

**Publication
Date
22 July
2014**

CHILTERN DISTRICT COUNCIL

**MINUTES of the CABINET
held on 15 JULY 2014**

PRESENT Councillors Mrs I A Darby - Leader
G K Harris
P J Hudson
P E C Martin
F S Wilson

APOLOGIES FOR ABSENCE were received from Councillor M Stannard

ALSO IN ATTENDANCE: Councillors Mrs J A Burton, J L Gladwin,
D W Phillips, N M Rose, J J Rush and A P Williams

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 CURRENT ISSUES

There were no current issues to report.

3 EXCLUSION OF THE PUBLIC

RESOLVED –

That under section 100 (A) (4) of the Local Government Act 1972 (as amended) the public be excluded from the meeting for the following item(s) of business on the grounds that they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

Note: the relevant paragraph number and description is included under the Minute heading.

4 SUBMISSION OF DELIVERY DEVELOPMENT PLAN DOCUMENT

Paragraph 3 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

Cabinet on 11 February 2014 considered and approved for public consultation and submission to the Secretary of State for Communities and Local Government the Pre-Submission version of the Delivery Development Plan Document (DDPD). Following the end of the public consultation exercise, Council on 13 May 2014, on the recommendation of Cabinet on 6 May 2014, delegated authority to the Head of Sustainable Development in consultation with the Head of Legal and Democratic Services and the Cabinet Member for Sustainable Development to submit the DDPD to the Secretary of State for Communities and Local Government.

Around the time of the latter consideration by Cabinet and Council, the Council received advice from the Planning Inspectorate, as had all Councils close to submission of a plan, to seek legal advice before submission following recent examination outcomes and legal rulings. The Cabinet received a report requesting Members' instructions regarding the submission of the Council's Delivery Development Plan Document in the light of the recent judgements, legal rulings and legal advice received by the Council.

Members noted a further judgement in relation to a plan challenge in Wokingham had been received after the report had been written. It was recognised that further judgements were likely to continue to be made which could relate to the decision regarding the submission of the DDPD. However, it was felt that delaying a decision on the submission may expose the Council to greater risk, and as such it was recognised that a decision needed to be made on the best information available at the current time.

Members considered two options: to recommend that the Council reconfirms the decision made on 13 May 2014 to submit the DDPD as soon as possible for examination or to withdraw the DDPD and start work on a new single local plan. The risks associated with both options were then considered and discussed in detail.

It was felt important that if the Council agreed to reconfirm the decision to submit the DDPD that a commitment be made to prepare a new Local Plan in order to mitigate the risk of challenge to the Council as far as possible. The commitment to prepare a new Local Plan would include carrying out an objective assessment of housing needs; a commitment to seeking to meet those needs in full as far as is consistent with the policies set out in the NPPF, including a Green Belt review.

A number of non-Cabinet Members were then invited to speak. The risks associated with not submitting the DPDD were highlighted in particular. The importance of committing to prepare a new Local Plan and carry out the recommended supporting evidence was also emphasised, with timetabling being identified as a critically important issue.

Following a comment from a non-Cabinet Member it was advised that the resourcing available to provide the supporting evidence with the submission of

the Council's DDPD would be kept under review, and that if additional resources were required, then a further report would be brought before the Cabinet.

It was noted that a Local Plan Policy Advisory Group (LPPAG) had been established to consider key issues for the DDPD and provide an informal Member steer for officers. The LPPAG had met on 19 June and 14 July to consider the two options currently before the Cabinet. At the most recent meeting the LPPAG acknowledged that there were risks for both options and, on balance, advised that they were minded to recommend to Cabinet that the Council should continue to submit the DDPD along with a Duty to Co-operate statement.

It was noted that a further report would be considered by the Cabinet at the next meeting on 26 August regarding a revised Local Development Scheme, and in response to a question it was confirmed that this would include commitment to an early Green Belt review.

RESOLVED –

- 1. That it be noted that that the Delivery Development Plan Document has not at this stage been submitted to the Secretary of State for examination.**
- 2. That the Officers prepare a revised Local Development Scheme in consultation with adjacent local planning authorities, such Local Development Scheme to bring forward the preparation of a single local plan to replace the Core Strategy for Chiltern District and Delivery DPD once adopted, and that a report on the revised Local Development Scheme be considered at the next Cabinet meeting on 26 August 2014.**

AND RECOMMENDED –

- 3. That the Council reconfirms the decision to submit the Delivery Development Plan Document to the Secretary of State for Communities and Local Government for examination as previously agreed by the Council meeting held on 13 May 2014.**
- 4. That the Delivery Development Plan Document be submitted in mid-August, leading to an examination towards the end of 2014 and proposed adoption in Spring 2015;**
- 5. That the Council gives a commitment to prepare a new Local Plan, including an objective assessment of needs, and a commitment to seeking to meet those needs in full as far as is consistent with the polices set out in the National Planning Policy Framework including an early Green Belt review;**

- 6. That the commitment be demonstrated by bringing forward a new Local Development Scheme to Cabinet on 26 August 2014 to be recommended to Council that will establish a timetable for the Core Strategy/Delivery Development Plan Document review as a single local plan co-ordinated with adjacent authorities;**
- 7. That the preparation of a single local plan be progressed as soon as possible – commencing with the joint commissioning of a Strategic Housing Market Assessment boundary study in July/August and discussions and joint working with duty to cooperate organisations at the earliest opportunities.**

The meeting ended at 2.50 pm