

(5) PUBLIC QUESTIONS

Questions have been submitted, and responses provided, as follows:-

(1) From Mr M Pratley, Chairman of Save Our Cirencester, to the Leader of the Council

'The Council has declined to answer a Freedom of Information request, made by Mrs Golics on behalf of Save Our Cirencester, regarding details of the role of the QC in the Bathurst Outline Planning Application for 2,350 homes on Chesterton Farmland.

The Council has openly declared that his costs were in excess of £30,000, paid for by the Council Taxpayer. If CDC are transparent about the costs, why are they denying the public (who paid for these services), the information requested regarding the instructions they gave to the QC and the information they received from him?'

Response from Councillor Berry

As you are aware, the decision taken to withhold the information at this stage had full regard to the legislative provisions, and the application of a public interest test. The decision of the Council's Officers has also been the subject of consideration by an experienced Monitoring Officer from another authority, as part of the internal review mechanism.

I accept and support the premise that, as a general principle, the Council should be open and transparent in all of its business, and acknowledge the general presumption in favour of disclosure of all information requested. However, in certain instances, it is right and proper for the Council to withhold information, either with or without a public interest test - as provided for by virtue of the absolute and qualified exemptions in legislation.

In the case to which you refer, the detailed responses provided set out the rationale for the decision, and the factors taken into account as part of the wider public interest. For me, the most important consideration relates to the fact that the advice which was sought concerns an application which has not yet formally been determined through the grant of planning permission. As such, the advice concerns a matter which is still 'live' and which is capable in principle of becoming the subject of future litigation or further disputes.

I appreciate that the decision to withhold the information is disappointing for some, but I am satisfied that the fullest consideration was given to the information request and all relevant factors were applied robustly.

(2) From Mr P Moylan of Cirencester to Councillor Mark MacKenzie-Charrington, Cabinet Member for Planning and Licensing Services and Cirencester Car Parking Project

'We understand that the Case Officer for the Chesterton application has left the Council during the critical S106 negotiations on the Bathurst Outline Planning Application for 2,350 homes on Chesterton Farmland. What problems has this caused? Should the public be concerned about the adequacy of the Council's Planning resources?'

Response from Councillor MacKenzie-Charrington

I do not believe that the departure of the said Officer has led to any problems or issues, especially as a three-month notice period applied. When the departure of the Officer became known, the case was immediately allocated to another Officer within the team, who received a formal hand-over and then spent time assimilating all relevant information and working jointly with the departing Officer in relation to on-going matters. It should also be borne in mind that a number of Officers worked on the application, in support of the Case Officer (including the Team Leader and Head of Service) - those Officers remain and provided one element of continuity. Continuity and consistency in the final negotiations on the application has been further assisted by the continuing employment of an independent planning adviser.

In summary, the change in lead Officer has not impacted negatively on progress with the application.

Turning to the more general point you have raised, I am satisfied with the current level of resource within the planning service. However, this is something that is regularly kept under review, given the importance and public prominence of the service.

(3) From Mr P Moylan, of Cirencester, to the Leader of the Council

'The Council have refused to make public information about the advice it sought from and which it was given by the QC in respect of Chesterton and this refusal has been propped up by a formal review process undertaken by the Monitoring Officer from the Forest of Dean District Council. CDC relied on the exemption in Regulation 12(5)(b) of the Environmental Information Regulations 2004 and section 42 of the Act. Why has the Council taken such a heavy handed and apparently clandestine approach to the disclosure of information which ought to be made known to the public? Would the Council be surprised that the public are suspicious of this approach?'

Response from Councillor Berry

As you are aware, the decision taken to withhold the information at this stage had full regard to the legislative provisions, and the application of a public interest test. The decision of the Council's Officers has also been the subject of consideration by an experienced Monitoring Officer from another authority, as part of the internal review mechanism.

I accept and support the premise that, as a general principle, the Council should be open and transparent in all of its business, and acknowledge the general presumption in favour of disclosure of all information requested. However, in certain instances, it is right and proper for the Council to withhold information, either with or without a public interest test - as provided for by virtue of the absolute and qualified exemptions in legislation.

In the case to which you refer, the detailed responses provided set out the rationale for the decision, and the factors taken into account as part of the wider public interest. For me, the most important consideration relates to the fact that the advice which was sought concerns an application which has not yet formally been determined through the grant of planning permission. As such, the advice concerns a matter which is still 'live' and which is capable in principle of becoming the subject of future litigation or further disputes.

I appreciate that the decision to withhold the information is disappointing for some, but I am satisfied that the fullest consideration was given to the information request and all relevant factors were applied robustly.

(4) From Honorary Aldermen JGK Birch and EGJ Horsfall to the Leader of the Council

'Could the Leader please tell us what position Cotswold District Council is taking regarding the Cotswold AONB becoming a National Park?'

Response from Councillor Berry

The Council has not yet determined a formal position on any possible designation of the Cotswolds AONB as a National Park.

We are aware of the current on-going debate on the topic, and accept that any such designation is likely to have wide-ranging implications, not least on many democratically-elected and accountable bodies.

However, at this stage, and in liaison with counterparts from other affected authorities as necessary, our Officers are gathering information and seeking to undertake an evaluation of the potential benefits and disbenefits of National Park designation - so that the Council is best placed to respond, with evidence, to any subsequent formal consultation process (if one occurs).

We will also be responding to the questions set out in the 'Call for Evidence' document associated with the Glover Review of Protected Landscapes.

(5) From Dr D James, of Cirencester, to Councillor SG Hirst, Cabinet Member for Health, Housing and Leisure

'Air Pollution Monitoring - Now that CDC's Local Plan has been accepted, we can expect several thousand new vehicle movements per day around the town during and after the Chesterton Site is developed up to 2031. Since Cirencester will then receive 2.5 times the average number of new houses/per 100 residents (17 v 7) in the UK, we will have a higher traffic density on our roads than any other similar sized market town and, therefore, higher pollution levels than elsewhere. We already know that the latest 2017 official CDC NO₂ measurements in the town are only just under the EU limits at two locations, Gloucester Road and the London Road (Waggon and Horses). The former is only 150 yards from a very busy primary school. What measures are being taken to improve air pollution monitoring at this and additional sites around the town in order to safeguard the future health of those particularly vulnerable, i.e. the very young and the very old?'

Response from Councillor Hirst

The Technical Pollution Team continuously reviews the monitoring locations in the survey network. There are many years' worth of data for the locations being monitored, and this provides us with enough information to be assured that there is no problem with air quality in most of the locations.

In Cirencester, we will review and set up new monitoring locations as considered necessary, partly in response to requests and also based on the criteria set out in accordance with Defra Technical Guidance LAQM TG(16) which, most importantly, considers risk to exposure of vulnerable groups (relevant exposure). Monitoring will continue around the District and an updated air quality report is produced annually, helping us to determine whether there are new areas of concern within Cotswold District.

(6) From Mr J Nicholas, of Cirencester, to Councillor to Councillor Mark MacKenzie-Charrington, Cabinet Member for Planning and Licensing Services and Cirencester Car Parking Project

'Proposed new Health Centre at Chesterton - I and the people of Cirencester believed that, as part of the Chesterton Development, a new health centre would be crucial for the welfare of the new citizens and that this land would be available for the Clinical Commissioning Group (CCG) to develop at their expense. Recently, we have come to realise that this is not the case and that negotiations are in progress over both the purchase of the site as well as the building of such a health centre. What progress has been made in these negotiations, and why was the land not given to the CCG in the interest of the Cirencester's citizens' health?'

Response from Councillor MacKenzie-Charrington

It has been agreed that land will be safeguarded within the neighbourhood centre for the provision of a GP surgery and BDL, CDC and the CCG remain committed to on-site delivery. The land will therefore be made available by BDL for the provision of a surgery, based on health care development land value.

Notes:

- (i) The above questions were submitted by the time by responses are guaranteed to be provided to the questioner at least 24 hours before the Council Meeting (by virtue of the Council's Procedure Rules). As such, written responses will be provided to all Members either in advance of, or at, the Council Meeting.
- (ii) If the questioners are present at the Meeting, they will be entitled to ask one supplementary question arising directly out of either the answer given or their original question.
- (iii) The Member to whom any supplementary question is addressed will try and answer any supplementary question at the Meeting; but if this is not possible, then the Members will answer as much as possible at the Meeting and then provide a full response within five working days. If, for any reason, a full response cannot be provided within those five days, then a holding response will be sent to the questioner, along with the reason for delay and a likely timescale for the full response.

(END)