



# Public Document Pack

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6 August 2020

## **COUNCIL MEETING**

To all Members of the Council

You were summoned to attend a meeting of the ARUN DISTRICT COUNCIL that was held virtually on **Wednesday 15 July 2020** at **6.00 pm** to transact the business set out below:

A handwritten signature in black ink, appearing to read "N. V. Lynn", written in a cursive style.

Nigel Lynn  
Chief Executive

## **AGENDA**

39. **Questions from Members** (Pages 1 - 8)

To consider general questions from Members in accordance with Council Procedure Rule 13.3.

The schedule of questions to be asked together with responses will be emailed to Councillors and uploaded to the Full Council web pages once the deadline for the receipt of questions has passed.

- Members are reminded that if they have detailed questions, would they please inform the relevant Cabinet Member/Chairman and/or Director in advance of the meeting in accordance with the Council Procedure Rules
- Copies of the reports on the recommendations from the Cabinet Meetings have been previously circulated to Members and Members are asked to bring their copies with them to the meeting. Further copies are available from the Committee Manager.

- Copies of the reports on the recommendations from the other Committees are provided via an e-link, where appropriate
- Filming, Photography and Recording at Council Meetings - The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. This meeting may therefore be recorded, filmed or broadcast by video or audio, by third parties. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and as available via the following link – [Filming Policy](#)

## COUNCIL MEETING – 15 JULY 2020

### QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE 13.3

**Q1 Councillor English to the Leader of the Council, Councillor Dr Walsh**

**Q1** What discussion is happening with unions for a return to working at Civic Centre and when would a gradual return be expected.

**A1** At the moment the Government advice is to remain working from home and this is what we are doing. We are also following the Government guidance on making the offices Covid-19 secure. The Unions will be kept informed of all plans via the Chief Executive at his regular meetings with them.

**Q2 Councillor Kelly to the Cabinet Member for Technical Services, Councillor Stanley**

**Q2** Referring back to my question asked at Full Council on 15 January 2020 and your subsequent answer regarding the burning of wet and/or unseasoned wood on domestic and commercial wood burners, the government has now criminalised this activity with severe fines and penalties for those who break the laws. Please would you tell me how the Council has arranged for any complaints of such misdemeanours should be reported and what action the Council will be taking should such an event be reported.

**A2** Councillor Kelly, thank you for your question.

Provisions banning the sale of ‘wet wood’ are not yet in force and we await Government guidance to confirm the role and expected approach to be taken by Local Authorities and in particular whether or not enforcement will be carried out by Trading Standards only, or if Environmental Health will also enforce certain provisions.

Regardless, should any burning be causing a statutory smoke nuisance to a resident in the District, the Environmental Health team can investigate. Residents can make a service request online. As part of any investigation, advice will be provided to the resident with the open fire or stove on best practice in selection of wood burning appliances, fuels, including seasoned wood, their storage and use in order to avoid unnecessary air pollution. Where a statutory nuisance is substantiated powers are available to cause this to be abated and to take action if necessary, via the courts for any continued non-compliance.

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COUNCIL PROCEDURE RULE 13.3**

**Q3 Councillor Kelly to the Cabinet Member for Technical Services, Councillor Stanley**

**Q3** At a recent virtual meeting I attended, I was surprised to learn just how many people were unaware that the planting of non-native invasive plants were controlled by the Ministry of Agriculture and carried severe fines and indeed imprisonment terms should one cultivate this type of plant in one's garden ( the most common being some types of Bamboo) and it spreading to neighbouring land, there could also be heavy compensation claims from the land owners affected. What Information packs and local media advertising has the Council taken to educate the local populous and /or prevent them from falling fowl of these regulations

**A3** Thank you Councillor Kelly for your question.

Arun is not the responsible authority for non-native invasive plants. That responsibility falls to DEFRA and Natural England. As a result, we do not publish our own advisory material. If enquires are received, we would normally direct the enquirer to the organisations referred to earlier.

**Q4 From Councillor Dixon to the Cabinet Member for Planning, Councillor Lury**

**Q4** I am concerned that the Local Plan is failing badly. We are failing to meet our housing delivery targets and our HLS seems to be going from bad to worse. There seems little hope of turning this around.

Our current Local Plan, created by the last administration, and a hospital pass if ever there was one, has already been observed to be out of date by planning inspectors dealing with appeals because of the considerable shortfall in land supply, one inspector deeming this to be currently 2.9 years, a long way short of the 5 years that it should be.

In addition, Arun has fallen foul of the Housing Delivery Test, because developers are simply not commencing or completing their consented schemes quickly enough. We have no control over this, and it also means that our Local Plan is deemed to be out of date.

All of this means that little weight is given to the policies within the Local Plan by appeal inspectors; hence developers can apply for permission almost anywhere and frequently win appeals even if we refuse.

In short, our Local Plan is absolutely useless, and as things currently stand, I fear that we have little hope of increasing the HLS or catching up on the Housing Delivery Targets. We may just as well not have a Local Plan at all.

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This council has resolved to a full review of the Local Plan, at considerable cost to the taxpayer. However, I am becoming increasingly concerned that the situation has deteriorated to such an extent that a full review will not do enough to correct the problems already outlined. In essence, are we embarking on an expensive fool's errand?

Also, once the financial implications for the council of the CV19 pandemic are better understood it is quite possible that the council might find itself in some financial difficulty. The full review of the Local Plan is one of our largest proposed expenditures and so we must now consider if we can afford to continue with it. Will it represent good value for the taxpayer in the post CV19 climate?

Against this background I would like to put the following questions:

1. At what point do you currently anticipate our HLS meeting the required 5 years?
2. At what point do you currently anticipate the council meeting its housing delivery targets?
3. Roughly how much is a full review of the Local Plan likely to cost?
4. Roughly how much is a partial review of the Local Plan likely to cost?
5. Would either option keep us legally compliant?
6. What are the implications (i.e. advantages and disadvantages) if we were to decide to scrap the full review of the Local Plan and switch instead to a partial review?
7. If we continue with a full review of the Local Plan is it possible, or even likely, that we will still end up with a Local Plan that is out of date and absolutely useless?
8. It has been suggested that we have a legal responsibility to review the Plan. Who enforces this? What happens if we don't? Has this happened elsewhere and what was the result?
9. The Local Plan cost taxpayers in excess of £1 million to create and has given us little or no protection from predatory development. By pressing ahead with a proposed course of action that could still lead to failure is there a risk that we are now throwing good money after bad?
10. Grundon Waste Management and Viridor have lodged a planning application with West Sussex County Council for a state-of-the-art energy recovery facility (ERF) and waste sorting and transfer facility (WSTF) at Ford Circular Technology Park (CTP).

It seems to me that, from a perspective of meeting our housing needs, this has the potential to be very damaging for the strategic allocation at Ford. (Ironically, probably the least controversial of the strategic locations!).

For instance, I assume that the environmental requirements will be far more stringent for such a large ERF perhaps meaning that any new housing may need to be located further away – with a commensurate reduction in land available for housing? I also wonder if such a large ERF will, in any case, make

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the houses generally less marketable? In essence, who would want to live in a proposed residential area next to such a huge ERF! (By contrast, the one in Portsmouth is in a commercial rather than residential area).

11. Do you share my concern that this planning application has the potential to significantly damage housing delivery prospects at this strategic location and to jeopardise the Local Plan even further?

**A4** Given the multiplicity of questions, I will endeavour to address these in one continuous piece of prose! May I begin this response by stating that reasons for the Council not having a five - year housing supply are complex indeed, partly relating to the delay in applications being submitted by the site promoters for the main strategic allocations ( beyond our control ), the acceptability of the standard of design and the speed of our own decision making over the last few years.

Turning now to your specific questions, it is anticipated that we will receive applications before the end of the year for at least 4000 homes in total in addition to the application for Ford which is already with us for 1500 homes. These alone account for about five and a half years of our average required supply, but precisely how they influence our five-year supply will be affected by when they are determined and the anticipated delivery timetable thereof.

On the question of housing delivery, I do not believe that any Council can currently offer a definitive answer as COVID 19 led to a pause in house building and some home builders are only just beginning to get back up and running. In terms of the likely cost of reviewing the Local Plan, I consider it reasonable to suggest that a figure of circa £1 million, although there are so many variables which could cause that figure to be lower or higher. I cannot, however, answer your question about the cost of a partial review as it manifestly depends on what is meant by a partial review, although clearly the figure ought to be lower!

Regarding legal compliance, there is no reason why a review in whole or part would not be legally compliant if we undertake the required steps as set out in regulation. As for the advantages or disadvantages of either a full or partial review, may I refer you back to the reports and minutes from the December 2019 Planning Policy Sub - Committee and the subsequent Full Council meeting which considered the options for reviewing The Local Plan. At the time of adoption, any revised Local Plan will be up to date. However, if the Council does not review whether it needs to update the Local Plan, then the relevant Secretary of State can intervene and such intervention could result in another party, such as The County Council, being asked to undertake this work.

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I further note your concern about ‘predatory development’ , a concern which we all share and would suggest that the best way to address this is to keep our plan up to date and also take positive action to facilitate the developments identified in the existing Local Plan, irrespective of whether we are in accord with some allocations in the existing Local Plan .

Finally, on the proposals for an energy recovery facility at Ford, I have yet to see the full details or receive a detailed report from officers and so for the moment will reserve judgment. Hope that answers your questions!

#### Supp

**Q** The response you have provided is too complacent. Could you please provide more detail in terms of undertaking a partial review and explore this matter further – I would be happy to accept a response in writing.

#### Supp

**A** The Cabinet Member for Planning, confirmed that quantifying a partial review was difficult and would in any case be decided by the Planning Policy Sub-Committee. This would have to be looked with Covid-19 in mind and the many changing circumstances for the Council.

**Q5** **From Councillor Dixon to the Cabinet Member for Planning, Councillor Lury**

**Q5** The exhibition literature for last year’s WSCC led consultation on the A29 realignment claimed that “... *the proposed scheme which will create better connections into Bognor Regis*”.

In my view, replacing a level crossing at Woodgate and a mini roundabout at Eastergate with SEVEN roundabouts and the traffic from over 4,000 NEW houses will NOT “*create better connections into Bognor Regis*”.

Building what is, in essence, a new town between Bognor Regis and the A27 will not improve connectivity for Bognor Regis – it will make the situation worse.

I am concerned that the claim “... *the proposed scheme which will create better connections into Bognor Regis*” might be a fallacy (false argument), perhaps constructed to leverage funding from organisations like Homes England?

I raised this with the cabinet member for highways at WSCC and was sent a report but when I read the report I could find no evidence.

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Does this council hold any evidence that would support WSCC's claim that the A29 realignment will "*create better connections into Bognor Regis*"?

**A5** Thank you for your question.

In the short time available receiving this question and the meeting , it has not been possible to review all the various studies and other documentation which have addressed transportation matters in Arun and I have to say that these matters relate to decisions made prior to my term in office . I will therefore proffer reasons that I have heard advanced in favour of current proposals.

Firstly, the queues that arise at the Woodgate level crossing delay the free movement of traffic and thus is bad for business and represents a clear problem to be addressed.

Secondly such delays have created a perception for some that it would be more advisable to invest in places north of the coastal railway line. Such perceptions , regardless of whether they are justified or not , do exist and thus , as an Authority wishing to promote the economic well-being and investment in our coastal towns , we have explored the options of how to mitigate the impact of the level crossings , not only at Woodgate , but also at Ford and Littlehampton. The need to provide significant levels of housing in the district has provided the opportunity to provide bridges at Woodgate and Littlehampton and contribute towards a similar solution at Ford.

In terms of the quality and benefits of the new road, it could be argued that it will incorporate extensive cycle ways and afford easier access to the railway station at Barnham and thus have a positive effect upon our attempts to secure private sector investment in Bognor Regis.

**Supp**

**Q** This is all about evidence and your response is not about evidence – are you confirming that there is no evidence, or will you investigate this further and provide me with a full written response?

**Supp**

**A** Dear Cllr Dixon,  
Thank you for your supplementary question.

The West Sussex Local Transport Plan 2011-2026 (dated February 2011) highlights the infrastructure deficit in the Arun area. In respect of the A29 it states that.

Road congestion during peak periods affects many parts of the highway network, especially the A27 at Arundel, A29 and A259, disrupting journey times and causing poor air quality. The lack of safe crossing points on these routes also causes community severance.

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Traffic travelling between the A27 and A259 via the A284 and A29 to access Littlehampton, Bognor Regis and the coastal area is often delayed due to the level crossings at Wick and Woodgate which also create congestion and poor air quality.

In the implementation section it recommends.

Developing opportunities through new development that will improve the access along the A29, including the potential to bridge the railway level crossing at Woodgate.

In 2012 the Coastal West Sussex Partnership published a report entitled 'Developing an Employment and Infrastructure Strategy' which amongst its content noted.

Further, the coastal nature of the study area means transport access to certain locations is problematic and improvement in access would promote economic development. This is compounded by the presence of level crossings which also inhibit access between the A27 and A259 and can cause severance and unreliability.

Areas where access to specific locations can be improved include:

- A259 at A27 Bognor Road Junction for access to Bognor Regis and Chichester
- A29 at A27 Fontwell Junctions and A29 Woodgate Level Crossing (Westergate) for access to Bognor Regis
- A284 from A27 Crossbush Junction and Wick Level Crossing for access to Littlehampton
- Access to Shoreham Harbour from A27 Hangleton Junction
- Access to Shoreham Airport from the A27

The report went on to note.

While there is the possibility of a development at Westergate coming forward through the Arun Local Plan, the realignment of the A29 to the north of Bognor Regis is not related to one specific employment or housing site. This realignment will improve access to the area which will increase its appeal to investors and deliver a number of wider benefits (e.g. reducing traffic through Westergate). However, any improvement of the A29 is likely to put additional pressure on the A27 junctions at Fontwell which may require consequential improvements.

There are lots of other reports which reference the A29 going back over the last 15 years. I don't propose to ask officers to review each and every one.

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