arun's open spaces to assist in improving people's health and wellbeing.

In conclusion and in formally proposing the budget recommendations, Councillor Gunner confirmed that this was a budget for the future; for the people and the businesses of Arun

The recommendations were then seconded by Councillor Pendleton.

In line with the procedure for debates at Special Meetings, the Chair confirmed that he would now invite questions from Members to Officers.

A range of questions were asked including:

- The £1m set aside for the Arun Leisure refurbishment works. £700k of this would be funded from Section 106 monies and so was this funding guaranteed?
- Why the new Officer post to assist the Sustainability Manager was being funded from the climate change budget?
- The Beach Access Working Party – when would the first meeting be held and what funding had been allocated to this project?
- The need to have significant funding for sheltered accommodation to make it accessible for everyone
- The need to ensure that all playgrounds, especially new ones, were accessible for all
- Concerns over the lack of detailed plans for the Bersted Brooks Country Park
- The number of changing places facilities that would be provided

The Chair then invited Councillor Walsh to respond to the Budget as the Leader of the Opposition and Liberal Democrat Group. He firstly thanked Officers for their hard work in putting together the budget. Councillor Walsh confirmed that the success of this budget had been a result of the previous two budgets and that a range of the projects now being delivered had commenced under the previous administration.

Councillor Walsh referred to the windfall of £822k received from New Homes Bonus and the favourable extra £1.2 m for the GF caused by slippage and a prudent budget set last year. He confirmed that he supported the Section 151 Officer's recommendation to have balances of £5m to be kept in the GF and that he supported any surplus being transferred to the funding resilience reserve.

What was of concern was the impact for residents because of the cost of living rises such as national insurance, income tax and energy prices which represented cuts in real wages as inflation was way above pay rises. Councillor Walsh believed that the council should be doing all it could to ease the burden on hard pressed pensioners and lower income earners. Councillor Walsh confirmed that he therefore wished to propose an amendment to the budget proposals which he explained. The amendment was that "This Council does not increase council tax for this coming year" and effectively this would be funded by a transfer from the windfall surpluses being transferred to the funding resilience reserve. The GF reserve would remain at £5m and the funding resilience reserve would still, as of 31 March, be at £8.97 m and the balances in a year's time would be around £8.15 m way above the £6.6 m that it was this time last year. This was responsible, prudent and sensible and went some way to protect the most financially vulnerable in local communities.

This amendment was then seconded by Councillor Coster.

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The Chair confirmed that he would consider the detail of this amendment once all remaining Group Leaders had made their statements.

The Chair then invited Councillor Coster to respond to the Budget on behalf of the Independent Group. He also praised Officers for their work in preparing the Budget in very difficult circumstances. Councillor Coster's concern was that the proposed Budget was not protecting the council's financial position. He could not agree with what had been spent in the past on major projects that could cost more in the future. He questioned where this funding would be coming from and expressed concern that the council's reserves could not be continually drained. With reduced Government funding each year, there were significant risks to consider, highlighting the need for the Council to become more self-sufficient. Disposing of valuable assets such as the London Road Coach/Lorry Park and raising fees and charges was not the solution. The public were facing an unprecedented higher cost of living and it was felt that this Budget was ignoring the plight of hard pressed families. The solution was to introduce commercial activities that would provide revenue to support residents instead of introducing cost increases. On this basis, Councillor Coster confirmed that the Budget could not be supported.

The Chair invited Councillor Goodheart to respond to the Budget on behalf of the Arun Independent Group. He outlined that he saw this Budget as being a way of providing an exciting and very vibrant future for the district, he therefore fully supported the budget.

The Chair then invited Councillor Thurston to respond on behalf of the Green Group. She extended her Group's thanks to the Officer team for their hard work in producing a budget through the new Committee system and for producing a balanced budget. She noted the good news at the unexpected New Homes Bonus payment but highlighted that this was just a one-off for this year. The Council was in a better position than it was in last year and this should have been good reason not to increase Council Tax for this year when many residents were facing a tough year ahead. The Council needed to think about people's real needs. Climate change and the environment were her Group's priorities and so the Council needed to be doing all it could in tackling these issues. This included enhancing alternative transport methods; providing warm insulated homes; and places to exercise in the fresh air, to benefit the health and wellbeing of the district. She welcomed additional staffing to assist the Council's Sustainability Manager and associated work but could not agree to this being funded from the Climate Change budget. This money needed to be spent on additional green projects. She had supported the Bersted Brooks project but was concerned over the lack of detailed information provided to Members considering the cost of the project. Money could have been spent exploring other green projects. More work needed to be undertaken in tackling the climate emergency.

The Chair then referred to the amendment proposed by Councillor Walsh earlier in the meeting, seconded by Councillor Coster.

This read as set out below [with additions shown in **bold** and deletions shown using ~~strikethrough~~]

Recommendation (2) - Arun's Band D Council Tax for 2022/23 is set at ~~£196.47~~ **£191.52** ~~an no increase of 2.58% over 2021/22;~~

Recommendation (3) - Arun's Council Tax Requirement for 2022/23, based on a Band D Council Tax of ~~£196.47~~ **£191.52** is set at ~~£12,379,711~~ **£11,955,000** plus parish precepts as demanded to be transferred to the General Fund in accordance with statutory requirements.

The Chair invited the Interim Group Head of Law & Governance and Monitoring Officer to provide advice on the validity of the amendment. He drew Members' attention to the Council Procedure Rules in the Constitution at Section 1, 17.7 [Amendments to Motions] referring to what constituted a valid amendment. The Constitution provided that an amendment should not have the effect of negating the motion before the council. The motion before the council was to increase Council Tax. The amendment proposed to not increase Council Tax, negating the motion and so the amendment proposed was not in accordance with Council Procedure Rule 17.7.

The Chair accepted the advice and announced that this was not therefore an amendment that could be accepted.

Councillor Walsh was invited to amend his amendment. In response he confirmed that he wished to amend Recommendation (2) further that the Council Tax for 2022/23 be set at £191.53, an increase by 1p which would not negate the original recommendation.

The opinion of the Interim Group Head of Law & Governance and Monitoring Officer was that the original proposal was to increase the Council Tax to £196.47, the revised amendment was still negating this.

The Chair then invited debate on the recommendations. Comments were made relating to much needed council housing and that this provision seemed to have fallen off the budget agenda at a time when need for council homes and affordable housing, that was affordable, was at its greatest, this needed to form an integral part of the levelling-up agenda. Concerns were expressed over the £100k earmarked to produce vision documents for the district's principal towns. A plea was made to not waste money on consultants but to work on relevant information that the Council already had.

Councillors speaking against the budget expressed frustration that valid amendments had not been permitted and the Leader's Budget Statement had not been circulated in advance of the meeting, which had always been the case in previous years. Comments were made that it was pleasing that projects started by the previous administration were being taken forward for the benefit of the district. Although support was expressed towards the Bertsed Brooks park project, there was concern over lack of consultation with the friends of the park; the Parish Council and Ward Members. It was hoped that detailed plans would be forthcoming soon. Turning to the unexpected

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windfalls that the Council had received, it was strongly felt that these should be passed onto the public by way of a freeze on Council Tax at a time when inflation was at a high and residents were facing a cost of living crisis. Concerns were expressed over equality and diversity and the need to ensure that play parks and sheltered housing schemes were accessible for everyone. This was why it was essential for the work on an accessible beach to commence urgently and to be seen as a major priority over and above other schemes such as the refurbishment of the Fitzleet Car Park.

Some Councillors spoke in support of the budget confirming that it was a budget for the future; was well considered and would deliver for the people and businesses of Arun. Responding to the comments made about equality and diversity, reference was made to changing places toilets; the work already underway and the bid that had been submitted to the Government for more facilities around the district. On beach access, it had not been possible to allocate a budget at this time until the Working Party had commenced and concluded its work. In response to the concerns expressed over the proposed Council Tax increase, Members were reminded that neighbouring Town and Parish Councils had increased their Council Tax at a higher rate than what was being proposed by Arun.

Some Councillors took the view that the budget was well thought out; financially sound and was deliverable to ensure that the projects mentioned would happen. That it delivered the statutory services of the Council whilst at the same time would provide significant investment in the district. That there was a wonderful opportunity with the Levelling-Up Fund projects which would attract more people to the seafront and parks. Funding had been allocated to address flooding which was of vital importance to those communities living close to the coast. Investment in the changing rooms at the Arun Leisure Centre would result in more visitors and residents wanting to visit the area. Public realm was now being delivered in Littlehampton showing that more and more projects were coming forward but being delivered.

The Chair then invited Councillor Pendleton, as seconder to speak. She commended the Budget stating that it laid the foundation for residents and businesses. She stated that she had requested a full review of sheltered accommodation and with her Service Committee had budgeted accordingly as these residents were the most vulnerable in the community. Councillor Pendleton confirmed that this Budget delivered funding for the district's daily needs; it developed community facilities which had been overdue for a number of years. The budget worked for residents, and it would deliver for them. It demanded action and Councillor Pendleton asked Councillors to support it as presented.

Councillor Gunner, as the proposer, responded to some of the points made in the debate specifically over the increase in Council Tax and the budget for Disabled Facilities Grants. He stated that more Council Housing would be provided and that further information on this would be coming to the appropriate Committee in due course. He confirmed that this budget delivered and in thanking Officers for their work in producing it, urged Councillors to support it.

In line with Council Procedure Rule 20.6 – the voting on the recommendations recorded, it being noted that Recommendation (9) would be deferred to 3 March 2022.

Those voting for it were Councillors Bicknell, Bower, Caffyn, Chace, Chapman, Charles, Clayden, Mrs Cooper, Cooper, Daniells, Dendle, Edwards, Elkins, Goodheart, Gunner, Hughes, Kelly, Oliver-Redgate, Pendleton, Rhodes, Roberts and Staniforth (22). Those against were Councillors Blanchard-Cooper, Coster, Hamilton, Haywood, Huntley, Lury, Needs, Oppler, Purchase, Stanley, Tilbrook, Thurston, Walsh, Warr, Worne and Yeates (17). Councillors Brooks and Northeast abstained from voting.

The Council

RESOLVED – That

- (1) The General Fund Revenue Budget as set out in Appendix 1 is approved;
- (2) Arun's Band D Council Tax for 2022/23 is set at £196.47, an increase of 2.58% over 2021/22;
- (3) Arun's Council Tax Requirement for 2022/23, based on a Band D Council Tax of £196.47 is set at £12,379,771 plus parish precepts as demanded, to be transferred to the General Fund in accordance with statutory requirements;
- (4) The Council's General Fund Revenue Account Balance be set at £5m. Any balance above this to be transferred to the Funding resilience reserve to allow future budgets to be balanced;
- (5) The Housing Revenue Account (HRA) Budget as set out in appendix 2 is approved;
- (6) HRA rents for 2022/23 are increased by 4.1% (CPI plus 1.0%) in accordance with the provisions of the rent standard;
- (7) HRA garage rents are increased by 5% to give a standard charge of £13.58 per week (excluding VAT) and heating and water/sewerage charges increased on a scheme by scheme basis, with a view a view to balancing costs with income;
- (8) The Capital Budget as set out in Appendix 3 is approved;
- (9) **[deferred to 3 March 2022]**
- (10) It be noted that the Interim Group Head of Corporate Support, in consultation with the Leader of the Council has approved:
 - i) a Council Tax base of 63,011 for 2022/23; and

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ii) the submission of the Council's NNDR1 return (the estimate of the Council's Business Rate income for 2022/23) to the Department for Levelling-Up, Housing and Communities (DLUHC); and

(11) It be resolved that for 2022/23 any expenses incurred by the Authority in performing in part of its area a function performed elsewhere in its area by Parish/Town Council or the Chairman of a Parish Meeting shall not be treated as Special Expenses for the purposes of Section 35 of the Local Government Finance Act 1992.

(During the course of the debate, the following Declarations of Personal Interests were made by :

Councillor Walsh as a Member of Littlehampton Town Council

Councillor Elkins as a Member of West Sussex County Council and as this Council's outside body representative on the Local Government Association's Coastal Special Interest Group).

682. MOTIONS

The Chair confirmed that no Motions had been submitted for this meeting.

683. COMMITTEE MEMBERSHIPS

The Leader of the Council, Councillor Gunner, confirmed the membership for the Staff Appeals Panel, which was:

Councillors Blanchard-Cooper, Chace, Chapman, Daniells, Gregory, Pendleton and Staniforth. It was confirmed that there was an Independent seat left vacant to fill.

The Council then noted the membership for the Staff Appeals Panel.

The Chair then adjourned the meeting to allow the recorded vote on Agenda Item 9, Recommendation 9 to be conducted on 3 March 2022.

(The meeting was adjourned at 8.08 pm)

684. ADJOURNED RECOMMENDATION 9 FROM THE SPECIAL MEETING OF THE COUNCIL HELD ON 23 FEBRUARY 2022 [STATUTORY RESOLUTIONS]

The Chair confirmed that at the Special Meeting of the Council held on 23 February 2022, the Council approved its Budget for 2022/23 and set its Council Tax for Arun District Council. As West Sussex County Council (WSCC) had to postpone its precept meeting scheduled for 18 February 2022, due to storm Eunice, this meant that at the Special Meeting of the Council on 23 February 2022, the council could not publish the County Council's precept. Without the precept, Arun could not set its

aggregate Council Tax, but it had been able to determine its Arun Council tax and budget for 2022/23.

The meeting on 23 February 2022 had been adjourned to 3 March 2022 to allow this council to formally pass the statutory resolutions. WSCC had met on 28 February 2022 and its statutory resolutions had been emailed to Members and would be uploaded to the Full Council web pages.

The Chair invited the Leader of the Council, Councillor Gunner, to formally propose Recommendation (9) deferred from the Special Council meeting on 23 February which read as follows:

“The Statutory Resolutions required by the Council in agreeing its Budget for 2022/23, as set out in Appendix 4, are approved”.

Councillor Gunner then formally proposed this recommendation which was then seconded by Councillor Pendleton.

In line with Council Procedure Rule 20.6 – the voting on the recommendation was recorded.

Those voting for it were Councillors Bicknell, Bower, Caffyn, Chace, Clayden, Mrs Cooper, Cooper, Dendle, Edwards, Elkins, Mrs English, English, Gunner, Hughes, Madeley, Oliver-Redgate, Pendleton, Rhodes, Roberts, Stainton and Staniforth (21). Those voting against were Councillors Blanchard-Cooper, Gregory, Jones, Lury, Needs, Oppler, Stanley, Walsh, Worne and Yeates (10). Councillors Brooks and Northeast abstained from voting.

The Council

RESOLVED

That the Statutory Resolutions required by the Council in agreeing its Budget for 2022/23, as set out in Appendix 4, are approved.

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(The adjourned part of this meeting concluded at 6.10 pm)

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**MINUTES
OF A
SPECIAL MEETING OF THE ARUN DISTRICT COUNCIL
HELD IN THE ARUN CIVIC CENTRE
ON 3 MARCH 2022 at 6.00 PM**

Present: Councillors Brooks (Chair), Staniforth (Vice-Chair), Bicknell, Blanchard-Cooper, Bower, Buckland, Caffyn, Catterson, Chace, Clayden, Mrs Cooper, Cooper, Coster, Dendle, Dixon, Edwards, Elkins, Mrs English, English, Gregory, Gunner, Hamilton, Haywood, Hughes, Jones, Lury, Madeley, Needs, Northeast, Oliver-Redgate, Oppler, Pendleton, Rhodes, Roberts, Stainton, Stanley, Thurston, Walsh, Worne and Yeates.

The following Members were absent from the meeting during consideration of the matters referred to in the Minutes indicated:-
Councillors Jones and Needs - Minute 692 (Part). Councillor Needs – voting on the amendment and Councillor Jones – voting on the substantive recommendations.

685. WELCOME

The Chairman welcomed Councillors, representatives of the public, press and Officers to this Special Meeting of the Council.

686. APOLOGIES FOR ABSENCE

Apologies for absence had been received from Councillors Baker, Batley, Bennett, Charles, Chapman, Goodheart, Huntley, Kelly, Purchase, Seex, Tilbrook and Warr and from Honorary Aldermen Mrs Stinchcombe and Mr Dingemans.

687. DECLARATIONS OF INTEREST

Councillor Roberts declared a Personal Interest in Agenda Item 7 [National Highways Proposals for the A27 Arundel Improvements – response to Statutory Consultation (Grey route)]. This was because of where he lived, and he confirmed that the Bypass would be of benefit to him and his family. This was a personal benefit that would not influence his decision making. Councillor Roberts confirmed that he would be taking part in the debate and the vote on this item.

The Declaration of Interest Sheet set out below confirms those Members who had made a declaration of their personal interest as a Member of a Town or Parish Councillor or a West Sussex County Councillor, as confirmed in their Register of Interest as these declarations could apply to any of the issues to be discussed at the meeting.

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Name	Town or Parish Council or West Sussex County Council [WSCC]
Councillor Tracy Baker	Littlehampton
Councillor Kenton Batley	Bognor Regis
Councillor Jamie Bennett	Rustington
Councillor Paul Bicknell	Angmering
Councillor Billy Blanchard-Cooper	Littlehampton
Councillor Jim Brooks	Bognor Regis
Councillor Ian Buckland	Littlehampton and WSCC
Councillor David Chace	Littlehampton
Councillor Mike Clayden	Rustington
Councillor Andy Cooper	Rustington
Councillor Alison Cooper	Rustington and WSCC
Councillor Sandra Daniells	Bognor Regis
Councillor Roger Elkins	Ferring and WSCC
Councillor Paul English	Felpham
Councillor Steve Goodheart	Bognor Regis
Councillor Pauline Gregory	Rustington
Councillor June Hamilton	Pagham
Councillor Shirley Haywood	Middleton-on-Sea
Councillor David Huntley	Pagham
Councillor Henry Jones	Bognor Regis
Councillor Martin Lury	Bersted
Councillor Claire Needs	Bognor Regis
Councillor Mike Northeast	Littlehampton
Councillor Francis Oppler	WSCC
Councillor Jacky Pendleton	Middleton-on-Sea and WSCC
Councillor Vicky Rhodes	Littlehampton
Councillor Emily Seex	Littlehampton
Councillor Martin Smith	Aldwick
Councillor Samantha Staniforth	Bognor Regis
Councillor Matt Stanley	Bognor Regis
Councillor Isabel Thurston	Barnham & Eastergate
Councillor Will Tilbrook	Littlehampton
Councillor James Walsh	Littlehampton and WSCC
Councillor Jeanette Warr	Bognor Regis
Councillor Amanda Worne	Yapton
Councillor Gillian Yeates	Bersted

688. PUBLIC QUESTION TIME

The Chair confirmed that this Council had been invited to respond to the Statutory Consultation put forward by National Highways. Until Councillors had considered the Officer report and taken part in a debate, it was not possible to anticipate if the recommendations would be adopted, rejected or amended.

Based on this, the Chair confirmed that he would be responding to the two questions put before the Council this evening as the meeting was meant to be deciding its response to the consultation of which the Officer report was merely a suggested response.

The Chair confirmed that two questions had been submitted – these have been very briefly summarised below:

1. From Councillor Vawer from Walberton Parish Council
2. From Mr Waller – Chair of OneArundel A27 ByPass Group

A supplementary question was asked by Councillor Vawer.

(A schedule of the full questions asked, and the responses provided can be found on the Public Question Web page at: <https://www.arun.gov.uk/public-question-time>)

The Chairman then drew Public Question Time to a close.

689. QUESTIONS FROM MEMBERS WITH PECUNIARY/PREJUDICIAL INTERESTS

There were no Questions from Members with prejudicial/pecuniary interests.

690. CHAIR'S ANNOUNCEMENTS

The Chair confirmed that he felt that it was important this evening to mention the current situation in Ukraine. He stated that the thoughts and prayers were with all of those where their lives have been turned upside down and who had gone from living their normal daily lives to now living in fear and fleeing their homes. Many residents in Arun would be from Ukraine or Russia and would have loved ones there that they were concerned about and so the council's thoughts were with these community members.

The Chair confirmed that the council was flying the flag of Ukraine here at the Civic Centre and at the Bognor Regis Town Hall, and that it had lit these buildings in blue and yellow as a sign of support.

691. URGENT MATTERS

The Chair confirmed that there were no items for this meeting.

692. NATIONAL HIGHWAYS' PROPOSALS FOR THE A27 ARUNDEL IMPROVEMENTS - RESPONSE TO STATUTORY CONSULTATION (GREY ROUTE)

The Chair confirmed that this Special Meeting of the Council had been called to allow the Council to consider and respond to National Highways with a corporate response to the Statutory Consultation regarding the preferred route for the Arundel section of the A27 Trunk Road Improvements.

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The Interim Group Head of Law & Governance and Monitoring Officer reminded Members that the purpose of this meeting was to provide a response to National Highways as part of its statutory consultation. It was not for the Council to consider a case for choosing a route, but to make comment upon the National Highways' (NH) preferred route. It was important for Members to take this point into account.

The Chair then invited Councillor Gunner to propose the recommendations as set out in the Officer report.

Before proposing these recommendations, Councillor Gunner made a statement about the situation in Ukraine.

Turning to the Arundel Bypass he outlined how vital the improvements were to the Town of Arundel and to the district's overall economy including West Sussex and the South of England. The economic benefits were clear; the bypass was needed; this was millions of pounds of investment for the area; the population of Arun had grown significantly over time and so road infrastructure was essential. The grey route proposed was the infrastructure that was required. It was highlighted that the residents of Littlehampton and Bognor Regis would not appreciate the Council turning down a brand new road in the district. Economic growth in Arun was essential along with more car movement, more visitors and tourists to assist regeneration and in bringing more investment into the district's economy, stimulating growth, jobs and prosperity.

The Grey route had been chosen by (NH) to work around the National Park as the South Downs National Park had opposed the previously favoured Magenta route. The Grey route had been chosen to reduce impact on woodland and the South Downs National Park. Councillor Gunner reminded Members that tonight the purpose of the meeting was not to debate what Councillors saw as their favourite route, it was an opportunity to pass comment on the route selected by NH, the Grey route.

Councillor Gunner stated that he supported the need for an Arundel bypass, to not have a bypass was not a viable option. He supported the need to have a Ford Road junction and maintained that the Council had to continue to work with WSCC and NH to ensure this would happen. Councillor Gunner supported all works to reduce congestion at the Fontwell roundabouts; he shared the concerns of residents of some of the villages and supported all work to reduce rat-running through Walberton; a Ford Road Junction would help but other access points had to be considered. He supported all and any work to mitigate and challenge flooding on the flood plain at Arun and he expressed his deep frustration over NH's inability to produce and provide up to date data and information to local communities.

He urged NH to urgently embrace greater transparency so that the most accurate information be made available. He had difficulty in understanding that the Grey route was the option for consideration in terms of the many problems that would not be faced had the Magenta route been selected. He did not understand why NH had ignored the information contained within the Local Plan and the projected housing growth which was substantially less than what the Council would be facing. Amongst all of this, there were strong messages being expressed by residents. Arundel wanted the bypass and this message needed to be made clear to NH whilst at the same time firmly expressing the concerns and views of residents in Walberton and other nearby villages.

Councillor Gunner therefore confirmed that he was happy to propose the recommendations but with slight amendments. He looked forward to NH's response to the consultation and the council's comments hoping that these would be taken on board.

The Interim Group Head of Law & Governance and Monitoring Officer confirmed that the amendments to the recommendations in the report were largely technical additions which would allow Officers to respond to the planning inspectorate and to take part in the examination as required and to submit additional documents in relation to the adequacy of consultation and the local impact report. These were normal stages in such a process which had not yet been reached. These additional actions would only be required if NH decided to submit the application. If this did not occur, the Council would not be required to submit an adequacy of consultation response or a local impact report. The amendments gave authority and provided the appropriate delegations to allow officers to do that following tonight's meeting.

Councillor Pendleton then seconded the recommendations.

In line with the Council's Constitution [Council Procedure Rule 4.3 – Procedure for Debates at Special Meeting] the Chair confirmed that before moving to a debate, where amendments could be made, he would be inviting Councillors to ask technical questions and to make statements first.

The Chair then invited technical questions from Members and statements and these were made.

The Interim Group Head of Law & Governance provided advice reminding Councillors that the pre-application consultation had been conducted by NH and not by the council. Councillors had to respond to the consultation based on the information provided by NH. If NH had provided figures on the economic benefits that was the figure that Members needed to be addressing, it was not a council decision on whether to build the A27 bypass or not it was for the Council to confirm to NH its response to the preferred route option announced by NH.

The Chair then returned to the recommendations in the report. An adjournment was called to allow amendments to be prepared to share to the meeting.

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Councillor Gunner then proposed the following amendments – as shown below – additions have been shown in **bold**.

- (1) To authorise the Chief Executive to respond specifically in respect of the Grey Route proposal Statutory Consultation as follows:
 - (a) Welcome the opportunity to comment upon the proposals for the off-line 'Grey Route' bypass proposals.
 - (b) Notwithstanding the Council's preferred option: the Magenta route, not being taken forward, support is given to the Grey route subject to the following (c) & (d)
 - (c) The current discussions regarding inclusion of a south facing Ford Road Junction with the new A27 road continue between all relevant partners.
 - (d) National Highways strive to further mitigate to reduce rat-running and increased traffic in local villages, especially Walberton
 - (e) Suggest that a high-level deck is the most appropriate form for the viaduct across the River Arun valley and flood plain providing there is no compromise in respect of a Ford Road Junction**
 - (f) In regard to the Yapton Lane options, to take forward the option that has the less risk and greater constructability but suggest that this should be balanced by the views of the immediately affected residents and businesses
 - (g) Encourage National Highways to continue dialogue with the Littlehampton Harbour Board in respect of utilising the port of Littlehampton in the construction phase of the project
 - (h) Reiterate the Council's comments made in respect of the previous consultation (October 2019), to consider all potential opportunities, which would further reduce the impact on residents and the environment.**

2 That Full Council

- (a) authorises the Director of Place, where the Director considers it necessary, to respond to any further stages of pre-submission consultation, in consultation with the Chair of Planning Committee in support of the formal response approved under Recommendation 1.**
- (c) if an application for a Development Consent Order is submitted, authorises the Director of Place where the Director considers necessary, to:**
 - (i) approve the Council's 'adequacy of consultation' response;**
 - (ii) prepare and submit the Council's written representation and Local Impact Report; to negotiate with the applicant on the DCO requirements, any S106 Agreement, and the preparation of a Statement of Common Ground; and to comment on the written representations of third parties – all in support of the formal response approved under Recommendation 1;**

(iii) attend the examination hearings and answer the Examining Authority's questions in support of the Council's position; and

3. That representation be made to Government (Department for Transport (DfT) and Department for Levelling Up, Housing and Communities (DLUHC), to urge a resolution to the mis-match in guidance and methodologies for traffic modelling thus cost benefit analysis, for new road schemes and development projections.
and
4. Note that a business case is being developed in partnership with West Sussex County Council and encourage the continuation of partnership working with National Highways in addressing the Council's concerns over the Ford Road Junction

Councillor Pendleton then seconded these amendments.

The Chair then invited debate on this amendment.

Councillor Dixon confirmed that he wished to make an amendment. This is shown below with additions shown in **bold** and deletions shown using ~~striketrough~~:

(1) To authorise the Chief Executive to respond specifically in respect of the Grey Route proposal Statutory Consultation as follows:

(a) Welcome the opportunity to comment upon the proposals for the off-line 'Grey Route' bypass proposals;

~~(b) Notwithstanding the Council's preferred option: the Magenta route, not being taken forward, support is given to the Grey route subject to the following (c) & (d);~~

Notes that none of the Council's Members supported the Grey Route and regrets that the National Highways decision to proceed with the Grey Route has, in essence, usurped local democracy;

~~(c) Notwithstanding the Council's The current discussions regarding inclusion of a south facing Ford Road Junction with the new A27 road continue between all relevant partners;~~ **support for an offline A27 Arundel bypass the Council believes that the very considerable damage that will be caused to the local environment and biodiversity and in particular to the communities of Binsted, Fontwell and Walberton by the Grey Route renders it unacceptable**

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- (d) ~~National Highways strive to further mitigate to reduce rat-running and increased traffic in local villages, especially Walberton;~~ **are required to constructively reconsider in detail all remaining alternatives**
 - (e) ~~Suggest that a high-level deck is the most appropriate form for the viaduct across the River Arun valley and flood plain;~~ **the current discussions regarding inclusion of south facing Ford Road junction with the new A27 road continue between all relevant partners**
 - (f) ~~In regard to the Yapton Lane options, to take forward the option that has the less risk and greater constructability but suggest that this should be balanced by the views of the immediately affected residents and businesses;~~ **If National Highways persists with pursuing the Grey Route there must be an undertaking not to proceed until the problems of rat running and increased traffic in local villages, especially Walberton, have been fully discussed and agreed with representatives of those villages and this Council. Also a scheme acceptable to local villages and this Council to solve the bottlenecks at the East and West Fontwell roundabouts is in hand for prompt completion.**
 - (g) ~~Encourage National Highways to continue dialogue with the Littlehampton Harbour Board in respect of utilising the port of Littlehampton in the construction phase of the project~~ **Suggest that a high level deck is the most appropriate form for the viaduct across the River Arun Valley and flood plain.**
 - (h) **If National Highways persists with pursuing the Grey Route and in regard to the Yapton Lane options, to take forward the option that has the less risk and greater constructability but suggest that this should be balanced by the views of the immediately affected residents and businesses.**
 - (i) **Encourage National Highways to continue dialogue with the Littlehampton Harbour Board in respect of utilising the port of Littlehampton in the construction phase of the project.**
2. That representation be made to Government (Department for Transport (DfT) and Department for Levelling Up, Housing and Communities (DLUHC), to urge a resolution to the mis-match in guidance and methodologies for traffic modelling thus cost benefit analysis, for new road schemes and development projections; and
- 3 Note that a business case is being developed in partnership with West Sussex County Council and encourage the continuation of partnership working with National Highways in addressing the Council's concerns over the Ford Road Junction

Councillor Coster seconded this amendment.

Councillor Dixon then explained his amendment and his concerns over the intolerable pressure this route would inflict onto other village areas. Binsted would be destroyed and the village of Walberton would become an unbearable rat-run. The Council also needed to receive assurances about the impacts for the Fontwell roundabouts before the project should proceed. The main argument for not accepting his amendment seemed to be a fear over what NH or the Government might do next. It was vital for the council to make decisions for the right reasons not over concerns that the funding for the bypass might be withdrawn, as had been the case for Chichester. Councillor Dixon was sure that this would not be repeated in this situation and so the council needed to fight for what was right and needed to ensure that it would make the right decision for the district. There was a complete lack of transparency in terms of the consultation conducted by NH and the message to NH was that it should rethink its proposals.

The Chair then invited debate on this amendment.

Although there were Councillors that agreed with much of what Councillor Dixon had said in proposing his amendment, they questioned the statements made and the evidence that went with it. The key thread in speeches made opposing the amendment was that the district needed a bypass. The whole of the economy of the district relied upon its provision to support employment, regeneration and tourism. The risk of what happened at Chichester could not happen here.

There were Councillors who stated that they could not support the amendment as the purpose of this meeting was not to redesign a preferred route, that proposal had been made by NH.

Others thought that the amendment was negating the original motion because it was confirming that although the council wanted a bypass, it wanted one on different terms. This was not possible as there were no other route options. It was necessary for the council to make the right decision for the whole of the district and the fact was that this was about accepting the overwhelming need for the bypass.

Other Councillors pointed out that the matters of concern expressed did need to be addressed and that this would be covered by the Planning Inspector, this was still a very early stage of the process. There was no alternative proposal. Councillors understood the passions in presenting alternative proposals; and the implications for all residents in Arun and businesses in the South East were not fully understood, however, the risk of the scheme not being delivered had far greater implications.

Some Councillors confirmed that they were sympathetic to some elements of the amendment such as addressing rat-running in nearby villages. The biggest risk was the fear of NH withdrawing from this scheme. The proposals were better than no options and Councillors needed to be mindful of what had happened at Chichester. Other Councillors were of the view that this decision should not be made based on fear, this would not happen. This decision was not about saying that a bypass was not wanted or needed but about the need to better the whole economy, ensuring that the right mitigation was undertaken and the need for a Ford Road junction accepted. The council

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had to stand hard and had to ensure that the proposals were right for the district. The environmental damage and biodiversity impact also had to be considered and it was strongly felt that the council had to express support to the residents that would be affected and should have the courage to say what it was not prepared to tolerate. An argument was made for the provision of a Fontwell flyover.

Councillor Coster, as seconder to the amendment, urged Councillors to support it as it represented supporting residents that would be adversely affected. The council could not accept the damage the bypass would do by destroying residents' homes and communities and to the environment and biodiversity. Severe irreversible damage would be done to the western villages due to rat-running which could not be accepted to just save 6 minutes of journey time. This did not justify the damage that would be made. The congestion that would occur at the Fontwell roundabouts could not be accepted, there were many disbenefits that the Grey route would bring to the district. There were alternatives and the amendment proposed called for closer consideration of these alternatives.

Councillor Dixon, as proposer of the amendment, confirmed that the Grey route was the most damaging environmentally. It was longer than the other route options and would destroy more habitat. The priority was protecting local communities not conifer plantations. Ancient woodland was being destroyed to make way for other forms of infrastructure around the country and so why was this plantation so sacrosanct? There was no answer to this question. The council was being asked to give its retrospective approval to the Grey route. Councillor Dixon felt that this should not happen and that the council should standby residents and seek a route that did not damage communities. He felt that NH and SDNP were not acting on behalf of their communities and so the council needed to stand up and support its residents. Councillor Dixon was keen to see an offline bypass but was not prepared to see a bad option.

A recorded vote had been requested on this amendment.

Those voting for it were Councillors Buckland, Coster, Dixon, Hamilton, Haywood, Northeast, Thurston and Worne (8). Those voting against were Councillors Bicknell, Bower, Caffyn, Chace, Clayden, Mrs Cooper, Cooper, Dendle, Edwards, Elkins, Mrs English, English, Gunner, Hughes, Madeley, Oliver-Redgate, Pendleton, Rhodes, Roberts, Staniforth (20). Councillors Blanchard-Cooper, Brooks, Gregory, Jones, Lury, Oppler, Stainton, Stanley, Walsh and Yeates abstained from voting (10).

The amendment was therefore declared LOST.

Councillor Walsh confirmed that he wished to make an amendment. He confirmed his wish and support for the Magenta route to be reconsidered and confirmed his reluctance in supporting the Grey route, but this was the only remaining option. It was his view that for Recommendation (1) Parts, (b), (c) and (d) these needed amending because many Councillors believed strongly and had spoken to support the inclusion of a junction at Ford Road. This needed to be stated more forcibly, the recommendations should leave the option open to impress upon NH for a junction with Ford Road was essential for local residents and by the business community. Looking at (d), he supported the concerns of residents at Walberton along The Street which would be met by huge congestion along a narrow road with no proper pavements. Councillor Walsh also referred to the roundabout capacity at the top of Fontwell Avenue and eastern junction coming down from Slindon, they were crucial to the A27 delivering its benefits. Balancing this, there was threat that NH might walk away and take its funding elsewhere. The council therefore needed to reflect the mood of this meeting in that it was not entirely happy but subject to the rest of the amendment and the other conditions proposed it could support it which would enable the motion to give qualified support.

The wording of this amendment is set out below – with additions shown using **bold** and deletions shown using ~~strikethrough~~:

- (1) To authorise the Chief Executive to respond specifically in respect of the Grey Route proposal Statutory Consultation as follows:
 - (a) Welcome the opportunity to comment upon the proposals for the off-line 'Grey Route' bypass proposals;
 - (b) **The Council re-states is previously expressed overwhelming support for** ~~Notwithstanding the Council's preferred option:~~ the Magenta route. **It reluctantly gives qualified support for the less satisfactory** ~~, not being taken forward, support is given to the Grey route,~~ subject to **much more detailed information from National Highways on environmental considerations for local residents and natural habitat and to the following** (c) & (d);
 - (c) ~~The current discussions regarding inclusion of a south facing Ford Road Junction with the new A27 road continue between all relevant partners;~~ **inclusion of a junction with Ford Road and the new A27**
 - (d) **Further mitigation** ~~National Highways strive to further mitigate~~ to reduce rat-running and increased traffic in local villages, especially Walberton; **and also traffic management, including roundabout capacity, at the Fontwell A29 junctions.**
 - (e) Suggest that a high-level deck is the most appropriate form for the viaduct across the River Arun valley and flood plain;
 - (f) In regard to the Yapton Lane options, to take forward the option that has the less risk and greater constructability but suggest that this should be balanced by the views of the immediately affected residents and businesses;

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- (g) Encourage National Highways to continue dialogue with the Littlehampton Harbour Board in respect of utilising the port of Littlehampton in the construction phase of the project

Councillor Jones seconded this amendment confirming that he did not support any route that did not have a Ford Road Junction. He strongly believed that the Council needed to be steadfast stipulating certain assurances otherwise the strength of support and need for a junction and proper mitigation for Walberton would be lost.

Councillor Gunner, as proposer to the substantive recommendations, confirmed that he would be prepared to accept this amendment subject to some minor tweaking. The Chair allowed a few minutes for rapid consultation within the Chamber amongst Councillors. The finalised wording to the suggested amendments to Recommendation 1 (b) was then agreed.

- (b) The Council re-states its previously expressed overwhelming support for** ~~Notwithstanding the Council's preferred option: the Magenta route. It reluctantly gives in principle conditional qualified support in principle for the less satisfactory , not being taken forward, support is given to the~~ Grey route subject to **much more detailed information from National Highways on environmental considerations for local residents and natural habitat and to the following (c) & (d);**

This further amendment was seconded by Councillor Pendleton as the seconder to the substantive recommendations. Councillors Walsh and Jones confirmed that they supported these further changes.

The Chair then invited debate on the amendment. This achieved support from most Members as it provided a stronger request to resolve the environmental concerns and seek detailed mitigation.

Following further debate, Councillor Gunner proposed that “the question be now put” and this was seconded by Councillor Edwards. The Chair confirmed that he felt that the matter had been adequately discussed and put this Motion without Notice to the vote. This was declared CARRIED.

The Chair then invited Councillor Pendleton, as seconder to the substantive recommendations, to speak. She confirmed that she very much welcomed the cross party debate and support showing that Councillors were working together for the benefit of the district's residents. She believed that the proposed new road was essential to support the district's economy, even though Grey was not this council's preferred option. It was the only option and so Councillors now had to work hard to resolve all of the issues raised. She therefore urged Councillors to support the substantive recommendations.

The Chair invited Councillor Gunner, as proposer of the substantive recommendations, to speak. He thanked Members for the debate and for their full and detailed reviews and urged Councillors to support the recommendations.

A recorded vote had been requested on the substantive recommendations. Those voting for were Councillors Bicknell, Blanchard-Cooper, Bower, Caffyn, Chace, Clayden, Mrs Cooper, Cooper, Dendle, Edwards, Elkins, Mrs English, English, Gregory, Gunner, Hughes, Lury, Madeley, Northeast, Pendleton, Stainton, Staniforth, Stanley, Walsh and Yeates (25). Those voting against were Councillors Coster, Dixon, Hamilton, Haywood, Thurston and Worne (6). Councillors Brooks, Buckland, Oliver-Redgate and Roberts abstained from voting.

The Council

RESOLVED – That

- (1) The Chief Executive be authorised to respond specifically in respect of the Grey Route proposed Statutory Consultation as follows:
 - (a) Welcomes the opportunity to comment upon the proposals for the off-line 'Grey Route' bypass proposals;
 - (b) The Council re-states its previously expressed overwhelming support for the Magenta route. It gives in principle support for the less satisfactory Grey route subject to much more detailed information from National Highways on environmental considerations for local residents and natural habitat and to the following (c) & (d);
 - (c) Inclusion of a junction with Ford Road and the new A27;
 - (d) Further mitigation to reduce rat-running and increased traffic in local villages, especially Walberton and also traffic management, including roundabout capacity, at the Fontwell A29 junctions;
 - (e) Suggest that a high-level deck is the most appropriate form for the viaduct across the River Arun valley and flood plain providing there is no compromise in respect of a Ford Road Junction;
 - (f) In regard to the Yapton Lane options, to take forward the option that has the less risk and greater constructability but suggest that this should be balanced by the views of the immediately affected residents and businesses;
 - (g) Encourage National Highways to continue dialogue with the Littlehampton Harbour Board in respect of utilising the port of Littlehampton in the construction phase of the project;
 - (h) Reiterate the Council's comments made in respect of the previous consultation (October 2019), to consider all potential opportunities, which would further reduce the impact on residents and the environment.

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(2) That Full Council

- (a) authorises the Director of Place, where the Director considers it necessary, to respond to any further stages of pre-submission consultation, in consultation with the Chair of Planning Committee in support of the formal response approved under Recommendation 1.
- (b) if an application for a Development Consent Order is submitted, authorises the Director of Place where the Director considers necessary, to:
 - (i) approve the Council's 'adequacy of consultation' response;
 - (ii) prepare and submit the Council's written representation and Local Impact Report; to negotiate with the applicant on the DCO requirements, any S106 Agreement, and the preparation of a Statement of Common Ground; and to comment on the written representations of third parties – all in support of the formal response approved under Recommendation 1;
 - (iii) attend the examination hearings and answer the Examining Authority's questions in support of the Council's position; and

3) That representation be made to Government (Department for Transport (DfT) and Department for Levelling Up, Housing and Communities (DLUHC), to urge a resolution to the mis-match in guidance and methodologies for traffic modelling thus cost benefit analysis, for new road schemes and development projections; and

4 Note that a business case is being developed in partnership with West Sussex County Council and encourage the continuation of partnership working with National Highways in addressing the Council's concerns over the Ford Road Junction.

693. MOTIONS

The Chair confirmed that no Motions had been submitted for this meeting.

(The meeting concluded at 10.06 pm)

ARUN DISTRICT COUNCIL

URGENT REPORT TO AND DECISION OF FULL COUNCIL ON 9 MARCH 2022

SUBJECT: To 'Make' the Barnham and Eastergate Neighbourhood Development Plan (Review) 2019-2031
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REPORT AUTHOR: Donna Moles (Senior Planning Officer)
DATE: 2 March 2022
EXTN: 37697
PORTFOLIO AREA: Planning Policy

EXECUTIVE SUMMARY:

The Barnham and Eastergate Neighbourhood Development Plan 2019-2031 passed Examination in October 2021. The Examiner of this modified Plan concluded that the Plan passed the Examination and that the material modifications do not change the nature of the Plan and it does not require a Referendum so should proceed to be 'made'. This Item was originally due to be discussed at the Full Council meeting on 26 January 2022 but was withdrawn on legal advice as there were Judicial Review Proceedings challenging the Plan. At the time of writing the proceedings are in the process of being withdrawn by mutual consent but have not yet been formalised by the Court.

This 'making' of the plan will give it legal force and it will form part of the statutory Development Plan for that area. Consequently, decisions on planning applications in the neighbourhood area will need to be made in accordance with the Neighbourhood Development Plan, unless material considerations indicate otherwise.

Council is being asked to accept this item as an urgent item as the next meeting of Full Council is not until 11 May 2022 and will prejudice the determinations of pending planning applications.

RECOMMENDATIONS:

It is recommended to Full Council that:

- 1) It 'makes' the Barnham and Eastergate Neighbourhood Development Plan 2019-2031 to take effect on a date to be decided by the Director of Place following the Consent Order to be made by the Administrative Court and it then becomes part of the Development Plan for Arun District Council.

1. BACKGROUND:

- 1.1 The Localism Act, which received Royal Assent on November 15 2011, introduced new rights and powers to allow local communities to shape new development by coming together to prepare Neighbourhood Plans and Orders. Neighbourhood forums and Parish Councils can use new Neighbourhood Planning powers to establish general planning policies for the development and use of land in a neighbourhood. These are described legally as 'Neighbourhood Development Plans'. They must meet a number of conditions before they can be put to a community referendum and legally come into force. These conditions are to ensure plans are legally compliant and take account of wider policy considerations (e.g. national policy).
- 1.2 Under the Town and Country Planning Act 1990 (as amended), the Local Planning Authority has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans and Orders and to take Plans through a process of examination and referendum. The Localism Act 2011 (Part 6 chapter 3) sets out the Local Planning Authority's responsibilities under Neighbourhood Planning.
- 1.3 The Barnham and Eastergate Neighbourhood Development Plan relates to the area that was designated by Arun District Council as a neighbourhood area on 29th November 2012. This area is coterminous with the Barnham and Eastergate Parish Council boundary that lies within the Arun District Council Local Planning Authority Area.
- 1.4 The Barnham and Eastergate Neighbourhood Development Plan was examined by Mr Christopher Lockhart-Mummery QC, who passed the Plan and recommended Arun District Council should, subject to the modifications in the Examination report, proceed to be 'made' by Arun District Council. Following this, all the Examiner's modifications were agreed by Barnham and Eastergate Parish Council and Arun District Council.

2. PROPOSAL(S):

- 2.1 There are 3 types of modification which can be made to a neighbourhood plan or order. The process will depend on the degree of change which the modification involves:
 - Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
 - Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.

<ul style="list-style-type: none"> Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development. <p>2.2 Whether modifications change the nature of the plan is a decision for the independent examiner. The examiner will consider the nature of the existing plan, alongside representations and the statements on the matter made by the qualifying body and the local planning authority. Where material modifications do not change the nature of the plan (and the examiner finds that the proposal meets the basic conditions or would with further modifications) a referendum is not required.</p> <p>2.3 The Examiner concluded <i>‘I have reached the clear conclusion that the proposed Modifications (whilst in most cases material) are not so significant or substantial as to change the nature of the NP. Policy H1 proposes three sites for housing, totalling 117 dwellings. This exceeds the LP non-strategic provision of 75 dwellings (although Site 3 (42 dwellings) has planning permission). Existing policy H1 contained provisions to meet the then emerging LP. Amended Policy H1 reflects the LP in its adopted form. This updating does not, in my view, change the nature of the Plan. In reaching this conclusion, I have compared the entire Made Plan with the entire NP2.’ ‘I accordingly Recommend that ADC makes NP2 subject to the above further Modifications’.</i> (extracts from the examiner’s report – paras 30 and 52 respectively).</p>																										
<p>3. OPTIONS:</p> <p>1. To ‘make’ the Barnham and Eastergate Neighbourhood Development Plan 2019-2031 to become part of the Development Plan for Arun District Council. Or</p> <p>2. To not ‘make’ the Barnham and Eastergate Neighbourhood Development Plan 2019-2031 which would not become part of the Development Plan for Arun District Council.</p>																										
<p>4. CONSULTATION:</p> <p>Various rounds of consultation has been undertaken as part of the Neighbourhood Plan process.</p> <table border="1"> <tr> <td>Has consultation been undertaken with:</td> <td>YES</td> <td>NO</td> </tr> <tr> <td>Relevant Town/Parish Council</td> <td>x</td> <td></td> </tr> <tr> <td>Relevant District Ward Councillors</td> <td>x</td> <td></td> </tr> <tr> <td>Other groups/persons (please specify) The community, Statutory bodies and relevant stakeholders as per the regulations</td> <td>x</td> <td></td> </tr> </table> <p>5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)</p> <table border="1"> <tr> <td>Financial</td> <td></td> <td>x</td> </tr> <tr> <td>Legal</td> <td>yes</td> <td></td> </tr> <tr> <td>Human Rights/Equality Impact Assessment</td> <td></td> <td>x</td> </tr> <tr> <td>Community Safety including Section 17 of Crime & Disorder Act</td> <td></td> <td>x</td> </tr> </table>			Has consultation been undertaken with:	YES	NO	Relevant Town/Parish Council	x		Relevant District Ward Councillors	x		Other groups/persons (please specify) The community, Statutory bodies and relevant stakeholders as per the regulations	x		Financial		x	Legal	yes		Human Rights/Equality Impact Assessment		x	Community Safety including Section 17 of Crime & Disorder Act		x
Has consultation been undertaken with:	YES	NO																								
Relevant Town/Parish Council	x																									
Relevant District Ward Councillors	x																									
Other groups/persons (please specify) The community, Statutory bodies and relevant stakeholders as per the regulations	x																									
Financial		x																								
Legal	yes																									
Human Rights/Equality Impact Assessment		x																								
Community Safety including Section 17 of Crime & Disorder Act		x																								

Sustainability		X
Asset Management/Property/Land		X
Technology		X
Other (please explain)		X

6. IMPLICATIONS:

Once 'made', the Barnham and Eastergate Neighbourhood Development Plan will become part of the Development Plan for the District and will be used by the Council when determining planning applications for this area.

Legal

Council is being asked to accept this item as an urgent item as the next meeting of Full Council is not until 11 May 2022 and will prejudice the determinations of pending planning applications. At the time of writing, the Council and a Developer is in the process of formalising a Consent Order to withdraw the Judicial Review proceedings which had caused the Plan to be withdrawn from the January Full Council meeting.

7. REASON FOR THE DECISION:

Arun District Council as the Local Planning Authority under section 61E(4) of the 1990 Act, needs to bring a Neighbourhood Development Plan into force.

8. BACKGROUND PAPERS:

The web link provides the full information for the Plan and background of the Plan
[Barnham and Eastergate neighbourhood development plan 2 | Arun District Council](#)