

Cabinet  
Council

28<sup>th</sup> November 2017  
5<sup>th</sup> December 2017

**Name of Cabinet Member:**

Cabinet Member for Community Development – Councillor Bigham

**Director Approving Submission of the report:**

Deputy Chief Executive (Place)

**Ward(s) affected:**

All

**Title:**

Adoption of the new Coventry City Council Local Plan and City Centre Area Action Plan

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**Is this a key decision?**

Yes.

The proposals in the report are likely to have an impact on all wards across the city as they relate to the City's new Local Development Plan and City Centre Area Action Plan.

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**Executive Summary:**

Following a period of public examination the Inspector has now issued her final reports in so far as they relate to the city's new Local Plan and City Centre Area Action Plan (AAP). The reports conclude that both Plans are Sound and legally compliant (subject to the inclusion of the identified modifications) meaning the Council can move to adopt both the Local Plan and City Centre AAP subject to those modifications being incorporated into the Plans (all such modifications were approved by Council and consulted upon in March and April 2017).

Once adopted by the Council, the new Local Plan and City Centre AAP will become the basis for determining planning applications from the following day (the 6<sup>th</sup> December 2017). The legal framework that governs development plans means they will remain subject to a statutory 6 week legal challenge period. This is expected to run between the 6<sup>th</sup> December 2017 and 17<sup>th</sup> January 2018. Should any such challenge arise however it would not directly impact upon the material weight afforded to the Plan(s) unless the challenge was successful through the high courts. Should such a challenge arise a further report will be presented to Cabinet and Council to provide a suitable update on the expected process and associated risks etc.

The new Local Plan also provides an on-going blue print for continued joint working with the city's neighbouring authorities in Warwickshire and the wider West Midlands. Both Plans will be monitored on at least an annual basis to ensure they are delivering successfully against their aims and objectives and to assess whether or not they require review either partially or in full.

## **Recommendations:**

The Cabinet is requested to recommend to the Council:

1. That it adopts the Coventry City Council Local Plan 2011-2031 and the City Centre Area Action Plan in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 and that together they supersede the policies set out in the Council's 2001 Development Plan as set out in Appendix 6 of the Local Plan Appendices.
2. Note that the adopted Coventry Local Plan and City Centre Area Action Plan 2011-2031 are the Submitted Plans – 1<sup>st</sup> April 2016 as amended by:
  - a) The inspectors final report (as appropriate) (Appendix 1);
  - b) the schedule of Main Modifications recommended by the Local Plan's Inspector (Appendix 2); and
  - c) the schedule of minor modifications (Appendix 3).
3. Request that Adoption Statements and the final Sustainability Appraisal reports are made available on or as soon as possible after the 6<sup>th</sup> December 2017 in accordance with regulation 35 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended).
4. That authority is delegated to the Head of Planning and Regulatory Services in consultation with the Cabinet Member for Community Development to make further minor modifications to the Plans prior to their final publication, where these modifications are confined to the correction of typographical errors, amendments to policy or paragraph reference numbers, and consequential cross referencing.

The Council is recommended to:

1. Adopt the Coventry City Council Local Plan 2011-2031 and the City Centre Area Action Plan in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 and that together they supersede the policies set out in the Council's 2001 Development Plan as set out in Appendix 6 of the Local Plan Appendices.
2. Note that the adopted Coventry Local Plan and City Centre Area Action Plan 2011-2031 are the Submitted Plans – 1<sup>st</sup> April 2016 as amended by:
  - a) The inspectors final report (as appropriate) (Appendix 1);
  - b) the schedule of Main Modifications recommended by the Inspector (Appendix 2); and
  - c) the schedule of minor modifications (Appendix 3).
3. Request that Adoption Statements and the final Sustainability Appraisal reports are made available on or as soon as possible after the 6<sup>th</sup> December 2017 in accordance with regulation 35 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended).
4. Delegate authority to the Head of Planning and Regulatory Services in consultation with the Cabinet Member for Community Development to make further minor modifications to the Plans prior to their final publication, where these modifications are confined to the correction of typographical errors, amendments to policy or paragraph reference numbers, and consequential cross referencing.

## **List of Appendices included:**

Appendix 1: Inspectors Reports for the Local Plan and City Centre AAP (October 2017)

Appendix 2: Full schedule of Minor and Main Modifications to the Local Plan and City Centre AAP

NB: The full schedule of modifications will be incorporated into the Plans and they will be subject to final design and layout for presentation purposes as part of the publication process. For information purposes however, these are expected to read the same as the tracked change version of the Plans approved at Council on the 14<sup>th</sup> March 2017 (under agenda item 135) – see link below.

## **Background papers**

None

## **Other useful documents:**

The initial Publication Drafts of the Local Plan and City Centre Area Action Plan were considered at Council on the 12<sup>th</sup> January 2016. The Coventry and Warwickshire Housing Requirements Memorandum of Understanding was also agreed at the same meeting. All papers are available under agenda items 109, 111 and 112 via the following link:

<http://democraticservices.coventry.gov.uk/ieListDocuments.aspx?CId=130&MId=10701&Ver=4>

A summary note of all responses received to this period of consultation was provided to Scrutiny Board 3 at its meeting on the 16<sup>th</sup> March 2016. All papers are available under agenda item 39 via the following link:

<http://democraticservices.coventry.gov.uk/ieListDocuments.aspx?CId=570&MId=10808&Ver=4>

Full coverage of all consultation responses received during this period are available under reference LP16 via the following link:

[http://www.coventry.gov.uk/downloads/download/4070/coventry\\_local\\_plan\\_2016](http://www.coventry.gov.uk/downloads/download/4070/coventry_local_plan_2016)

The Coventry and Warwickshire Employment Land Memorandum of Understanding was considered at Council on the 11<sup>th</sup> October 2016. All papers are available under agenda item 63 via the following link:

<http://democraticservices.coventry.gov.uk/ieListDocuments.aspx?CId=130&MId=11139&Ver=4>

The Coventry and Warwickshire review of the 2014 based sub-national population projections and household projections is available via the following link:

[http://www.coventry.gov.uk/downloads/file/21921/lp231\\_cw\\_2014-based\\_projections](http://www.coventry.gov.uk/downloads/file/21921/lp231_cw_2014-based_projections)

The proposed modifications to both the draft Local Plan and City Centre AAP were considered at Council on the 14<sup>th</sup> March 2017. All papers are available under agenda item 135 via the following link:

<http://democraticservices.coventry.gov.uk/ieListDocuments.aspx?CId=130&MId=11143&Ver=4>

A summary note of all responses received to this period of consultation was provided to Scrutiny Coordination Board at its meeting on the 10<sup>th</sup> May 2017. All papers are available under agenda item 5 via the following link:

<http://democraticservices.coventry.gov.uk/ieListDocuments.aspx?CId=151&MId=11365&Ver=4>

Full coverage of all consultation responses received during this period are available under reference MOD20a, MOD20b and MOD21 via the following link:

[http://www.coventry.gov.uk/downloads/download/4553/proposed\\_modification\\_documents\\_and\\_information](http://www.coventry.gov.uk/downloads/download/4553/proposed_modification_documents_and_information)

**Has it been or will it be considered by Scrutiny?**

No. However, previous rounds of consultation on the both Plans have been considered through Scrutiny.

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No.

**Will this report go to Council?**

Yes, 5<sup>th</sup> December 2017

**Report title:** Adoption of the new Coventry City Council Local Plan and City Centre Area Action Plan

**1. Context (or Background)**

- 1.1 The Coventry Draft Local Plan and City Centre Area Action Plan (AAP) were submitted to the Secretary of State (SoS) on 1<sup>st</sup> April 2016. Following its submission, the SoS appointed an independent Inspector – Rebecca Phillips – to oversee the public examination of the Plans and their evidence base. The public examination hearing sessions took place over 3 stages between July 2016 and January 2017. Following this examination process the Inspector identified a need for the Council to consult on proposed modifications to both Plans which in turn responded to the Action Points raised by the Inspector during the hearing sessions. This consultation process ran between the 15<sup>th</sup> March and 28<sup>th</sup> April 2017. A summary of the consultation process and the responses received were considered by the Scrutiny Coordination Board on the 10<sup>th</sup> May before all information was returned to the nominated Inspector on the 12<sup>th</sup> May 2017. This has been a statutory process undertaken in accordance with the Town and Country Planning (Local Planning) (England) Regulations (2012) and has now resulted in the Inspector issuing her final report. This report concludes that the Plans are both Sound and legally compliant meaning the Council can move to adopt both the Local Plan and City Centre AAP subject to the proposed modifications (approved by Council and consulted upon in March and April 2017) being included.
- 1.2 Once adopted by the Council, the new Local Plan and City Centre AAP will remain subject to a statutory 6 week legal challenge period. This timeframe starts when the statutory notice of adoption is posted on the Council’s website, which will take place the day after the Council meeting on the 5<sup>th</sup> December 2017 (subject to the relevant endorsement of the recommendations). This will be followed by formal notifications being sent to those parties who have participated in the examination and development of the Local Plan. If adopted by the Council, the new Local Plan and City Centre AAP will become the basis for determining planning applications from the following day (the 6<sup>th</sup> December 2017).
- 1.3 The legal framework that governs development plans means they will remain subject to a statutory 6 week legal challenge period. This is expected to run between the 6<sup>th</sup> December 2017 and 17<sup>th</sup> January 2018. Should any such challenge arise however it would not directly impact upon the material weight afforded to the Plan(s) unless the challenge was successful through the high courts. Should such a challenge arise a further report will be presented to Cabinet and Council to provide a suitable update on the expected process and associated risks etc.
- 1.4 The new Local Plan also provides an on-going blue print for continued joint working with the city’s neighbouring authorities in Warwickshire and the wider West Midlands. Both Plans will be monitored on at least an annual basis to ensure they are delivering successfully against their aims and objectives and to assess whether or not they require review either partially or in full. Such monitoring will track the number of new homes, the amount of new employment floor space and the vibrancy and vitality of our city centre.
- 1.5 For the avoidance of doubt and for clarity, the conclusions drawn by the Inspector in her final report cover the following key points:
- The Plan has been subject to adequate and satisfactory consultation processes in accordance with the Council’s Statement of Community Involvement;

- The City Council have fully complied with the spirit and intentions of the statutory Duty to Cooperate;
- The completion of sub-regional Memorandum of Understanding (MOU's) with its neighbouring authorities in the face of land supply constraints has been very helpful and resulted in effective outcomes;
- The Sustainability Appraisal and other legal requirements of the Plan have been satisfied;
- That the Inspector has given due regard to the population projections and alternative approaches to calculating the city's growth projections and housing needs. She has concluded that the Joint Strategic Housing Market Assessment (SHMA) represents a sound and robust platform from which to develop the Local Plan and that there is no justification for diverting from that assessment;
- That the housing requirements be tested as a minimum and monitored against a stepped trajectory;
- That a robust assessment of suitable sites within Coventry has been carried out through the Strategic Housing Land Availability Assessment (SHLAA) and the Plans;
- That the city can demonstrate a robust 5 year housing land supply;
- That all site specific allocations are necessary to maximise the development options within the city boundary and should therefore be retained;
- That exceptional circumstances exist to release land from the Green Belt to meet development needs;
- That a detailed Masterplan Principles Policy be included to cover larger developments in general as well as key sites at Eastern Green, Keresley and Whitley;
- That the site requirements of Gypsy's and Travellers will be positively planned for through the Local Plan;
- That a specific review mechanism be incorporated into the Plan to ensure it can be regularly tested and reviewed (either in full or in part) should a significant change in circumstances occur. This could include an increase or decrease in housing need;
- That the employment policies are robust and provide adequate opportunities to grow the city's economy and support its key employers;
- That relevant adjustments be made to the retail policies to ensure they are met is brought in line with national guidance, especially around sequential and impact assessment. The approach to the city centre as a focal point in the retail hierarchy is supported though;
- Is supportive in principle of the Green Environment policies around the new Local Green Space designation, tree protection and other high quality green spaces, but that greater clarity be added (in accordance with the modifications) to strengthen the policies;
- Policies governing design and heritage are supported, most notably around the proposed Heritage Park and Loop Line proposals;
- That the transport evidence provided in support of the Plan was robust and appropriate and that the policies provide a solid basis for considering detail transport impacts at planning application stages. Also, that the transport policies provide a blueprint for helping increase active modes of transport and facilitate new infrastructure.
- That environmental management policies be updated and enhanced to reflect the most recent advice from the Environment Agency and to cover matters of ground stability and mining legacy;
- That the 'live' Infrastructure Delivery Plan and Monitoring Frameworks be updated to reflect the most up to date position of infrastructure and the amended policies (where appropriate).

## **2. Options considered and recommended proposal**

- 2.1 At this stage of Plan preparation only two potential options have been considered.
- 2.2 The first of these options is set out in the recommendations to this report. This would see both Plans adopted and become the new development framework for determining planning applications across Coventry.
- 2.3 The second option would be to not adopt the Plans and withdraw them from the examination process and start work on new Plans. This option is not recommended as it would mean the Council being without an up to date Development Plan for at least another 3 years and incur further significant costs in preparation and examination time. Being without a Development Plan for this time period would significantly increase the risk of planning by appeal, having little or no control over planning within the city's own administrative boundaries. Indeed, central Government have indicated that they may step in and produce Plans themselves on behalf of Local Authorities who do not have an up to date Plan in place by the end 2017. Furthermore, and having regard to the work undertaken with neighbouring authorities in the preparation of the current draft Development Plan to date, this option would also raise significant risks and concerns over the Duty to Cooperate process. It is also important to note that now the Inspector's reports have been issued they become a material planning consideration in their own right. They would therefore need to be given due consideration when determining planning applications where relevant.

## **3. Results of consultation undertaken**

- 3.1 Numerous periods of public consultation have taken place since 2004 that have related to the development of the Local Plan (or the Core Strategy as it was previously known). The results of this consultation have been reported to Council and Scrutiny panels at various times in the last ten years. Likewise, the City Centre AAP has been subject to previous rounds of consultation dating back to 2010 with results of such consultation reported accordingly.
- 3.2 This process culminated in the statutory period of public consultation between January and February 2016 which focused on the proposed Local Plan and the City Centre AAP. A full Equalities and Consultation Assessment was undertaken at this time to support this consultation. With regards the draft Local Plan approximately 740 responses were received from local communities, local business, professional organisations and key stakeholders, with additional views and opinions expressed and recorded at Ward Forums and drop in sessions. This showed that the greatest area of objection was around potential development within the city's Green Belt, most notably at Keresley, Eastern Green, Cromwell Lane and Baginton Fields. With regards the City Centre AAP approximately 400 responses were received from local communities, local business, professional organisations and key stakeholders, with additional views and opinions expressed and recorded at Ward Forums and drop in sessions. This showed that the greatest area of concern was around the growth of Coventry University, however there was also significant levels of support for regenerating the city centre.
- 3.3 The responses received during this period were presented to a special meeting of Scrutiny Board 3 and Planning Committee in March 2016.
- 3.4 Further statutory consultation was undertaken in early 2017 relating to the proposed modifications to both plans. Approximately 230 responses were received with the vast majority relating to the Local Plan and objecting to matters of proposed Green Belt development and the level of growth proposed for the city. This round of consultation

utilised a very similar consultation strategy that was used in early 2016. A summary of all responses received were presented to the Council's Scrutiny Coordination Board on the 10<sup>th</sup> May 2017.

#### **4. Timetable for implementing this decision**

- 4.1 Should Council approve the recommendations set out in this report the decision will take effect from the following day (6<sup>th</sup> December 2017). The Council will issue the Adoption notice and other supporting documents on its website and make them available in the relevant and necessary council offices and local libraries. The new Local Plan and City Centre AAP will then form the statutory basis for determining planning applications across Coventry.

#### **5. Comments from the Director of Finance and Corporate Services**

##### **5.1 Financial implications**

The primary costs associated with the new Plans include the publication of the documents for use by officers, Councillors and other stakeholders. These are considered to be minimal and will be funded from existing budget provisions.

The preparation of both Plans to date however, has incurred significant costs through the development and examination process. Whilst the cost of developing the Plans has already been incurred and funded in prior years, the cost of the examination process is additional and will be incurred in the current financial year, 2017/18. Resources have however been previously earmarked within Council Reserves and are expected to be sufficient to meet the anticipated costs.

##### **5.2 Legal implications**

The development of both Plans and their subsequent adoption reflects the statutory requirements set out in the Planning and Compulsory Purchase Act 2004, the Localism Act 2011, the Town and Country Planning Act 1990 and other associated regulations, the National Planning Policy Framework (2012), and Planning Practice Guidance (2014).

The recommended adoption of the Plans means both Plans have been deemed to be sound and legally compliant in accordance with national legislation and guidance. This includes the satisfactory discharging of the Council's responsibilities under the Duty to Cooperate as set out in Section 33A of the Planning and Compulsory Purchase Act 2004 (as introduced by the Localism Act 2011).

The provisions of the Planning & Compulsory Purchase Act 2004 and Localism Act 2011 set out the relevant provisions governing the matters raised in this report, including that the Council has a duty to have a development plan.

If the recommendations are approved by Council, an adoption statement and the final sustainability appraisal report are required to be issued alongside the finalised Plans at the earliest convenience in accordance with regulations 17 and 26 of the Town and Country Planning (Local Planning) Regulations 2012 (as amended). This statement is published on the Council's website and sent to all interested parties as well as the secretary of State for their information.

The statutory legal challenge period is set out in Section 113 of the Planning and Compulsory Purchase Act 2004. Challenges should focus on the legal process and correctness of the Plan as opposed to matters of soundness. Challenges should be made



promptly and directed to the High Court. Should the Plan be subject to legal challenge a further report will be brought before Council to outline the proposed timescale and process.

Once adopted by the Council, the Local Plan and the City Centre AAP will become the starting point for determining any planning applications that are submitted to the Council for consideration. Accordingly, the adoption of the Local Plan and the City Centre AAP as proposed in this report will ensure that future planning decisions and appeals can be robustly defended.

## **6. Other implications**

### **6.1 How will this contribute to achievement of the Council's Plan?**

- A prosperous Coventry: The plans have sought to deliver a range of opportunities to deliver new homes and employment land across the city for the next 15-20 years. This will help to ensure that sufficient new homes are provided to meet the needs of local people and sufficient jobs are created and facilitated. It will also help ensure that businesses are not deprived of staff through a lack of housing and land opportunities;
- Citizens living longer, healthier, independent lives: Choosing the right approach to delivering the city's housing, employment, retail and infrastructure needs will help promote improvements to the existing built environment. The most valuable and sensitive green spaces will also be protected from inappropriate development. Both Plans also contain specific policy promoting improvements to health and wellbeing including improvements to health inequalities and life expectancy.
- Making Coventry an attractive and enjoyable place to be: Choosing the right approach to delivering the city's housing, employment, retail and infrastructure needs will help promote improvements to the existing built environment. This will also create opportunities for the city centre to develop and regenerate supporting increased tourism and ensuring the most valuable and sensitive green spaces will also be protected from inappropriate development.
- Providing a good choice of housing: In partnership with neighbouring authorities both Plans make provisions to fully meet the city's housing needs. This will ensure that sufficient new homes are provided to meet the needs of local people within the Housing Market Area.
- Making places and services easily accessible: New homes and job opportunities will be brought forward in a planned and sustainable way. In practical terms this will help ensure the right amount of new development happens to ensure that services are viable and accessible. Both Plans will also promote sustainable development with adequate provision of infrastructure and improved accessibility to key services and facilities.
- Encouraging a creative, active and vibrant city: Both Plans promote a centres first policy, establishing designated centres as the hub for new retail, leisure and community investments within their surrounding communities. New homes and job opportunities will be brought forward in a planned and sustainable way. In practical terms this will help ensure the right amount of new development happens to ensure that services are viable and accessible.
- Developing a more equal city with cohesive communities and neighbourhoods: By planning proactively for the city's housing and employment needs both Plans can help to ensure that more people will be adequately housed, with greater access to new jobs, leisure provisions and community facilities.
- Improving the environment and tackling climate change: The Plans proactively seek to mitigate the impacts on the environment brought about by development and include specific policy on combating climate change. The Plans will help bring about

improvements to areas in need of investment and will protect the most valuable and sensitive areas of green space from inappropriate development.

## **6.2 How is risk being managed?**

The primary area of risk now sits with the statutory legal challenge period. This remains open for a 6 week period and will run between the 6<sup>th</sup> December 2017 and 17<sup>th</sup> January 2018.

Throughout the development of the Local Plan and City Centre AAP however, we have sought to undertake extensive engagement, consider all reasonable alternatives and promote the most deliverable and sustainable opportunities for the growth and evolution of the City. This work has been undertaken over many years and has been with a view to minimising the risk of legal challenge and the failure of the Plan. The Council's approach has been endorsed by the Inspector through her reports.

## **6.3 What is the impact on the organisation?**

No direct impact.

## **6.4 Equalities / EIA**

A full Equality and Consultation Assessment (ECA) was undertaken as part of the initial Local Plan and City Centre AAP engagement processes. These were updated to reflect the statutory consultation period in January 2016 and formed part of the Council's submission to the Secretary of State. This stage of the process will result in the adoption of the Local Plan and City Centre AAP with no further changes or impacts on the aims, objectives and direction, therefore a further update of the ECA has not been deemed appropriate at this stage. As part of developing its ECA considerations the Council has had due regard to its public sector equality duty under section 149 of the Equality Act 2010.

In summary, there will be significant economic and social benefits to the city through the development of new homes and employment opportunities in Coventry. This will be promoted by urban regeneration and the redevelopment of land currently sitting vacant and derelict as well as increased opportunities for job creation and the delivery of new infrastructure.

## **6.5 Implications for (or impact on) the environment**

A detailed assessment of potential environmental implications and issues has been undertaken as part of the Sustainability Appraisal Report (SA/SEA) for both the draft Local Plan and the City Centre AAP. These reports have been consistently available as part of all periods of engagement and consultation.

In summary this highlights potential increases in carbon emissions and air quality issues generated by new developments and an increased population. There are also accepted environmental impacts brought about by the proposed development of Green Belt land, however the provision of new green and blue infrastructure as part of such development is likely to support increased biodiversity and quality of space. The plan also encourages climate change adaptation and the provisions of renewable energy and energy efficient buildings. The proposed modifications to both Plans also strengthen the policy platform around air quality, drainage and flood risk in accordance with the latest Environment Agency advice.

## 6.6 Implications for partner organisations?

As part of developing both Plans, the city council has worked extensively with its Warwickshire neighbours and the CW LEP (amongst others) to agree memorandum of understanding and plan positively for the delivery of new homes and employment land across the sub-region. This has been particularly important to Coventry due to the constrained nature of its administrative boundaries and developable land supply. The adoption of both Plans will mean the City Council must continue to work in partnership with its neighbours to monitor the delivery of new homes and employment land across the sub-region and continue to plan positively for, and deliver, new infrastructure that will support sustainable growth.

### Report author(s):

**Name and job title:** Mark Andrews, Planning and Housing Policy Manager

**Directorate:** Place

**Tel and email contact:** 02476 834295, mark.andrews@coventry.gov.uk

Enquiries should be directed to the above person.

| Contributor/approver name  | Title   | Directorate or organisation | Date doc sent out | Date response received or approved |
|--|---|-----------------------------|-------------------|------------------------------------|
| <b>Contributors:</b>   |   |                             |                   |                                    |
| Tracy Miller   | Head of Planning and Regulatory Services                  | Place                       | 19/10/2017        | 31/10/2017                         |
| Andrew Walster   | Assistant Director (Street Scene and Regulatory Services) | Place                       | 19/10/2017        | 23/10/2017                         |
| Lara Knight  | Governance Services Co-ordinator                          | Place                       | 19/10/2017        | 20/10/2017                         |
| <b>Names of approvers for submission:</b> (officers and members) |   |                             |                   |                                    |
| Finance: Phil Helm   | Finance Manager (Place)                                   | Place                       | 19/10/2017        | 24/10/2017                         |
| Legal: Oluremi Aremu   | Major Projects Lead Lawyer                                | Place                       | 19/10/2017        | 31/10/2017                         |
| HR: Karen Mihajlovic   | Senior HR Advisor   | People                      | 19/10/2017        | 01/11/2017                         |
| <b>Executive Director:</b> Martin Yardley                        | Executive Director (Place)                                | Place                       | 01/11/2017        | 02/11/2017                         |
| <b>Members:</b> Cllr Linda Bigham                                | Cabinet Member for Community Development                  | Place                       | 02/11/2017        | 03/11/2017                         |

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