

COTSWOLD DISTRICT COUNCIL

COUNCIL  
(SPECIAL MEETING)

(HELD AT CIRENCESTER BAPTIST CHURCH,  
CHESTERTON LANE, CIRENCESTER)

3<sup>RD</sup> AUGUST 2018

Present:

Councillor Julian Beale - Chairman  
Councillor David Fowles - Vice-Chairman

Councillors -

SI Andrews	RL Hughes
Mark F Annett	Mrs SL Jepson
AW Berry	RG Keeling
AR Brassington	Juliet Layton
T Cheung	MGE MacKenzie-Charrington
Sue Coakley	NJW Parsons
Alison Coggins	SDE Parsons
Andrew Doherty	Tina Stevenson
Jenny Forde	Lynden Stowe
JA Harris	R Theodoulou
SG Hirst	LR Wilkins
RC Hughes	

Apologies:

PCB Coleman	Jenny Hincks
RW Dutton	RA Morgan
C Hancock	Dilys Neill
M Harris	NP Robbins
Maggie Heaven	

CL.10 CHAIRMAN'S OPENING COMMENTS

The Chairman thanked Pastor Frost and his team for hosting this Special Council Meeting and for their help in making the arrangements.

The Chairman welcomed councillors, officers, and members of the public and Press to what was a very important Meeting. In so doing, he reminded those present that, as this was a special meeting, there were various constitutional matters which would govern the proceedings. As such, the agenda items were restricted to those matters for which the special meeting had specifically been convened - i.e. Adoption of Cotswold District Local Plan 2011-2031, and Adoption of Cotswold District Community Infrastructure Levy Charging Schedule - plus apologies for absence and declarations of interest.

CL.11 DECLARATIONS OF INTEREST

The Head of Democratic Services explained that as Members were dealing with the adoption of a District-wide Local Plan, it could be suggested that every Member had an interest in the matter before them. However, as that interest was no more or less than other council tax payers, ratepayers or inhabitants of the authority's area in general, then there was no need to declare a formal interest in the matter. However, if any Member had an interest in any specific matter, then the Member concerned would need to assess whether a formal declaration was required having regard to the requirements of the Code of Conduct.

The Head of Democratic Services also referred to the absence of Councillor Mark Harris from the Meeting. He reminded those present that Councillor Harris had elected not to take part in either of the Special Council Meetings held in connection with the BDL application relating to the strategic site at Chesterton, Cirencester, not due to any specific interest, but related to issues of perception of apparent bias due to his association with the land-owner of the strategic development site. On the basis that the strategic site formed a key part of the Local Plan, and given that he would not wish to do anything that might prejudice the Local Plan process, with any consequent impact on the reputation of the Council - and also on the grounds of consistency - Councillor Harris had elected not to take part in this Special Meeting either.

In commending the actions of Councillor Mark Harris, Councillor JA Harris asked why the three Conservative Councillors who were members of the Cirencester Bull Club, of which the Earl Bathurst was also a member - Councillors AW Berry, NJW Parsons and SDE Parsons - had chosen not to withdraw for reasons relating to transparency and an apparent conflict of interest. He was particularly conscious of the fact that Councillor NJW Parsons has not taken part in the meetings relating to the BDL application.

The Head of Democratic Services advised that it was for each individual Member to determine whether he/she had an interest in a particular matter and, if so, the nature of that interest and whether a declaration was required. Members were also reminded that the external Legal Adviser engaged to support the Council in its consideration of the BDL application had been of the view that the associations with the Bull Club, and indeed the other interests and associations identified as part of the questionnaire/interview process that had been undertaken in advance of the BDL meetings, had not been of a level that required disclosure of any interest; and he had apprised the Council of recent case law relating to a Member's ability to participate in the determination of a planning application in light of a declared interest. The external Legal Adviser had confirmed that such advice held for this Meeting and, as such, the Head of Democratic Services reiterated that it was entirely within the gift of each councillor to decide whether an interest applied.

Councillor NJW Parsons explained that the comments of Councillor JA Harris were incorrect insofar as he was concerned, as he had absented himself from the Special Council Meetings held to determine the BDL application due to his role of Cabinet Member for Forward Planning and his lead responsibility for the Local Plan - and he had been of the view that it was not appropriate for him to take part in the determination of the application as it related to the site which was key to the Local Plan.

Councillor AW Berry explained that a formal complaint had been made against his, and others', membership of the Bull Club but that, following an independent standards adjudication, no fault or breach had been found. Councillor SDE Parsons confirmed that he had also received the same advice and outcome in this respect.

For the avoidance of doubt, Councillor Lynden Stowe explained that he had taken the view that the matter before Members was the adoption of a District-wide Local Plan, which did not simply focus on Cirencester - and that was why he had decided to take part in the meeting. However, he confirmed that should he become aware of any specific interest during the course of the debate that required a formal declaration, then he would do so at the appropriate time and take any necessary action.

(1) Declarations by Members

No Disclosable Pecuniary Interests, or other interests, were identified by any Member.

(2) Declarations by Officers

There were no declarations from Officers.

CL.12 ADOPTION OF COTSWOLD DISTRICT LOCAL PLAN 2011-2031

The Council was requested to formally adopt the review of the Cotswold District Local Plan 2011-2031 and, in so doing, ensure that an up-to-date Local Plan would be in place as the starting point for the determination of planning applications.

Prior to the formal debate, the Forward Planning Manager explained that, subsequent to the publication of the meeting papers, the following two additional modifications had been identified:-

- on Inset 2 - Cirencester Centre (page 43 of the Local Plan document - Appendix 1), to address the fact that the Secondary Frontage at West Market Place had been incorrectly drawn a few metres to the south and, as a consequence, it had incorrectly partially overlaid the Primary Shopping Frontage;
- the Cirencester Central Area Strategy (page 50 of the Local Plan document - Appendix 1), had been incorrectly labelled as 'Policy S3', and this needed to be deleted.

A document which detailed these additional modifications, and incorporated a revised map of the Secondary Frontage at West Market Place, had been circulated prior to the start of the Meeting.

In introducing the item, the Deputy Leader of the Council and Cabinet Member for Forward Planning, Councillor NJW Parsons, explained that the Council had, in essence, two options - it could either agree to adopt the Local Plan or refuse adoption - and drew attention to the risks associated with each option.

The circulated report set out the various implications associated with Members' consideration of adoption of the Local Plan, and highlighted the Main Modifications, the Additional Modifications, a number of Minor Changes proposed to address ambiguity in the Local Plan, and the content of the Sustainability Appraisal Post-Adoption Statement. Copies of the following documents had been included in the meeting papers:-

- Appendix 1 - Cotswold District Local Plan 2011-2031 (draft version for adoption);
- Appendix 2 - Schedule of Additional Modifications;
- Appendix 3 - Schedule of amendments to specifically address ambiguity relating to the definition of Cirencester Town Centre;
- Appendices 4 and 4(a) - Report of the Examination of the Cotswold District Local Plan 2011-2031 and Appendix (The Planning Inspectorate, 5th June 2018).
- Appendix 5 - List of further amendments recommended in the Inspector's report, over and above those published in the Main Modifications consultation.

The Cabinet Member reminded the Council that the Local Plan process had included (i) the submission draft being presented for public examination, (ii) the Inspector then producing modifications, which had been subject to further consultation by the Council, and (iii) a final report being produced by the Inspector. The Cabinet Member also amplified various aspects of the report, and explained that, subject to adoption, the Council would publish the Local Plan on its website, 'hard' copies would be made available at the Council's Offices and in public libraries, and CD copies would be available to purchase.

The Cabinet Member explained that work relating to a Cirencester Masterplan, involving the Town Council and many other interested parties, would commence as soon as possible after Plan adoption. Councillor Parsons reminded Members that, under the new National Planning Policy Framework (NPPF) arrangements, the Local Plan would be due for review after five years and concluded by urging Members to vote in favour of adoption of the Local Plan.

With particular regard to the updated NPPF, the Forward Planning Manager advised as follows:-

- the publication of the revised NPPF did not mean that the Local Plan should not be adopted - the updated documentation confirmed that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF; and transitional arrangements allowed for emerging plans to be examined under the previous NPPF provided that they were submitted on or before 24<sup>th</sup> January 2019 (which date was 18 months after the Cotswold District Local Plan had been submitted);
- in the unlikely event that significant inconsistencies were identified between the Local Plan's policies and the revised NPPF, a partial review of the Local Plan would be considered at the earliest opportunity (otherwise any inconsistencies would be picked up as part of the five-year review of the Plan).

Councillor JA Harris queried why Public Questions had not been included within the Meeting's proceedings and commented that this was key to the Council understanding the public opinion of the Local Plan. Councillor Harris also requested that copies of the Public Questions that had been submitted, and relevant answers, be provided to all Members so that they could be aware of them in advance of their deliberations. In response, the Chairman reiterated that, whilst the Special Meeting was 'open' to the public, the Council's Constitution clearly set out the limited range of business that could be transacted at special meetings. The Chairman also confirmed that such interpretation had been confirmed through external legal advice. The Chairman added that there had been extensive opportunity for public consultation on the Plan and that Councillor Harris had been copied into the Public Questions submitted by Save Our Cirencester. The Head of Democratic Services confirmed that the Council's Constitution clearly stated that Public Questions were permitted at Ordinary Meetings of the Council, Cabinet and Committees; and reiterated the reasons why those public questions should not be taken at the meeting (in line with the advice received). Notwithstanding this, he reported that responses to the various questions had been sent to the questioners earlier that morning.

Councillor Harris then expressed his overall disappointment with the Local Plan. He was of the view that the Plan represented a 'long and torturous' process and felt that all parties were simply pleased that the Plan was near to being put in place. Councillor Harris thanked the Council's Officers for their work in connection to the Plan but expressed the opinion that their work had been hampered by a lack of resources. He also considered the Plan to be 'flaccid' and merely 'ticking a box'. Councillor Harris explained that whilst the vast majority of the Plan was straightforward and not contentious, the remainder had not been so, given that it was underpinned by the highly controversial Chesterton allocation. Councillor Harris also expressed disappointment that the Council was amongst the last to adopt its Plan. In conclusion, Councillor Harris felt that the Plan did not address the need for affordable housing, and that the level of affordable homes contained within the Chesterton development was disgraceful.

A Member expressed his support for adoption of the Local Plan and highlighted the fact that residents in the north of the District situated around Chipping Campden had seen nearly twice the amount of development within the same radius as Cirencester - and felt that many areas had accommodated a fair share of affordable homes and development in general. The Member also commended the Council on working with 'ever-changing' government policy and highlighted the fact the Council would now have a full Local Plan which positioned itself exceptionally well against the majority of District Councils across the country who had adopted a Core Strategy approach.

It was PROPOSED and SECONDED that the Plan be adopted as recommended, including the incorporation of the two additional modifications identified at the start of the meeting.

Several Members expressed support for the Proposition. In so doing, various matters were highlighted, including the fact that the Chesterton application had been approved following a full debate by the Council; attempts had been made, having regard to sustainability, to allow small-scale developments in communities; and the Council had over-achieved on its target delivery of affordable housing every year, which was an exceptional achievement.

Reference was also made to the extensive work carried out in respect of the Local Plan, which had included a cross-party Local Plan Programme Board; the extensive public engagement; and the independence of the examination process.

A Member commented that the work of the Local Plan Programme Board related more to the process and programme for the Plan, rather than its content. She added that whilst she was in admiration of Officers for their work in relation to the Plan, she would abstain from voting due to her long-standing concerns over the number of houses contained within the Chesterton allocation. Notwithstanding this, she believed that adoption of the Plan would prove beneficial to town/parish councils, particularly those wishing to develop Neighbourhood Plans.

**RESOLVED that:**

**(a) in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, and subject to the two additional modifications circulated at the Meeting, the Council adopts the contents of the Local Plan, as set out at Appendix 1 to the circulated report;**

**(b) the Deputy Leader of the Council and Cabinet Member for Forward Planning be authorised to approve (i) the presentational style of the final version document, including photographs and illustrations; and (ii) any final factual, grammatical and/or typographical errors that have not previously been identified and which would not materially affect the content or meaning of the Plan.**

**Record of Voting - for 18, against 3, abstentions 4, absent 9.**

Notes:

(i) A copy of the document detailing the two additional modifications identified by Officers at the Meeting is attached to the signed copy of the Minutes.

(ii) On behalf of the Council, Councillor NJW Parsons wished to extend his thanks to all Officers for their unstinting work in bringing the Local Plan to adoption. He also informed Members that the published document would contain a message in memoriam to former Principal Planning Policy Officer Tiina Emsley, who had sadly passed away during the course of the Local Plan project.

**CL.13 ADOPTION OF COTSWOLD DISTRICT COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE**

The Council was requested to formally adopt the Cotswold District Community Infrastructure Levy (CIL) Charging Schedule and, in so doing, seek to secure an appropriate level of infrastructure provision to support new development identified in the Local Plan.

The circulated report set out the various implications associated with Members' consideration of adoption of the Charging Schedule, and relevant background information. Copies of the following documents had been included in the meeting papers:-

- Appendix 1 - Cotswold District Community Infrastructure Levy: Charging Schedule;
- Appendix 2 - Regulation 123 List;
- Appendix 3 - Instalments Policy;
- Appendix 4 - Report of the Examination of the Cotswold District Community Infrastructure Levy Draft Charging Schedule (The Planning Inspectorate, 5th June 2018).

The Deputy Leader of the Council and Cabinet Member for Forward Planning, Councillor NJW Parsons, introduced the item and drew attention to the findings of the Inspector arising out of the examination of the Council's proposals, namely that the draft Charging Schedule provided an appropriate basis for the collection of the levy within the District. The Cabinet Member also amplified various aspects of, and the inter-relationship between, the Charging Schedule, the Regulation 123 List and the Instalments Policy.

It was PROPOSED and SECONDED that the recommendations within the circulated report be agreed.

**RESOLVED that:**

**(a) in accordance with the Planning Act 2008 (as amended) and the Community Infrastructure Levy Regulations 2010 (as amended), the Council adopts the following:-**

- (i) the Charging Schedule (as set out in Appendix 1 to the circulated report);**
- (ii) the Regulation 123 List (as set out in Appendix 2 to the circulated report);**
- (iii) the Instalments Policy (as set out in Appendix 3 to the circulated report);**

**and implements the levy charges from 1<sup>st</sup> April 2019;**

**(b) the Deputy Leader of the Council and Cabinet Member for Forward Planning be authorised to approve (i) the presentational style of the final version document, including photographs and illustrations; and (ii) any final factual, grammatical and/or typographical errors that have not previously been identified and which would not materially affect the content or meaning of the documents at Appendices 1, 2 and 3 to the circulated report.**

**Record of Voting - for 24, against 0, abstentions 1, absent 9.**

The Meeting commenced at 10.00 a.m. and closed at 11.07 a.m.

Chairman

(END)