

PLANNING POLICY COMMITTEE

18 September 2024 at 6.00 pm

Present: Councillors Yeates (Chair), Lury (Vice-Chair), Bower, Goodheart, Gunner (substitute for Elkins), Huntley, Long, McAuliffe, Partridge, Tandy and Turner (substitute for Stainton)

Councillors Butcher and McDougall were also in attendance for all or part of the meeting.

[Note – The following Councillors were absent from the meeting during consideration of the following items of business: Councillors Lury and Tandy – Minute 47 (Part)]

226. APOLOGIES

Apologies were received from Councillors Elkins and Stainton.

227. DECLARATIONS OF INTEREST

There were no declarations of interest.

228. MINUTES

The minutes of the Planning Policy Committee held on 6 June 2024 were approved and signed by the Chair.

229. 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 for this meeting.

230. PUBLIC QUESTION TIME

There were no public questions submitted for this meeting.

231. REVISIONS TO NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2024 - PROPOSED ARUN DC RESPONSE TO PUBLIC CONSULTATION

The Chair thanked officers for the work undertaken in compiling responses to the consultation being undertaken by the Ministry for Housing Communities and Local Government (MHCLG) on the National Planning Policy Framework (NPPF), set out at appendix 1. Members were asked to limit their comments to the questions contained within the consultation.

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The Interim Head of Planning Policy was invited by the Chair to present the report to the Committee. He advised that the MHCLG consultation on the NPPF proposed fundamental changes to the way Arun District Council carries out its planning function. He thanked members for attending the all member NPPF briefing session held on 9 September 2024.

He reminded members of the proposed key changes to the NPPF set out at paragraph 1.4 of the report, as follows:

- The proposed housing numbers under the new standard methodology will result in an increased housing target in Arun of 1,400 dwellings per year, a 5% increase. The proposed increase for the whole of West Sussex was 38% which would make it more difficult for councils to meet the Duty to Cooperate. The Government's proposals sought to ask each local authority to do its part, whereas the previous methodology had included a factor for urban and metropolitan areas to take higher densities. The proposal to make the housing numbers mandatory instead of advisory would remove the circumstances that had previously justified Arun to propose less housing in the Local Plan. If the required housing numbers were not found, the Local Plan could potentially be found unsound. Local plans would be required to set out 'how' the housing figure will be delivered and not 'if' it will be delivered. For the first time the Council will be required to demonstrate a 5-year housing land supply at all times. This removed the previous protection for recently adopted Local plans and potentially negating the benefits of having an up-to-date Local Plan. Arun has already found it difficult to demonstrate a 5-year housing land supply and had failed the housing delivery test by scoring under 75% of its target for a number of years. Meeting the housing target was likely to become more challenging and lead to significantly more speculative development on unsuitable sites being granted planning permission on appeal. The 5% housing land supply buffer for all local authorities was being re-introduced requiring them to demonstrate a 5.25-year housing land supply in all cases. However, Arun due to its previous housing undersupply and the difficulty of meeting the high numbers will need to keep its 20% buffer. This will result in Arun's 5-year housing land supply becoming a 6-year housing land supply, whereas currently it was at 4.17 years.
- No further changes were proposed to Neighbourhood plans since those made to paragraph 14 of the NPPF in December 2024 that had given additional protection to those produced within the previous five years. However, although good in theory in practice the test is whether the identified need will be based on the overall housing need and therefore may not give the level of protection hoped for.
- He referred to the consultation narrative that the planning system was broken and unable to deliver housing and of creating turbo growth to trickle down in terms of increasing affordable housing. Whilst a laudable ambition, the Council can only grant planning permissions and allocate sites, as it was for the developers, land owners and house builders to build the number of houses required. The Council could not demonstrate a 5-year land housing supply if developers were not building out their permissions, resulting in the Council being

penalised. Officers had hoped that the consultation would have set out measures to encourage developers to build out on their planning permissions. In this respect officers considered that the narrative should move away from placing the blame on a lack of planning permissions and allocations to address the reasons why developers were not building.

- Referring to the proposed removal of high-density development being out of character, officers were concerned that its removal in certain places would encourage development on land that the local planning authority may not find acceptable.
- The terms beauty and beautiful were also proposed to be removed and if the NPPF still refers to high quality and sustainable development officers had no concerns regarding their removal.
- There was an indication that strategic planning will return as a way to overcome the duty to cooperate.
- Officers considered the removal of the agricultural land to provide food supply footnote unnecessary. The Government still said in the NPPF that higher grade agricultural land will be protected but given the worldwide instability concerning food supply the removal of the footnote was unnecessary.
- He also referred to the proposal to increase householder application fees.

He welcomed welcome recommendations from the Committee on the consultation responses provided by officers particularly if members disagreed or felt a response should be strengthened.

Although greenbelt and nationally significant infrastructure had not been covered in great detail by officers, some responses had been suggested surrounding viability. Questions 89-102 related to planning fees, including those locally set and introducing fees for other planning services.

He referred to an email dated 13 September 2024 circulated to members and officers from Cllr McAuliffe providing his detailed comments to a number of questions. Officers were particularly supportive of his comments concerning affordable housing and climate change in respect of questions 45, 50, 57, 70, 74, 79 and 85. It was considered that these comments added value to the Council's draft response and officers, subject to the Committee's agreement, suggested including them in the final response to the MHCLG.

It was noted that recommendation 2.1 should read ' appendix 1' not 'appendix 2'.

The recommendations were proposed by Councillor Lury and seconded by Councillor Partridge.

The Chair invited questions and comments from members who provided comments and amendments to the consultation response, as set out below:

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Q4 - Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?: Add to end of last sentence '... and damaging to the local communities character'.

Q14 - Do you have any other suggestions relating to the proposals in this chapter?:
Officers to add:

- A sentence that local planning authorities are making local plans in the knowledge that if the 5-year housing land supply;
- Include the point that this is about incentivising, not punishing developers.

Q16 - Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3 year period for which data is available to adjust the standard method's baseline, is appropriate?: Amend to read – Unsure, the Council believes using an average figure for the workplace-based median house price to median earnings ratio could potentially result in a more consistent figure for use in the calculation of the baseline but consider on the whole needs further consideration.

Q18 - Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?: line 5: replace 'affordability' with 'affordable'.

Q19 - Do you have any additional comments on the proposed method for assessing housing needs?:

- Para 6, line 5: Remove 'over'
- Remove last paragraph

Q22 - Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?: Final sentence: Replace 'requited' with 'required'.

Q29 - Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?:

- Amend text to read '...designation or other land outside the Green Belt that perform the same function or similar function e.g. strategic gaps which, the Council believes should be recognised at the national level should be preserved and the functions not fettered'.
- Officer to add Councillor McAuliffe's suggestions concerning Green Belt, as considered appropriate, submitted in advance of the meeting.

Q52 - What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?:

- Final sentence: Add '(RSL)' after Registered Social Landlords
- Para 2, line 2: Replace 'RLS's' with 'RSL's'.
- Add sentence to para 1: Greater assistance given to help councils deliver housing themselves would also be welcomed.

Q53 - What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?: Amend reply to state that the maximum need should be based on a percentage based on local need.

Q61 - Do you have any other suggestions relating to the proposals in this chapter?:

Councillor Lury proposed, seconded by Councillor Huntley, a proposal to add the word 'resilience' and wording around it to explain its meaning.

Following a vote this amendment was CARRIED.

Councillor Yeates proposed, seconded by Councillor Huntley, a proposal to add text surrounding lifetime homes that do not require retrospective adaption.

Following a vote this amendment was CARRIED.

Q62 – Do you agree with the changes proposed to paragraphs 86 (b) and 87 of the existing NPPF?

Councillor Yeates proposed, seconded by Councillor McAuliffe, a proposal to add reference to 'renewable technologies'.

Following a vote this amendment was CARRIED.

Q67 - Do you agree with the changes proposed to paragraph 100 of the existing NPPF?: Question incorrectly states paragraph 100 instead of paragraph 99.

Q68 - Do you agree with the changes proposed to paragraph 99 of the existing NPPF?: Question incorrectly states paragraph 99 instead of paragraph 98.

Q69 - Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?: The following suggested amendments under this question concerning paragraph 115 will be added elsewhere under the most suitable question: Reasons for refusal on highway grounds should take account of unacceptable accumulative impact on measurable environmental parameters, such as

- Air quality
- Water impact
- Noise disturbance
- Light pollution
- Protected species and habitats

Q73 – Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?: Amend first sentence to read '.. and low carbon development should be...'

Q74 - Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?: Add Councillor McAuliffe's previously submitted comment in

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full: 'It is not considered that 'compensatory mechanisms' are suitable as the necessary technological solutions do not exist at the scale required nor is the necessary technology proven as yet. Additionally, compensation via habitat translocation or off-site creation have a very high failure rate and cannot guarantee that compensation will be realised. It is not therefore considered that the risks and likelihood of successful compensation support this approach'.

Q80 - Are any changes needed to policy for managing flood risk to improve its effectiveness?: Amend first sentence: 'Yes – like some other parts of the country, Arun suffers greatly and economically greatly from the risk and incidences of coastal, fluvial and surface water and ground water flooding...'

Q91 - If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate?: Add 'Yes, we have no evidence to dispute the Government's estimate of the average costs'.

Q94 - Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee? Please give your reasons in the text box below:

Councillor Gunner proposed, an amendment proposing to change the first word 'Unsure' to 'Yes' seconded by Councillor Partridge.

Officers to change response on line 1 to yes and to provide wording surrounding the final sentence:

- 'Yes, we acknowledge that local fee setting can be...' and
- '...however having said the above there would be separate consideration to whether the Council wants to set its own fee or nationally set fee'.

Following a vote this amendment was CARRIED.

During the discussion members, and one non-Committee member observing the meeting, raised a number of points were raised concerning the proposed changes to the NPPF, as follows:

- Concern that Arun will not be able to meet the housing numbers required in the 5YHLS and that the requirement to have a 5YHLS at all times will result in the Local Plan being out of date as soon as it is adopted.
- The proposals will result in an increase in speculative development.
- Approximately 8,000 planning permissions had not been built was the reason that Arun has not been able to meet the 5YHLS.
- The changes would result in a requirement for Arun to have a 5.2YHLS at all times, in effect equating to a 6YHLS.
- Arun has the highest requirement in West Sussex for housing provision.
- Developers will not deliver housing following planning permission if it was not financially viable for them to do so.
- The lack of skilled workforce and building materials.
- The constraints within Arun, that included the South Downs National Park, flood plains, coastal plain and a high risk of flooding.

- Councils should not be made responsible for the housing shortfall, as it was not in their control.
- The lack of infrastructure provision for the delivery of housing is not being addressed.
- It was considered that the agricultural land footnote should remain.

At the conclusion of the debate, Councillor Gunner proposed, seconded by Councillor Turner, the addition of a third recommendation that the Council expresses its grave concerns about the impact these proposals would have on our area and to send a letter to the Government signed by all Group leaders on that basis. This letter should also go out to all MPs in the District asking them to do likewise.

The Group leaders present at the meeting confirmed that they were in support of an all-Group leaders' letter to be sent to the Government. Cllr Lury undertook to draft the letter for approval by the Group leaders with the intention of submitting the letter before the consultation deadline.

Councillor Turner, as seconder to the proposal, commented on the common-sense and the consensus expressed by members during the discussion of the consultation responses.

Following a vote the additional recommendation iii, as above, was declared CARRIED.

Councillor Gunner proposed, seconded by Councillor Partridge, an amendment to recommendation ii, the changes can be seen highlighted in strikethrough and **bold** as follows:

- ii. Agree the draft responses to the 106 questions within the consultation as set out in Appendix 2 1 to this report, **with delegation to the Group Head of Planning to make consequential amendments following the Committee's discussion in consultation with the Chair of the Planning Policy Committee**, for submission to MHCLG as being the formal consultation response on behalf of Arun District Council.

Following a vote the amendment to recommendation ii, as above, was declared CARRIED.

The Chair then undertook the vote for the substantive recommendations that had previously been proposed and seconded.

The Committee

RESOLVED

- i. Consider the proposed revisions to the National Planning Policy Framework (NPPF), taking into account officers' advice; and
- ii. Agree the draft responses to the 106 questions within the consultation as set out in Appendix 1 to this report, with delegation to the Group Head of

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Planning to make consequential amendments following the Committee's discussion in consultation with the Chair of the Planning Policy Committee for submission to MHCLG as being the formal consultation response on behalf of Arun District Council.

- iii. That the Council expresses its grave concerns about the impact these proposals would have on our area and to send a letter to the Government signed by all Group leaders on that basis. This letter should also go out to all MPs in the District asking them to do likewise.

(The meeting concluded at 8.54 pm)