

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK

CABINET SCRUTINY COMMITTEE

**Minutes of a Meeting of the Cabinet Scrutiny Committee
held on Thursday 20 November 2014 at 6.00 pm
in the Committee Suite, King's Court, Chapel Street, King's Lynn.**

PRESENT:

Councillors P Foster (Chairman),
J Collop, I Gourlay, J Loveless, A Lovett, T Manley, Mrs K Mellish,
Miss S Sandell, J M Tilbury and D Whitby

Portfolio Holders Present:

Councillor N Daubney – Leader of the Borough Council
Councillor A Lawrence – Portfolio Holder for Housing and Community

Management Team/Officers:

Alan Gomm – LDF Manager
Emma Duncan – Monitoring Officer
Debbie Gates – Executive Director, Central and Community Services
Ray Harding – Chief Executive

Observing:

Councillors M Langwade and D Pope

Apologies:

Apologies for absence were received from Councillors C Joyce and Mrs V Spikings

CSC71: APPOINTMENT OF VICE-CHAIRMAN

RESOLVED: That Councillor Collop be appointed Vice-Chairman for the meeting.

CSC72: SUSPENSION OF STANDING ORDER 36 – RECORDING OR BROADCASTING OF MEETINGS

RESOLVED: That in order to comply with Statutory Instrument 2014 no 2095, The Openness of Local Government Bodies Regulations 2011, Standing Order 36 be suspended for the duration of the meeting.

CSC73: MINUTES

The Minutes of the Meeting held on 23 October 2014 were agreed as a correct record and signed by the Chairman.

CSC74: URGENT BUSINESS UNDER STANDING ORDER 7

There was no urgent business to report.

CSC75: **DECLARATIONS OF INTEREST**

Councillor Mrs Leamon advised that she had previously been a Member of North Runcton Parish Council and that she was a Member of the Steering Group for North Runcton and West Winch Neighbourhood Plan.

CSC76: **MEMBERS PRESENT PURSUANT TO STANDING ORDER 34**

Councillor M Pitcher for CSC79 and CSC80.

Councillor Mrs J Leamon for CSC79.

Councillor A Collins for CSC79.

CSC77: **CHAIRMAN'S CORRESPONDENCE**

The Chairman had no correspondence to report.

CSC78: **RESPONSE TO PREVIOUS COMMITTEE RECOMMENDATIONS**

There were no previous Committee recommendations.

CSC79: **CABINET REPORT – SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES**

At the invitation of the Chairman, the LDF Manager gave a brief overview and explained that the report had been recommended to Cabinet by the LDF Task Group.

Members were informed that the purpose of the report was to enable the next stage in the preparation of the statutory development plan for the Borough to be undertaken, the Borough Council was now to take the Plan to the submission stages culminating in a Public Examination of the document.

The LDF Manager explained that the Borough Council had reached a very significant stage in the preparation of the Site Allocations and Development Management Policies as it moved forward to the formal Examination of the document. It was highlighted that the proposals in the Plan had been developed following extensive public consultation and represented the Council's proposed response to the views expressed in that overall process.

In conclusion, the LDF Manager advised that subject to approval at Full Council, the King's Lynn and West Norfolk Local Plan – Site Allocations and Development Management Policies – Proposed Submission Document would be subject to a consultation period of six weeks (approximately January – February 2015) which would enable formal representations to be submitted. The representations received would be forwarded to the Inspector conducting the Examination.

Under Standing Order 34, Councillor Collins referred to the question he had asked at Full Council on 30 October – When was the LDF Task Group due to report back to Cabinet in accordance with the requirement of Task Groups. He added that he had read the report considered by Cabinet on 4 November and there was no mention of the LDF Task Group report.

The Leader, Councillor Daubney informed Councillor Collins that Cabinet had considered the King's Lynn and West Norfolk Local Plan – Site Allocations and Development Management Policies – Proposed Submission Document on 4 November 2014.

The Chairman, Councillor Foster commented that there was no evidence that the LDF Task Group had submitted a report to Cabinet in the LDF Task Group Notes. The Chairman also referred to the Terms of Reference of the LDF Task Group.

The Legal Services Manager advised that the LDF Task Group was not a decision making body and therefore had no decision making powers. Task Groups were given the remit by a Council Committee, for example, Cabinet, Council or another Committee to undertake the work and report back to that Committee. Cabinet could take back the function of the LDF Task Group at any time and constitutionally there was no requirement for the Task Group to report back.

The Chief Executive referred to the Cabinet Report which had been considered by the LDF Task Group who had studied its content in detail, and put forward suggested amendments which had been incorporated into the proposed submission document and had therefore been the final conclusion of the LDF Task Group. The Chief Executive highlighted that despite the LDF Task Group not passing a formal resolution, it was clear that the Task Group's suggested amendments had been included in the Cabinet Report and that Members present understood that the report would subsequently be presented to Cabinet.

The LDF Manager confirmed that the LDF Task Group had considered the proposed submission document thoroughly and put forward suggested amendments which had been included within the Cabinet Report.

Councillor Loveless commented that it was clear that the LDF Task Group had considered the draft Cabinet Report and suggested that the Chairman, Councillor Foster raise any issues with the notes of the LDF Task Group held on 8 October at the next meeting. Councillor Loveless added that he was satisfied that the LDF Task Group had considered the Cabinet Report.

Councillor Collop asked where he could view the minutes from the LDF Task Group. In response, the Chairman, Councillor Foster advised that the notes from the LDF Task Group could be accessed via Insite.

Under Standing Order 34, Councillor Mrs Leamon addressed the Committee. In response to questions regarding the necessary infrastructure to support the proposed development and the cumulative effect of the proposed traffic numbers, particularly during the summer when tourists were travelling in the Borough, the Leader, Councillor Daubney explained that all potential development schemes would be required to go through the planning process and infrastructure requirements assessed.

The Leader, Councillor Daubney added that following the final consultation exercise the representations received by the Borough Council would be submitted to the Inspector at the Examination stage for a decision to be made.

The LDF Manager explained that during the preparation of the Plan, an Infrastructure Study had been conducted and acknowledged in an earlier version of the document and had been updated following representations made at an earlier consultation stage. He also explained that a Habitats Regulation Assessment had also been undertaken which had considered the significant effects of international sites.

With regard to the cumulative effect on traffic numbers during busy periods, the LDF Manager explained that the Norfolk Infrastructure Plan looked at the levels of growth and judged what infrastructure was required. The LDF Manager outlined the variety of ways in which infrastructure requirements could be put forward and gave examples of other organisations that would be required to provide the necessary infrastructure such as the Health Authority, Environment Agency, Norfolk County Council, etc.

Councillor Tilbury commented that he was content that the documents presented contained sufficient information to provide confirmation that the necessary infrastructure would be there to support the growth of development within the Borough and sought assurance that the appropriate infrastructure would be provided at the same time or before some of the controversial developments. In response, the LDF Manager explained that during the planning application process the impact of the overall scheme would be assessed and the infrastructure requirements put in place. The Borough Council would, where possible, look to safeguard the community from a significant impact of new growth.

Under Standing Order 34, Councillor Pitcher addressed the Committee. In response to questions on the impact of the proposed development at South Wootton and Lynnsport, in particular, the transport network and the ability to cope with the forecasted demands, the Leader, Councillor Daubney commented that if the Council did not have a Local Plan which was approved by the Inspector, then status quo would remain and the Council could not stop development happening. Once the Inspector had approved the Council's Local Plan as the sites allocated were developed, the required infrastructure would be provided.

The Chairman, Councillor Foster referred to National Planning Guidance which quoted that infrastructure should be in place prior to development. He stated that Councillor Pitcher was asking where this information could be found within the proposed submission document. In response, the LDF Manager reminded Members that during the preparation of the Local Plan, the Core Strategy had been adopted in 2011 which had looked at the growth in the Borough and at the Examination in 2011, the Inspector had determined that the Core Strategy was sound.

The LDF Manager advised that the Cabinet Report dated 4 November related to the Allocations and Development Management Policies and had been subject to the King's Lynn Area Transport Strategy modelling previously undertaken for the Core Strategy which looked at traffic flow within the town centre and contained development scenarios. There had been a chain of correspondence from local people relating to traffic flow and these had been taken into account by Norfolk County Council when previous representations had been received.

Members were advised that following the consultation period in January – February 2015, Norfolk County Council would prepare a statement for each allocation. The dialogue and evidence could be viewed on the Borough Council's website and the LDF portal.

The Chairman, Councillor Foster commented that there was no response or information available on the cumulative effect of proposed development. In response, the LDF Manager explained that the Core Strategy had looked at the impact of the proposed level of development within the Borough. The Executive Summary of the Sustainability Appraisal contained a chart and information which gave the cumulative impact via a combination of documents.

In response to questions from Councillor Loveless regarding future provision of infrastructure and relevant information being available during the consultation period, the LDF Manager explained that as part of the process in preparation of the Local Plan that the details of the consultation carried out, together with the responses would be submitted to the Inspector.

In response to questions from the Chairman, Councillor Foster as to how the Borough Council had fulfilled its duty to co-operate, the Leader explained that the Council had worked with neighbouring authorities, but did not have to hand the names of those particular Councillors involved in the process.

Councillor Tilbury commented that he accepted that the Borough Council had a duty to co-operate and was content that this was discharged by employed officers on behalf of Councillors.

The Legal Services Manager advised that normal practice in other local authorities was that the Council would fulfil its duty to co-operate by

instructing officers to act on behalf of Councillors. It was deemed standard practice for planning professionals to consult with each others within their own Council and with other local authorities when appropriate.

The LDF Manager informed Members that there had been a recent meeting of the Member/Officer group at Norfolk County Council when the Portfolio Holder for Development had attended. He added that there had also been a level of discussion and consultation with Fenland District Council and a Cross Border Working Group which met on a "need to do" basis.

The Chairman, Councillor Foster referred to the Core Strategy which had been adopted and the subsequent recommendation from the Environment Agency that development could occur in flood zone 3. He asked the Leader, Councillor Daubney why the Borough Council had not considered building in flood zone 3. The Leader reminded Members that the Cabinet Scrutiny Committee should be scrutinising the Cabinet decision of 4 November.

The Chairman, Councillor Foster asked why Cabinet would not review and consider building in flood zone 3 to allow development in the west of the town. He referred to representations made during the Fenland District Council consultation period and gave an example of the Inspector accepting building in the west of King's Lynn because the infrastructure required was already in place and would allow more than the 550 dwellings allocated. The Leader, Councillor Daubney advised that these detailed issues should be raised at the LDF Task Group.

The Legal Services Manager advised that the questions being raised in relation to the allocation of specific sites were of a detailed and technical nature and that they might be better suited to discussion at Examination stage. In conclusion, the Legal Services Manager explained that the technical issues were outside the remit of the call in relating to the decision of Cabinet.

The Chairman, Councillor Foster stated that he did not wish to scrutinise the decision, but ask for the decision to be reviewed.

The Leader, Councillor Daubney advised Councillor Foster to make his points to the LDF Task Group and that there would be an opportunity to raise any issues at the Examination stage.

CSC80: **CABINET REPORT – COMMUNITY INFRASTRUCTURE LEVY – CONSULTATION ON A PRELIMINARY DRAFT CHARGING SCHEDULE**

The LDF Manager provided a summary of the Cabinet Report and explained that the next stage was to draw up a Preliminary Draft Charging Schedule and consult upon it. The document needed to outline the possible rates of the Community Infrastructure Levy (CIL),

but did not commit the Borough Council to having a CIL or a particular rate at this stage, but allowed the Borough Council to collect the views of the community and development professionals operating in the Borough.

Under Standing Order 34, Councillor Pitcher addressed the Committee. He referred to the question he had asked at Council – Did the Cabinet Member believe CIL should have been adopted at an earlier stage as the Council would have received considerable funding if it had done so when the option was first introduced. Councillor Lawrence, Portfolio Holder for Housing and Community invited the Leader, Councillor Daubney to respond.

The Leader, Councillor Daubney explained that the Localism Act 2010 and the CIL Regulations 2010 (subsequently updated) introduced CIL with the earliest date for practical implementation had been from the end of 2012. He explained that the Section 106 funding, for example, from Sainsbury and Tesco's had provided a contribution of over £1m to fund capital projects in King's Lynn and gave examples of the Nar Ouse Regeneration Area, the Enterprise Centre, Tuesday Market Place and Saturday Market Place. The Council therefore had deemed it sensible to consult with developers on a draft Charging Schedule. The Leader advised that several Norfolk Councils had decided not to introduce CIL. Members were advised that Section 106 Agreements could still be enacted on-site development.

Councillor Collop commented that the report had been considered at the Resources and Performance Panel. Councillor Collop referred to parishes being able to claim more funding if a Neighbourhood Plan was adopted. He added that King's Lynn was unparished, but was aware that a group could be set up to prepare a Neighbourhood Plan and asked how the Borough Council would engage with the community to raise awareness. Councillor Lawrence, the Portfolio Holder for Housing and Community confirmed that a group could be set up to produce a Neighbourhood Plan.

The Chief Executive explained that there was a potential Neighbourhood Forum in King's Lynn considered by the residents of Nelson Street and highlighted that if CIL was adopted this would provide an incentive for groups across King's Lynn to look at the issue and participate in producing a Neighbourhood Plan.

Councillor Collop stated that he was reassured by the comments made by the Portfolio Holder for Housing and Community and the Chief Executive and added that some groups would require assistance to draft a Neighbourhood Plan. Councillor Lawrence, Portfolio Holder for Housing and Community advised that if a group approached the Borough Council assistance would be provided.

In response to further questions from Councillor Collop regarding publicity, the Leader, Councillor Daubney explained that the Borough Councillors could promote Neighbourhood Plans. The Chairman,

Councillor Foster commented that he had promoted the idea of producing a Neighbourhood Plan for West Winch.

Councillor Mrs Mellish explained that Borough Council Officers and Members had attended a meeting in Downham Market the previous evening. The meeting had been well attended by approximately 60 people all wishing to engage in the Neighbourhood Plan process.

The Chief Executive gave assurance to Members that the Borough Council had a duty to consult with the community in unparished areas such as King's Lynn before it determined how to spend the money. This process had yet to be developed, but suggested that a debate could be held at the King's Lynn Area Consultative Committee (KLACC). The LDF Team could attend and explain the process to the KLACC.

Councillor Gourlay stated that he appreciated the comments made by Councillor Collop and added that KLACC was a good forum to encourage people in the community to develop Neighbourhood Plans.

In response to questions from the Chairman, Councillor Foster regarding a contingency plan if the Council determined not to implement CIL, the Leader, Councillor Daubney explained that it was important to undertake the consultation exercise with developers in order to make an informed decision, together with any associated risks.

Following questions from Councillor Collop on Members being involved with determining the work programme, the Portfolio Holder for Housing and Community advised that it would be the decision of Full Council.

The Chief Executive drew Members' attention to Appendix 1 – Potential Infrastructure Projects that could be priorities for a part CIL contribution. He referred to the first three schemes listed:

- Transport.
- Flood Defences.
- Education.

The Chief Executive added that the above projects had been brought forward following concerns from Members to ensure that the required infrastructure was in place for future development. The Council would need to address such projects as part of the CIL solution alongside discussions with Norfolk County Council to seek additional funding to meet the infrastructure needs for King's Lynn. Members were advised that an application had been made to the New Anglia Local Enterprise Partnership for a highway infrastructure package for King's Lynn to ensure that the traffic improvements needed could be delivered. Ongoing discussions were also taking place between the Borough Council and Norfolk County Council to remodel some aspects to ascertain if the King's Lynn Local Area Transport Plan was still fit for purpose.

The Chairman, Councillor Foster referred to Fenland District Council not choosing to introduce CIL and asked why it was felt necessary to introduce CIL in West Norfolk. The Chief Executive explained the provision of affordable housing at Fenland District Council was twice the level required by the Borough Council and that CIL had to be considered alongside other cost factors when considering the viability of development sites. The Borough Council had engaged a consultant to undertake a viability study and the next stage would be to consult with the community and reflect upon the responses received.

Councillor Loveless referred to Appendix 1 and enquired who had estimated the costings for development on each project. In response, the LDF Manager explained that all figures would be costed by the proposers of the projects and not the Borough Council.

Councillor Gourlay commented that he had heard Councillor Long on the radio relating to flood defences and that the Borough Council would have to pay for its own flood defences. In response, the Leader, Councillor Daubney advised that this only related to specific areas.

CSC81: **PORTFOLIO HOLDERS' DECISIONS MADE UNDER DELEGATED POWERS**

There were no delegated decisions to consider.

CSC82: **DATE OF NEXT MEETING**

It was noted that the next meeting of the Cabinet Scrutiny Committee was scheduled to be held on Thursday 16 December 2014 at 6 pm.

Councillor Miss S Sandell offered for apologies for the meeting on 16 December 2014.

Meeting closed at 7.19 pm