QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 13.3

Q1 <u>Councillor Clayden to the Cabinet Member for Residential Services,</u> <u>Councillor Mrs Gregory</u>

- **Q1** Can the Cabinet Member for Residential Services now confirm that all elected Members of this council are fully compliant with their responsibility's regarding the payment of council tax?
- A1 Thank you for your question. No, three Councillors remain uncompliant.

Supp

Q1 I am disappointed with this response and the fact that the Council has three Councillors who have not, despite receiving 5-6 month's of allowances, not settled their debt. Can you please confirm what the Counci is doing to ensure that these debts are cleared?

Supp

A1 I cannot respond in full this evening and so I shall provide a response in writing.

A request was made that this response be copied to all Members of the Council.

Q2 Councillor Ms Thurston to the Leader of the Council, Councillor Dr Walsh

- **Q2** Transport for the South East is a new body created to plan strategy for transport across the south east. It has just published its draft transport strategy for consultation. I believe this is a very important document for the Council as it will result in long term benefits for our communities. Given the Council's forthcoming planning activity, can the Leader assure me that the Council will respond to the consultation by the deadline of 10 January 2020? I have spoken to officers and the response can be formulated by the Chief Executive and party Group Leaders, in consultation with the Group Head of Planning and the Cabinet Member for Planning".
- A2 Thank you for your question. Yes, I can give you an assurance that the Council will respond to this consultation by the deadline date of 10 January 2020.

Supp

Q2 I was drawing Members' attention to this consultation and report and I wish to outline that anyone can respond to this consultation. I would like to ask that a Member Briefing is organised at some stage so that Members are made aware of this matter perhaps in early in 2020 when the report has been finalised.

Supp

A2 I am happy for this to be arranged and once the Council's response has been formulated.

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Q3 <u>From Councillor Chapman to the Leader of the Council, Councillor Dr</u> <u>Walsh</u>

Q3 At the Council meeting held on 18 September I asked you a question specifically relating to the exclusion of the Conservative Group from meetings of the Leaders and Deputy Leaders of the political groups of the Council with the Chief Executive at which future strategies of the Council would be discussed.

In your written response you stated, among other things, that "the Liberal Democrats and Independent Group currently have 28 seats and have together decided to hold strategic policy discussions in private before bringing them to Committee or Cabinet."

On the basis of this response I then asked you in a supplementary question; "your response indicates that your Group including the Independent Group have 28 seats so are you in formal coalition with the independent Group?"

Your answer was "we are not in a formal coalition we are a Liberal Democrat minority with general support via a Memo of Understanding with the independents and Greens."

Since you made that response, I have taken the trouble to examine the detail that you gave and have found that;

Firstly; the decision to exclude the Conservative Group from strategic discussions was not, in fact, supported by the Independent Group, it was supported by the Leader of the Independent Group Cllr Dixon.

Secondly; your claim to have a Memo of Understanding with the Independent Group relies on a statement made to this Council by Cllr Dixon at the last Annual meeting in which he made clear that his Group would work "in a spirit of cooperation with the Liberal Democrats" but "there would be no whip and that where there was no consensus members will be free to vote as their conscience dictates." This does not indicate to me that you have a memorandum of understanding upon which your claim to have 28 votes can be substantiated in regard to the strategies and policies needing to be decided by this Council.

In view of the points above, therefore, will you now give an answer to this specific question "how does the decision taken by the Liberal Democrat Group and Cllr Dixon meet the principles of representative Democracy on which the Constitution of this Council is founded so that "clear leadership to the community in partnership with residents, businesses and other organisations" can be honourably and consistently delivered?

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A3 Thank you Councillor Chapman for the question. The agreement by the Independent Group to offer broad support to the Liberal Democrat Group, with support also from the Green Group, gives an effective working majority in the Council, in accordance with the wishes of the local electorate in May 2019. This meets the principles of representative democracy through the ballot box, and accords with the Constitution of the Council through the proportionality rules for committee places etc. All Members of the Council are fully involved in discussing and delivering the strategic policies of the Council, but the meeting from which the Conservative Group was excluded was in fact a meeting of the Leaders of those groups supporting the new administration, prior to proposals coming to Council, Committees or Cabinet. Your previous Conservative administrations over 40 years routinely did not involve Opposition Group Leaders in such discussions. Clear leadership is being given to and in the community through existing and new partnerships with residents, businesses and other organisations, and more generally through a commitment to earlier, wider and more meaningful public consultations with residents and stakeholder groups.

Q4 Councillor Northeast to the Leader of the Council, Councillor Dr Walsh

Q4 The Sir Richard Hotham Project wrote to you many weeks ago seeking a meeting to discuss their Regeneration project for Bognor Regis encompassing 3e sites owned by the Council. Since then, apart from a brief acknowledgement, there has been no further response.

In the light of the decision to abandon the Linear Park project, will he:

1. confirm whether or not the Council intends to respond to the SRH request and when

2. state whether or not the position of the previous administration as landowner re SRH will continue or whether a more balanced view of engagement will emerge

3. agree that this project with full planning permission, fully drawn-up plans and funding is now the most-advanced Regeneration proposal and that Councillors should have opportunity to consider it on its merits and stage of development based on a level playing field

4. agree that whatever Councillors' personal preferences, the duty is to consider the well-being of Bognor Regis and its residents, and that as landowner the sites are held in trust for them rather than being 'private property'

5. agree that a flexible, open approach by SRH and Arun, within the context of the planning consent given by the Inspector, is the most assured route to a successful regeneration and also to other ideas/proposals being considered for incorporation within the scheme with the prospect of the £90m funding secured by SRH gaining additional private and public sector funding

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6. Confirm that cross-subsidy remains a key element between the Regis Centre and Hothamton sites and that sustainable Regeneration not redevelopment is the overriding objective

and

7. that the public should be consulted as a detailed implementation is progressed.

Does he understand that Regeneration figures highly in the concerns of residents and that many feel we should get Regeneration done, after at least twenty years and 4 since the consultation?

A4 Thank you for your question Councillor Northeast. I am sure you are aware of the facts surrounding the decisions already made by Arun District Council, but I will take this opportunity to remind you.

The first report went to Full Council on 9 November 2016. This considered the Council's position, as landowner, to any planning application received relating to the regeneration of the Regis and Hothamton car park sites. It was resolved that it would not be appropriate for the Council to make any binding decisions, regarding its position as landowner, until after certain milestones had been reached. These were that a feasibility study was completed for the development of the sites and that the Council had determined the course of action it wished to pursue to take forward redevelopment.

The second relevant report went to the Bognor Regis Regeneration Sub-Committee on 27 February 2017 and Full Council on 8 March 2017. This report set out the conclusions of the feasibility studies and development options (based on consultation feedback) on the Regis Centre and Hothamton Car Park sites.

It was resolved that the Gardens by the Sea/Winter Gardens concept be supported and that Option 2 (New Theatre Option) of the Masterplan for the Regis Centre site was the preferred option. Since then the Council had been developing more detailed plans to progress the Masterplan and had focused on delivery of a new park, [then] (Pavilion) at the Hothamton site.

You may not be aware that the Chief Executive responded to Thomas Elliott at the Sir Richard Hotham Project by email on 7 November.

He reminded Mr Elliott that the land in question is owned and controlled by Arun District Council. Following the change of administration in May 2019, a report was considered by Cabinet on 8 July 2019 in which the Council reconsidered the Pavilion Park proposals and the future of the Hothamton site. It was resolved that the previously approved proposals for the new park be terminated and three alternative proposals be prepared for public consultation for the areas previously designated for the Pavilion Park, which focus on the Sunken

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Gardens and Hothamton play areas only, and retain the split levels. These proposals will not include any residential development and the health centre will not be affected by any of the plans put forward. The Council decision of 18 July 2018 was to 'reaffirm not making any commitment as landowner to enter into any binding legal agreements pursuant to the granting of any planning permission in 2018, for the regeneration of the Regis Centre and Hothamton car park sites under its freehold ownership'. This position remains unchanged.

I am not aware of a recent request from Sir Richard Hotham Project to meet with myself or the Chief Executive although I am aware that representatives have met with some Officers in the past. The Chief Executive stated in his email of 7 November that he would be willing to do so in order to make the Council's position abundantly clear.

The Council is focusing on the Sunken Garden options and a report will be taken to Cabinet in Spring 2020.

Supp

Q Thank you for your answers, however, I feel that with item 6, I cannot see from the response that this has been addressed. Can that cross-subsidy remain the key element between the Regis Centre and the Hothamton site and that sustainable regeneration and not development is the overriding objective?.

Supp

A This is correct. We wish to see regeneration not more and more redevelopment of housing units in that part of Bognor Regis.

Q5 <u>From Councillor Dixon to the Cabinet Member for Planning, Councillor</u> <u>Lury</u>

Q5 On 1 November the House of Commons Environment Food and Rural Affairs Committee published a report called "Coastal Flooding and Erosion, and adaptation to climate change: Interim Report". The Committee was so concerned by the evidence it heard that it decided to rush out an interim report in advance of the General Election. (Source: see 1 below)

In essence, DEFRAS's Select Committee has concluded that some local authorities are allowing "inappropriate development" in coastal areas which are at high risk from flooding and erosion, in order to achieve centrally-driven housing targets.

Concerns raised in the report include;

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"The committee received evidence that local authorities are not effectively using their land use planning powers to prevent inappropriate development in areas at risk of flooding or erosion or to support adaptation measures or planned realignments of the coastline in SMPs."

and

"The National Trust suggested that some local authorities were not designating areas at risk of coastal change over the next 100 years as Coastal Change Management Areas (CCMA) in their local plans, which would restrict development, because it would prevent them from meeting their targets for house building."

One of the conclusions in the report states;

"The Ministry of Housing, Communities and Local Government Ministers should respond to concerns that their house building targets may be leading to councils allowing inappropriate development in areas at risk from flooding and erosion; and to what extent the planning system as a whole is currently prioritising managing the risks from coastal flooding and erosion or needs strengthening."

Selsey to Pagham Beaches, Spit and Tidal Inlet is identified in the national top 10 potential CCMAs but is not designated in the Arun Local Plan. (Source: see 2 below).

Do you agree with me that the Council should take urgent steps to designate Pagham as a Coastal Change Management Area?

If so, could this be achieved through a new Development Planning Document?

This report reinforces the concerns raised in our recent motion relating to climate change and the implications for large scale development on the coastal plain - do you agree with me that we should also raise this matter with the Minister when we meet him to discuss the motion?

Sources:

Source 1 - Coastal Flooding and Erosion, and adaptation to climate change: Interim Report – see <u>https://publications.parliament.uk/pa/cm201920/cmselect/cmenvfru/56/56.pdf</u>

Source 2 - Royal Haskoning DHV 2019 Coastal Change Management Areas: Opportunities for more sustainable solutions in areas subject to coastal change. Natural England Commissioned Reports, number 275 – published January 2019) – see <u>http://publications.naturalengland.org.uk/file/5869554089852928</u>

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A5 Councillor Dixon, thank you for your question.

I am sure you will agree with me that it is always sensible to consider additional evidence or opinions in a measured way and I know officers will consider the content of both reports in the coming months.

In terms of the first report by the Select Committee I can confirm that the only strategic allocation in the Local Plan acknowledged to be at risk from coastal erosion or flooding is at West Bank, Littlehampton. However, as you will be aware the provision of new flood defences to serve both the proposed and existing communities are proposed.

Of more concern is the potential risk from coastal erosion or flooding to existing communities. The Council over the coming months and years will have to consider how best to tackle these challenges having regard to the level of resources available. In this regard the second report published by Natural England into potential Coastal Change Management Areas is helpful and officers will consider it carefully, although it should be noted that they had no input to it and were not aware of it until its publication.

It is important to recognise that the suggested CCMA covers the Pagham Beach area and not the development sites further inland. Indeed as you will be aware significant amounts of the existing residential development in the Pagham Beach area is actually built on the remnants of a former spit. The controlled breach cited in the NE report is a community led proposal (not Arun, Chichester DC or EA) and has yet to be implemented as the spit naturally breached in 2016.

The Shoreline Management Plan for this area is currently being reviewed and the relevant outcomes of this review will be brought before members in due course. Any consideration of the need to designate this area as a CCMA should follow (and not preceed) this review.

If in due course a CCMA is designated then this would be reflected in any subsequent Local Plan and its policies. However, these policies would in the main impact upon existing communities rather than any future development.

It may be helpful to raise the matter with the minister but with the objective of seeking funding to support the necessary research and analysis into the dynamic situation along the coast at Pagham.

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Q6 From Councillor Dixon to the Leader of the Council, Councillor Dr Walsh

Q6 As part of our election campaigning we pledged to challenge/review the Local Plan produced by the previous administration and, in essence, to explore what changes, if any, are possible.

In pursuit of transparency it is important that we provide the public with an update on the work we have undertaken so far.

My understanding is as follows;

Lib Dems, Independent and Green groups have together reviewed Local Plan options internally over the last 5 months, have taken advice from officers, and have informally concluded that:

- a) We cannot open up the Local Plan to a full review, including a review of existing strategic locations, without exposing the Council to the risk of legal challenges and substantial compensation payments.
- b) We cannot open up the Local Plan to a full review, without making provision for a further 6,000 houses.
- c) Any costs associated with a full review, although unknown at this stage, would be substantial.

We therefore have no choice other than to work with the Local Plan, as inherited from the previous administration, whilst at the same time robustly examining all planning applications for their full compliance with Local Plan policies.

We can and will:

- d) Introduce Supplementary Planning Guidance to strengthen existing policies
- e) Update Development Management Policies to make them more robust

If the Local Plan, as created by the previous administration, proves to be a failure in that it does not meet the required Housing Land Supply and Housing Delivery Targets over a two year period, then we will, in any case, have no choice other than to review it.

Is this an accurate assessment of the situation as it currently stands?

If so, should the Council take appropriate steps to inform the public?

A6 Thank you for your question Councillor Dixon. The general tenor of your summary regarding the existing Local Plan is correct. Regarding the future you will be aware that the next report on the agenda to be considered at this meeting relates to the Council priorities and states to continue to deliver the Local Plan whilst developing a new planning framework to deliver the Council's priorities:-This includes: Improving the level of sustainability and infrastructure in new

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developments and the Council's response to Environment and Climate Change. The Council will introduce additional and updated Supplementary Planning Documents and revised Development Management Policies as part of commencing a Local Plan review to reflect the change in Council priorities. Should Members endorse this approach this evening then officers will prepare an appropriate report for a future Planning Policy Sub Committee with specific recommendations and this item was included on the Forward Plan on 1 November 2019. These recommendations will come back to Full Council for agreement. This would be the appropriate time to communicate the agreed way forward to a wider audience.

Q7 From Councillor Dixon to the Leader of the Council, Councillor Dr Walsh

Q7 As you know, back in 2008, I was one of the promoters of proposals for an Eco Town at Ford Airfield.

One of the objectives we had in mind at that time was to provide an opportunity for inmates from HM Prison Ford (category D) to work on the site. The idea was to provide vocational training combined with on the job work experience, and thus to enable some inmates to leave prison as <u>experienced</u> carpenters, bricklayers, roofers, electricians, plumbers, scaffolders etc.

The 520 or so inmates at Ford are temporary residents in our district and, whilst they are here, this local authority can, and should, do as much as it can to create circumstances that will help them to integrate back into society once they have paid their debt.

It seems to me that, if we are compelled to build 20,000 new homes by government, we can at least use the large-scale strategic developments as an opportunity to provide training and work experience for inmates of HM Prison Ford.

Obviously, we would need to discuss this first with the management of HM Prison Ford and perhaps also the Ministry of Justice to ascertain if they are willing to support such a scheme (there may already be similar precedents elsewhere in the country?).

Developers might need an "incentive" to support such a scheme and I have in mind the creation of Supplementary Planning Guidance or Section 106 agreements – i.e. for every 100 houses on a strategic development this local planning authority "requires" that the developer provides vocational training and work experience for X inmates.

Would you be willing to explore this possibility?

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A7 Thank you Councillor Dixon for your question. Whilst I support the underlying objective behind your question I am aware that the Prison already has several training programmes along similar lines to what you suggest. We will therefore make enquires with the Prison to see whether such an initiative is necessary.

Q8 <u>From Councillor Charles to the Cabinet Member for Technical Services,</u> <u>Councillor Stanley</u>

Q8 There has been much recent speculation in the Bognor area about the future of Bognor Regis Town Hall.

What is Arun District Council's Policy on the retention of disposal of this building?

A8 Thank you Councillor Charles for your question. You may have noted that this matter is one which is due to be discussed in the next agenda item as part of considering the Council's future priorities. I look forward to hearing any debate on this subject.

Q9 <u>From Councillor Edwards to the Leader of the Council, Councillor Dr</u> <u>Walsh</u>

Q9 At the first Cabinet Meeting of this administration a member of the public asked whether the £325,000 spent up to that date on the proposed Pavilion Park would now be wasted. Councillor Dr Walsh, you stated that the monies would not be wasted.

At a subsequent Council meeting in response to a question from Councillor Chapman, you stated, unequivocally that elements of the scheme on which the money had been spent, would not be included in any new scheme. These two statements appear to be contradictory.

In light of that contradiction what is this administration doing to ensure the taxpayers money has not been wasted.

A9 A Cabinet Briefing Workshop was held on Monday 11 November 2019 with officers and Landscape Consultants LUC to agree the essential elements of the new Sunken Gardens project and ensure that elements such as the original survey work and site analysis can be used to inform the new scheme. The sum spent to date of the £325k is £90k.

Supp

Q I am unsure as to what has happened to the £325k already spent on this scheme for Pavilion Park as you state that only £90k has been spent so are we still £235k in credit?

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Supp

A It is quite simple, £90k has been spent out of the £325k.

Q10 From Councillor Coster to the Leader of the Council, Councillor Dr Walsh

Q10 We have a Local Plan with excellent major strategic objectives, including "...the provision of...better infrastructure including road access..." and which also refers to the West Sussex Transport Plan 2011 - 2026 identifying key transport issues in the District including "Road congestion during peak hours which causes disruption and air pollution..."

We also have a key Transport Policy, TSP1 which seeks to ensure that growth in the District reduces congestion and that development contributes to highway improvements, reduces the need to travel by car and that the "transport effects of development on the local and strategic road network can be satisfactorily mitigated..."

Our Local Plan also has an excellent section on Air Pollution which states that: "A significant contributor to air pollution in Arun is traffic congestion..." and a Policy QE DM3 which requires all major development proposals to contribute "towards the improvement of the highway network where the development is predicted to result in increased congestion on the highway network."

And I am delighted to see Councillor Charles supporting all this in his foreword to the Plan where he says: "We want new development to help us tackle infrastucture difficulties in order to free up lost business hours and enable people to plan their journeys with more certainty."

And yet, in spite of all these fine words we repeatedly have major planning applications coming to Development Control where our ability to apply these crucial major objectives and policies is effectively undermined and destroyed by the statutory consultee West Sussex County Council Highways Department. I am not criticising any particular officer, but this department almost without exception either fails to object to the damaging effect of hundreds, sometimes thousands, more cars being thrown onto our roads, or requires such feeble mitigation and insignificant "improvements" as to make no difference whatever to the resulting congestion, pollution and delays that our residents suffer even now.

To ignore this disaster in the making is the modern equivalent of fiddling while Rome burns, and if we have any respect for the residents of our District this cannot be allowed to continue. I am therefore asking what action this Council will take, with immediate effect, to work with West Sussex County Council in correcting this disastrous state of affairs?

A10 Thank you for your question.

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Whilst, I understand your desire for a greater scale of mitigation or improvements it is important to recognise that the County Council like us is governed by the same guidance which is set out in the National Planning Policy Framework. Specifically, paragraph 109 which states;

"Development should only be prevented or refused on highways grounds if there would be an <u>unacceptable impact</u> on highway safety, or the residual cumulative impacts on the road network would be <u>severe</u>."

These are very high hurdles to overcome. If we seek change, then our fire needs to be directed at Whitehall not County Hall.

Overall, I believe if we look at what has been collectively achieved or secured with the County Council, it is clear that there has been or will be significant improvements to the A259, A284 and A29. However, I believe we collectively need to do more to encourage walking and cycling and therefore I am pleased to learn that as a Council we are looking to develop and expand existing strategies to improve the existing network supported financially by new development.

Supp

Q What action will this Council take to work with WSCC in correcting this state of affairs. What we can do in conjunction with WSCC to work on the unacceptable impact for highway safety. Your responses are subjective comments and you state that the fire needs to be directed towards Whitehall and not WSCC. However, I am asking if we can work with WSCC to direct the fire to Whitehall in terms of the issues raised in connection with pollution. There are many issues here that need to be raised and I am asking if you can confirm what action will be taken to work with WSCC? I am asking you to give some confidence that you will make moves as far as we can to work with WSCC to correct this state of affair.

Supp

A You say that the unacceptable impact on the community is severe and my responses are subjective comments. All of this has been tested in the Courts and elsewhere and are extremely high hurdles to overcome. It is a lack of legislation not interpretation by WSCC that needs to be looked at. The Council's Officers are working all of the time with WSSCC to mitigate affects of development.

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Q11 <u>From Councillor Goodheart to the Cabinet Member for Technical</u> <u>Services, Councillor Stanley</u>

- Q11 Is there a bigger regeneration picture for Bognor Regis, if no why not? If yes please, can it be shared?
 Does it include all the land owned by ADC within the greater Bognor Regis area?
 Does the chair agree that the development of the lorry & coach park should be part of a bigger project, than just student accommodation & car-parking which includes the police station?
 Do you as the chair agree that the whole debate for regeneration of Bognor Regis needs to be started again.
- A11 Thank you for your question Councillor Goodheart.

In terms of regeneration plans the 2003 Bognor Regis Masterplan still remains a very relevant document. I believe it would be a mistake to start the whole process again when what we need to be focusing on is delivery.

The people of Bognor Regis have waited too long already, and we have a great deal of information that already exists including the ideas and responses received back in 2015 from the consultations.

An immediate concern is the challenges that our town centres face, hence why in the report on the Council's priorities which is before us tonight the focus of our regeneration activity is on helping the town centres.

Regarding the London Road Car Park, as a Council we need to ask ourselves a question. What is more important – progressing a something which achieves much of what we seek or continue waiting for the perfect scheme?

Supp

Q I was hoping for a verbal response. What are the plans as regeneration is such an important issue and we have not seen much of it from the previous administration. With the new administration I and many others are expecting to see initiatives showing that there is the understanding that Bognor Regis has a lot to offer. I hope that as Chairman of the Bognor Regis Regeneration Sub-Committee you understand what is needed going forward as we are now being told that it will be Town Centre regeneration which does not cover all of Bognor Regis.

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Supp

A There was a written response provided and circulated to the meeting. Bognor Regis has massive potential and the regeneration of it is long overdue. The Town Centre Regeneration is a priority area but not the only area we need to focus upon in the Town. I am more than happy to meet with you to discuss regeneration further.