

COUNCIL

MINUTES OF THE EXTRAORDINARY MEETING HELD ON

TUESDAY, 14 FEBRUARY 2012

**Please note that these Minutes have been amended.
See Minutes of 10 May for amendments.**

Councillors Present: David Allen, Peter Argyle (Chairman), Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, David Betts, Dominic Boeck, Jeff Brooks, Paul Bryant, Virginia von Celsing, George Chandler, Keith Chopping, Hilary Cole, Roger Croft, Richard Crumly, Billy Drummond, Adrian Edwards (Vice-Chairman), Marcus Franks, Dave Goff, Manohar Gopal, Paul Hower, David Holtby, John Horton, Carol Jackson-Doerge, Graham Jones, Alan Law, Tony Linden, Mollie Lock, Royce Longton, Alan Macro, Gwen Mason, Geoff Mayes, Tim Metcalfe, Joe Mooney, Irene Neill, David Rendel, Andrew Rowles, Garth Simpson, Anthony Stansfeld, Julian Swift-Hook, Tony Vickers, Quentin Webb, Keith Woodhams and Laszlo Zverko

Also Present: John Ashworth (Corporate Director - Environment), Andy Day (Head of Policy and Communication), Bryan Lyttle (Planning & Transport Policy Manager), Stephen Chard (Policy Officer), Linda Pye (Principal Policy Officer) and Robin Steel (Group Executive (Cons))

Apologies for inability to attend the meeting: Councillor Sheila Ellison, Councillor Roger Hunneman, Councillor Mike Johnston, Councillor Gordon Lundie, Councillor Graham Pask, Councillor Ieuan Tuck and Councillor Emma Webster

PART I

65. Declarations of Interest

Andy Day advised that Councillors Roger Hunneman, Ieuan Tuck and Emma Webster had given apologies to the meeting as they each had a Personal and Prejudicial Interest in Agenda Item 3.

Councillor Keith Woodhams declared an interest in Agenda Item 3 and reported that, as part of his interest was personal and prejudicial, he would be leaving the meeting during the course of consideration of the matter if a reference was made to Newbury Racecourse.

Councillors Julian Swift-Hook and Billy Drummond declared an interest in Agenda Item 3, but reported that, as their interest was personal and not prejudicial, they determined to remain to take part in the debate and vote on the matter.

66. Core Strategy: Outcomes of Consultation (C2387)

(Councillors Roger Hunneman, Ieuan Tuck and Emma Webster had declared that they had a personal and prejudicial interest in this item in advance of the meeting. They therefore did not attend the meeting, did not take part in the debate and did not vote on this item.)

(Councillor Keith Woodhams declared a personal and prejudicial interest in Agenda item 3 by virtue of the fact that his daughter worked for David Wilson Homes (developer of Newbury Racecourse) and he worked for a contractor conducting work at Newbury Racecourse. As part of his interest was personal and prejudicial he advised that he would leave the meeting if Newbury Racecourse was mentioned. He would however participate in the remainder of the debate and would vote on the matter).

(Councillor Julian Swift-Hook declared a personal interest in Agenda item 3 by virtue of the fact that he was a Member of Newbury Town Council and Greenham Parish Council,

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and he was an active supporter of the Say No to Sandlesford campaign. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).

(Councillor Billy Drummond declared a personal interest in Agenda item 3 by virtue of the fact that he was a Member of Newbury Town Council and he was an active supporter of the Say No to Sandlesford campaign. As his interest was personal and not prejudicial he was permitted to take part in the debate and vote on the matter).

The Council considered a report (Agenda Item 3) concerning the representations received in response to the Core Strategy consultations undertaken between 4 November 2011 and 16 December 2011; and to determine whether any revisions needed to be made to the Core Strategy in the light of these representations.

Councillor Peter Argyle clarified the rules of debate for this item which had been agreed by the two Group Leaders. Councillor Alan Law, Portfolio Holder for Planning, Transport Policy, Housing, Economic Development, would be permitted to speak for up to ten minutes to present the report and move the recommendations. A seconder would then be sought for the Motion. Councillor Tony Vickers, Shadow Portfolio Holder for Housing, Planning, Big Society, Localism, would then also be permitted to speak for up to ten minutes which would need to include the introduction of any amendment. The two Group Leaders would be permitted to speak for five minutes and all other Members would be permitted to speak for three minutes.

Councillor Law made the following points:

- Following the unanimous approval of the Core Strategy by Full Council in January 2010 it was submitted and taken to public examination in November 2010. Relatively minor issues were raised at this point and the examination was therefore suspended until June 2011 to allow time to reconsult and then resubmit the Core Strategy.
- In June 2011 the Core Strategy Inspector, on taking into account the Judicial Review of the Core Strategy produced by Forest Heath District Council in relation to Newmarket, concluded that West Berkshire Council's Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) did not meet regulatory requirements.
- Time was therefore given to the Council to review its documentation and represent it. This was conducted in the Autumn of 2011 and the revised SA/SEA and its conclusions remained largely unchanged from that approved in January 2010. This was presented to Full Council on 1 November 2011 and approval was given to the recommendations of the Core Strategy, to the revised SA/SEA and to go out to consultation on that basis.
- The Planning Policy Task Group had recently reviewed the feedback received from the consultations and concluded that none of the feedback represented any new or significant evidence that meant a change was required to the documents put before Full Council on 1 November 2011.
- Sections two-five of the report summarised the key issues raised and provided the Council's proposed response. Details of each consultation response was also contained in the comprehensive appendices as was the Council's proposed response. Consultation was undertaken on:
 - The Soundness of the Core Strategy in relation to the revised SA/SEA.
 - The Further Examination Proposed Focused Changes since June 2011.

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- The Further Inspector Proposed Focused Change – this related to the number of new dwellings proposed for the Area of Outstanding Natural Beauty (AONB). Officers recommended that the Council rejected the Further Inspector Proposed Focused Change and retained the original wording in the Core Strategy.
- The Soundness of the Core Strategy in relation to the draft National Planning Policy Framework (NPPF) – the Planning Policy Task Group concluded that the Core Strategy would be able to accommodate any emerging changes to national policy.
- The overall number of new dwellings proposed for the duration of the Core Strategy was 10,500 with the main two strategic sites identified as Newbury Racecourse and Sandford Park. In addition, the affordable housing provision had been enhanced to include developments of five houses or more, development in the AONB had been considered and a special policy was in place to recognise the importance of the racehorse industry.
- Newbury was seen as the commercial hub for the District and as such it would be enhanced alongside recognition that it was a market town.
- Work on the Core Strategy was in its sixth year and Councillor Law took the opportunity to thank Bryan Lyttle, Liz Alexander and members of the team for their tremendous work over that period of time.
- Councillor Law concluded by repeating that no feedback had been received which represented new evidence that would significantly alter the documentation approved on 1 November 2011.

MOTION: Proposed by Councillor Alan Law and seconded by Councillor Paul Bryant:

“That Council resolves that:

1. No new information or evidence has arisen through the consultations to warrant major changes being made to the Core Strategy.
2. Following consultation responses from Natural England and the Highways Agency, two minor wording changes to the Core Strategy should be made as set out within the report.
3. The Council’s response to the consultations as set out within appendices A-H are agreed.”

Councillor Vickers made the following points:

- He agreed with a great deal of the Core Strategy which was sound and had been put together by a very diligent team. However, the latest consultation showed that the people of South Newbury and Liberal Democrat Members were right and Officers wrong in their proposal for Sandford Park. More housing could and should be located closer to Newbury and alternative sites had been identified.
- The only supporters to the proposal for Sandford Park were the Conservative Administration, Planning Policy Officers and the Sandford Partnership. Many professionals/professional organisations had responded to say that the process was unclear and the scoring system difficult to follow.
- There was also a risk to the Council in ‘putting all its eggs in one basket’ with Sandford Park and not, for example, selecting a number of smaller sites. This had also been commented on in the consultation. As part of this, the majority of housing delivery in Newbury over the next 20 years would be the responsibility of only two large developers. He also hoped that mixed use developments could

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have been promoted to make the most effective use of land, i.e. employment and residential developments.

- The approval of Newbury Racecourse as a strategic site was supported by the Liberal Democrat Group as it gave certainty of land supply. However, when considered in conjunction with Sandleford Park, it would create a significant impact on local traffic over the coming years as shown by Traffic Assessments. The outcome of these Assessments should have led to a reappraisal of Sandleford Park as a strategic site.
- Councillor Vickers felt that the Conservative Administration was not taking account of the concerns of Newbury residents.
- He then proposed an amendment to the recommendation action.

AMENDMENT: Proposed by Councillor Tony Vickers and seconded by Councillor David Rendel:

Deletion of recommended action 3 and replacement with:

- “3. The evidence from numerous consultation responses also justifies further changes to the Core Strategy which, taken together, would still allow the continuation of the Examination in Public but without inclusion of Sandleford as a strategic housing site (as set out in tabled document).
4. The Council’s response to the consultations, as set out in Appendices A-H, be amended accordingly before being agreed with the Portfolio Holder and Shadow Portfolio Holder for submission to the Inspector.”

In seconding the amendment, Councillor Rendel was of the view that the Inspector would want to ensure that the proper procedures had been followed and this amendment would help to facilitate this.

Councillor Hilary Cole raised a Point of Order in relation to Paragraph 4.13.17(d) of the Constitution and requested advice on whether the amendment could be accepted, as the removal of Sandleford as a strategic site would constitute a major amendment and this would negate recommended action 2 which stated that following consultation only minor changes should be made.

Andy Day asked Bryan Lyttle to provide a view on this matter and he gave the following advice:

The proposed amendments tabled to the Core Strategy could not be regarded as simply minor amendments that would still allow the continuation of the Examination in Public, as they concerned the deletion of one entire policy and significant changes to others (CS7, CS10 and ADPP2). The deletion of CS4, for example, would be a major change in direction for the authority from the proposed submission of the Core Strategy in January 2010 which was reaffirmed by Council in November 2011.

Also major changes would result in the need for additional SA/SEA work and consultation which was likely to require the withdrawal of the Core Strategy on the advice of the Planning Inspectorate as set out in Local Development Frameworks – Examining Development Plan documents: Procedure Guidance August 2009 (2nd Edition (Section 9 Exceptional Procedures)).

Councillor Rendel then raised a Point of Order in that an amendment was not being sought to recommended action 2. It would therefore not be negated.

Based on the information provided by Bryan Lyttle, Andy Day advised Council that it would be unsound to proceed with the amendment as it was introducing major changes and not the minor changes indicated in recommended action 2.

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In light of this advice, Councillor Peter Argyle determined that the amendment could not be considered and debate should return to the substantive Motion.

Councillor Irene Neill pointed out that a strategic site had to contain at least 500 units and this was unlikely to be achieved in the town centre area.

Councillor Anthony Stansfeld commented that the proposed number of houses was far from ideal, particularly on agricultural land. However, the requirement for the Core Strategy was a requirement of the current and previous governments and if the Council did not form a Core Strategy then site selection would be out of the Council's control. The population of West Berkshire had expanded and there was a need to identify further accommodation. Councillor Stansfeld sympathised with residents of Sandford, he was born there and would have preferred an alternative site. However, he believed that Sandford was better than any alternative sites (which had been considered in depth) and therefore the proposal being made was both the right one and a fair one. In addition, consultation had been extensive. He then reminded Members that it was the Liberal Democrat group who originally selected Sandford and continued to support it until around 18 months ago.

Councillor Jeff Brooks then made the following points:

- Many of the respondents to the consultation agreed with the Liberal Democrat view that Sandford should be removed from the Core Strategy. However, the amendment had not been allowed and could not even be debated, for reasons he did not agree with. He also added that the recommended action was worded in such a way so that any amendment could not be made.
- He felt that some Newbury based Conservative Members would be uncomfortable with the proposal and requested that a named vote be recorded.
- Any previous support of Liberal Democrat Members to the Sandford Park site was before the Racecourse was approved. Support at the November 2011 Council meeting was to consult on the Sandford proposal and hear the views of residents. He congratulated those people who responded and felt the views they put forward should have been taken seriously and treated with respect. The level of public concern should have led to a reconsideration of the proposals and an investigation of alternative options on brownfield sites. However, proposals were unchanged and Councillor Brooks had the greatest regret for Newbury residents with the only hope that the Planning Inspector would not accept the Council's Core Strategy.

Councillor Julian Swift-Hook referred to a point made earlier in the debate that no new evidence had been forthcoming from the consultation to alter proposals. He disagreed and advised that new information was contained in a petition of over 900 local residents. In January 2010, a commitment was given as part of the Core Strategy to consult widely. However, a number of residents were not aware of proposals and there had been a failure to communicate. The document approved in January 2010 included mitigation measures to alleviate transport concerns, but six days later the Racecourse development was approved. This served to fundamentally change the assessments, remove the mitigation measures and would lead to Newbury being gridlocked.

Councillor Brian Bedwell advised that he was extremely impressed by the arguments put forward by Officers having read the documentation in detail. He very much disagreed with the suggestion that consultation had been lacking and added that a considerable amount of time had been spent on this by Officers. He added that Opposition Members had both the time and opportunity to consider proposals and comment, most particularly through the Planning Policy Task Group and at Council in January 2010.

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Councillor Tony Linden added that consultation in relation to the Core Strategy had been extensive and members of the public made fully aware through newsletters, public meetings etc. Therefore the view that people were not informed was not valid.

Councillor Billy Drummond was against the inclusion of Sandleford Park in the Core Strategy due to the traffic impact that would be caused alongside the Racecourse development, the impact on air quality and would be far from an enhancement to Newbury.

Councillor Royce Longton refuted any suggestion that the Liberal Democrat stance was inconsistent. The provision of 10,500 homes was not being challenged, rather the proposed use of the greenfield land at Sandleford Park. Any agreement to the Sandleford Park site on the part of the Liberal Democrats had been for the purpose of conducting consultation on the condition that Officers sought alternative brownfield sites alongside this process. Alternatives had been suggested for sustainable mixed use developments of employment land, for example in Compton or Faraday Plaza. Development at Sandleford Park was not scheduled to start until 2015 leaving time to identify further options, but no efforts had been made to do so.

Councillor Hilary Cole felt that Councillors Vickers and Longton had been slightly disingenuous in their comments as they were both on the Planning Policy Task Group, were therefore involved in the site selection process and had opportunity to voice their concerns at an earlier stage. They could have also discussed the proposals with other Liberal Democrat Members at an earlier stage.

Councillor Rendel referred to the view given that the Liberal Democrats had supported the selection of Sandleford Park. He acknowledged that this was the case at previous stages of the process, but this was before other developments, such as the Racecourse, had been approved. Liberal Democrats would be prepared to change their minds in light of new evidence and seek alternative brownfield sites that could be used for mixed developments. This would be in line with the needs of local businesses. Such an approach would help save the green fields of West Berkshire.

Councillor Graham Jones then made the following points:

- Those involved in local government had to make difficult choices such as this one. A need for housing had been agreed and the Council had in fact resisted pressure from Government for more homes than were being proposed.
- Not having a Core Strategy would create a risk to sites across the District as site selections would be out of the Council's control.
- The development of the Core Strategy had been an exhaustive process in which the Liberal Democrats had played their part and given their support until approximately 18 months ago.
- If viable brownfield sites had been identified then they would have been eagerly pursued, but this was not the case and future supply had to be demonstrated in the Core Strategy. Proposals were being made in full knowledge of the facts.

Councillor Cole proposed that the Motion be put to the vote and this was seconded by Councillor Keith Chopping.

Councillor Paul Bryant, as seconder, made the following comments in summing up the debate:

- Refusal of the recommended actions would take the Council back to the beginning of a process which had taken around six years to complete. Restarting would lead to another lengthy process and the Council could be at risk of large developments

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being approved at appeal by Planning Inspectors on the grounds that the Council had not allocated sufficient provision.

- The proposed 10,500 homes was modest in light of the vastly increased and increasing population.
- If Sandleford Park was not selected then what were the alternatives? There had been mention of brownfield sites but a definitive list of these had not come forward.
- Sandleford Park was originally put to the Inspector in 2010 with cross party support and objections had only started to come through in the past six months. Liberal Democrats were well aware of proposals, at the very least through their membership on the Planning Policy Task Group.
- Councillor Bryant was convinced that the proposed Core Strategy was the best possible option as it put homes where they would be needed. He therefore urged support of the proposals.
- Finally, Councillor Bryant paid tribute to the admirable work of Officers.

Councillor Alan Law, as proposer of the Motion, made the following points in summing up the debate:

- The framework for the Core Strategy was set by the Planning Inspector and the Department for Communities and Local Government (DCLG).
- The scoring system for the site selection process had been questioned and it had been suggested that this was flawed as it was changed during the process. Councillor Law stated that nothing could be further from the truth. The scoring system was explained and approved at the Planning Policy Task Group in February 2009 and this was continued with until the final selection. It was however added to with the inclusion of other topics/mitigations. The process was open throughout, documented, evidenced based etc and had been scrutinised by the Planning Inspector.
- The second main objection raised was that the traffic infrastructure had not been adequately researched. However, this was detailed in the Infrastructure Delivery Plan and the Planning Inspector had already examined the infrastructure delivery.
- A broad number of brownfield sites had been proposed in the Core Strategy submitted in 2006, but had been rejected by the Planning Inspector as it needed to be more site specific and a broad allocation was not acceptable.
- The minutes of Council from January 2010 detailed no concerns or reference from Liberal Democrat Members with regard to the strategic site of Sandleford Park. He also questioned why Liberal Democrat Members on the Planning Policy Task Group did not inform their colleagues of proposals at an earlier stage, as he accepted that some Newbury Ward Members were genuinely concerned once they became aware of what was being proposed.
- The Core Strategy was positive for the people of West Berkshire as a whole and for the future prosperity of Newbury. Newbury would be maintained as a prosperous community hub and additional housing would be needed to align with business growth.
- A second strategic site was needed on the outskirts of Newbury and a site to the south was found to be the most appropriate from what was available as there was less risk of flooding and would not impact on any major highway.
- He had spoken with some South Newbury/Sandleford residents and acknowledged that these residents would probably never agree with the selection of Sandleford

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Park. However, having the site within the Core Strategy would ensure greater controls than if it was subject to a stand alone application(s). Councillor Law made a promise to residents that they would be involved in the site master planning – the type of houses to be built, traffic issues etc, to ensure that the development would be something for them to be proud of.

- Finally, no new evidence had been submitted to suggest any changes were required from what was agreed by Council on 1 November 2011 and he commended the report to Council for approval.

Councillor Argyle then asked that the Motion be put to the vote. In accordance with Procedure Rule 4.15.2 it was requisitioned that the voting on the Motion be recorded. The names of those Members voting for, against and abstaining were read to the Council as follows:

FOR the Motion:

Councillors Peter Argyle, Howard Bairstow, Pamela Bale, Jeff Beck, Brian Bedwell, David Betts, Dominic Boeck, Paul Bryant, George Chandler, Keith Chopping, Hilary Cole, Richard Crumly, Roger Croft, Adrian Edwards, Marcus Franks, Dave Goff, Manohar Gopal, Paul Hewer, David Holtby, John Horton, Carol Jackson-Doerge, Graham Jones, Alan Law, Tony Linden, Tim Metcalfe, Joe Mooney, Irene Neill, Andrew Rowles, Garth Simpson, Anthony Stansfeld, Virginia von Celsing, Quentin Webb and Laszlo Zverko (33).

AGAINST the Motion:

Councillors David Allen, Jeff Brooks, Billy Drummond, Mollie Lock, Royce Longton, Alan Macro, Gwen Mason, Geoff Mayes, David Rendel, Julian Swift-Hook, Tony Vickers and Keith Woodhams (12).

ABSTAINED:

No abstentions.

The Motion was put to the meeting and duly **RESOLVED**.

(The meeting commenced at 6.15pm and closed at 7.30pm)

CHAIRMAN

Date of Signature