

PLANNING POLICY COMMITTEE

27 July 2022 at 6.00 pm

Present: Councillors Bower (Chair), Hughes (Vice-Chair), Chapman, Coster, Gunner (Substitute for Edwards), Kelly (Substitute for Elkins), Lury, Thurston and Yeates

The following Member was absent from the meeting during consideration of the matters referred to in the Minutes indicated:- Councillor Lury – Minute 192 [Part]; Councillor Coster – Minute 195 [Part].

Apologies: Councillors Edwards and Elkins

188. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

189. MINUTES

The Minutes of the previous meeting held on 7 June 2022 were approved by the Committee and signed by the Chair.

190. ITEMS NOT ON THE AGENDA THAT THE CHAIR OF THE MEETING IS OF THE OPINION SHOULD BE CONSIDERED AS A MATTER OF URGENCY BY REASON OF SPECIAL CIRCUMSTANCES

The Chair confirmed that there were no urgent items.

191. PUBLIC QUESTION TIME

The Chair confirmed that there had been no questions from the public submitted for this meeting.

192. RESPONSE TO SOUTHERN WATER'S DRAINAGE AND WASTEWATER MANAGEMENT PLAN CONSULTATION

[Councillor Lury was absent for the vote on this item.]

The Chair welcomed David Murphy, Senior Project Manager at Southern Water, to the meeting. Upon the invitation of the Chair, Mr Murphy gave a presentation to the Committee on Drainage and Wastewater Management Plans and Southern Water's current public consultation (*a copy of the presentation can be found on the meeting's [webpage](#)*). The Planning Policy Team Leader then presented the report which asked Members to consider and agree the proposed consultation response to Southern Water's consultation on its Drainage and Wastewater Management Plan (DWMP). It was explained that the DWMP document had been split into 5 papers (Internal Sewer Flooding, Sewer Condition and Groundwater Pollution, Storm Overflows, Compliance

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and Pollution, and the Environment) which covered the overall strategy and approach Southern Water intended to take over the next 25 years for the wastewater catchments they served.

Members then took part in a full debate on the item where a number of points were raised including:

- support for the management plan and the Officers' response to the consultation
- the need to very strongly support nature-based solutions
- regret that the Local Plan update had been put on hold as it had climate change development management policies that would have enabled the Council to ask more of developers
- the need for sustainable rainwater catchment solutions in an increasingly urban area in order to keep rainwater and wastewater drainages separate
- concern that without the Local Plan update resumed, the District could see several more years of housing development without adjustment for this issue
- Lidsey Treatment Works capacity and whether this would exceed the permit levels before 2025
- Southern Water's previous capital investment horizon having been 17 years, this having now increased to 25 years and both durations being long periods of time when compared with the rate of house building in the District
- the issue of blockages to internal sewer flooding and, whilst still needing to educate customers to change habits, whether Southern Water was considering fitting interceptors at strategic points in the network to lessen the impact of these
- following the Environment Agency's recent report into Southern Water's performance as 'terrible across the board' including a threefold increase in serious pollution incidents in the last year and 'significant issues' in the reporting of their water management plans to DEFRA, how anyone could have any confidence that any of Southern Water's plans would happen
- given Southern Water's admission that water in Sussex was stressed, the extent to which water neutrality was considered at the housing development design stage but also what was being done about water neutrality now
- the impact of any increase in permit levels by the Environment Agency and the resultant perceived increase in capacity on the Local Plan update, and in particular housing numbers and an increase in incidents of overflow
- the need for some sort of enforcement to deal with blockages as the largest single reason for internal sewer flooding, either on manufacturers to use more suitable materials or by putting warnings on packaging to better educate consumers
- where the most serious ingresses to the system were or were expected to be
- agreement about the lack of education around what was flushable
- rainwater having been identified very clearly in Southern Water's presentation as the principal issue of overflows and therefore getting people to use less water not really making any difference to the issue of flooding
- how Southern Water would stop rainwater from roads, paved areas and roofs going into the sewers

- how sustainable drainage systems such as green roofs, permeable paving and wetlands would work in this area with very high groundwater levels
- storage tanks as a solution to overflows, but questions over a lack of detail in how much bigger these would need to be in order to solve this issue and the levels of disruption the installation works might cause
- concerns over the need for tankage if the storage tanks were not big enough to hold the necessary quantities
- the need for grey water systems and their installation in all new developments to be part of the Local Plan update when resumed
- the importance of the tourist economy to the area and the impact of raw sewage discharges to Arun's communities
- the public perception of Southern Water not willing to change the area's Victorian sewer systems originally designed for a significant smaller population
- a lot of the work on nutrient neutrality taking place further upstream which meant that farm run-off and its resultant pollution were dealt with before they reached Arun and so the District still benefitted from current initiatives
- rain gardens and other nature-based solutions and their ability to filter run-off water before it reached water courses
- the need for the Committee to educate itself on the solutions available whilst at the same time working with the water companies

The Senior Project Manager from Southern Water provided Members with responses to points raised during the debate, including:

- confirmation that action was already being undertaken at Lidsey Treatment Works on capacity, and in the current investment period of 2020-25 £15 million was being spent at Lidsey to increase capacity to provide headroom for growth up to 2035 and to increase the amount of flow that could be taken through to full treatment to avoid spilling to the environment in dry weather
- long-term planning demonstrated that Southern Water was thinking ahead particularly regarding growth and climate change, and that the timescales allowed for the infrastructure to be built in order to deal with the climate projections of future decades
- the need to change the way the urban environment was built and securing as much of it as possible through new development, for example more trees to help with both rainwater and increasing temperatures
- the work already undertaken and still to be done to change customer habits – Southern Water having an award-winning customer education programme, and one of the purposes of the DWMP being the broadening of this messaging (rainwater capturing and reuse etc), whilst also through such infrastructure as interceptors capturing as much as possible at source
- acceptance that Southern Water's track record was not great and that there had been some serious pollutions instances that they regretted and apologised for, but that they were determined to improve their performance and were working very hard to do that

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- being heavily regulated by the Environment Agency who set the permit levels Southern Water operated against, whilst also being regulated for the money that could be charged to customers, and the difficulties in balancing these two
- concerning water resource management plans, being in a water-stressed part of the country but working closely with other water companies across the South East as part of the Water Resources South East Group to develop a water resources management plan for the next five-year period with the best value options to provide a safe and secure water supply for customers across the South East in the areas Southern Water served
- it was explained that Southern Water did not receive guaranteed funding until a business case was put through Ofwat, which was done for a five-year period (currently 2020-25), so whilst Southern Water was setting out its investment needs for the next 25 years, its current business planning approach was to submit a business plan for the next five year investment period (2025-30) and price review plan which the DWMP was informing, in order to set out the level of funding needed to invest in infrastructure to provide a resilient drainage and wastewater service to customers going forward
- water neutrality being a big issue in the north Sussex supply area and work being done with Horsham and Crawley District Councils to see how challenges could be addressed
- water companies not being statutory consultees in the planning process so less able to influence design around water neutrality amongst other things
- the need for building regulations to change in order to meet water neutrality, for example the average amount of water consumed by customers was 135 litres per person per day and though building regulations could push that down to 110 litres per person per day, in order to get to water neutrality that level really needed to get down to around 85 litres per person per day
- most water being used to flush toilets, wash cars and water gardens, and the need to think about rainwater and grey water capture and recycling for these uses to really reduce levels of water consumption
- the permits from the Environment Agency also covering the quality of the discharges with levels of pollution deemed harmful determined by the Environment Agency, and nutrient neutrality being influenced by the environmental capacity of the water body being discharged into and therefore should the amount of water in a body decrease in future due to drought then permit levels might need to be lowered
- lobbying Government on better product labelling and discussions around banning non-flushable wet wipes through the trade body Water UK
- the DWMP was helping Southern Water to explore the issues raised by Members and through its pathfinder projects was exploring mechanisms of how positive changes in behaviour could be incentivised (for example, drainage charges for rainwater getting into the sewer system)
- the significant impact of groundwater levels on sewer systems, particularly where groundwater levels caused infiltration into the sewer system increasing the flow into treatment works and how this was an issue along the South Coast south of the South Downs

- given the area's topography and projections of summer storms of shorter duration but greater intensity in the future likely to overwhelm the sewer system, the drainage and wastewater strategy would have to be one of attenuation rather than separation in order to allow systems to cope
- recognition of the importance of the beaches and internationally designated areas such as Pagham Harbour to the local economy and local communities and that improving the performance of systems was Southern Water's number one priority by maximising the current infrastructure's performance and making it more resilient, whilst at the same time putting in measures to minimise system failures and responding more rapidly when these do happen to avoid pollution incidents occurring
- recognition that the sewer system was Victorian in original and designed for a different climate and population size, but that due to the size of the network, the level of investment would not enable Southern Water to proactively replace all sewers and so instead critical sewers were targeted for proactive maintenance and any smaller diameter sewer collapse or failure was responded to as rapidly as possible
- in response to the Director of Growth's question on nutrient neutrality and whether Southern Water would be applying the legal duty on water companies in nutrient neutrality areas to upgrade sewer systems to the highest achievable technological levels as indicated by the Government in its forthcoming Levelling Up and Regeneration Bill as its default position for upgrade works across the Arun area, the answer was no due to issues of affordability for customers as regulated by Ofwat whilst balancing what the Environment Agency asked to be delivered against affordable levels of investment. The Director of Growth suggested to Members that they may wish Officers to make representations to the District's MPs as part of the Levelling Up Bill process that nutrient neutrality apply across all Local Planning Authorities regardless of whether they had been designated as nutrient neutral already. The Leader of the Council noted, from discussions he had had with MPs in recent weeks, that this was a live issue and that he would endeavour to make those representations

The Planning Policy Team Leader provided Members with responses to points raised during the debate, including:

- confirmation that the Local Plan did include a number of policies that tried to address the environmental impact of built development such as the sustainable design guide
- that when the Local Plan update was resumed, the evidence base would also be updated to improve the application and impact of these policies through tougher standards

The recommendation was then proposed by Councillor Hughes and seconded by Councillor Thurston.

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The Committee

RESOLVED

That the proposed consultation response to the Drainage Wastewater Management Plan consultation be agreed.

193. THE PROVISION OF RESOURCES TO ASSIST THE COUNCIL ON MATTERS RELATING TO THE A27 ARUNDEL IMPROVEMENTS

Upon the invitation of the Chair, the Director of Growth presented the report which sought recommendation to Policy and Finance Committee for budgetary provision of up to £50,000 to enable the Council to engage a professional resource for the Development Control Order (DCO) process in relation to the National Highways A27 Improvement scheme at Arundel. He explained that this need arose due to the retirement of the current Engineering Services Manager.

Members thanked the Engineering Services Manager for his years of service and then took part in a full debate on the item where a number of points were raised including:

- clarification was sought over what the provision was for (i.e. to produce the report or direct the project)
- whether the justification for the supplementary estimate was the Officer's retirement or because the Council did not have the expertise in-house
- why this provision had not been included in the budget for the year if it had been known when the work might have been expected to take place
- needing the strongest possible representation in this process in order to ensure the best outcomes for Arun due to the substantial impacts and problems that might result from what was a national scheme

The Director of Growth confirmed that the intention was to have a budget of up to £50,000 available with which to commission someone with the relevant technical expertise to prepare reports and undertake any detailed work as required in support of Arun's submission as part of the DCO process, and that any other specialist advice if required might also be able to be funded from this provision. He explained that DCO processes could vary in length due to their complexity and so at this point in time it was difficult to predict how long the services of this individual might be needed, but that a Local Impact Statement would have to be produced and that these could vary quite substantially in length (and therefore the length of time needed to prepare it) depending on the issues covered. It was not known exactly when the DCO process would start but it was anticipated that this would be towards the end of the year. He concluded that the purpose of the £50,000 budget was to allow Officers to undertake this work without having to come back to Committee (and subsequently Policy and Finance Committee and Full Council) for other funds not budgeted for, and that had the Engineering Services Manager not been retiring it was still expected that some addition budget would have been necessary to undertake work of a more technical nature.

The recommendations were then proposed by Councillor Thurston and seconded by Councillor Yeates.

The Committee

RESOLVED

That a budgetary provision of up to £50,000 in 2022/23 be sought to employ, on a 'call-off' basis, a consultant to support Arun's involvement with the National Highways A27 Arundel Bypass scheme;

The Committee

RECOMMEND TO POLICY AND FINANCE COMMITTEE

That Full Council be requested to authorise a Supplementary Estimate of £50,000, which is equivalent to £0.79 on a Band D Council Tax Bill.

194. WORK PROGRAMME IMPLICATIONS OF FULL COUNCIL'S DECISION NOT TO RECOMMENCE LOCAL PLAN REVIEW

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which set out what work streams would cease, continue or start as a consequence of the decision at Full Council not to resume preparation of a Local Plan update [Minute 129]. He explained the appendix which highlighted the key work streams that decision had an impact on, with seven streams continuing and the remaining eleven not. He also noted the impact of next year's local elections on the timescales for a resumption of the Local Plan update, should the decision at Full Council wish to be looked at in or after six months' time.

Members then took part in a full debate on the item where a number of points were raised including:

- dissatisfaction with the impression given in the Officer's report in paragraph 1.2 that the decision to resume the Local Plan update would be repeatedly given back to Members until a decision to resume was made, and connecting that decision in any way to next year's elections
- the resourcing issues within the Planning Policy and Conservation team that made it questionable whether the items to cease were ever deliverable
- that those items now not being delivered had been budgeted for and what would happen to this resource
- whether the West Bank (LEGA) Evidence Study should also cease due to concerns with the viability of the project and its relation to the current Local Plan
- the legal need to begin working on a Local Plan update so that by the time the work was completed the current Local Plan had not expired

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- concerns about continuing to build houses with no increase in the standards or additional policies (grey water recycling, increased biodiversity targets etc) to which they were built
- concerns raised over particular studies and the all or nothing nature of the decision to continue or cease
- whether the fact that certain studies identified to cease was compatible with the Council's declaration of a Climate Emergency
- the financial implications of not being able to progress some of the studies identified to cease
- the legal issues of the continued absence of progress on updating the Local Plan
- implications for sustainability and equality due to the delay in being able to set new planning policies to address these issues
- the danger of second guessing what the Government may or may not do with regards planning policies in the future

The Director of Growth explained that the Council had a duty to have a Local Plan and keep it up to date, and that it was the responsibility of Officers to bring reports to Members to that effect and that it was then for Members to debate and decide on the way forward. He clarified that the purpose of this report was to help Officers develop a work programme between now (July 2022) and June 2023, and that any future decisions on the resumption of the Local Plan update may best be taken after the local elections in May 2023 as the Local Plan preparation was a long process that was ideally not repeatedly stopped and started. He also confirmed that a report on the West Bank (LEGA) Evidence Study would come to Committee later in the year.

The recommendation was then proposed by Councillor Chapman and seconded by Councillor Hughes.

The Committee

RESOLVED

That the proposed work outlined in the Appendix setting out what work could continue and what work was unable to be progressed at this time be endorsed.

195. ARUN TRANSPORT MODEL UPDATE

[Councillor Coster was absent for the vote on this item.]

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which updated Members on the Arun Transport Model Phase 1 work commissioned in 2021 for the purposes of evidencing the transport impacts and necessary mitigation schemes of the Local Plan update when it resumed. It was noted that this study would now be paused following the decision of Full Council to not resume preparation of a Local Plan update [Minute 129], and that there were risks that

this model could become out of date should a decision to resume not be made within appropriate timescales.

The recommendation was then proposed by Councillor Gunner and seconded by Councillor Hughes.

The Committee

RESOLVED - That

1. Progress be noted on Phase 1 of the Arun district-wide Arun Transport Model;
2. The A259 Local Model Validation Report (i.e. including Arun district-wide ATM) be uploaded to the evidence web page to inform the Local Plan Update when this resumed;
3. The work on the further phases of developing the ATM be paused until the Council resolved to resume the Local Plan Update.

196. TRANSPORT FOR THE SOUTH EAST STRATEGIC INVESTMENT PLAN CONSULTATION

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which asked Members to consider and agree the proposed consultation response to Transport for the South East's (TfSE) public consultation on a Strategic Investment Plan (SIP) with a vision to 2050. It was explained that the £45 billion Strategic Investment Plan would provide a framework for delivering sustainable, integrated transport investment, levelling up, housing and economic growth, carbon reduction and adaption to climate change. The Planning Policy Team Leader highlighted the following responses:

- question 5 and the need for TfSE to provide more explanation about supporting local place making and delivery
- question 9 with its plans for rail improvements too narrowly focused on the Worthing to Brighton corridor and east of the region whilst overlooking the strategic importance of links to Southampton and Portsmouth and connectivity to the west, and also the role of branch line rail improvements across the District
- question 16 and the need for methodologies to align between different agencies and authorities when determining value for money to ensure confidence in the plan was not undermined

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Members then took part in a full debate on the item where a number of points were raised including:

- the need for the Arundel Chord branch line and connectivity to London from the Arun Valley, and the need to re-emphasise our feelings on this
- the overlap with much of Arun's Local Plan
- the focus to the east of the region
- the connectivity between rural and urban areas and the desire that this be dealt with more strongly in the response
- the lack of mention of Bognor Regis and the need for more attention on the west of the District
- the need to think outside the box and not just about more buses and trains (i.e. a metro system etc)
- concern that the response supported road user charging which would penalise rural communities that had no realistic alternative due to the state of the public transport system in particular areas
- the need for realistic expectations regarding new mobility (electric bikes and scooters etc) given the demographics of the District
- the need to harness lower carbon options and be less reliant on road building
- the merits of a tramway along the south coast
- the hazards to road users of others using electric mobility scooters

The recommendation was then proposed by Councillor Lury and seconded by Councillor Chapman.

The Committee

RESOLVED

That the proposed consultation response to the Transport for the South East Strategic Investment Plan be endorsed.

197. GYPSY & TRAVELLER DEVELOPMENT PLAN DOCUMENT UPDATE

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which updated Members on the progress to resolve objections from West Sussex County Council in relation to proposed sites for intensification identified in the Regulation 18 consultation Gypsy & Traveller Development Plan Document and the next steps needed to deliver a Regulation 19 publication.

The recommendations were then proposed by Councillor Lury and seconded by Councillor Chapman.

The Committee

RESOLVED - That

1. Officers progress with the commission of The Gypsy Sites Deliverability Study 2022 in order to resolve the delivery of sites and the objection to a preferred location based on potential flooding;
2. Officers continue to undertake further 'duty to cooperate' discussions with West Sussex County Council and to update the joint Statement of Common Ground in this regard, published on the Council's website;
3. Officers proceed with progressing the Gypsy & Traveller and Traveller Showperson Development Plan Document to Regulation 19 publication in Spring 2023, followed by submission in the Summer 2023 and subsequent examination in Winter 2023.

198. WORK PROGRAMME

The Planning Policy Team Leader noted that the Arun Action Plan needed to be updated every year whilst Arun did not have a five-year housing land supply and that this would be added to the Work Programme and brought to the September meeting. He also noted a previously mentioned consultation on the National Planning Policy Framework but, due to changes in central Government, the status of this was uncertain and he would keep Members informed. The lack of items for the November and January meetings was raised. The Director of Growth noted that the Work Programme needed to be updated following the decision at Full Council not to resume the Local Plan update and the decision at tonight's meeting at Minute 194. The need for greater understanding by Members of the meaning of sustainability in planning terms, whether that be via a workshop or seminar, was raised again. The timings involved in the National Highways A27 Arundel consultation were queried to ensure the Council's response was received in time. The Director of Growth explained that Officers were still awaiting the official announcement of when the consultation would begin, and should it be necessary, with the Chair's agreement a Special meeting of the Committee would be called in order to deal with this item.

The Committee then noted the Work Programme.

(The meeting concluded at 8.25 pm)