

Special Council Meeting (2) - 5 August 2010

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Date	5 August 2010
Venue	United Reformed Church, St Annes
Members	Mayor (Councillor Elizabeth Oades) Ben Aitken, Christine Akeroyd, Keith Beckett, John Bennett, Karen Buckley, David Chedd, Maxine Chew, Peter Collins, Leonard Davies, John Davies, Kevin Eastham, David Eaves, Susan Fazackerley, Trevor Fiddler, Patricia Fieldhouse, Tony Ford, Richard Fulford-Brown, Peter Hardy, Kathleen Harper, Paul Hayhurst, Howard Henshaw, Ken Hopwood, Keith Hyde, Angela Jacques, Cheryl Little, Albert Pounder, Dawn Prestwich, Louis Rigby, Paul Rigby, Elaine Silverwood, John Singleton, Thomas Threlfall.
Officers	Phillip Woodward, Paul Walker, Ian Curtis, Mark Evans, Annie Womack, Andy Cain, Alan Blundell, Bernard Judge
Members of the Public	Members of the public were in attendance

25. Declarations of Interest

Members were reminded that any personal/prejudicial interests should be declared as required by the Council's Code of Conduct adopted in accordance with the Local Government Act 2000. Councillor Henshaw declared a personal interest in that he had been a long-term friend of Mr P Whitehead, the person who had submitted a question for consideration at this meeting.

26. Questions from members of the public

The mayor indicated that although questions are not usually permitted at special council meetings, she was minded to allow a question because the specific issue to be debated at this Special Meeting had been deferred from an Ordinary Meeting of the Council.

The Mayor asked that the question, which had been submitted by Mr P Whitehead of The Windmill (Development) Group, Lytham, be read out by the Chief Executive. The Chief Executive then read out the following question:

Why

- when the Mayor moved at the meeting last Wednesday to defer this item on transparency grounds, is this meeting being held when the circumstances haven't changed (the constitution of Fylde Borough Council effectively*

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precludes any written, verbal or other representations at Special Council meetings);

- *does the Council not think that this is undemocratic and inconsistent;*
- *have 'hares been set running' unnecessarily in terms of addressing the issues raised by the abolition of the Regional Strategies when the cross referred (in the papers prepared for this meeting) document from the Department for Communities and Local Government ('DCLG') dated 6th July, sets out how Local Authorities should manage the processes progressively and steadily;*
- *is the Council attempting to inexcusably use the abolition of the RS to change planning policies at 'the drop of a hat' when it is absolutely evident that, unless one is prepared to make an extraordinary effort, the Council's own meetings, in this age of 'localism and involvement', access from the public and stakeholders is barred as is readily evidenced by what is happening in this situation;*
- *is the Council ignoring paragraphs 3.1 and 3.2 of PPS12 (Local Development Framework) which states that Local Planning Authorities should involve the community at an early stage in the preparation of local development documents;*
- *is the Council ignoring the requirement to comprehensively assess its housing needs before it attempts to progress planning policy related decisions;*
- *is the Council ignoring its own Statement of Community Involvement ('SCI') which was adopted in July 2007;*
- *is the Head of Development Control, who is the author of the original papers which are being presented to the meeting, now publically stating that there is no change to planning policies when it is obvious that there is by virtue of Options A, B, C and D being suggested in the paper;*
- *are Councillors which this office has corresponded and spoken with being led to incorrectly believe that they are have the power to change planning policies in the meeting rather than anything else;*
- *is the Council (and the tax payer) prepared to leave itself open to costly judicial reviews by acting in this rushed and ill thought through manner;*
- *does the Interim Housing Policy need to be changed other than in connection with the abolition of RS and the proper, consequential amendments which do not affect planning policies and what policing will be invoked to ensure that no such planning policies' amendments are inadvertently incorporated; and*
- *does the Council believe that it can move away from its own Option 1 housing needs' figures, when these are the correct ones (as the DCLG states), until the outcome of a replacement exercise involving full and thorough public involvement and in accordance with paragraphs 3.1 to 3.7 of your own SCI?*

When invited to respond, the Portfolio Holder Councillor Trevor Fiddler advised that Mr Mark Evans, Assistant Director of Planning would provide an initial reply to some of the points raised regarding planning policy procedures.

Mr Evans responded as follows:

"The Department of Communities and Local Government's (DCLG) letter of 6 July 2010 confirmed that the Regional Spatial Strategies (RSS) had been revoked

with immediate effect. As the RSS previously formed part of the development plan, the Secretary of State's action represents a significant change in planning policy to which Fylde Borough Council must respond quickly in order to allow planning applications for residential development to be determined.

Question and Answer style advice was attached to the DCLG's letter to assist local planning authorities in determining planning applications and delivering their local development frameworks.

In that guidance, the DCLG states that local planning authorities may adopt the Option 1 housing figures, i.e. housing figures based on assessments undertaken by local authorities themselves, if that is the right thing to do for the area. There is no compulsion placed on local planning authorities to adopt the option 1 figure.

Following the revocation of RSS, the Local Development Framework Steering Group considered a number of options for determining planning applications and the way forward for the Borough's Core Strategy.

*In regard to determining planning applications, the Steering Group's preference was to adopt Option C which consisted of Option B (To allow residential development solely on small previously developed sites within the settlement boundary as defined in the Interim Housing Policy (IHP)) plus small greenfield within established settlement boundaries i.e. allow **appropriate** development within gardens, playing fields, allotments and similar sites*

Within the body of the discussion paper considered by the Steering Group, each option had a series of perceived advantages and disadvantages listed. Amongst the advantages of option C was that it is a reiteration of [the] current adopted Interim Housing Policy - an established policy that has been accepted at appeal.

The Steering Group considered that the continued operation of the Interim Housing Policy was the most appropriate short term response whilst a housing supply figure for the Borough was developed as part of the Core Strategy.

As the introduction of the Council's Interim Housing Policy states that the policy is a response to the introduction of the Regional Spatial Strategy, it is necessary for the Council to reaffirm that the policy is still relevant following the revocation of RSS and that a note be added to the Interim Housing Policy to advise that the policy is still relevant and any reference to the RSS must be discounted.

The Interim Housing Policy was subject to public consultation prior to its adoption in July 2008. As there will be no other change in the Interim Housing Policy it is considered that there is no requirement to undergo any further consultation.

*Had it been determined that any of the other options under consideration were the most appropriate course of action for the authority to adopt, it **would** have been appropriate to carry out further appraisals and consultation prior to adopting a revised policy position.*

The assessment of the Borough's future housing supply will be developed through the LDF process and will be subject to full consultation in accordance with the Council's adopted Statement of Community Involvement.

It is important to bear in mind that, in determining any planning application for residential development, other material considerations may result in planning permission being granted outside the terms of the Interim Housing Policy. This is recognised in the existing Interim Housing Policy and there will be no change in this situation.

Fylde Borough Council's response to the revocation of RSS has, therefore, been a measured assessment of a series of alternative options."

26. Adoption of Interim Position on Residential Developments

The Portfolio Holder for Planning Councillor Trevor Fiddler presented a report which proposed the adoption by Council of an interim position on residential developments.

The issue had arisen as a result of the revocation by the Secretary of State for Communities and Local Government of Regional Spatial Strategies. Several options were available in the interim for the progression of the Local Development Framework (LDF) and determination of planning applications, until such time that more detailed national policy was produced.

The various options had been discussed by the LDF Steering Group, and the minutes and recommendation of the group were appended to the report.

Councillor Fiddler moved the proposal and it was seconded by Councillor Eastham. Following discussion it was RESOLVED:

1. To agree and endorse the approach recommended by the LDF Steering group until further and more detailed guidance/policy is issued.

(The Mayor indicated that she was satisfied that the matter was not controversial and dealt with the matter by a show of hands rather than by taking a recorded vote on it.)

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