

7 OCTOBER 2020

NEW FOREST DISTRICT COUNCIL

CABINET

Minutes of a meeting of the Cabinet held on Wednesday, 7 October 2020

- * Cllr Barry Rickman (Chairman)
- * Cllr Edward Heron (Vice-Chairman)

Councillors:

- * Diane Andrews
- * Jill Cleary
- * Michael Harris

Councillors:

- * Jeremy Heron
- * Alison Hoare
- * Mark Steele

*Present

In attendance:

Councillors:

Geoffrey Blunden
Anne Corbridge
Arthur Davis
Neville Penman
Steve Rippon-Swaine
Christine Ward
Sue Bennison
Steve Clarke
Jack Davies
Steve Davies
Jan Duke

Councillors:

Barry Dunning
Allan Glass
David Hawkins
Alan O'Sullivan
Alvin Reid
Keith Craze
Maureen Holding
Martyn Levitt
Joe Reilly
David Russell
Jacqui England

Officers Attending:

Alan Bethune, Bob Jackson, Colin Read, Manjit Sandhu, Claire Upton-Brown, Grainne O'Rourke, Andy Rogers, Louise Evans and Sara Hamilton

Apologies

There were no apologies for absence from Cabinet Members.

121 MINUTES

RESOLVED:

That the minutes of the meeting held on 2 September 2020, be confirmed and signed.

122 DECLARATIONS OF INTEREST

Cllr E Heron declared a personal interest in Item 10 – Planning for the Future – Reform of the Planning System, considered at Minute 130 below. The interest concerned his work as a planning consultant. He concluded that there were no

grounds under common law to prevent him from remaining in the meeting to speak and vote on this item.

123 PUBLIC PARTICIPATION

The Chairman confirmed that Mr Frank Tillyer had registered to speak on an item within the Cabinet's terms of reference which was not on the public agenda. Mr Tillyer had chosen to submit a statement which was read out to the meeting on his behalf. A copy of the statement is attached to these minutes as Appendix 1.

The Portfolio Holder explained that the Council would provide a written response to the questions and points Mr Tillyer had raised which is attached to the minutes as Appendix 2.

124 COVID-19 RESPONSE AND RECOVERY - REPORT FROM THE LEADER OF THE COUNCIL

The Leader of the Council reported verbally on the Council's response and recovery to COVID-19. It had been previously acknowledged that the internal recovery work had continued through the work of the Council's Overview and Scrutiny Panels as business as usual returned.

All four Overview and Scrutiny Panels had met in September to continue this work and monitor the progress of Portfolio Holders. In relation to the two external COVID-19 Recovery Task and Finish Groups, it was anticipated that the Local Economy Group would report to Cabinet in December 2020 with a position statement. The Community Stakeholder Engagement Group would in due course continue to meet, reporting directly to the Community and Leisure Overview and Scrutiny Panel, informing the development of the Council's own Community Strategy to be considered by Cabinet in 2021.

The Portfolio Holder for Leisure and Wellbeing reported that the Council had re-opened all 5 of the Council's Health and Leisure centres in early August, and where possible, activities had been reinstated in a new Covid - secure way. He thanked customers for their patience and support during very difficult times, and paid tribute to the Leisure Centre staff for their efforts in providing a safe place for customers to exercise. He also thanked the Health and Leisure Task and Finish Group for their work on the ongoing Leisure review. 3 bids were being evaluated.

125 LOCAL RESTRICTIONS SUPPORT

The Cabinet considered a presentation on the role of New Forest District Council in Local Restrictions Support. A copy of the slides are attached to these minutes as Appendix 3.

The Leader of the Council explained that the Council was being asked to further support the national effort in protecting residents and businesses from the impact of Coronavirus.

The Council's key role was to Educate, Support and Encourage. The regulations required the District Council to provide an educational role to the community, supporting public messaging, helping residents and businesses to understand the support available to them, and ensuring this support was made available promptly.

The Council would also work with residents and other agencies to encourage and ensure compliance with the new rules and assist with track and trace sharing.

126 MILFORD-ON-SEA, WESTOVER - SEA WALL FAILURE AND URGENT WORKS

The Portfolio Holder for Environment and Regulatory Services presented an update on the urgent works taking place to Westover Sea Wall. A copy of the slides is attached as Appendix 4 to these minutes. The New Forest coastline continued to experience challenging conditions, even during the summer months.

Works had commenced on 19 August 2020, which were dependent on stable weather conditions, particularly relating to the delivery of materials safely.

Cabinet welcomed the news that the funding applications made to the Southern Regional Flood and Coastal Committee were approved on 22 September 2020, both for £600,000 towards the urgent works and £250,000 to enable development work to commence for phase two. The Portfolio Holder placed on record her thanks to the team involved in securing this much needed funding, which reduced the Council's financial commitment and liability.

127 STATUS OF SUPPLEMENTARY PLANNING DOCUMENTS

RESOLVED:

That the Cabinet confirm the continuing status, as material planning considerations, of the Council's Supplementary Planning Documents and Guidance, as set out in Appendix A of the report, following the adoption in July 2020 of the Local Plan Review 2016-2036 (Part One: Planning Strategy).

REASONS FOR DECISION:

As set out in the report.

KEY DECISION:

No.

PORTFOLIO:

Planning and Infrastructure

ALTERNATIVE OPTIONS CONSIDERED/REJECTED:

As set out in the report.

DECLARATIONS OF INTEREST(S):

None.

DISCUSSION:

The Portfolio Holder explained that a number of supplementary planning documents had been published over a number years and the adoption of the Local Plan meant it was necessary to confirm that these remain in force as per the report.

128 ADOPTION OF REVISED STATEMENT OF COMMUNITY INVOLVEMENT

RESOLVED:

That the Cabinet approve and recommend to Full Council that:-

- (a) the outcomes of the public consultation that took place for 6 weeks on the proposed amendments to the Statement of Community Involvement (SCI), be noted; and
- (b) the changes to the SCI set out in Appendix 2 of the report, be agreed and (subject to any final non-material editing) the amended SCI document, be adopted.

REASONS FOR DECISION:

As set out in the report.

KEY DECISION:

Report to Cabinet and Full Council.

PORTFOLIO:

Planning and Infrastructure.

ALTERNATIVE OPTIONS CONSIDERED/REJECTED:

As set out in the report.

DECLARATIONS OF INTEREST(S):

None.

DISCUSSION:

The Portfolio Holder explained that the proposed policy had been the subject of a six week public consultation period. The document set out how the Council engaged with the public and stakeholders in the formulation of policy and plans, and with the determination of applications. He commended the report and proposed amendments as set out in Appendix 2 of the report.

129 REVISED PRE-APPLICATION SERVICE

RESOLVED:

That the Cabinet:-

- a) agree to a 4 week consultation on the proposed redesigned pre-application planning service; and
- b) That the outcome of the consultation be reported back to Cabinet for it to consider whether the redesigned service should be launched in January 2021.

REASONS FOR DECISION:

As set out in the report.

KEY DECISION:

No.

PORTFOLIO:

Planning and Infrastructure.

ALTERNATIVE OPTIONS CONSIDERED/REJECTED:

As set out in the report.

DECLARATIONS OF INTEREST(S):

None.

DISCUSSION:

The Portfolio Holder introduced the report and explained that it sought Cabinet agreement to a revised planning pre - application process being subject to a four week public consultation period. The pre-application service was a paid - for service (with the exception of listed buildings), where applicants or agents may approach the Council to discuss applications before submission. This brought our pre application service in line with other compatible authorities and related best practice.

130 PLANNING FOR THE FUTURE - REFORM OF THE PLANNING SYSTEM

RESOLVED:

That the Cabinet:-

(a) Notes the key elements and implications of Government consultation; and

(b) Delegates authority to the Chief Planning Officer to respond to the consultation on Changes to the current Planning System in consultation with the Planning and Infrastructure Portfolio Holder.

REASONS FOR DECISION:

As set out in the report.

KEY DECISION:

No.

PORTFOLIO:

Planning and Infrastructure.

ALTERNATIVE OPTIONS CONSIDERED/REJECTED:

As set out in the report.

DECLARATIONS OF INTEREST(S):

Cllr E Heron declared a personal interest in this item. The interest concerned his work as a planning consultant. He concluded that there were no grounds under common law to prevent him from remaining in the meeting to speak and vote on this item.

DISCUSSION:

The Portfolio Holder explained that the Government had recently published two planning consultation documents; the first one covering the planning system, which had now closed and the Council had submitted its response.

This second consultation featured wider reforms. The Portfolio Holder felt that while many of the objectives of this consultation were to be welcomed, he highlighted two concerns. Firstly he disagreed with the Government's apparent perception that the difficulties in housing delivery was a planning problem, as he observed that many sites across the District and in neighbouring areas had planning permission, but the developments had not come forward.

He further explained that the planning and housing was a highly complex industry and felt that the proposals had an over - simplistic approach which did not have sufficient regard to practicalities. He therefore had severe reservations on some aspects. The Leader confirmed that once the Council had submitted its formal response to the consultation, representations would be made to the District's two local MPs.

131 DELEGATION OF POWERS TO OFFICERS

RESOLVED:

That the changes to the Council's Delegation of Powers to Officers in Annex 1 – Delegation of Powers to Officers – Changes to Existing Powers, be approved.

REASONS FOR THE DECISION:

The Council operates an extensive scheme of delegation of powers to officers in order to ensure that the organisation can operate efficiently and effectively. It was necessary to update the current scheme to ensure new legislation and recent changes to staffing structures were incorporated.

KEY DECISION:

No.

PORTFOLIO:

Planning and Infrastructure.

ALTERNATIVE OPTIONS CONSIDERED/REJECTED:

N/A.

DECLARATIONS OF INTEREST(S):

None.

DISCUSSION:

The Leader of the Council welcomed the recommendation to ensure officers could take the necessary action as permitted by new legislation and in reflection of new staffing structures.

CHAIRMAN

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This is an oral statement made to be read out by a Council Officer at the New Forest District Council Cabinet Meeting Skype - Online on Wednesday 07 October 2020 regarding Planning Application Number: 17/11770 by Frank Tillyer.

1. My name is Frank Tillyer of Rowdown Cottage Blackfield.
2. I refer to my **3** recent emails to the Chairman of the Cabinet, Chief Planning Officer and the Case Officer, regarding Planning Application Number: **17/11770**.
2. 1 The Chief Planning Officer has emailed me an **unsatisfactory** response. This message has **no** attachments and is **not supported by any detailed evidence**. There is **no clarification identifying** where **the trench** referred to at the North Eastern section of the site **actually is**. This was dated and published **02 October 2020**.
2. 1. 1 However, on the same day, an email dated **28** and published **29 September 2020**, from the Council's Planning Services Admin to the Case Officer regarding a phone call from me, described as: "Email to Ian Rayner" said: "Hi Ian, Please could you let Mr Tillyer know when you will be responding to his email dated the **7th of September**. Thank you", **was removed** from the document list. For what reason and who authorised the removal?
3. It has been **8 months** since the Planning Committee meeting in **March 2020** agreed to the Variation of Condition **21**, Subject to **14** conditions.
3. 1 Condition **2** requires the applicant to **relocate** soakaways **SK6** and **SK7** below original ground level.
3. 1. 1 To date there is **no published evidence** that this has been carried out correctly.
3. 1. 2 Furthermore there is **no evidence** that these works will resolve, or even mitigate the evidenced drainage problems caused by the development to the downhill adjoining property of Forest Lodge Farm.

4. I would like the Cabinet to investigate why the Planning Committee's recommendation in **October 2019** to **defer a decision**, in order for the applicant to work with the owner of the Farm, to reach a satisfactory position **to alleviate the harm** for the future has **not** been followed by the Council.

5. Also, could the Cabinet, please investigate the circumstances by which the Herrington Consulting Drainage Report, commissioned by Mr John Penny and submitted by him on the **4th October 2019**, prior to the Planning Committee meeting on the **9th October 2019**, was **withheld** from the Committee and the public, and not referred to, in response to a direct enquiry from a Committee Member to the Case Officer, before the Committee meeting on the **11th March 2020**. This evidence supports the view that there was **no basis** or **legal precedent** to take the matter back to Committee, without the October recommendation being satisfied.

6. I attended the March meeting and the Council together with the Planning Committee **did not** follow their own "Adopted and Published Procedures", regarding "Having Your Say" to the extent that the decision has been **prejudicial** to the main affected objector.

6. 1 I would like the Cabinet to instruct the Council's legal department to set out precisely why this meeting's decision can be **sustained** and is **valid**.

Thanking Members for your time.

Frank Tillyer

Councillor Edward Heron

Mr F Tillyer
 Rowdown Cottage,
 Blackfield.

My Ref:
 Your Ref:

Date: 12 October 2020

Dear Mr Tillyer

FOREST LODGE FARM APPLICATION HYTHE 17/11770

I am writing following Cabinet of the 7th October 2020 to address the matters raised in your statement read to the meeting.

I am sorry that you were not satisfied with the response you received from the Council's Chief Planning Officer, Claire Upton-Brown. I can confirm that officers have attended the site throughout the installation of the soakaway SK6 as identified on drawing No 500A of the Simon Jones -Parry surface water drainage design report dated 9th April 2018. The last inspection took place on the 9th October 2020 to review the topping off of the soakaway SK6 and I can confirm that this work is now complete. Work on soakaway SK7 is yet to start but officers will carry out the same inspection regime for these works.

I understand that there was an internal message from the administration team to the case officer dated 28th and published 29th September 2020 following a phone call from you that was described as: "Email to Ian Rayner" said: "Hi Ian, Please could you let Mr Tillyer know when you will be responding to his email dated the 7th of September. Thank you". This was then marked as not for public view, as it was not considered to be a public document, as it was an internal message. The internal message has now been marked as public so that it may be viewed.

You are correct, that there is no record on the public file that confirms that the works to soakaway SK6 has been carried out. The wording of the planning condition does not require any further details to be submitted to the Council before the works are carried out, nor does it require that there is any inspection of the works through the planning condition. As, in this instance, there have been inspections, I have asked that the Chief Planning Officer publishes a note of the inspections on the planning file.

The Cabinet will not investigate the decision of the Planning Committee. The application was deferred at the October 2019 meeting in order for the applicant to undertake further investigations into the reasons why water was flowing/infiltrating into the adjacent property Forest Lodge Farm. The Planning Committee report of March 2020 sets out how the parties met after the October meeting. The report clearly sets out that, whilst some initial progress was made the matter between the applicant and objector, matters remained unresolved. The Chief Planning Officer, after 5 months, took the matter back to the Planning Committee for decision. This was a reasonable action and after long debate the Planning Committee agreed the recommendation of the Chief Planning Officer. Had the Committee disagreed with the Chief

Planning Officer's decision to return the matter to the committee, they of course had the option to instruct a further deferral.

It is the role of the Planning Committee to make decisions on planning applications and if an applicant does not change an application following a deferral it is the role of the Planning Committee to make a decision based on the application before them. All submitted information was available to the Planning Committee before the meeting together with a detailed report.

Yours sincerely

Edward Heron
Portfolio Holder for Planning and Infrastructure

E-mail: edward.heron@newforest.gov.uk

Local Restrictions Support 2020/21

13

The role to be played by New Forest District Council



Minute Item 125

Background

- New Health Protection (Coronavirus, Restrictions) (Self-Isolation) Regulations came into effect in England on 28th September and will finish on 31st January 2021
- New Local Restriction Business Support scheme for businesses required to close as a result of local lockdown restrictions
- 14 • People in England are now required by law to self-isolate if they test positive or are contacted by NHS Test and Trace
- new lump sum Test and Trace Support Payment of £500 for those on low incomes to support them if they cannot work during their self-isolation period
- penalties for those breaking the rules, including fines on a sliding scale from £1,000 up to a maximum of £10,000 for multiple breaches
- new legal obligation on employers that they must not knowingly enable or encourage their employees to break the law on self-isolation
- discretionary funding available for local authorities to support individual circumstances



The role to be played by New Forest District Council



15

Educate

our community

Support

simple and effective grant distribution

Encourage

self-isolation and other restrictions

EDUCATE

Lead Portfolio: Local Economy



- The importance of Self-Isolation – protecting yourself and others
- Helping residents and businesses to understand the support that is available to them
- ⇒ • Our public messaging will be clear, concise and will be delivered using a variety of media to ensure we capture the wide audience who work and reside in the District
- Eligible businesses forced to close as a result of local lockdown will be supported

Communications

Economic
Development

Customer
Services

SUPPORT Lead Portfolio; Finance, Investment and Corporate Services



- Ensuring prompt payment of financial support available to residents and businesses
- Keeping abreast of and adapting to scheme guideline developments and changes
- Designing and implementing a suitable discretionary scheme to fit the needs of the New Forest Community

Revenues and
Benefits

Financial
Services

Economic
Development

ENCOURAGE Lead Portfolio; Community Affairs



- Following up on residents required to self-isolate
- Working with Public Health and the Police to assist in ensuring new laws are being followed
- Working with Track & Trace and Information Sharing
- Taking swift action against any fraudulent claims

Environmental
Health

Customer
Services

Community
Safety

WESTOVER SEAWALL – URGENT WORKS UPDATE



19

Minute Item 126



Urgent Works Progress



21

Urgent Works Progress



22

08/09/2020

08/09/2020

Urgent Works Progress



23

Urgent Works Progress



24

FUNDING UPDATE

- The Southern Regional Flood & Coastal Committee
 - £600,000 approved as a contribution to the urgent works
 - £250,000 approved as a contribution towards scheme appraisal and development for phase 2
- The Coastal Team now need to prepare further business case applications to the Environment Agency for this funding and to seek further in-year funding towards the urgent works

25

SOUTHERN REGIONAL FLOOD AND COASTAL COMMITTEE

New Bid for Local Levy

Item no.

Date: 04 August 2020

Paper by: Peter Ferguson, New Forest District Council

Subject: Westover Seawall Option Appraisal & Scheme Development

Recommendation

RFCC members are asked to:

- Approve bid of £250,000 for the financial years 2020/21 & 2021/22 (£25,000 for 2020/21 & £225,000 for 2021/22).
- Note that this Local Levy funding will be used alongside £98,000 of funding being contributed by New Forest District Council - £50,000 towards the main study and £48,000 already spent developing baseline evidence and completing upfront feasibility works.



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