



Public Document Pack

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18 November 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 November 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 Hasset
Chief Executive

AGENDA -SUPPLEMENT – PUBLIC QUESTION TIME AND GENERAL QUESTIONS FROM MEMBERS

3. PUBLIC QUESTION TIME (Pages 1 - 12)

To receive questions from the public (for a period of up to 15 minutes)

The Schedule of questions asked and the responses provided at the meeting are attached.

11. GENERAL QUESTIONS FROM MEMBERS [BY ADVANCE NOTICE] [30 MINUTES] (Pages 13 - 18)

To consider general questions from Members in accordance with Council Procedure Rule 14.3.

The questions asked and the responses provided at the meeting to include supplementary questions and responses are attached.

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FULL COUNCIL – 9 NOVEMBER 2022

AGENDA ITEM 3 – PUBLIC QUESTION TIME – ORDER IN WHICH THE CHAIR OF THE COUNCIL WILL INVITE QUESTIONS BELOW RECEIVED IN WRITING IN ADVANCE OF THE MEETING

1. From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman
2. From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman
3. From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman
4. From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman
5. From Mr Cosgrove to the Chair of the Policy & Finance Committee, Councillor Gunner
6. From Mr Cosgrove to the Chair of the Policy & Finance Committee, Councillor Gunner
7. From Mr Cosgrove to the Chair of the Policy & Finance Committee, Councillor Gunner
8. From Mr Fennell to the Chair of the Planning Policy Committee, Councillor Bower
9. From Parish Councillor Hamilton-Street to the Chair of the Planning Committee, Councillor Chapman
10. From Parish Councillor Hamilton-Street to the Chair of the Planning Committee, Councillor Chapman
11. From Mr Wild to the Chair of the Planning Committee, Councillor Chapman
12. From Mr Wild to the Chair of the Planning Committee, Councillor Chapman
13. From Mr Wild to the Chair of the Planning Committee, Councillor Wild

FULL DETAIL OF THE QUESTIONS TO BE ASKED IS DETAILED BELOW

Note, the Chair will:

- invite questions from members of the public who have submitted in writing their questions in line with the Council's Constitution.
- explain that the questions received will be answered by the Chair of the Council
- confirm that Public Question Time allows Members of the public to ask one question at a time and that a maximum of one minute is allowed for each question;

- state that questions will be invited in the order in which they have been received and that if there is time remaining from the 15 minutes allowed for Public Question Time, questioners will be allowed to ask a supplementary question.

QUESTION ONE

From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman

Question

Why were we 'obliged' to spend our savings on a new boundary fence costing £10,000, simply because our neighbour, Mr Duggin, decided to build on the field next door to our house. We already had a boundary fence in place and he refused to provide any kind of screening for his activities.

Response

Thank you for your question. I can confirm that there was no obligation imposed by the local planning authority, this council, for you to construct a fence.

QUESTION TWO

From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman

Question

A pragmatic decision was taken to cast aside the Condition that AL/121/16/PL must be completed, before the houses were allowed to be lived in or the access and internal road built. (Email from Compliance Officer.) Why could such a pragmatic decision not have been taken, in order to require boundary fences to be erected, sooner rather than later, giving us the normal privacy and protection expected between residential properties, while the land was already being lived on?

Response

Thank you for your question. Once imposed on a planning permission a condition, if breached, can be enforced against (or not) depending on the circumstances that apply. The planning permission at your neighbour's property did not include a condition that they provide a boundary fencing. Conditions should only be proposed where they meet the six tests for a condition set out in the NPPG. As these tests were not met an informative was added relating to the

fencing. Once a permission is granted it is not legally possible to add additional conditions. I am aware that officers have provided you with a response on this issue some time ago.

QUESTION THREE

From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman

Question

Now that the two houses on Mr Duggins' site have been occupied for over 6 months and over 18 months and despite the fact that Condition 6 prevents this until the access is completed, why is there still a mobile home on the land? We understood that this should have been removed long ago. This is of great concern to us, since there is STILL a LIVE electricity cable rising from the ground at the access to the site which trails across the land beside our fence, past the houses and provides power for the mobile home which should no longer be there.

Response

Thank you for your question. It is possible to have a mobile home within the curtilage of a dwelling without the need for a specific planning permission (it can be put there as permitted development). We have undertaken previous investigations in respect of the occupation of these mobile homes through the duration of the construction and the outcome of this investigation has been communicated with you previously. Now that construction is completed, the site is now subject to a further investigation and the legitimacy of the mobile home will be discussed with the occupiers when we next contact them. This will look at occupation as well as what might be allowed without planning permission. We will be contacting the occupier of the mobile home before the end of the month with a view to getting an answer by early January.

QUESTION FOUR

From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman

Question

During the last five years, while our lives have been made impossible by the activities which the Council have allowed to happen on the building site next door, what COULD or SHOULD we have DONE or NOT DONE, to avoid the distress, disturbance, and expense of having to fund part of Mr. Duggins' build? (A fence which we never planned for, and should never have needed to pay for.)

Like everyone else, we have a right to Article 8 of the Human Rights' Act, (That is, to a peaceful, private, family life and home.

Response

Your statement is noted. It is regrettable that this site has taken so long to be implemented. The Council will continue to monitor that activity on this site to ensure that the development proceeds in accordance with the approved plans and to minimise the impact of the development within the powers that the Council has.

QUESTION FIVE

From Mr Cosgrove to the Chair of the Policy & Finance Committee, Councillor Gunner

Question

I welcome the surprise across-the-board 'disenchantment' of Councillors with the Mace Presentation especially re the minimum number of seats for the main auditorium. Given the costs have risen already, will he and the Committee now pay special attention to the response of the Levelling-Up Minister to Nick Gibb MP concerning bringing in private investment, with the LUF funding as the core?
I quote:

Your constituent raises an important question around whether it is possible to adjust the scope of LUF funded projects after they have been agreed and announced. I should start by saying that I would expect that places deliver the projects that my department has agreed to invest in, realising the social and economic benefits that they will have on local levelling up plans. I do of course recognise that the local context may change, and in this particular instance, based on your constituents email it sounds as though there may be an opportunity to increase the scope of the project through additional private sector investment.

Does he not agree circumstances have changed - eg rising costs, failure of consultants to propose acceptable minimum seating etc so that contact with the named civil servant might now be most appropriate, also that expediting such an approach might enable an improved outcome including a minimum of 450 seats, together with the integration of the Brewers Fayre aspect into the overall outcome on the site with even more benefits?

Response

No.

QUESTION SIX

**From Mr Cosgrove to the Chair of the Policy & Finance Committee,
Councillor Gunner**

Question

It is clear that many councils are facing major deadline problems with their Levelling-Up projects. Will he ensure the Minister is made aware of the Council's concerns in this regard if this has not happened already?

Response

Yes.

QUESTION SEVEN

**From Mr Cosgrove to the Chair of the Policy & Finance Committee,
Councillor Gunner**

Question

One of the principles of the Council's 2004 Masterplan was that of cross-subsidy between the two major sites in Arun's ownership, Regis Centre and Hothamton (and in July 2018 the Planning Inspector drew attention to this re the Sunrise application). Although Sunrise is dead in the water, the principle is still there. Would he not agree that it may be worth while exploring whether there is scope for cross-subsidy re the LUF project so as to enable additional funds for the Regis Centre site in return eg for flats on Hothamton and also gaining a new much-needed Medical Centre for Bognor, and that expediting such an approach might enable an improved outcome including a minimum of 450 seats, and the integration of the Brewers Fayre aspect into the overall outcome on the site with even more benefits, and that there is a possibility of meeting the deadline for the core LUF elements but also leaving the path open for integration of additional benefits beyond that deadline, avoiding further supplementary estimates and even of not having to spend the ones already sanctioned?

Response

No.

QUESTION EIGHT

From Mr Fennell to the Chair of the Planning Policy Committee, Councillor Bower

Question

Arun has the best farmland on the south coast, which should be protected. With the situation in Ukraine, world food shortages, jobs and the environment, Arun should immediately ban building on farmland, in line with Government policy. Arun has brownfield sites, for which there are grants available to build on. Arun should not be forced to have neighbouring councils housing allocations, destroying rare prime agricultural land, where essential crops are grown, employing residents. Their unsold food goes to local Fridges; the result, many people have fresh food they could not afford.

Also, Arun does not have the infrastructure. Old sewage systems, lack of NHS dentists, overworked GPs and high streets dying. Arun is one of the most densely populated areas in the UK. We cannot lose all our green space, the gateway to the south downs, to out of town development!

We have a Conservative Council, MP and Government; united you can stop the destruction of Arun!

Will you stop desecrating our essential farmland and prioritise brownfield instead?

Response

Thank you Mr Fennell for your question.

The impact of building housing on agricultural land was fully assessed and examined prior to the Local Plan being adopted in 2018. The Inspector considered this an inevitable and acceptable consequence of accommodating the very large housing requirement imposed on Arun District Council by the government. I appreciate that you will not agree with that conclusion but that is the conclusion the Inspector came to. The Local Plan does contain a policy on agricultural land and this is often used to try and ensure that higher grade land is avoided and that appropriate mitigation is provided where it can be.

As part of the Local Plan process, a detailed assessment of available brownfield land was undertaken. This is reviewed every year and kept up to date. This is available on our website. Unfortunately, this process would only yield a maximum of about 1,000 dwellings. This is only a small fraction of the required 20,000.

The level of unimplemented permissions at around 6,000 is of far greater significance than the potential use of brownfield sites.

QUESTION NINE

From Parish Councillor Hamilton-Street to the Chair of the Planning Committee, Councillor Chapman

Question

After several recent issues, we are compelled to bring these questions directly to you.

We also have the full support of Felpham Parish Council, Barnham and Eastergate Parish Council, Jaine Wild - West Sussex County Councillor Felpham, Middleton-on-Sea Parish Council, Slindon Parish Council, Kingston Parish Council, Walberton Parish Council, Clymping Parish Council, East Preston Parish Council, Aldingbourne Parish Council, Rustington Parish Council and Yapton Parish Council who support the content being asked.

In the last 2 months we can give examples where planning processes have sat with consultants, and not council employees and compliance issues are not being addressed.

We have 2 questions that we would like answered by Cllr Chapman.

How can Arun District Councillors provide suitable reassurance to the above parishes and their residents that the council is effectively holding the Planning Department to account in ensuring that developers are held to the planning applications, conditions and compliance issues? Because the above parishes and their residents know that it is currently not undertaking its duties.

Response

Thank you for your question. In answering it, it is important to draw a distinction between compliances issues on strategic sites and elsewhere. On the former, the Council has two officers who are in regular contact with the developers to ensure that for example conditions are discharged at the appropriate time and infrastructure is delivered in accordance with the consents. They also follow up issues brought to our attention which might impact upon residents. For example, during the summer the Council was contacted about dust issues at the Fontwell development and the team then engaged with the developers to address this. For non-strategic site matters it has been more challenging because of staff vacancies and subsequent difficulties recruiting. Unfortunately, this is not a situation unique to Arun. All parishes have been advised that the Council has instructed consultants from 1 July 2022 to work on the higher priority compliance cases. Compliance issues are being addressed to the best of our ability within the resource constraints that we have. I obviously do not know the details of the two cases you refer to, but I would urge you to contact the Group Head of Planning if you feel that these cases are a priority. Members are fully aware of the difficulties that the Council has with resources in Planning Compliance and I

am aware that the Group Head of Planning is developing a project to hopefully provide a more long term solution to this problem which will in due course be presented to members but such a solution will not provide a quick fix and therefore it is likely that subject to appropriate funding being available the Council will need to continue with external support.

QUESTION TEN

From Parish Councillor Hamilton-Street to the Chair of the Planning Committee, Councillor Chapman

Question

How will the Arun District Councillors make it a priority to ensure that Arun residents have an effective planning department, and this is prioritised in a timely manner, so that communities do not continue to be ridden rough shot over by developers doing what they want without any recourse, as has happened in recent weeks?

Response

I thank the questioner for her question, however, there are no specifics about how or when or where communities are being ridden rough shot by this council or by its planning Department.

Arun Planning Department has to work within the planning system that is set out nationally. As a District Council we have one of the highest levels of required homebuilding across the country and the Council has to work within an exceptionally permissive planning system. I entirely appreciate that many members of the public and Parish Councils will not agree with some decisions made and I share many of these concerns personally. Regrettably, what might be a popular decision to reject a development is rarely a robust decision in the context of the current planning system. It is true that developers are able to secure planning permission in very unpopular locations but that is not a fault of the Planning Department or Council. When we have tried to resist such inappropriate and poor development very recently, we have lost at appeal. The Government has indicated for some time now that it intends to modify the planning system and that might help to address a number of the concerns you and I share but until we know how the system will change it is difficult to identify what pre-emptive actions we should take. Until then we need to continue to encourage those who have permission to proceed at pace and where land has been allocated and we need to continue to work with developers towards the submission of high quality schemes and then secure early delivery.

QUESTION ELEVEN

From Mr Wild to the Chair of the Planning Committee, Councillor Chapman

Question

Can lessons be learnt from the destruction of protected species at Outerwyke Farmhouse, Felpham Way, Felpham (which was rich in bats, birds, reptiles and hedgehogs as the garden had been wild for 50 years) so departments work together and any enforcement notice given where protected species are likely, then this has to be accompanied by a request for an ecological survey before clearance?

Response

Thank you, Mr Wild for your question.

The original enforcement notice served made was served by the Council's Environmental Health department and the activity on the site recently was to undertake works required by that Notice. We are aware that a number of trees have been removed but these were not covered by any preservation order and so did not require any form of planning permission. Complaints recently received on this matter have been looked at and have had a response. Certain species and features, for example nests, are protected under the Wildlife and Countryside Act 1981 which makes certain activities an offence. The provisions of that Act are enforced by Sussex Police, not by this Authority. If you believe that works carried out breach that Act concerns should be directed to them. The Council's Tree Officer was fully aware of the works that were due to take place and the Planning Department had also been notified. We are going to investigate adding an informative to such Notices to draw attention to wildlife legislation. We also encourage all applicants to contact local Parish Councils and neighbours before carrying out works on site to inform them what is happening and why.

QUESTION TWELVE

From Mr Wild to the Chair of the Planning Committee, Councillor Chapman

Question

Arun is seen as a 'soft touch, can't care' attitude to protected species by developers who clear land before submitting planning applications to save Ecologist's costs and restrictions: so can Arun DC ensure that any clearance of land likely to have protected species that takes place before submitting a planning application counts against acceptance of the plans? Arun DC should make this known in a press release and on their website. Land to the east of

Heath Place, North Bersted is a recent example where land clearance of wildlife rich habitat has taken place before submission of any plans. Outerwyke Farmhouse is another.

Response

Thank you, Mr Wild, for your question.

Firstly, it is important to understand that planning legislation does not deal with all circumstances and eventualities. So, for example if someone decides to undertake works in advance of applying for planning permission and those works do not require permission then any impact upon protected species is governed by other legislation, for which other organisations, such as Sussex Police take the lead. When we do receive an application for planning permission we check to see if certain ecological information is required for that application to be valid. If this information is provided the application must be made valid. When considering an application for planning permission, a consultation can be carried out with our ecology service provider where needed. Planning permissions are regularly granted with conditions requiring Biodiversity Net Gain to be provided or compliance with plans/documents that show ecological improvements. Land at Heath Place is subject to an active enforcement investigation and the owners of the site have been served with a temporary stop notice. Further enforcement action is currently under consideration.

QUESTION THIRTEEN

From Mr Wild to the Chair of the Planning Committee, Councillor Chapman

Question

Where ecological surveys show protected species, that any failure to act without ecological mitigation is treated seriously by Arun's planning officers, and that they report such matters to the police and put a stop order on the developer? An example is the former LEC Airfield, Bognor Regis, where Sime Derby commissioned a 55 page ecology report showing protected species, but when use of the land was transferred five or six years ago, the whole area was cleared without mitigation, and all Arun's officers would say to me was that it was a police matter – and the police said it was too late as the area was completely cleared and evidence destroyed.

Response

Thank you, Mr Wild, for your further question.

The Council will always seek relevant ecological surveys for any significant development. If planning permissions are granted, these will always secure biodiversity net gain and/or mitigation. I am not able to comment on the specifics of the site referred to in your question, but it is important to remember that, under planning law, it is not an offence to clear a site of protected species prior to submitting an application. Where protected species have been adversely affected from development carried out without planning permission, as in my previous answer I would say the Police have been informed as these offences are enforced by them, not by Arun. I am aware, Mr Wild, that you probably do not consider that this is adequate, but the Council can only act within the law and powers that it has.

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QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 14.3

Q1 Councillor Stanley to the Chair of the Environment Committee, Councillor Edwards

Q1 In response to a question from a member of the public regarding the Place St. Maur Councillor Edwards said "The number of water jets provided are more than in the approved scheme." However in a correspondence I have seen from the Fountain Workshop they say there was "a number of value engineering measures. This included significant reductions to the number of jets and lights, and reducing the specification of the lighting down to white only, rather than the coloured lighting proposed." Can he explain this please?

A1 During the detail design stage there was an aspiration to maximise the number of jets in the completed scheme. However, it was clear that the ultimate number that could be afforded was 45. This is more than the 39 water jets shown on the concept plan presented at and approved by Cabinet on 21 March 2021.

Q2 Councillor Stanley to the Chair of the Environment Committee, Councillor Edwards

Q2 In that same response Councillor Edwards went on to say "The project has been finished later than planned." If the project has now been finished, what happened to the proposed pergola running down the western side of the site and the three splash pools located at the southern end?

A2 The concept plan approved by Cabinet on 21 March 2021 did not include a pergola. The concept plan identified three splash pools at the southern end of the fountains. During the detail design stage these were incorporated as part of the fountain display and are seen when the water jets are functioning.

Q3 Councillor Stanley to the Chair of the Environment Committee, Councillor Edwards

Q3 I have been informed that the final surface for the Place St. Maur will not allow trailers or vehicles to be manoeuvred on it, can Councillor Edwards confirm if this is the case and if so how can events such as the recent TASTE! Food festival be repeated?

A3 I have to say that whoever informed you, I am not quite sure where they got that information from. The Place St Maur has been designed to facilitate events and we would welcome the return of the very successful TASTE! Food Festival. As part of any event vehicles will be able to access Place St Maur. It should be reminded that in the public interest that event organisers respect the newly constructed space and avoid any damage.

COUNCIL MEETING – 9 NOVEMBER 2022

**QUESTIONS FROM MEMBERS PURSUANT TO
COUNCIL PROCEDURE RULE 14.3**

Supp

Q With regard to the surface, that is what I had been informed. Apparently, there was an issue with anchor points which stopped marquees being erected. Can you please comment on this?

Supp

A Thank you for your supplementary. I do not have information to hand about anchor points and so I will have to come back to you on this and provide you with a written response.

Q4 **Councillor Stanley to the Chair of the Environment Committee, Councillor Edwards**

Q4 It has been reported that the Ice Rink will not be positioned on the Place St. Maur this year, it is suggested that the Ice Rink cannot now fit on the Place St Maur. Can Cllr Edwards confirm if this is the case, if not why the Ice Rink is on the London Road Car Park this year?

A4 Place St Maur has been designed to accommodate events including the ice rink, we have had the Levelling-Up Fund and anticipated doing some work on the Regis Centre area this particular winter and so and the reason that the ice-rink will be on London Road and associated with Hotham Park this year is because we wanted to host something much bigger and better for the town. It is going to be a huge event with lots of lighting, lots of fun and lots of stalls and I think that it will be a valuable asset in the run up to Christmas and a little bit after for the town.

Supp

Q I am sure that Councillor Edwards is aware that over the past 4/5 years, the ice rink providers have worked alongside the Bognor Regis Improvement District (BID) and Bognor Regis Town Council to develop a Christmas offering within the town centre. The Town Council has recently invested a significant amount of money on new Christmas lights. Neither the Town Council or the Bognor Regis BID were consulted about what was happening in Hotham Park/London Road and subsequently we have had a number of contacts from business owners who are disappointed over the impact this may have on their business trade. Do you have anything to say about this please?

Supp

A Thank you for your supplementary Councillor Stanley. Again, I do not have any further information, but I am quite happy to go away and discuss with stakeholders such as the Town Council and the Bognor Regis Regeneration Board as well to see what their comments may be on that. Again, I will report back to you in due course.

COUNCIL MEETING – 9 NOVEMBER 2022

**QUESTIONS FROM MEMBERS PURSUANT TO
COUNCIL PROCEDURE RULE 14.3**

Q5 Councillor Stanley to the Chair of the Planning Committee, Councillor Chapman

Q5 I have been dealing with an issue for a constituent for around 3 months now, the issue being that residents cannot access their properties without scraping the underside of their vehicles on the driveway leading to the site. This is a relatively new site and both District and County Council have informed me this is not their responsibility, so far declining a meeting. Would the Chair of Planning meet me on site and extend the invite to his County Council colleague the Cabinet Member for Highways to assist me in finding a resolution.

A5 Thank you for your question.

I am aware that the Council advised your constituent that there was no action this Council could take as there was no relevant breach of the planning permission which was allowed on appeal. Your constituent has subsequently raised this issue through the Council's complaint process which concluded that the Council's response was correct. Subsequently, the Local Government Ombudsman became involved but stated that the matter was outside its jurisdiction because it related to a decision by the Planning Inspectorate, on Appeal. Therefore, in light of this, I do not believe I can add any value by attending a site visit.

Supp

Q The site in question, the issue is with the angle from the highway going into the site into the drive. If you walk past it, you can actually see indentations on the highway and on the footpath where the underside of cars has taken junks out of it. My understanding is the reason there has been no planning breach is because no one asked about the pitch of the driveway whilst it was being constructed. My opinion is, that as the local planning authority, this is something that we have to look to resolve. I ask you with respect Councillor Chapman if you would be satisfied with that kind of access to your property?

Supp

A I did stress in my initial response that this planning application was allowed on appeal, that is by the Planning Inspector, not by Arun District Council. So, in terms of the angle of approach or the scraping of the underside of the car, this is a matter surely between the resident and the developer as Arun District Council did not permit this development the Planning Inspector did. The Ombudsman has already said that they cannot touch it because it was decided on appeal and so I stick by what I have said and in the light of this I do not believe that I can add any value by attending a site visit. At the end of his supplementary, Councillor Stanley asked me for my personal opinion and would I like it? The answer is no, I would not. But when it did happen to me in a house I bought 25 years ago, I went back to the people, through the agent that I had purchased it from and got them to sort it out. So, that was a pragmatic solution.

COUNCIL MEETING – 9 NOVEMBER 2022

**QUESTIONS FROM MEMBERS PURSUANT TO
COUNCIL PROCEDURE RULE 14.3**

My reading of this is that this planning application was not granted by Arun District Council it was granted on appeal by the Planning Inspector.

Q6 Councillor Coster to the Chair of the Policy & Finance Committee, Councillor Gunner

Q6 Can you confirm that you agree with Article 2 of our Constitution that it is sound policy for councillors to be asked to maintain the highest standards of conduct and ethics (Art 2, 3.0(vi)) and to have special responsibility towards the residents in their ward (Art 2, 3.0 (iii)).

A6 I will be delighted to provide a written response to Councillor Coster.

Q7 Councillor Oppler to the Chair of the Policy & Finance Committee, Councillor Gunner

Q7 Having viewed a large number of committee meetings held during this civic year, I have concluded that the standard of chairmanship is generally poor.

The implementation of rules varies considerably, and certain chairmen allow committee members to speak more than once on an item, while another permits councillors to speak only once.

I am also concerned that some chairmen appear confused about the running of the meetings and others do not demonstrate complete impartiality.

Therefore, as a matter of urgency, I call upon the leader to instigate additional training for all chairs and vice chairs of committees on Arun District council.

A7 Thank you Councillor Oppler for your statement.

Q8 Councillor Coster to the Chair of the Planning Committee, Councillor Chapman

Q8 Would you agree that (excluding appeals, judicial reviews or call-ins of course) in respect of planning applications which involve trees subject to Tree Preservation Orders your committee, as advised by our arboriculturist officer, is the ultimate decision-maker on what work should or should not be permitted to such trees? I appreciate that such decisions are often made by officers under delegated powers, but would you agree that your committee is the ultimate decision-maker?

A8 In principle, my answer to Councillor Coster's question is yes. However, the health warning on that is that I will seek further advice to ensure that my answer is correct. If necessary, I will respond further in writing.

COUNCIL MEETING – 9 NOVEMBER 2022

**QUESTIONS FROM MEMBERS PURSUANT TO
COUNCIL PROCEDURE RULE 14.3**

Supp

Q In view of your response, and I am not asking you to make any comment on any individual application, can I ask you to ensure that any application that involves work to a TPO tree, where it is of some considerable age and significance to the street scene, and is healthy and not causing a nuisance, that it comes before your committee for consideration? Can I also ask for your assurance that your committee will be fully briefed on the importance of treating such trees with the greatest of care as set out in the NPPF, paragraphs 131 174b and 180c, plus it also comments on irreplaceable habitats and the committee is briefed on our local plan policy VDM4 stating that development will only be permitted where it can be demonstrated that TPO trees will not be damaged or destroyed and that development works do not have a negative impact on existing trees. So, finally, in view of all of this, I am asking Councillor Chapman for an assurance that you and your committee will recognise that excessive pruning to important TPO trees to suit the convenience of developers completely undermines the purpose of a Tree Preservation Order (TPO). As also does the felling of such trees with the replacement of immature small trees which will take many years to mature.

Supp

A Of course, in principle, I agree with all of the points that Councillor Coster has made within his supplementary. It is plain common sense, and it should happen in that way. We do rely on expert advice from our Arboriculturist in these matters, and it does happen sometimes that developers and other interested parties may prune a tree to an excessive amount. We would always do our best to avoid that but in principle I would agree with the line that Councillor Coster has taken in his supplementary, it is good common sense, however, as I have said with my previous answer, I will take further advice from the expert planners to give a definitive answer.

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