

Executive

Minutes of the meeting held on Wednesday 28 January 2015 at the Town Hall, Royal Leamington Spa at 9.10 pm.

Present: Councillor Mobbs (Chairman); Councillors Caborn, Coker, Cross, Mrs Gallagher, Hammon, Shilton and Vincett.

Also present: Councillor Boad (Liberal Democrat Observer), Councillor Mrs Falp (Chair of Overview and Scrutiny Committee), Councillor MacKay (Representative of Finance & Audit Scrutiny Committee & Independent Group Observer), and Councillor Weber (Labour Group Observer).

114. **Declarations of interest**

Minute Number 115 – Local Plan Submission Draft

Councillors Caborn and Shilton declared they had a Disclosable Pecuniary Interest because part of the land being considered for housing development allocation was owned by Warwickshire County Council. Therefore, as County Councillors they would benefit from this. However, dispensation had been granted, by the Standards Committee on 21 January 2015, for them to participate in this matter.

Councillor Boad declared he had a Disclosable Pecuniary Interest because his wife was a Warwickshire County Councillor and part of the land being considered for housing development allocation was owned by Warwickshire County Council. Therefore as a County Councillor his wife would benefit from this. However dispensation had been granted, by the Standards Committee on 21 January 2015, for him to participate in this matter.

Minute Number 117 – Strategic Opportunity Proposal

Councillors Caborn and Shilton declared they had a Disclosable Pecuniary Interest because Warwickshire County Council could significantly benefit from the proposal, therefore they left the room while this item was considered.

Councillor Boad declared a Disclosable Pecuniary Interest because his wife was a Warwickshire County Councillor and the County Council could significantly benefit from the proposal, therefore he left the room while this item was considered.

Councillor Mrs Falp declared a personal interest because her son was a shareholder in Leamington Brakes Football Club.

Part 1

(Items on which a decision by Council is required)

115. Local Plan Submission Draft

The Executive considered a report from Development Services which sought approval to publish the Community Infrastructure Levy Draft Charging Schedule for consultation, to update the Local Development Scheme and to ensure sufficient funding is in place for the Examination in Public process.

The report also sought approval from Full Council to submit the draft Local Plan and associated documents, to the Secretary of State to commence the Local Plan Examination in public process. A meeting of full Council had taken place prior to the Executive meeting and the report as set out, subject to the amendments set out in the addendum was approved (see minute number 67 of Council minutes 28 January 2015).

The Council had approved the Publication Draft Local Plan at its meeting on 23 April 2014. This draft was then subject to a six week period of consultation under sections 19/20 of the Town and Country Planning Regulations, 2012. In response to this consultation, 365 respondents made representations. In total these respondents made 1642 representations of which 329 were in support of policies/proposals and 1313 were objections.

Following the close of the consultation, officers had read and considered all the representations and had prepared responses to them. This work was presented in the Report of Public Consultation which had been published on the Council's website. A summary of the key issues arising from this consultation were shown in Appendix 6 to the report.

The Council was committed to introducing a CIL Charging Schedule, which in addition to other funding mechanisms, would support the delivery of the infrastructure required to for the level of growth proposed in the Local Plan. The Council had consulted on a Preliminary Draft Charging Schedule (PDCS) in June 2013. A summary of the consultation on the PDCS had been prepared, along with responses to the points made as outlined in Appendix 7.

Since this consultation was undertaken, the Council had reviewed the CIL viability study to ensure the viability evidence was up to date. This updated study indicated that the charging rates proposed in the Preliminary Draft Charging Schedule were still valid and that these should form the basis of the Draft Charging Schedule, attached as appendix 4 to the report.

Officers would carefully consider the representations made in relation to the CIL Draft Charging Schedule consultation. As part of this, they would consider whether any amendments were required to support the soundness of the Draft Charging Schedule. Recommendation 2.5 of the report, sought to delegate responsibility for considering the need to make

amendments to the Head of Development Services, in consultation with the Deputy Leader.

The Council was also required to publish a Local Development Scheme setting out its intended schedule for producing Development Plan Documents. The tables in appendix 5 to the report set out the proposed amendments to the Local Development Scheme.

Previously, Council had agreed a budget for the Local Plan including the Examination in Public process (Executive report December 2010 and June 2013). However, the costs of preparing the Plan had been higher than originally anticipated due to the need to undertake further work. The additional budget set out in recommendation 2.6 of the report would be added to the balance of the existing Local Plan Budget to give a total of £150,000. This was expected to be adequate to cover the costs of both the Local Plan examination and the CIL Examination.

There may be some circumstances where the use of Compulsory Purchase Orders was necessary in order to ensure the delivery of essential aspects of the Local Plan. In these cases, the preferred approach was to seek resolution through agreement with current landowners. However, should this prove not to be possible, CPO may be necessary, for instance to help deliver allocated sites in the Kenilworth area. This recommendation sought authorisation for officers to undertake preparatory work for CPO in these circumstances, however, further authorisation would be required to formally make a CPO.

An addendum circulated at the meeting outlined a number of amendments to the original report. These included grammatical amendments to paragraphs 2.52, the addition of wording to paragraphs DS16 on page 32 and TR2 on page 116, the deletion of wording from paragraph 2.75 on page 33 and changes to estimated figures relating to E6, Kenilworth and ISF2, Improvements to sports hall and swimming pools.

A meeting of the Finance and Audit and Overview & Scrutiny Committees had taken place prior to the Executive meeting and the Members comments were as follows:

The Scrutiny Committees only considered recommendations 2.4 to 2.9 of the report and the associated paperwork for these.

Members also thanked officers for the information that was circulated via the addendum.

Some Members had concerns about the use of Compulsory Purchase Orders in any instance and felt this should not be included as a recommendation at this time. However, overall the Joint Committee supported the proposal.

The Scrutiny Committees recommended the Community Infrastructure Levy as set out was the way to proceed to ensure the plan set out was achieved.

The Scrutiny Committee supported recommendation 2.8 as a sensible proposal but did raise a concern that the figure of £120,000 may not be sufficient even though this is evidenced through the costs of other examinations in public. The Committee asked for the budget figures for the Local Plan and the additional funds for this and reasons to be passed to all members so they could see the requirements in total.

Following the Scrutiny Committees meeting, further clarification was requested on how much funding had previously been set aside for the Local Plan. A second addendum provided information on recommendation 2.9 and the Local Plan budget, previous sums allocated and increasing costs.

Having considered the report and the addendums and additional information received from officers, it was

Resolved that

- (1) the Community Infrastructure Levy (CIL) Draft Charging Schedule shown in Appendix 4, to the report is approved for publication under Regulation 16 of the CIL Regulations 2010 and is subject to a four week period of consultation starting not later than 25th February 2015;
- (2) the Head of Development, in consultation with the Deputy Leader, be asked to consider the representations made within the consultation period and as part of this to consider whether any amendments to the Draft Schedule are needed. In the event that in her view no, or only minor, amendments to the Draft Charging Schedule are needed, the authority to submit the CIL Draft Charging Schedule (with any such amendments) and associated submission documents, along with a Draft Regulation 123 list of infrastructure to be funded from CIL, to the Secretary of State in accordance with section 212 of the Planning Act 2008 is delegated to the Chief Executive in consultation with Group Leaders and the Deputy Leader. Where more than "minor amendments" are proposed, a further report will be brought to Executive prior to submission of the Charging Schedule;
- (3) the Head of Development Services, where necessary in consultation with the Deputy Leader, is authorised to take any steps which she considers to be expedient for the purpose of implementing recommendation (2) above or

promoting the objectives and interests of the Council at the CIL examination;

- (4) the Local Development Scheme is updated to reflect the amendments shown in the table in Appendix 5 to the report;
- (5) an additional sum of £120,000 be set aside from the Planning Appeals Reserve to support the Local Plan Examination in Public process; and
- (6) in the event that Compulsory Purchase Order powers may be required to enable the implementation of the Local Plan, officers be authorised to undertake preparatory work prior to seeking formal approval to make a CPO.

(The Portfolio Holder for this item was Councillor Hammon)

116. **Public and Press**

Resolved that under Section 100A of the Local Government Act 1972 that the public and press be excluded from the meeting for the following items by reason of the likely disclosure of exempt information within the paragraphs of Schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006, as set out below.

Minute No.	Para Nos.	Reason
117	3	Information relating to the financial or business affairs of any particular person (including the authority holding that information)

117. **Strategic Opportunity Proposal**

The recommendations of the report were agreed.

The full minute for this item would be set out in the confidential minutes of the meeting.

(The Portfolio Holder for this item was Councillor Mobbs)
(Forward Plan reference 661)

(The meeting ended at 9.18 pm)