



AGENDA

COUNCIL MEETING

THURSDAY, 6TH OCTOBER, 2022 – 5.30 PM

Members of the Council are summoned to a meeting of the Babergh District Council at King Edmund Chamber, Endeavour House, 8 Russell Road, Ipswich on Thursday, 6th October, 2022 at 5.30 pm.

For those wishing to attend, there will be time for reflections 5 minutes prior to the commencement of the Council meeting.

Arthur Charvonja
Chief Executive



BABERGH COUNCIL	
DATE:	THURSDAY, 6 OCTOBER 2022 5.30 PM
VENUE:	KING EDMUND CHAMBER, ENDEAVOUR HOUSE, 8 RUSSELL ROAD, IPSWICH

This meeting will be broadcast live to YouTube and will be capable of repeated viewing. The entirety of the meeting will be filmed except for confidential or exempt items. If you attend the meeting in person, you will be deemed to have consented to being filmed and to the possible use of the images and sound recordings for webcasting/ training purposes.

The Council, members of the public and the press may record/film/photograph or broadcast this meeting when the public and the press are not lawfully excluded.

**PART 1
MATTERS TO BE CONSIDERED WITH THE PRESS AND PUBLIC PRESENT**

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1 APOLOGIES FOR ABSENCE

To receive apologies for absence.

2 DECLARATION OF INTERESTS BY COUNCILLORS

3 BC/22/17 TO CONFIRM THE MINUTES OF THE MEETING HELD ON 21 JUNE 2022 11 - 18

4 BC/22/18 ANNOUNCEMENTS FROM THE CHAIRMAN AND LEADER 19 - 20

In addition to any announcements made at the meeting, please see Paper BC/22/18 attached, detailing events attended by the Chairman and Vice-Chairman.

5 TO RECEIVE NOTIFICATION OF PETITIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

In accordance with Council Procedure Rule No. 11, the Chief Executive will report the receipt of any petitions. There can be no debate or comment upon these matters at the Council meeting.

6	QUESTIONS BY THE PUBLIC IN ACCORDANCE WITH COUNCIL PROCEDURE RULES	21 - 22
	The Chairman of the Council to answer any questions by the public of which notice has been given no later than midday three clear working days before the day of the meeting in accordance with Council Procedure Rule No. 12.	
7	QUESTIONS BY COUNCILLORS IN ACCORDANCE WITH COUNCIL PROCEDURE RULES	23 - 24
	The Chairman of the Council, the Chairmen of Committees and Sub-Committees and Portfolio Holders to answer any questions on any matters in relation to which the Council has powers or duties or which affect the District of which due notice has been given in accordance with Council Procedure Rule No. 13.	
8	BC/22/19 COMMUNITY INFRASTRUCTURE LEVY (CIL) - EXPENDITURE FRAMEWORK - FOURTH REVIEW	25 - 144
	Cabinet Member for Planning	
9	BC/22/20 BMSDC SUSTAINABLE TRAVEL VISION & LOCAL CYCLING AND WALKING INFRASTRUCTURE PLAN (LCWIP)	145 - 148
	Cabinet Member for Climate Change, Biodiversity and Sustainable Travel	
10	BC/22/21 LOCALISM ACT 2011 - APPOINTMENT OF INDEPENDENT PERSONS	149 - 152
	Monitoring Officer	
11	BC/22/22 APPOINTMENT OF MONITORING OFFICER	153 - 154
	Chief Executive	
12	BC/22/23 URGENT ACTION TAKEN BY THE CHIEF EXECUTIVE UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 2 OF THE CONSTITUTION	155 - 158
	Chief Executive	
13	COUNCILLOR APPOINTMENTS	
14	MOTIONS ON NOTICE	

a **TO CONSIDER THE MOTION ON NOTICE RECEIVED FROM COUNCILLOR JAMIESON**

Motion

As set out in the recently approved HRA business plan, retrofitting insulation and other energy-saving measures to the council's housing stock is expensive, and progress is limited by the constraints of HRA funding. A group of seven councils in Sussex have set up a project, known as the Lewes Model, pooling resources, adopting a consistent approach and gaining economies of scale in order to facilitate the retrofitting of up to 40,000 social homes.

This motion is calling on Babergh to agree to research this model and to start dialogue with other local authorities and external stakeholders, to investigate if a similar project could be initiated in Suffolk to improve the pace of retrofitting. This work should involve Council members.

Proposer: Cllr Leigh Jamieson
Seconder: Cllr Jane Gould

b **TO CONSIDER THE MOTION ON NOTICE RECEIVED FROM COUNCILLOR BARRETT**

Motion

This Council has no confidence in the current Vice-Chairman to undertake his role impartially and in the spirit of the code of conduct and therefore resolves to remove Cllr Derek Davis as Vice-Chairman of Babergh District Council.

Reasons for Motion:

Cllr Derek Davis re-posted a derogatory and disrespectful comment on his Facebook page about Tories. The post said: *'If you start with the basic and fundamental premise that all Tories are utter bastards, no one will ever prove you wrong.'* No accompanying comments were added to tone down the original post. It must be assumed that Cllr Davis agrees with the post. The post is in the public domain. Cllr Davis is Vice-chair of Babergh District Council. The council's constitution explains the roles and responsibilities as follows:

- *The chairman of the council will be impartial and not act in a party political way when carrying out that role particularly when exercising a casting vote in the event of deadlock at a Council meeting,*
- *To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors and the interests of the community.*

Cllr Davis' actions have shown that he is unable to remain impartial, to ensure fair representation for Conservative Cllr's in debate and crucially to use his casting vote impartially.

Cllr Davis' comments were not confined to elected Cllr's. This post also applies to members of the public who are Tories.

Under the constitution the Chairman of the council is responsible for promoting public involvement in Council's activities and to be the conscience of the Council. If he is seen as being biased against Tories he will be unable to retain the confidence of the public to promote their involvement.

It is disappointing to see that despite reporting this post to the Leader and Dept Leader, both former Tories one may add, neither have responded in any way to express their shock or condemnation. We consider that if members now support Cllr Davis they are actually condoning this failure to act with integrity. In addition to this motion we feel he should consider his position as a Councillor.

Proposer: Cllr Simon Barrett

Secunder: Cllr Mick Fraser

c **TO CONSIDER THE MOTION ON NOTICE RECEIVED FROM COUNCILLOR LINDSAY** 159 - 164

Preamble

Residents of our district are deeply concerned about water quality and the impact of regular wastewater discharge, which includes untreated sewage, into our local rivers and seas and the impact on wildlife and on human health. We know that there were 288 sewage storm overflow spills into our rivers, including the Stour, in 2021 for a total duration of 1,861 hours. That was from just the 18 storm overflows that are monitored. Another 17 storm overflows are not monitored. The Stour is widely used for swimming, boating and fishing. As the district's population rises with new housing, releasing sewage into rivers is no longer an emergency-only situation occurring as a result of severe storms, but an everyday occurrence even in 'normal' rainfall.

Local and national planning policy requires a robust approach to both water quality and pollution. The National Planning Policy Framework* makes clear that it is Babergh Council's responsibility to prevent developments causing unacceptable levels of water pollution. A recent legal opinion from the Environmental Law Firm (attached as Appendix A) clarifies that a local authority can consider the cumulative impact of developments on pollution and does not have to accept the view of the sewerage company. Yet it has not been the practice for Babergh planners to ask Anglian Water to report on cumulative impact i.e. whether or not development may lead to any potential increase in 'emergency' discharge into rivers and seas.

Motion

This Council resolves to:

1. Recognise the Council's obligation to protect its rivers and seas, including from the cumulative impacts of pollution, in line with the National Planning Policy Framework*
2. Recognise that nationally there is clear evidence of deterioration of water quality due to cumulative impact of multiple sewage discharge events or 'sewage overload'.
3. Ensure that in gathering evidence for future iterations of the local plan the council consider the cumulative impact of sewage when deciding the overall level of housing and other development.
4. Draw up a dashboard collating data on discharge so that the cumulative impact of wastewater discharge in the district can be easily seen.
5. The council will take a lead in protecting its watercourses from pollution, including by joining the relevant Catchment Partnership (such as Essex and East Suffolk) and working with other agencies to tackle this issue.
6. Ask the chair of the scrutiny committee to invite the Chief Executive of Anglian Water plus senior representatives from the Environment Agency and Natural England to attend a meeting to answer questions about plans for tackling levels of sewage discharge.
7. Ask Anglian Water, from this date onwards, in its planning consultation responses for major development, to clarify which treatment works will be managing the sewage; whether it has the information available to assess the impact on the number or duration of sewage discharges into local rivers or seas, and if it does have this information to share it (noting that this can only be requested not required).
8. Request that planning officers, from now onwards, include in all reports relating to major development a specific section on the impact on watercourses (in line with Core Strategy Policy CS15**), including the potential for the development to affect sewage outflow into watercourses (i.e. cumulative impact), or to flag if this information is not fully available, so that this information (or the lack of it) is clearly and transparently set out.

Proposer: Cllr Robert Lindsay
Seconder: Cllr Leigh Jamieson

*NPPF relevant policies

174 e states: "Planning policies and decisions should contribute to and enhance the natural and local environment by:

preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans."

185 notes that: "Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development";

(iii) Paragraph 186 provides that "*Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas*" (emphasis added).

Core strategy relevant policies 2011-2031

**Policy CS15

xiii) minimise the demand for potable water in line with, or improving on government targets, and **ensure there is no deterioration of the status of the water environment in terms of water quality, water quantity and physical characteristics;**

3.3.7.7 Opportunities to improve water quality in all watercourses and water bodies will be taken where possible and measures will be taken to prevent the deterioration in current water quality standards. Site specific policies for allocated sites and detailed policies for delivering sustainable design and construction and climate resilient development will be set out in Site Allocations and Development Management Development Plans Documents (DPDs).

Date and Time of next meeting

Please note that the next meeting is scheduled for Tuesday, 25 October 2022 at 5.30 pm.

Webcasting/ Live Streaming

The Webcast of the meeting will be available to view on the Councils YouTube page:

https://www.youtube.com/channel/UCSWf_0D13zmegAf5Qv_aZSg

For more information about this meeting, including access arrangements and facilities for people with disabilities, please contact Committee Services on: 01473 296472 or Email: Committees@baberghmidsuffolk.gov.uk

Introduction to Public Meetings

Babergh/Mid Suffolk District Councils are committed to Open Government. The proceedings of this meeting are open to the public, apart from any confidential or exempt items which may have to be considered in the absence of the press and public.

Domestic Arrangements:

- Toilets are situated opposite the meeting room.
- Cold water is also available outside opposite the room.
- Please switch off all mobile phones or turn them to silent.

Evacuating the building in an emergency: Information for Visitors:

If you hear the alarm:

1. Leave the building immediately via a Fire Exit and make your way to the Assembly Point (Ipswich Town Football Ground).
2. Follow the signs directing you to the Fire Exits at each end of the floor.
3. Do not enter the Atrium (Ground Floor area and walkways). If you are in the Atrium at the time of the Alarm, follow the signs to the nearest Fire Exit.
4. Use the stairs, not the lifts.
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