

**Council**  
**4 SEPTEMBER 2019**

Present: Councillors: Kate Rowbottom (Chairman), Karen Burgess (Vice-Chairman), Matthew Allen, Tony Bevis, John Blackall, Toni Bradnum, Alan Britten, Chris Brown, Peter Burgess, Jonathan Chowen (Deputy Leader), Philip Circus, Paul Clarke, Roy Cornell, Christine Costin, Michael Croker, Leonard Crosbie, Ray Dawe (Leader), Brian Donnelly, Ruth Fletcher, Billy Greening, Frances Haigh, Tony Hogben, Nigel Jupp, Lynn Lambert, Richard Landeryou, Tim Lloyd, Paul Marshall, John Milne, Colin Minto, Christian Mitchell, Mike Morgan, Godfrey Newman, Roger Noel, Bob Platt, Josh Potts, Stuart Ritchie, Jim Sanson, David Skipp, Claire Vickers and Tricia Youtan

Apologies: Councillors: Andrew Baldwin, Liz Kitchen, Gordon Lindsay, Louise Potter, Jack Saheid, Ian Stannard, Diana van der Klugt and Belinda Walters

CO/28 **MINUTES**

The minutes of the meetings of the Council held on 26<sup>th</sup> June and 25<sup>th</sup> July 2019 were approved as correct records and signed by the Chairman.

CO/29 **DECLARATIONS OF MEMBERS' INTERESTS**

Councillors Nigel Jupp, Paul Marshall and Christian Mitchell declared personal and prejudicial interests in the item on the former Novartis site, Parsonage Road, Horsham as they were Members of West Sussex County Council (the applicant) (Minute No. CO/33 below refers).

CO/30 **ANNOUNCEMENTS**

The Chairman reminded Members that the Civic Service would take place on 6<sup>th</sup> October 2019 at St Mary's Church, Causeway, Horsham.

The Cabinet Member for Environment, Recycling and Waste advised Members that the Council was supporting Zero Waste Week, which aimed to highlight waste avoidance, waste minimisation, re-use and recycling, and highlighted some of the initiatives being undertaken. He advised that the Council was working with the Carbon Trust to complete a baseline assessment on carbon emissions by mid-October, which would be used to prepare a realistic action plan. He also noted that this Council strongly supported a re-use pilot scheme launched by West Sussex County Council at the Billingshurst Household Waste Recycling site, which could eventually be expanded across the County.

The Cabinet Member for Community Matters and Wellbeing reported that the Horsham District Community Lottery scheme, which aimed to raise funding for local community and voluntary groups to supplement existing grant funding, had been launched in June 2019 and, to date, 73 groups had applied to join with 46 of these now active. The lottery itself had launched on 29<sup>th</sup> August and the first draw would take place on 28<sup>th</sup> September 2019. The Cabinet Member encouraged all Members to promote and take part in this worthy cause.

The Cabinet Member for Planning and Development advised Members that the reserved matters application for the new school on land North of Horsham had been received. It was expected that works would start on site in the winter, with the school opening in September 2021.

The Cabinet Member for Leisure and Culture:

- Reported that from 11<sup>th</sup> to 29<sup>th</sup> September 2019 repair work would be undertaken on a broken drainage pipe at Warnham Mill Pond. This would result in the level of the pond being lowered whilst the works were undertaken. The Council was working closely with the Environment Agency on this project.
- Advised Members of a visit to the Knepp Estate on 11<sup>th</sup> September 2019.
- Reminded Members of some of the Year of Culture events.

## CO/31 **QUESTIONS FROM THE PUBLIC**

Mrs Eve Brunt asked the following question:

*Serious public concerns have been raised about the road safety aspect of what's being proposed for the redevelopment of the former Novartis site. Yet your officers say there are no highway safety grounds on which Horsham District Council can refuse what's being proposed.*

*They've come to this conclusion on the basis of a series of assessments by highway engineers. HDC even commissioned an independent report of their own because they 'wished to be thorough in relation to highway comments.' This was because, as you know, West Sussex County Council are the district's local highways authority - as well as the owners of the land and the applicants.*

*After a key debate by the planning committee into the scheme was controversially shut down on August 6th - I scoured the planning portal trying to find the actual brief given to Peter Brett Associates - only to find it wasn't there. It still isn't.*

*What was added - on August 12 - after I contacted your principal planning officer to ask why the brief was missing - was a 'consultation request.' In this document, PBA set out their own proposal 'to provide highway and transport comments' - even offering to 'reduce the vigour/scope' of their assessment - if what they were suggesting was too detailed.*

*It turns out that Peter Brett Associates didn't even bother to leave their offices 60 miles away to visit the Novartis site before coming to their conclusion that the development would not have a severe impact. No. Their assessment was based on a review of written reports - provided by West Sussex County Council and their own highway assessors, Hampshire County Council. How independent is that?*

*I have serious doubts, too, about whether crucial Road Safety Audits were carried out to the correct standard.*

*Can I please ask what assurances you can give that you and your fellow councillors here today have all the necessary information before you upon which to base your decision on the Novartis redevelopment?*

Councillor Karen Burgess, the Chairman of Planning Committee (North) replied as follows:

*As Chairman of Planning Committee (North), my role is to ensure the meeting is conducted in accordance with the Council's Constitution, that Members have access to all relevant information, and have an opportunity to comment on the application under consideration. Thus, my main task is to remain impartial and not to influence the members of my own views.*

*Your query refers to the highway comments received from Peter Brett Associates (PBA). PBA are a leading consultancy working on major development and infrastructure projects. It was decided to consult PBA in order to have an independent highway assessment of the Novartis application. This is in addition to the highway comments received from West Sussex County Council who are the statutory highway authority for this Council.*

*It is considered that PBA had access to everything they required to be able to give a full and detailed assessment of the scheme.*

*In their role as independent assessors, PBA have been critical of the submission and have sought further information.*

*In relation to the road safety audit, West Sussex Highways have confirmed this was undertaken in accordance with the correct guidance.*

*Highway matters have been covered extensively in the committee report, which also outlines all consultation and resident responses. In addition, all Councillors have been privy to briefings where the scheme has been discussed and questions raised.*

*Councillors here today will be considering how to proceed with this application.*

As a supplementary question, Mrs Brunt asked why a report from Sussex Police on road safety had been ignored.

Councillor Karen Burgess noted the question and advised that a written response would be provided.

CO/32 **REPORTS OF REPRESENTATIVES**

None.

CO/33 **FORMER NOVARTIS SITE, PARSONAGE ROAD, HORSHAM, WEST SUSSEX**

*Councillors Nigel Jupp and Paul Marshall, having declared personal and prejudicial interests, withdrew from the meeting for this item. Councillor Christian Mitchell arrived during consideration of the item and, having also declared a personal and prejudicial interest, withdrew from the meeting for the remainder of the item.*

The Principal Planning Officer submitted a report indicating that, in accordance with Paragraph 3.6.2(d) of the Council's Constitution, planning application DC/18/2687 – Former Novartis Site, Parsonage Road, Horsham had been referred from Planning Committee (North) to Council for determination by the Director of Place as she was of the opinion that the Committee was minded to make a decision that could result in significant costs to the Council.

The report originally submitted to Planning Committee (North), which contained details of the outline planning application, relevant policies, planning history, the outcome of consultations and a planning assessment of the proposal, was also presented together with additional information addressing questions raised at the Committee and other relevant updates.

The application was for the erection of up to 300 dwellings (C3) (including the conversion of existing offices buildings 3 and 36), up to 25,000sqm of employment (B1) floorspaces and provision of 618sqm of flexible commercial/community space (A1 A2 A3 D1 (Crèche) use classes) within the ground floor of converted building 36. The scheme included improvements to existing pedestrian and vehicular accesses from Parsonage Road and Wimblehurst Road, together with associated parking and landscaping.

The Principal Planning Officer gave a presentation showing plans and photographs of the existing site and plans relating to the proposed development.

Three members of the public spoke in objection to the application. Two representatives of the applicant and the applicant's agent spoke in support of the proposal. Representatives of North Horsham Parish Council and Horsham Denne Neighbourhood Council spoke in objection to the application.

It was moved and seconded that the recommendations contained in the report be approved.

An amendment was then moved by Councillor Claire Vickers and seconded by Councillor Karen Burgess that, in view of the significant concerns expressed in respect of highway safety, consideration of this application be deferred to the next meeting to provide reassurance to Members that the road safety audit is robust by allowing Peter Brett Associates to carry out an independent review of the submitted road safety audit and to report to the Council thereon; and to seek further information in respect of the proposed car parking strategy and provision.

Members discussed the proposed amendment, during which Councillor Vickers indicated that she was willing to accept an addition to her proposal to include seeking the views of Sussex Police in respect of road safety.

It was then:

RESOLVED

That consideration of application DC/18/2687 be deferred to the next meeting to provide reassurance to Members that the road safety audit is robust by allowing Peter Brett Associates to carry out an independent review of the submitted road safety audit and to report to the Council thereon; to seek the views of Sussex Police in respect of road safety; and to seek further information in respect of the proposed car parking strategy and provision.

CO/34 **STORRINGTON, SULLINGTON AND WASHINGTON NEIGHBOURHOOD DEVELOPMENT PLAN**

The Cabinet Member for Planning and Development reported that, following extensive preparations and Examination the Storrington, Sullington and Washington Neighbourhood Plan had been subject to a Referendum on 18 July 2019, where the majority (86%) of those who voted were in favour of the plan.

In presenting the report, the Cabinet Member thanked the relevant Parish Councils and the Neighbourhood Planning steering group for the effort they had put in to the preparation of the Plan. The local Members also paid tribute to the work of the Parish Councils and local residents and supported the Cabinet Member's recommendation.

Council's approval was therefore sought to make the Storrington, Sullington and Washington Plan part of the statutory Development Plan as required by the Town and Country Planning Act 1990 and the Localism Act 2011. This would mean that the Plan would be used in the determination of planning applications in Storrington, Sullington and Washington Parishes in addition to the Horsham District Planning Framework and the South Downs National Park Authority Local Plan.

RESOLVED

- (i) That the Storrington, Sullington and Washington Neighbourhood Plan be formally made under section 38A (4) of the Planning and Compulsory Purchase Act 2004 as part of the Council's statutory Development Plan, following the Referendum held on 18<sup>th</sup> July 2019.
- (ii) That, as soon as possible:
  - a) the Decision Statement including the reasons for making that decision; and
  - b) details of where and when the Decision Statement and the Storrington, Sullington and Washington Neighbourhood Development Plan may be inspectedbe published on the Council's website (and in such other manner as is likely to bring the decision to the attention of people who live, work or carry on business in the neighbourhood area).
- (iii) That a copy of the Decision Statement be sent to the Qualifying body and any person who asked to be notified of the decision be so notified.
- (iv) That any person who asked to be notified of the making of the neighbourhood plan be notified that it has been made and where it may be inspected.

#### REASON

To meet the requirements of the Planning and Compulsory Purchase Act 2004, the Town and Country Planning Act 1990 the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended).

#### CO/35 **MEMBERS' QUESTIONS ON NOTICE**

(1) Councillor Mike Croker asked the Cabinet Member for Planning and Development:

*Would the Cabinet Member agree that it is desirable that, in light of the climate emergency recognised by this council on 26 June 2019, the emerging local plan requires all future dwellings to achieve a significant reduction in predicted in-use energy requirement when compared with the current building regulations? Specifically, at least a 19% reduction on the Dwelling Emission Rate (DER) against the Target Emission Rate (TER) based on the 2013 Edition of the 2010 Building Regulations (Part L), whilst meeting the TER solely from energy efficiency measures as defined within the SAP calculation model, and would she instruct officers to investigate this proposal and report back as part of the local plan review?*

Councillor Claire Vickers, the Cabinet Member for Planning and Development replied as follows:

*I agree that this is a hugely important issue and that the Council seeks to ensure that we will assist the move to a low carbon economy.*

*I can confirm that I am happy to instruct my officers that we investigate the extent to which this can be achieved through the Local Plan review process and the outcomes of this work be reported back as part of the Local Plan review programme.*

*I would, however, like to provide some commentary about the challenges and issues that my planning officers face in requiring low carbon or zero carbon developments.*

*As you will know, the building control regulations provide a starting point to ensure that new homes are built to a high level of energy efficiency. The good news is that it is legally possible for local planning authorities to require higher standards above the existing building regulations up to the equivalent standards set out under the old Code of Sustainable Level 4 Homes. However, we need to undertake more work to support this increase in standards in the Local Plan and, although the National Planning Policy Framework recognises the need for local plans to set out policies which ensure new development minimises impact on climate change, other sections of the NPPF are clear that whilst plans can identify contributions new developments should provide, which can include climate change targets, none of these policies can undermine the deliverability of the Plan. This means that any policies and targets we set will need to be tested to ensure that developments are viable. If this cannot be demonstrated the Plan would not be found sound at the independent examination of the Plan.*

*It is a little too early at this stage to decide what precisely we can control or what can be achieved but further work is being done. So my only word of caution is that the requirement for plans to be viable does have the potential to affect the level at which we can require more stringent energy efficiency requirements.*

As a supplementary question, Councillor Croker asked if the Cabinet Member was considering some progressive tightening of standards within the period of the revised Local Plan in view of the prospective life of new buildings and in the context of the Government's desire for the UK to be carbon neutral by 2050.

Councillor Vickers indicated that she was willing to look at any means that could ensure that all developments were as carbon neutral as possible within the timescale of the Local Plan.

(2) Councillor Bob Platt asked the Cabinet Member for Planning and Development:

*Would the Cabinet Member agree that it is desirable that the emerging local plan will require all new homes (and buildings) to be net zero carbon emissions in operation by 2030, and would she instruct officers to investigate this proposal and report back as part of the local plan review?*

Councillor Claire Vickers, the Cabinet Member for Planning and Development replied as follows:

*I am happy to instruct my officers that we investigate the extent to which this can be achieved through the Local Plan review process and we will report back on the outcomes of this work through the Local Plan review programme.*

*I have already explained in my earlier response to Councillor Croker that any standards that are set in the Local Plan will need to be tested to ensure the Plan remains viable and does not delay the deliverability of the homes we need.*

*In addition I would like to highlight the requirements that all new homes should be zero carbon emissions is particularly complex. This is because the term 'zero carbon' is unfortunately not clearly defined. Although an initial definition was set out in the Code for Sustainable Homes, the definition has changed over time and in addition the Code is no longer in use.*

*Other means of achieving zero carbon such as the allowable solutions carbon offsetting scheme have not been progressed. This adds a complication for officers in identifying what may be considered a 'zero carbon' standard and then, in the longer term, monitoring progress towards its delivery.*

(3) Councillor Frances Haigh asked the Leader:

*The Prime Minister has made it clear that the UK will be leaving the EU on 31st October, with or without a deal. Given that either scenario may cause disruption to our communities in the short term, I have requested a briefing from Officers about the steps taken and plans made by the Council to support our communities, as part of emergency plans in association with other Councils and public sector organisations. To date this has been promised but not received. Please could the Leader and CEO ensure that the briefing is provided to all members by 11th September?*

Councillor Ray Dawe, the Leader replied as follows:

*I understand from the Chief Executive, who is the Council's lead officer on Brexit, that the information you have requested has already been provided to you by email. That email included a copy of the assessment of any possible risks facing the Council and sets out how the Council might reasonably mitigate those should it become necessary. An example of this is increasing the fuel stock at the Hop Oast depot to maximum. I have asked that a copy of that email is circulated to all Members.*

*Many local government services provided by districts and boroughs are affected by EU rules and regulations. These include waste management, employment, environmental standards and procurement. The Withdrawal Act 2018 however fully ensures that those EU laws which underpin key services on exit day would continue to apply through UK law, even under “no deal” so there is nothing legally that would stop those services continuing as now.*

*In his role as lead officer on Brexit, the Chief Executive participates in webinar teleconference sessions, attended by over 200 other councils, where Government Ministers and senior officials brief the nominated Brexit lead officers on the current status of the UK’s Brexit preparations. We also receive advice and updates on Brexit from the Local Government Association. It is clear that the measures taken by this Council parallel those taken by other district councils that do not have a port or an airport within their area.*

*Beyond that, the potential impact of Brexit on our communities falls into two main categories:*

- 1) The resident status of EU citizens living in the UK; and*
- 2) The effect of tariffs or customs delays on local businesses whose supply chains cross EU borders.*

*Both of these subjects and others are covered by numerous leaflets published by HMRC and the Home Office and which have been the subject of a number of publicity campaigns by the Government. Both this Council’s website and that of West Sussex County Council provide hyperlinks, referring anyone searching for information on these matters to the advice provided by the agencies responsible.*

*In the meantime, particularly given the uncertainty, our officers will maintain their watching brief on developments and in doing so will be looking to reduce any new risks that may arise and Members will be informed if the webinar briefing sessions with other councils & Government officials or LGA advice identifies any additional actions that we need to take.*

As a supplementary question, Councillor Haigh asked if it would be possible to have a workshop on this issue to enable all Members to ask questions or air any concerns they might have.

Councillor Dawe suggested that it would be wise to await the outcome of current developments in Parliament and at such point as he thought Members might benefit from a seminar he saw no reason why one could not be held.

(4) Councillor Frances Haigh asked the Leader:

*The Leader said at the June Council Meeting that the idea of a Year of Green Action would be considered by the Council. This was greatly welcomed by climate campaigners who are looking to the Council to lead on this initiative at this time of climate emergency. Please could the Leader and the Cabinet Member for the Environment provide an update on the plans and progress made so far?*

Councillor Ray Dawe, the Leader replied as follows:

*I fully understand there is a strong interest among Members and residents about environmental matters. As a Council we have a good record on such things and we want to do more.*

*What I believe I said at the Council meeting was I would talk to Cabinet Members about the idea of a Year of Green Action. Cabinet Members have since done that and the response was strongly we are already in, and have been for some time, a period of Green Action. This will undoubtedly continue long into the future as new ideas and initiatives appear. Councillor Philip Circus, as lead Cabinet Member on this, has clearly stated our view that there can be a lot of rhetoric about Green matters but the important thing is to continue to find practical ways where the Council can act positively to help the environment.*

*There is also a need to have good general public support of any actions.*

*At the annual meeting I specifically appointed a Cabinet Member for environmental matters. I have also said that we will be undertaking a carbon audit of the Council's activities via the Carbon Trust, so that Members and the public can understand what practical and quantifiable progress we are making. I understand this audit will take place in late September. We have also said that we will work on a number of streams on environmental actions and I have asked for a Cabinet paper to be produced to outline those. Based on that we will then explore what more can be done and what timescale we can put on it.*

As a supplementary question, Councillor Haigh asked if it would be possible to engage with communities by organising a 'Green Festival' in 2020, building on other events already organised by environmental groups, or if residents could be supported by the Council to run their own Year of Green Action.

Councillor Dawe suggested that Councillor Haigh put her proposal forward in greater detail so that it could be examined to determine its practicality and if it would work.

CO/36 **REPRESENTATIVES TO OUTSIDE BODIES**

RESOLVED

That the following appointments of representatives to outside bodies be made for the period to May 2023:

Local Government Association General Assembly – Leader of the Council

Court of the University of Sussex – Chairman of the Council (substitute: Vice-Chairman of the Council)

CO/37 **URGENT BUSINESS**

There was no urgent business.

*The meeting closed at 8.21 pm having commenced at 6.00 pm*

CHAIRMAN