

**Minutes of a meeting of Council
held on Wednesday, 10th August, 2022
from 7.00 pm - 8.02 pm**

Present: M Belsey (Chairman)
P Coote (Vice-Chair)

G Allen	J Edwards	G Marsh
J Ash-Edwards	S Ellis	J Mockford
R Bates	R Eggleston	A Peacock
J Belsey	A Eves	C Phillips
A Boutrup	B Forbes	M Pulfer
P Brown	L Gibbs	R Salisbury
R Cartwright	I Gibson	S Smith
P Chapman	S Hatton	D Sweatman
R Clarke	J Henwood	C Trumble
E Coe-	S Hicks	N Walker
Gunnell White	T Hussain	R Webb
M Cornish	R Jackson	R Whittaker
J Dabell	J Knight	
R de Mierre	Andrew Lea	
B Dempsey		

Absent: Councillors A Bennett, L Bennett, P Bradbury, H Brunsdon,
R Cromie, S Hillier, C Laband, Anthea Lea, A Sparasci,
L Stockwell and N Webster

The Chairman noted there was no live stream of the meeting due to technical issues.

1. OPENING PRAYER

The opening prayer was read by the Vice-Chairman.

2. TO RECEIVE QUESTIONS FROM MEMBERS OF THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE 9.

None.

3. TO CONFIRM MINUTES OF THE MEETING OF COUNCIL HELD ON 29 JUNE 2022.

The minutes of the meeting of Council held on 29 June were agreed as a correct record of the meeting.

4. TO RECEIVE DECLARATIONS OF INTEREST FROM MEMBERS IN RESPECT OF ANY MATTER ON THE AGENDA.

Councillor Gibson declared a personal interest in item 7 as he is a West Sussex County Councillor for Imberhorne Division. Cllr Eggleston declared a personal interest in item 7 as he is the signatory to the letter of claim.

5. TO CONSIDER ANY ITEMS THAT THE CHAIRMAN OF THE COUNCIL AGREES TO TAKE AS URGENT BUSINESS.

None.

6. CHAIRMAN'S ANNOUNCEMENTS.

The Chairman highlighted the Chairman's Charity Fundraising Music Night taking place on October 20th inviting all Members to help support the Kangaroos Fun Disability Clubs charity.

7. SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT.

The Cabinet Member for Planning moved the item noting the document was being brought back to the Council for reaffirmation due to a technical matter. He advised that a resident had enquired whether the Members had been directed to read the papers relating to the recommendation on the Sites Allocation Development Plan Document on 29 June 2022, and that the relevant papers were not physically appended to the Council papers for that meeting. He asked the Members to reaffirm the decision made by the Council on 29 June 2022 to adopt the Sites Allocation DPD. He highlighted that Members were directed to the Sites Allocation DPD Sustainability Appraisal incorporating the Strategic Environmental Assessment attached with the consultation response. This was seconded by Councillor Ash-Edwards.

Councillor Eggleston proposed an amendment to the recommendations due to the way the adoption took place. He highlighted that the Council had no powers to unadopt or change the Sites Allocation DPD, his amendment was to enable the Secretary of State to exercise his call-in powers regarding the Sites Allocation DPD. He advised if he had not submitted the letter of claim, a local resident would have. The amendment was seconded by Cllr Gibbs.

The amendment is as follows:

Council refers to the decision to adopt the Site Allocations Development Plan Document ("the Document") on 29th June 2022 and resolves that the Head of Regulatory Services writes to the Secretary of State for Levelling Up, Housing and Communities requesting that the Secretary exercises the powers available to him under s25 (a) of the Planning and Compulsory Purchase Act 2004 to revoke the Document and that the letter, with reasons for the revocation, be sent no later than Tuesday 16th August 2022.

Members discussed the location and types of houses being proposed in the district which did not meet the local need, the lack of freedom for local authorities to decide on housing policy within their districts, the benefits of a five-year housing supply and the cost to the taxpayer of houses being developed on appeal as a result of not having a five-year land supply.

A Member commented that they did not support the current District Plan as it did not deliver the sustainable development the district required.

A Member noted the amendment and comments made by Cllr Eggleston. They expressed concern that the amendment was not a proportionate response

considering the time taken to complete the Sites Allocation DPD. He was content with the level of debate on the report on 29 June 2022, noting there are some contentious sites.

A Member indicated that he had now read the sustainability appraisal twice and went on to note the risks of unwanted development if we did not have a five-year land supply. He stated that the amendment would be a disservice to the residents of Mid Sussex.

A Member highlighted that the Planning Inspector talked of sustainability in robust terms in his report and reminded Members of the Council motto: [insert motto here in Latin and in English]. In considering the report they must act for the benefit of the whole district, and without a five-year land supply the Council has little control over future development in the district.

A Member expressed concern that there had been a breakdown in the trust of residents in the Council and the district planning process. The amendment provides an opportunity to think again and a chance to restore trust in the site selection and planning process.

Several Members noted that the 2021 Environment Act has imposed new conditions and reviewing the Sites Allocation DPD alongside the current review of the District Plan gives the Council an opportunity to review all the sites against the Act.

Discussion was also held on environmental concerns including the environmental impact assessments of some sites, the importance of the 2021 Environment Act, the financial impact of restarting the process for the Sites Allocation DPD, the increased weight to biodiversity due to the 2021 Environment Act, the time frame for construction to commence on some sites. The impact of developments within the AONB if the Council does not reaffirm the decision taken on 29 June 2022. It was noted that many residents of the district are unhappy with developments in their locality.

Several Members highlighted that the merits of sites will be discussed as planning applications are received. They also noted the time it had taken to bring forward the Site Allocation DPD and the provision of housing within the whole district must be considered.

The Leader, Councillor Ash-Edwards, advised that the amendment was not about the Site Allocation DPD but was about revoking the District Plan. He highlighted paragraph 21 of the report, the court case between Flaxby Park Ltd and Harrogate BC [2020], the judge deemed there had been no error in law and it was not appropriate to quash the plan; the proposed amendment was therefore disproportionate. He noted that a number of Council's have adopted their Plan's without meeting the requirements outlined in the Flaxby Park case. The DPD was required to have control over future developments within the district and to avoid the expense of appeals which are funded by taxpayers. He did not support the amendment.

In response to Councillor Eggleston's point of order Tom Clark, Solicitor to the Council advised that he had moved the amendment motion and there would be no other opportunity for him to speak.

The Cabinet Member for Planning advised that the Council was committed to the Site Allocation DPD in the District Plan. The Planning Inspector tasked the Council to

produce the document within two years. The DPD had been inspected, found to be sound and has become an adopted policy of the Council. If the DPD had not been adopted the Council would not be policy compliant with DP4 of their own District Plan, exposing residents to all 275 sites and uncertainty with future developments. Not adopting the DPD would put at risk the development of the Science and Technology Park along with potentially 2,500 jobs. This amendment is wholly disproportionate.

In seconding the motion to amend, Councillor Gibbs thanked the Members for their time and the discussion over the lawfulness of the decision made on 29 June 2022. The issue was the sustainability appraisal was included only as a link within the paper copy on the agenda and this could be deemed unlawful. He noted that the Planning inspector was content but believed the Council must be transparent, and he supported the amendment.

The Chairman took Members to a vote on the tabled amendment. A recorded vote was requested and taken, and the amendment was lost with 18 in favour, 23 against and there was 1 abstention.

	For	Against	Abstain		For	Against	Abstain
Allen, G.	✓			Gibbs, L.	✓		
Ash-Edwards, J.		✓		Gibson, I.	✓		
Bates, R.	✓			Hatton, S	✓		
Belsey, J.		✓		Henwood, J.	✓		
Belsey, M.		✓		Hicks, S.	✓		
Boutrup, A.		✓		Hussain, T	✓		
Brown, P.	✓			Jackson, R.	✓		
Cartwright, R.	✓			Knight, J.		✓	
Chapman, P.			✓	Lea, Andrew		✓	
Clarke, R.		✓		Marsh, G.		✓	
Coe-Gunnell White, E.		✓		Mockford, J.	✓		
Coote, P.		✓		Peacock, A.		✓	
Cornish, M.	✓			Phillips, C.	✓		
Dabell, J.		✓		Pulfer, M.		✓	
de Mierre, R.		✓		Salisbury, R.		✓	
Dempsey, B.	✓			Smith, S.		✓	
Edwards, J.	✓			Sweatman, D.		✓	
Eggleston, R.	✓			Trumble, C.		✓	
Ellis, S.		✓		Walker, N.		✓	
Eves, A.	✓			Webb, R.		✓	
Forbes, B.		✓		Whittaker, R.		✓	

Members discussed the substantive recommendations noting the consequences of not having a five-year land supply, the importance of treating the sites in the Sites Allocation DPD the same way the sites in the revised District Plan are treated and the importance of having a plan that was fit for purpose.

In conclusion, seconding the original motion Councillor Ash-Edwards highlighted that revoking the Sites Allocation DPD would end the District Plan. The sustainability appraisal had been summarised in the report and was considered as part of the recommendations the Council agreed on 29 June 2022. He noted that diligent Councillors will have read the sustainability appraisal ahead of the meeting in June. The Planning Inspector was clear that the sustainability appraisal meets the requirements, and advice received from the Council's QC states Members were asked to adopt the DPD having considered the sustainability response. He reiterated that the Sites Allocation DPD is a requirement of District Plan, a five-year land supply is necessary, and helps to secure the Science and Technology Park.

The Chairman took Members to a vote on the recommendations as contained in the report. A recorded vote was requested and taken, and the recommendation was approved with 23 in favour, 7 against and there were 12 abstentions.

	For	Against	Abstain		For	Against	Abstain
Allen, G.			✓	Gibbs, L.			✓
Ash-Edwards, J.	✓			Gibson, I.		✓	
Bates, R.			✓	Hatton, S.			✓
Belsey, J.	✓			Henwood, J.			✓
Belsey, M.	✓			Hicks, S.			✓
Boutrup, A.	✓			Hussain, T.			✓
Brown, P.		✓		Jackson, R.			✓
Cartwright, R.			✓	Knight, J.	✓		
Chapman, P.			✓	Lea, Andrew	✓		
Clarke, R.	✓			Marsh, G.	✓		
Coe-Gunnell White, E.	✓			Mockford, J.		✓	
Coote, P.	✓			Peacock, A.	✓		
Cornish, M.		✓		Phillips, C.		✓	
Dabell, J.	✓			Pulfer, M.	✓		
de Mierre, R.	✓			Salisbury, R.	✓		
Dempsey, B.			✓	Smith, S.	✓		
Edwards, J.		✓		Sweatman, D.	✓		
Eggleston, R.			✓	Trumble, C.	✓		
Ellis, S.	✓			Walker, N.	✓		
Eves, A.		✓		Webb, R.	✓		
Forbes, B.	✓			Whittaker, R.	✓		

RESOLVED

Council agreed to:

- (i) reaffirm the decision to adopt the Site Allocations Development Plan Document (the Sites DPD) taken on 29 June 2022 expressly in the light of the

Sustainability Appraisal work (including consultation responses) undertaken to support the preparation of the Sites DPD.

The meeting finished at 8.02 pm

Chairman