
PUBLIC QUESTIONS AND MEMBER QUESTIONS ON NOTICE

1 QUESTIONS BY MEMBERS

1.1 The Proper Officer reports that, pursuant to Council Procedure Rule 12.2, the following questions have been received from Cllr K J Gordon of the Portfolio Holder for Planning, Cllr I H Ward:-

- (1) Two Berkshire Councils have won a landmark High Court challenge over Government policy brought in last November, which set a threshold on the size of developments beneath which planning authorities should not seek affordable housing contributions through section 106 agreements. That has now been quashed. As a result of last week's ruling by Mr Justice Holgate some 12 paragraphs have been removed from the National Planning Policy Guidance.

Last November Planning Minister, Brandon Lewis, announced the new policy on affordable housing provision in a ministerial statement, which set a threshold of developments of 10 homes or fewer. In designated rural areas the threshold was set at five homes or fewer. West Berkshire Council and Reading Borough Council successfully joined forces to challenge the proposal. The judge agreed with the Councils that the consultation process over the policy had been unfair and unlawful. He argued that there was a failure to take into account 'obviously material' considerations when promulgating the policy, including the full implications for the supply of affordable housing land.

Following the judgment the Government has announced that the relevant paragraphs of the NPPG will be removed and this is now reflected on the NPPG website. Accordingly, with immediate effect, developers will be unable to rely on those paragraphs in negotiations as to affordable housing and tariff style infrastructure contributions. The vacant building credit will also no longer be applicable.

Therefore, Chairman, I would like the Portfolio Holder for Planning to inform this Authority when the necessary documents in our Planning Portfolio will be altered and brought up to date to incorporate this. Or are we going to lose out on this like other items that his department has been too busy to take into consideration?

- (2) Cllr Ward, as you refused to answer the question at our last Council, maybe you can confirm the following?

The costs to Countryside properties for the appeal on the refusal of London Road will be between £250,000 and £500,000. The loss of schools contributions will be £5,100,000.00. The loss of contributions for flood alleviation works will be £200,000.00. The loss of contributions to highways works to the junction with Hambro Hill will be £250,000.00. The

loss of the NHS contribution will be £164,581.82. Altogether the total could be in the region of £5,964,581.82 to £6,214,581.82. Is that correct, Cllr Ward?

- 1.2 The Proper Officer reports that, pursuant to Council Procedure Rule 12.2, the following questions have been received from Cllr K J Gordon of the Portfolio Holder for Environment, Cllr Mrs J E McPherson, and the Portfolio Holder for Planning, Cllr I H Ward:-

As we have now had 2 incidents at Michelin Farm regarding tyres being set on fire, could the two Portfolio Holders please answer the following questions:-

- (1) When will enforcement action be completed to clear the area?
- (2) What plans are in hand to deal with the environmental impact of this site?
- (3) How are they individually or collectively going to safeguard the local residents, as this burning seems to now be a regular occurrence?
- (4) What will be the costs of the enforcement action?
- (5) What will be the costs of the clean up of the site?

- 1.3 The Proper Officer reports that, pursuant to Council Procedure Rule 12.2, the following questions have been received from Cllr K J Gordon of the Portfolio Holder for Environment, Cllr Mrs J E McPherson:-

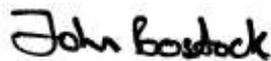
- (1) Can you please inform the Council what steps you have taken to secure the shortfall from Essex County Council for the verge cutting?
- (2) Can you please inform the Council how much this is now costing RDC and what return we are getting from ECC?
- (3) Can you also inform the Council how many cuts you will be completing this year?

- 1.4 The Proper Officer reports that, pursuant to Council Procedure Rule 12.2, the following questions have been received from Cllr K J Gordon of the Portfolio Holder for Enterprise, Cllr M J Steptoe:-

- (1) Could the Councillor inform me as to the costs already incurred for the depot for the supply of the temporary toilet facilities and the disconnection of the services to the existing demountable building, as well as the asbestos removal and demolition of this unit? Together with any other costs for hire of other units as this has now gone over a year since it was originally discussed. As I seem to remember this being very close to, if not just over, the budget figure of £60,000.00. With the costs for the new portacabin of £207,000 (option 1) agreed on 28/07/2015 I am concerned that the reports are not like for like, as the costs for the storage/shipping

containers were not included in option one, but were shown in the other options (strangely enough, in the report of 06/11/2014 option one was £378,026, so this is £171,026 less). So I am concerned that we have a possible difference of £171,026, which, when added to the £60,000 for the demolition, etc., puts the scheme over budget by £38,026. Hence my question.

- (2) Can the Portfolio Holder confirm that there will be no further costs incurred?



John Bostock

Assistant Director, Democratic Services

Background Papers:-

None.

For further information please contact Michelle Power (Committee Administrator) on:-

Phone: 01702 318179

Email: michelle.power@rochford.gov.uk

If you would like this report in large print, Braille or another language please contact 01702 318111.