



**MINUTES OF SPECIAL COUNCIL**

**MEETING DATE Thursday, 4 September 2014**

**MEMBERS PRESENT:** Councillor Roy Lees (Mayor), Councillor Marion Lowe (Deputy Mayor) and Councillors Eric Bell, Julia Berry, Alistair Bradley, Charlie Bromilow, Terry Brown, Jean Cronshaw, Matthew Crow, John Dalton, David Dickinson, Graham Dunn, Robert Finnamore, Christopher France, Gordon France, Margaret France, Anthony Gee, Danny Gee, Mike Handley, Steve Holgate, Mark Jarnell, Kevin Joyce, Hasina Khan, Paul Leadbetter, Adrian Lowe, Matthew Lynch, June Molyneaux, Greg Morgan, Alistair Morwood, Mick Muncaster, Steve Murfitt, Beverley Murray, Mark Perks, Pauline Phipps, Dave Rogerson, Joyce Snape, Kim Snape, Ralph Snape, Richard Toon, John Walker, Paul Walmsley, Alan Whittaker and Peter Wilson

**OFFICERS:** Gary Hall (Chief Executive), Lesley-Ann Fenton (Director of Customer and Advice Services), Chris Moister (Head of Governance) and Carol Russell (Democratic Services Manager)

**APOLOGIES:** Councillors Henry Caunce, Doreen Dickinson, Peter Goldsworthy and Keith Iddon

**14.C.170 Minutes of meeting Tuesday, 22 July 2014 of Council**

**RESOLVED – That the minutes of the last Council meeting held on 22 July 2014 be confirmed as a correct record for signature by the Mayor.**

**14.C.171 Declarations of Any Interests**

Councillor Mark Perks declared a pecuniary interest in item 6 and left the meeting for consideration of that item.

**14.C.172 Mayoral Announcements**

The Mayor announced some changes to the agenda order and also gave notice of an urgent item which was required to be considered prior to the item on Developing a Proposal for Unitary Status.

#### **14.C.173 Chorley Local Plan 2012-2026: Gypsy and Traveller and Travelling Showpeople : Proposed Allocation (including public questions)**

The Executive Leader, Councillor Alistair Bradley presented a report which provided the results of consultation on the Chorley Local Plan 2012 – 26 Gypsy and Traveller and Travelling Showpeople Preferred Options document.

In order for the Local Plan to be found sound in relation to gypsy and traveller matters by the Local Plan Inspector, a site must be allocated for a minimum of five pitches with a number of modifications to the Plan. Further to a decision of the Annual Council meeting on 3 June 2104, consultation had taken place on 9 potential sites as follows:

1. Cowling Farm, Chorley
2. Yarrow Bridge Depot, Chorley
3. Cabbage Hall Fields, Chorley
4. Land off Westhoughton Rd, Heath Charnock
5. Land at Ackhurst Rd, Chorley
6. Land adjacent to Northgate Drive, Chorley
7. Haworth Rd, (previously named Crosse Hall Lane) Chorley
8. Harrisons Farm, Adlington
9. Hut Lane, Heath Charnock

Cowling Farm was considered at that stage to be the preferred site for allocation. The site is allocated for a mix of housing and employment in the Local Plan and the report highlighted the positive attributes of the site. Consultation took place on all sites between 4 June and 16 July 2014 and 314 representations were received.

The report provided details of the consultation an overview of those consultation responses in relation to the sustainability appraisals; financial considerations; representations from statutory consultees and engagement with the existing gypsy and traveller community. The report then gave breakdowns of the comments received for each of the 9 sites and the Council's responses to those comments.

The report included an update which was circulated on the cost of developing each site. The conclusion was that Cowling Farm remained the Council's proposed allocation and is a suitable, available, achievable and sustainable site which accords with national policy on Gypsy and Travellers and Core Strategy Policies 1 and 8. The Council's decision on a preferred site, together with any related Local Plan modifications, would need to be submitted to the Local Plan Inspector for consideration in advance of the reopened Examination Hearing on 23 and 24 September 2014.

The Council would fund any provision but would hope to achieve funding from the Homes & Communities Agency. Developing Cowling Farm would require a master planning process and the Council would work closely with partners and local residents to achieve a cohesive community.

The Council had tried to object and oppose the need for a dedicated site but this had not been successful and failure to identify one was now putting the Local Plan at risk. The Council had to work within the law and all political groups had been involved in that process.

**The Mayor invited the five people who had submitted public questions to read their questions for the Executive Leader to respond to:**

**1. Justin Taylor, Rivington View Residents Association**

“Given the reasons stated by the Council to discount the Haworth Road site from further considerations as a Gypsy/Traveller provision, does this mean that the site will be excluded from potential selection for similar sites in the future, should County or Government indicate a need for one?”

Leader response

*Traveller need is not ‘indicated’ by County or Government, rather it is established from a Gypsy and Travellers Accommodation Assessment.*

*The Council cannot give an absolute guarantee that the Traveller DPD work won’t consider Haworth Road for any further Permanent Traveller Accommodation. However, it may also come forward for housing development.*

*In relation to Travellers is unlikely that it will be suitable for a transit or Travelling Showpeople provision. Needs of transit Travellers and Travelling Showpeople provision are likely to be very different to those of permanent Travellers. Transit facilities, for example, are provided close to ‘transit routes’ and do not require the same proximity to community services and facilities of a permanent provision, nor do they require the same level of on-site facilities as a permanent site e.g. portable private amenity facilities can be acceptable on transit sites. At present the transit need identified in the GTAA is on a Central Lancashire wide basis (no locational preference has been expressed) and therefore proximity to main routes through Central Lancashire will be a key consideration – Haworth Road is unlikely to be suitable in this respect. The additional work being undertaken as part of the Central Lancashire GTAA will further refine Central Lancashire’s transit and travelling Showperson need and appropriate locations will be explored as part of the related Development Plan Document work which is due to commence in December 2014.*

**2. Steve Allen, Moorland Gate Business Park**

“As the owners of Moorland Gate Business Park we are concerned that the planned development will impact on our ability to retain existing and attract new tenants to the business park. We have already been informed by a number of tenants that they will not renew their leases in the event that a Gypsy or Traveller site is established. Two independent commercial property agents have also confirmed they believe the development will undoubtedly have a detrimental impact upon market demand. Whilst we do not endorse the concerns or considerations that have led our tenants to that decision we are deeply concerned by the effect on our business. Has the council considered the potential detrimental impact on employment in the ward and borough that the provision of a Permanent Traveller site will have on the Moorland Gate business park and other employers in the immediate area of the Cowling Farm site.”

Leader response

*The perceived detrimental impact of a Traveller site on businesses is not a material planning consideration. The master planning process that will accompany the mixed-use allocation at Cowling Farm is intended to ensure that an optimum location, design and layout for housing and Traveller accommodation, and employment is secured in*

*consultation with key stakeholders, including local businesses, the local community, and the Travelling community.*

Mr Allen did not ask a supplementary question but commented that he thought the process was flawed and that there had been no communications with local businesses.

### **3. Gareth Howell - Cowling Action Group**

“Are Members of the Council aware that the evidence base upon which the decision to allocate Cowling Farm has been determined is fundamentally flawed? It seems clear that a site has been chosen and the ‘evidence’ then prepared to support this allocation. Even then it is clear that your officers have rejected other more suitable sites, where the effect on, for example, the delivery of housing more generally would be considerably less than for Cowling Farm. The impact of the allocation at Cowling will have the effect of sterilising the wider site allocation – potentially over 150 dwellings, and the revenue this would bring, lost to the Borough. Why have more suitable sites with a much lesser impact been rejected for somewhat spurious reasons?”

#### Leader response

*The Council considers the evidence to be sound and has followed a similar process of arriving at a proposed site as has been employed for all the Local Plan allocations. This matter will be considered in detail by the Local Plan Inspector who will only accept such an allocation if it proves to be robust. Section 8 of the Proposed Allocation Document seeks to provide further detail on the process of arriving at the Cowling Farm Site.*

*The master planning process that will accompany the mixed-use allocation at Cowling Farm is intended to ensure that an optimum location, design and layout for housing and Traveller accommodation, and employment is secured in consultation with key stakeholders, including local businesses, the local community, and the Travelling community.*

*In relation to site suitability a sustainability assessment has informed this judgement. National Planning Practice Guidance states “The sustainability appraisal should only focus on what is needed to assess the likely significant effects of the Local Plan. It should focus on the environmental, economic and social impacts that are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the Local Plan.” The SA scoring is not weighted as it is not considered that some indicators have more importance. The purpose of the SA is to give a general overview of the sustainability of sites to be able to compare their sustainability, but it is not the only factor taken into consideration when deciding allocations. The Council considers that the methodology for Sustainability Appraisal/Assessment has already been considered by the Inspector, and has been found sound in her partial report.*

*A number of other factors such as deliverability and conformity with Core Strategy Policies 1 - locating growth and 8 – Gypsy and Traveller and Travelling Showpeople Accommodation and Planning Policy for Traveller Sites has also been taken into consideration.*

*Following the publication of the Preferred Options document, further analysis of the merits of each site was undertaken. This considered the information provided from residents and stakeholders, including consultees. To create greater transparency, the Council has reviewed the Sustainability Indicators for each site, and, where considered necessary, the actual premises measured to are included. Section 8 of the Proposed Allocation report explains the comparative analysis further.*

Mr Howell asked a supplementary question on whether it would have been more prudent to select three site options rather than going straight to one, giving people a chance to understand the implications and make the correct decision.

*The Leader responded that the original list had been much longer and it had been narrowed down to 9 sites. The process had been dictated by the requirements of the Local Plan.*

#### **4. Peter Talbot Cowling Action Group and Spinners @ Cowling**

“The council claim to have consulted residents and business owners likely to be impacted by the proposed development. Yet neither the owners or the Landlord of the Spinners at Cowling have been consulted regarding the proposed allocation which uses the car park of the Spinners as an access to the proposed development which would effectively destroy the home, business and livelihood of the Spinners landlord and threaten the employment of his staff and suppliers. On what basis can the Council maintain it has carried out sufficient consultation when a party affected by the proposed access has received no communication whatsoever?”

##### Leader response

*The approach taken to consultation is in accordance with the Council's Statement of Community Involvement (SCI). The SCI sets out the approach to consultation on planning policy documents. It does not require residents/businesses that are in the vicinity of a proposed allocation (or rejected alternatives) to be consulted on an individual basis. Such policy proposals are publicised by other means such as press releases, updates to the Council website, informing local Councillors, and parish Councils where they exist. In addition, for Local Plan consultations, the Council consults directly with everybody that is listed on our Local Plan consultation database. Individuals or interested groups received a Preferred Options consultation letter if they had requested their names to be added to the Local Plan consultation database. Others notified about the Preferred Options consultation were those who made representations to the Local Plan at an earlier stage (for example, a number of residents living in the vicinity of Cowling Farm received letters because they had made comments at earlier stages of the Local Plan process and were therefore on the database). The Statement of Consultation Supplement identifies the consultation which has been undertaken during the preparation of the Gypsy and Traveller and Travelling Showpeople Preferred Options which forms part of the Chorley local Plan 2012-2026. The masterplanning process is intended to ensure that key stakeholders, for example the Spinners Landlord are engaged in the detailed considerations of access, design and layout, not only of the Traveller site, but the mixed use site as a whole.*

Mr Talbot commented on the Council's reliance on a Statement of Community Involvement which was out of date. He then asked a supplementary question about the cost of the development of Cowling Farm, in particular, the access through the Spinners pub car park and whether that had been predetermined.

*The Leader responded that the development cost was an estimated allocation and the site would be subject to master planning and a planning application. There was no predetermination on access. The Spinners car park had been included following a discussion with LCC Highways Officers.*

## **5. Val Brown – Cowling Action Group**

“Planning professionals and legal advisors instructed on behalf of local residents and businesses have called into question the suitability and validity of the Sustainability Appraisal conducted by the Council and the conclusion it has reached with regard to the preferred option. The council has chosen to ignore these representations therefore how does it believe it will be able to demonstrate to the inspector and to any subsequent challenge or review that it has undertaken an adequate sustainability appraisal?”

### Leader response

*National Planning Practice Guidance states “The sustainability appraisal should only focus on what is needed to assess the likely significant effects of the Local Plan. It should focus on the environmental, economic and social impacts that are likely to be significant. It does not need to be done in any more detail, or using more resources, than is considered to be appropriate for the content and level of detail in the Local Plan.” The SA scoring is not weighted as it is not considered that some indicators have more importance. The purpose of the SA is to give a general overview of the sustainability of sites to be able to compare their sustainability, but it is not the only factor taken into consideration when deciding allocations. A number of other factors such as deliverability need to be taken into consideration. The Council considers that the methodology for Sustainability Appraisal/Assessment has already been considered by the Inspector, and has been found sound in her partial report. Following the publication of the Preferred Options document, further analysis of the merits of each site was undertaken. This considered the information provided from residents and stakeholders, including consultees. To create greater transparency, the Council has reviewed the Sustainability Indicators for each site, and, where considered necessary, the actual premises measured to are included.*

Ms Brown asked a supplementary question regarding the misleading nature of the costs of developing Cowling Farm and the stretch of road required which she estimated at around four times the 25m estimated in the report.

*The Leader responded that a site had to be identified and the Council would have to fund appropriate development of that site.*

Members had an extensive debate on the proposals in relation to the Council’s need to comply with the requirements and timescales dictated by the Local Plan Inspector; the consultation processes using the Statement of Community Involvement; the wishes of the existing Gypsy Traveller community who would prefer to remain at the Hut Lane site; and the problems faced by the Council and the implications for the whole borough, if the Local Plan could not receive final approval and adoption. Points made during the debate included:

- Councillor Perks agreed that the Council had to agree a site and comply with statutory requirements but he challenged the consultation process undertaken. The Leader responded that this had been dictated by the Inspector through the

Statement of Community Involvement and consultation had taken place on the 9 potential sites which were agreed at the Council Meeting on 3rd June 2014.

- Councillor Joyce asked about the duty to obtain the support of the settled community. The Leader responded that the Council had engaged with the local community and would continue to do so. Issues like the eventual site location, design and layout would be key, in due course. The Council had complied with all consultation requirements.
- Councillor Berry spoke as a ward councillor and commented that local residents were consultation weary. She was still looking for an indication as to whether or not other sites could be considered. The existing gypsy traveller community based at Hut Lane were also opposed to the Cowling Farm site proposal as they wished to remain at their current location. The Leader responded that whilst Hut Lane had been included in the 9 potential sites because of its current use, the Council would not propose it because it was within the green belt.

The Mayor drew the debate to a close and asked that Members vote on the proposal before them.

Councillor Alistair Bradley, Executive Leader proposed and Councillor Paul Walmsley, Executive Member for Public Protection seconded, and it was **RESOLVED –**

1. **That the results of public consultation on the Chorley Local Plan 2012-26 Gypsy and Traveller and Travelling Showpeople Preferred Options – June 2014 be noted.**
2. **That the Chorley Local Plan 2012-26 Gypsy and Traveller and Travelling Showpeople Proposed Allocation – September 2014 be approved for submission to the Local Plan Inspector; and delegated authority be given to the Executive Leader and Chief Executive to make minor changes to that document;**
3. **That the sign-off of the supporting documents be delegated to the Chief Executive and Executive Member for Economic Development and Partnerships: Sustainability Appraisal Supplement, Habitats Regulations Supplement, Statement of Consultation Supplement and Duty to Co-operate Supplement and a resolution to respond to the Inspectors Issues and Matters.**
4. **That authority be given to officers to prepare a schedule of formal responses to those who have made comments, for consideration by the Inspector.**
5. **That the Council's Section 151 Officer be requested to make suitable budget provision for the future delivery of the site.**

#### **14.C.174 Developing a Proposal for Unitary Status**

**Councillor Mark Perks left the meeting for the debate and decision on the following Motion and Unitary Status Proposals Report.**

##### **Motion to Grant Dispensation**

The Executive Leader referred to the motion which had been circulated seeking agreement to a dispensation to permit all councillors to take part in a discussion and decisions on issues relating to the development of proposals for Chorley Council gaining unitary status, including involvement in a dedicated Working Group.

Councillor Alistair Bradley, Executive Leader proposed, Councillor Peter Wilson, Executive Member for Resources seconded and it was **RESOLVED- That Chorley Council grants to all Councillors, a dispensation under section 33(2)(e) of the Localism Act 2011 to enable them to participate in Agenda Item 6, Developing a Proposal for Unitary Status and any subsequently convened working group connected to this matter.**

**The said dispensation to continue for a period of 12 months or until the subject of the Agenda Item is brought back to Full Council for further consideration.**

### **Report on Developing a Proposal for Unitary Status**

The Executive Leader presented a report on proposals for the development of a business case for Chorley Council becoming a single tier local authority and also circulated a letter from the Minister for Local Government on this matter.

The issue of unitary status was discussed at a recent meeting of the MP and Executive Leader of the Council with the Secretary of State for Communities and Local Government. The Secretary of State had indicated that the government would not block proposals that were financially robust and had a public mandate.

In view of continuing change across the public sector and reductions in budget it was felt that an investigation into a move to unitary status would provide opportunities to review how local government could be delivered in the borough, working with other public sector bodies for more sustainable services into the future. The report provided the rationale for developing a business case for Chorley becoming a Unitary Council looking at:

- Increasing strategic leadership and local accountability.
- Scale, growth and comparable authorities.
- Budget reductions and savings.

The proposal also included allocating funding to resource the exploratory work with a new dedicated post of Project Director on a fixed term contract; the establishment of an all-party working group of Elected Members to oversee the process; and consideration of a local poll being held in autumn 2015 to seek public opinion on a the proposal.

Member debated the matter and a number voiced concerns about population size and the viability of Chorley as a unitary authority. The Executive Leader stressed the opportunity would enable the Council to look at alternative ways of working with other partners to deliver services. Unitary status would only be recommended where there were clear organisational and financial reasons for doing so.

Councillor Alistair Bradley, Executive Leader proposed and Councillor Peter Wilson, Executive Member for Resources seconded and it was **RESOLVED -**

- 1. That the Council supports the case to investigate the business case and viability of developing a single tier authority for the borough.**
- 2. That approval be given to the establishment of an all-party working group to oversee the development of a business case and to test the viability of proposals to establish a unitary authority for the borough, comprising nine Members of the Council.**



3. The membership of the Working Group be determined at the next Council meeting on 23 September 2014.
4. That approval is given in principle to consider holding a local poll in Autumn 2015, subject to final approval of Council following recommendations from the all-party working group.
5. That approval is given to incurring expenditure of up to £80,000 to fund the development of a business case, including the creation of a fixed-term cost of Project Director post, the funding to come from the organisational change reserve.

Councillor Perks returned to the meeting.

Councillor Phipps left the meeting

#### **14.C.175 Proposed consultation on a change to the Council Tax Local Discounts & Exemptions Policy**

The Chief Executive submitted a report which sought approval to consultation on a proposed change to the Council Tax Local Discounts and Exemptions Policy for properties which had been empty and substantially unfurnished for more than 24 months.

The report set out the existing policy and the suggested specific circumstances which should apply to any further discount or exemption on empty property. If approved, the change would become effective from 1 April 2015.

Councillor Peter Wilson, Executive Member for Resources proposed and Councillor Alistair Bradley, Executive Leader seconded and it was **RESOLVED that –**

1. Approval be given to consultation on a change to the Council Tax Local Discount & Exemptions Policy effective from 1 April 2015, as follows:

*Provide for an exception to the charge of a 25% premium for properties which have been empty and substantially unfurnished for more than 24 months where the new owner(s) inherits this charge and where the property is actively being marketed for sale in line with average prices within the local area.*

2. The exception to be effective from the date the property is marketed for sale for a maximum period of 6 months, after which the 25% premium would reapply.

#### **14.C.176 Changes to Council Appointments**

Councillor Alistair Bradley, Executive Leader proposed and Councillor Peter Wilson, Executive Member for Resources seconded and it was **RESOLVED – that Councillor Hasina Khan replace Councillor Julia Berry on the LCC Adult Social Care and Health Scrutiny Committee.**

#### **14.C.177 Mayors Announcements**

The Mayor updated Councillors on his fundraising activities so far and gave the latest information about forthcoming charity events.

Mayor

Date