

PLANNING POLICY COMMITTEE

24 November 2022 at 6.00 pm

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

Apologies: Councillor Chapman

446. WELCOME

The Chair opened the meeting and welcomed Darryl Hemmings, Transport Planning & Policy Manager at West Sussex County Council, who was attending the meeting for Agenda Item 7 [Arun Transport Apportionment Methodology Update], and Sofina Ahmed from Arun's Legal Services who was attending the Committee for the first time.

447. DECLARATIONS OF INTEREST

Councillor Elkins declared a Personal Interest as a Member of West Sussex County Council.

448. MINUTES

The Minutes of the previous meeting held on 21 September 2022 were approved by the Committee and signed by the Chair.

449. 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.

450. PUBLIC QUESTION TIME

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

451. ARUN TRANSPORT APPORTIONMENT METHODOLOGY UPDATE

The Chair, with the Committee's consent, changed the order of the agenda to hear Agenda Item 7 [Arun Transport Apportionment Methodology Update] ahead of Agenda Item 6 [Local Plan Evidence Update - Biodiversity Net Gain Study] due to the presence of an external guest. The Chair then welcomed again Darryl Hemmings, Transport Planning and Policy Manager at West Sussex County Council, to the meeting. Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which sought the Committee's endorsement of the update to the Arun Transport Apportionment Methodology prepared jointly with West Sussex County

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Council, which would help to ensure that the development of Arun provided for in the adopted Arun Local Plan 2018 was sustainable and supported by necessary transport contributions that mitigated the impact of development. An increase in the scheme's costs, driven by inflationary pressures particularly in the construction industry, was highlighted, as was a correction in paragraph 4.16 of the report [on page 30 of the Agenda Pack] with confirmation that, contrary to what it said in the report, a contribution from the Fontwell Strategic Development would go to the A29 Realignment project.

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

- the dramatic decrease in the A259-Comet Corner Junction and increase in the A259-Oystercatcher Junction cost estimates and whether what was being proposed had significantly changed and would have any impact to the safety schemes at both junctions
- the impact of real and projected increases to interest rates on ensuring the appropriate levels of funding were received from developers and what flexibility there was to ensure contributions were proportionate to the final cost of a scheme
- questions about the relationship between schemes and lead developments, their lack of proximity to each other (for example, the Comet Corner junction and the West of Bersted development), and that for many schemes the lead development being Littlehampton Westbank over which there were question marks and whether it should therefore be removed completely from the list to avoid causing delays to road improvements
- the difficult position of wanting infrastructure improvements but them being dependent on planning applications that were viable to developers in terms of Section 106 contributions
- concern for the possibility that developers might try to increase housing numbers in order to fund the higher contributions and then being in the vicious cycle of more cars and even greater demand on infrastructure, thus challenging the notion of building our way out of congestion problems
- whether developers would be able to meet this extra cost which in some situations was significantly greater than previously estimated
- the policy context (low carbon transport, public transport) and infrastructure being and needing to be a lot more than roads
- the use of CIL funds for road improvements
- the need to ensure local infrastructure improvements were also made to mitigate for the impacts of the strategic sites in addition to those schemes identified in the traffic modelling and concern with the substantial increases in cost estimates on schemes closer to West of Bersted (Bognor Road Roundabout, Rowan Way junction)
- the need for other roads and junctions to be identified as needing improvements to mitigate the impacts of strategic site development, with the B2166 given as an example

The Transport Planning and Policy Manager from West Sussex County Council, with support from Arun's Planning Policy Team Leader and Group Head of Planning, provided Members with responses to the points raised, including:

- that the Arun Local Plan did include relatively minor safety schemes at both the Oystercatcher and Comet Corner junctions to mitigate the safety impacts of the Local Plan and were the fallback position that could still be implemented from developer contributions if a major scheme did not come forward with the necessary scale of investment but that the plan was for significant change at the junctions if the funding (including central Government grant funding) could be identified
- that the decreases showed a decrease in the developer contribution rather than a decrease in the cost of the projects after bringing policy in line with the Department for Transport's expectations around local contributions which was now set at 15% of the total cost of the scheme rather than an arbitrary figure as previously, and that as schemes evolved the apportionment estimates might also need to be updated to reflect changes in cost
- confirmation that all Section 106 contributions were index linked
- that this was a rebasing exercise to keep estimates up to date and provide a starting point for negotiations of major schemes yet to come online
- that lead developments were those strategic sites identified as having the largest traffic impact on a scheme based on traffic models in which scale might deem a development as having more impact on a junction than proximity (for example, thousands of homes at West of Bersted and accumulative impact to the Comet Corner junction)
- that West Sussex County Council and Arun District Council would continue to seek to deliver the Local Plan and the infrastructure needs identified in it, and that if developments did not come forward then infrastructure schemes might need to be revisited and reconsidered
- affordability and workability would need to be assessed on a case by case basis to ensure the additional costs to developers were viable
- this apportionment exercise also helped identify where the funding gaps were and whether applications for Government funding or other sources of funding might be necessary
- the improvements to the Bognor Road Roundabout were needed to mitigate the development identified in both Arun and Chichester District's Local Plans, and the funding would come from development in both Districts and as such the scheme was substantially different to the one previously estimated for
- contributions from developments would be proportionate to their impact on a junction as identified in the traffic modelling
- the list of infrastructure identified in the report not being the full list of infrastructure that was trying to be delivered and rather the strategic infrastructure that multiple sites across the District would need to contribute to, and that there would be other schemes (perhaps more site specific and smaller scale negotiated as part of the planning process) identified to mitigate the impacts of sites in the Local Plan

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After the Legal Services Manager confirmed that strategic development sites allocated within the Local Plan were required to pay Section 106 contributions rather than CIL, the recommendations were proposed by Councillor Edwards and seconded by Councillor Hughes.

The Committee

RESOLVED – That

1. The Arun Transport Apportionment Study Report (ATS) be updated taking into account the revised cost of transport mitigation schemes, deducting secured s.106 contributions and apportioning the residual costs according to the ATS methodology;
2. The updated ATS 2022 be published on the Council's website.

452. LOCAL PLAN EVIDENCE UPDATE - BIODIVERSITY NET GAIN STUDY

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which sought the Committee's endorsement of the Biodiversity Net Gain Study (BNG) as a high-level baseline study, forming part of the evidence base to inform the Local Plan update (when it resumed). It was explained that the BNG study informed the spatial application of the 10% net gain metric (when this was finalised in November 2023) through development management decisions or offsite contributions for strategic sites, and would also help engagement with developers and nature recovery stakeholders to deliver habitat creation and improvement projects in core Biodiversity Opportunity Areas (BOAs) and inform the preparation of an Arun Biodiversity Action Plan (BAP) and cross boundary nature recovery planning work like the emergent West Sussex County Nature Recovery Network. The Environment Act 2021 with its making mandatory the biodiversity net gain that already featured in Arun's Local Plan, and the council's own resolutions around the climate emergency and carbon reduction were identified as key drivers for this work.

During the discussion, all Members that spoke spoke highly of the report and thanked the Officer team involved in the project. Other points raised included that this would only become policy once the Local Plan review was underway, the importance of corridors between BOAs especially for rare species survival, the richness of habitats and wildlife throughout the District, the wide ranging consultation and high level of support informing the study, and concern for the bureaucratic consequences of the credit system to parts of the District if developers could offset biodiversity loss elsewhere than the site at which it was being lost. The recommendations were then proposed by Councillor Lury and seconded by Councillor Edwards.

The Committee

RESOLVED - That

1. The key recommendations and actions of the Biodiversity Net Gain (BNG) study inform the Local Plan Update (when resumed) and that its contents and associated mapping be used as the basis for working jointly with neighbours and stakeholders coordinating and delivering a nature recovery network including through shaping preparation of the Council's Biodiversity Action Plan;
2. The existing nine Biodiversity Opportunity Areas (BOA) be strategic high value Core Areas for nature recovery and expansion, including the proposed use of semi strategic medium value wildlife corridors and 'steppingstones' of biodiversity to link habitats and species and for nature recovery;
3. The proposed model policy approach to Biodiversity Net Gain (compared to Policy ENV DM5 of the Arun Local Plan) accommodate the 10% Biodiversity Net Gain metric when secondary legislation is implemented, under the Environment Act 2021 (Box 3.3, pages 56 - 57 of the BNG Study);
4. That the BNG Study be finalised for uploading on the Local Plan evidence webpage.

453. ARUN INFRASTRUCTURE FUNDING STATEMENT 2021/22

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which updated the Committee on the Council's annual Infrastructure Funding Statement (IFS) setting out Section 106 planning obligation contributions, CIL income and spend on the Council's infrastructure list from the previous financial year in accordance with the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The Section 106 and CIL income and expenditure in paragraphs 4.7 and 4.8 [pages 37-38 of the Agenda Pack] were noted. The significant increase in CIL money received when compared with the previous year (£359k compared with £98.6k) and what CIL money has been spent on were highlighted.

Members then took part in a full debate on the item where clarification was sought on the reasons for CIL relief to be granted given the relief amount far exceeded the amount received in CIL receipts by the Council, and why the Council had Section 106 income that had not been formally allocated. Officers confirmed that CIL relief was given for a variety of reasons including affordable housing and customer self-build and that the CIL Infrastructure Investment Plan setting out the Council's priorities for CIL funds had come to the Committee earlier in the year [Minute 605], and clarified planning terminology for monitoring purposes so that unallocated income should be understood as identified contributions for which there was not yet a formal contract in place. The

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recommendation was then proposed by Councillor Lury and seconded by Councillor Kelly.

The Committee

RESOLVED

That the Arun Infrastructure Funding Statement 2021/22 be published on the Arun District Council website in accordance with Regulation 121A of the Community Infrastructure Regulations 2010 (as amended).

454. LITTLEHAMPTON ECONOMIC GROWTH AREA (LEGA)

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which sought the Committee's agreement that the proposed Littlehampton Economic Growth Area (LEGA) Study update should exclude work on the West Bank Strategic Allocation elements of the Study and focus the study brief on the riverside opportunities and the area between Climping beach and the West Bank. The study would therefore aim to complement what might happen on the West Bank through the existing LEGA study and Strategic Allocation in the adopted Arun Local Plan 2018. The Group Head of Planning noted that there was developer interest in the West Bank site and therefore it would not be prudent to use public money to produce work to generate such interest as per the original decision at Committee in June 2021, and instead direct the available funds to other specific areas identified in the report.

The Chair having invited discussion, Members that spoke sought greater clarity on the area that this study would include and why this area rather than others had been identified for this work, and though the Planning Policy Team Leader did explain that part of the study would be to define the area more definitively and that no new sites could be allocated outside of the development plan process, the Chair proposed a deferral which was seconded by the Vice-Chair in order to seek further clarification on the extent of the area (to include a map) and why this area had been identified as opposed to others.

The Committee

RESOLVED

That the item be deferred to the Special meeting on 7 December 2022 in order for Officers to provide further clarification on the extent of the area (including in a map format) and why this area had been identified as opposed to others.

455. ARUNDEL TOWN COUNCIL LOCAL WALKING AND CYCLING INFRASTRUCTURE PLAN (LCWIP)

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which sought the Committee's agreement in principle to support the development

of Arundel Town Council's Local Walking Cycling and Infrastructure Plan (LCWIP) because it was consistent with the Council's approach to delivering Active Travel opportunities having previously approved its Active Travel study as a material consideration.

When the Chair invited discussion, one Member questioned the level of response and whether the Committee should hold off making a decision until the outcome of further consultation was known, whilst another congratulated Arundel Town Council on their work and hoped other Town Councils could do similar as it was really important for local communities to think about how they could get around their towns in more sustainable ways. The recommendation was then proposed by Councillor Lury and seconded by Councillor Thurston.

The Committee

RESOLVED

That the Arundel LCWIP be supported in principle subject to the caveats in section 4.5 of the Officer report.

456. KEY PERFORMANCE INDICATORS 2022-2026 - QUARTER 2 PERFORMANCE REPORT FOR THE PERIOD 1 APRIL 2022 TO 30 SEPTEMBER 2022

Upon the invitation of the Chair, the Group Head of Planning presented the report which set out the performance of the Key Performance Indicators at Quarter 2 for the period 1 April 2022 to 30 September 2022. It was explained that this Committee had one KPI to note [CP36 – Number of new homes completed].

The Chair raised the issue of the council having no control over the achievement of this KPI and that it was down to developers to deliver on the housing they had planning permission to build. Another Member asked how many planning permissions had not been implemented and the Group Head of Planning responded that there were currently around 6,000 unimplemented permissions, though he did qualify this number also included outline permissions that could not necessarily be implemented, and that further detail would be available following the Annual Monitoring Report in January. The Committee then noted the report.

457. OUTSIDE BODIES

The Chair noted that Members had received a Member Briefing on the South Downs National Park Authority from Councillor Thurston ahead of the meeting. He also stressed the need for the Strategic Site Advisory Groups to resume their meetings which would then be reported into this Committee. The Group Head of Planning confirmed that he was looking into setting up a series of these meetings over the next few months.

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458. WORK PROGRAMME

The Planning Policy Team Leader noted that additional reports on the Annual Monitoring Report, Brownfield Land Register and Southern Water's consultation on their Water Resources Management Plan would be going to the January 2023 meeting of the Committee. The Chair verbally updated Members on a Special meeting of the Committee on 7 December to agree a response to the National Highways A27 Arundel further consultation, arranged after the publication of the agenda pack. The Group Head of Planning highlighted the work around bringing the Arun Housing Market Absorption Study to Committee and that due to the desire for a Member Briefing ahead of it coming to Committee there may be a need for it to be heard at a Special meeting of the Committee after the January meeting. The Committee then noted the Work Programme.

(The meeting concluded at 7.58 pm)