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PLANNING POLICY COMMITTEE

25 January 2022 at 6.00 pm

Present: Councillors Bower (Chair), Hughes (Vice-Chair), Chapman, Coster, Elkins, Goodheart, Lury, Yeates, Gunner (Substitute for Charles), Stanley (Substitute for Jones) and Yeates

Councillor Edwards was also in attendance for all or part of the meeting.

Apologies: Councillors Charles, Jones and Thurston

597. DECLARATIONS OF INTEREST

There were no Declarations of Interest made.

598. MINUTES

The Minutes of the previous meeting held on 30 November 2021 were approved by the Committee and signed by the Chair. The Chair noted that Minute 480 [To 'Make' the Barnham and Eastergate Neighbourhood Development Plan (Review) 2019-2031] would now not be recommended to Full Council and it had been withdrawn on legal advice as there was a challenge by Judicial Review to the Plan.

599. 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.

600. PUBLIC QUESTION TIME

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

601. COMMITTEE REVENUE AND CAPITAL BUDGETS 2022/2023

Upon the invitation of the Chair, the Interim Group Head of Corporate Support and Section 151 Officer presented the report which asked the Committee to consider and recommend its revenue budget for inclusion in the 2022/23 revenue budget, which would be submitted to the Policy and Finance Committee on 10 February 2022. Policy and Finance Committee would consider the overall revenue budget for 2022/23 to make a recommendation to Full Council on 23 February 2022 on the budget to be set and level of Council Tax for the District for 2022/23. She confirmed that the Committee did not have any capital expenditure and so did not have to consider a capital budget for inclusion in the overall capital programme

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

- the restructuring of the Planning and Development Section in response to the Hannaby Report, and the need to see revenue expenditure as a KPI
- how the Committee could monitor the Planning department's performance if KPIs were not available as part of the budget process
- the Hannaby Review and its implications for Planning Policy Committee and Planning Committee, and the review reporting into the Planning Committee where more detail could be found on the process

The Interim Group Head of Corporate Support and Section 151 Officer provided Members with responses to all points raised during the debate. It was confirmed that Members had not received KPIs for this year but that Officers were looking to produce them for next year for every Committee.

The recommendations were then proposed by Councillor Gunner and seconded by Councillor Hughes.

The Committee

RESOLVED - To

- a) Agree on the 2022/23 Revenue Budget as illustrated in Appendix A of this report;
- b) Agree on the 2022/23 list of uncommitted growth items as illustrated in Appendix B of this report;

RECOMMEND TO POLICY AND FINANCE COMMITTEE

- c) That the Revenue Budget and list of growth items be included in the overall General Fund Budget when considering the overall budgets on 10 February 2022.

602. HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT (HELAA 2022 UPDATE)

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which explained how the Housing and Economic Land Availability Assessment (HELAA) had been reviewed and updated for 2021. The HELAA's principal purpose was to provide evidence at a high level, identifying the best performing sites with potential to consider for further assessment as part of plan making and calculating the 5-year housing land supply. It was noted that there was a reduction in deliverable sites and yields coming forward, with issues around proving how deliverable sites were in light on appeal decisions, but that figures through the Neighbourhood Planning Process were improving.

Members (and one non-Committee Member) then took part in a full debate on the item where a number of points were raised including:

- the low response to the call for sites and whether the suggested 'delivery certificate' would address the concerns with developer and promoter cooperation and commitment
- the Chair quoted from the Officer report [on page 15 of the Agenda Pack] as an important statement to put the HELAA and subsequent planning applications for projects appearing in it, into context:
'1.9 In addition, it should be noted that:
 - Inclusion of a site in the HELAA does not mean that it will be allocated for development.
 - Planning applications on sites identified within the HELAA will continue to be determined on their merits in line with the development plan unless material considerations indicate otherwise. The HELAA may however form a material consideration in the determination of planning applications.'
- the HELAA and its relation to material considerations in determining planning applications
- Member and resident concerns over a number of sites that appeared on the list
- the need for inclusion of timescales in the HELAA (for example, when sites were put forward, what stage they were at and whether anything had subsequently changed) to give greater context to residents about why sites might have been reassessed as deliverable or otherwise
- what the 'clear evidence' consisted of, as mentioned in 1.12 of the Officer's report [on page 16 of the Agenda Pack] in relation to sites 'only be[ing] considered deliverable where there is clear evidence that housing completions will begin on site within five years', and its reliability in delivering completed building
- discussion around the criteria to change a site from 'undeliverable' to 'deliverable' and determination of yields
- whether there was a process to remove sites from HELAA

The Planning Policy Team Leader provided Members with responses to all points raised during the debate. It was confirmed that:

- the HELAA was for plan making not for decision making, but that at appeals inspectors had previously used the 'deliverable site' designation as a material consideration
- 'clear evidence' involved Officer judgement on a number of factors determining how realistic delivery timescales were including the status of the site's planning permission (detailed or outline etc) and any constraints criteria such as site ownership, ransom strips or infrastructure to be delivered
- 'made' Neighbourhood Plans being part of the Development Plan so having the same weight as the policies of the Local Plan, especially on local rather than strategic matters
- changes to deliverability status depended on the evidence the Council received each year and whether sites as they progressed became more

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policy compliant (through infrastructure developments etc). If more housing land supply was needed to be identified then HELAA sites would need to be taken and assessed through the plan making process and evidence before status changed accordingly

The recommendations were then proposed by Councillor Chapman and seconded by Councillor Hughes. By unanimous vote,

The Committee

RESOLVED

1. To consider and note the Housing and Economic Land Availability Assessment as part of the evidence base for the Local Plan and any future Development Plan Document preparation;
2. Agree the HELAA 2021 be published on the Council's website.

603. BROWNFIELD LAND REGISTER

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which provided a 2021 update to the 2020 Register. It was explained that the production of a Brownfield Land Register was a requirement under the Town & Country Planning (Brownfield Land Register) Regulations, 2017. The Register was to be established in two parts (Part 1 being sites in principle suitable for housing, and Part 2 being permissions in principle) and was to include all brownfield sites that were suitable for residential development. It was confirmed that there were 20 sites on the register (3 new sites which met the criteria had been identified for addition) and 9 sites had been removed because they had been implemented or were not available.

The recommendations were then proposed by Councillor Gunner and seconded by Councillor Hughes. By unanimous vote,

The Committee

RESOLVED - To

1. Note the 2021 Brownfield Land Register (Part 1);
2. Agree for Officers keep under review the Brownfield Land Register in order to determine whether preparation of (Part 2) including the carrying out of consultation and publicity requirements, in line with the Brownfield Land Register Regulations 2017 is justified.

604. AUTHORITY MONITORING REPORT 2020/21

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which detailed the Arun Local Planning Authority's Monitoring Report 2020/21.

This was an annual rolling report that monitored progress on plan making in retrospect, looking at the period from 1 April 2020 to the 31 March 2021. Updates to the Local Plan, Neighbourhood Plans, the Duty to Cooperate, the Housing Land Supply and the Housing Delivery Test were highlighted to Members.

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

- the number of unbuilt permissions, which may be Covid-related to some extent, showed the control developers had over the process
- the housing land supply and its impact on greenfield sites in the District, and the need for development to have a biodiversity net gain in light of the climate emergency
- whether the Council's assessment of housing deliverability should be more vigorous and that it was much clearer what was deliverable and what was not
- the economic uncertainty currently facing developers further complicating the situation

The recommendation was then proposed by Councillor Hughes and seconded by Councillor Elkins. By unanimous vote,

The Committee

RESOLVED

To agree the Authority Monitoring Report 2020/21 for publication on the Council's website.

605. CIL INFRASTRUCTURE INVESTMENT PLAN (IIP 2022-2024)

(During the debate on this item, Councillor Stanley declared a Personal Interest as a Member of Bognor Regis Town Council. Councillor Goodheart also declared a Personal Interest as a Member of Bognor Regis Town Council.)

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which sought agreement to the draft Infrastructure Investment Plan (a three-year programme for 2022-2024) which set out how Community Infrastructure Levy (CIL) funds would be prioritised for delivery of infrastructure projects. The Plan was needed as the Council was now a CIL Charging Authority (from 1 April 2020) and had begun to receive CIL receipts. It was stressed that CIL funds must be spent on infrastructure that aimed to mitigate the impacts of development upon the District, and the process for this was previously approved at Full Council. It was noted that 5 schemes ('the green list') had been identified to be included in the Infrastructure Investment Plan [on pages 33-36 of the Agenda Pack].

The Chair drew Members' attention to the fact that one of the 5 schemes [18/ADC/TI] was the subject of a petition going to Full Council on 26 January 2022. Members then took part in a full debate on the item where a number of points were raised including:

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- the lack of Bognor Regis-based schemes on the green list
- the A29 realignment and the contribution of CIL funds to the scheme
- the baseline list showing that the Council was delivering on infrastructure and the impacts of development within the District
- improvements needed to Horsemere Green Lane and its connections to a deferred planning application on Ford Airfield and its Section 106 contributions
- the likelihood of deliverability of schemes on the longer list over the period of the Plan
- the relation between where CIL was generated and where projects were funded

The Planning Policy Team Leader provided Members with responses to all points raised during the debate. It was confirmed:

- that all Town and Parish Councils were consulted and there were at least 3 consultation rounds
- all proposals were judged against the same criteria, including whether it involved policy-identified infrastructure, evidence of cost of the scheme, are there delivery partners and a funding strategy, any evidence of design and feasibility
- schemes on the green list needed to show not only infrastructure mitigating the development plan but also that they had serious chances of being funded within the 3-year period of the Plan
- there was a variable percentage of CIL funds that may be devolved to Parish and Town Councils based upon whether they had a 'made' Neighbourhood Plan or not and whether CIL liable development had taken place within the Parish
- that the IIP was comprised of the shortlist of 5 priority (green rated) projects with associated spend apportionment
- that the baseline long list be published alongside the IIP on the website for transparency

The recommendation was then proposed by Councillor Hughes and seconded by Councillor Gunner. By majority vote,

The Committee

RECOMMEND TO FULL COUNCIL

That the Arun Infrastructure Investment Plan (for the period 2022-2024) be approved and published on the Council's website.

606. STATEMENT OF COMMUNITY INVOLVEMENT UPDATE

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which sought agreement on the process for ensuring the Council's Statement of Community Involvement (SCI) was up to date, following the decision of the Committee

on 6 October 2021 on its approach to plan making [Minute 338]. It was explained that the SCI was last updated via publication of the 'Immediate Review Document' in June 2020 and needed to be kept up to date as it formed evidence on legal compliance for plan making which was tested at Local Plan examination.

The recommendations were then proposed by Councillor Hughes and seconded by Councillor Lury. By unanimous vote,

The Committee

RESOLVED - To

1. Note that the use of the 'Interim Review Document' will have ceased on 31 December 2021 and unless the legislation is amended to allow for an extension of the temporary consultation measures, the SCI reverts to the SCI 2018 – 2021 published in November 2018 for plan making and Development Management purposes;
2. Agree that the SCI is currently up to date and only requires that minor typographical and clarification amendments be made and that such minor amendments can be made through officer delegated arrangements in future.

607. OUTSIDE BODIES

The Committee noted one report from Councillor Thurston on the South Downs National Park Authority.

608. WORK PROGRAMME

The Planning Policy Team Leader clarified that the Biodiversity Net Gain Study report coming to the next meeting would be a progress update report rather than a final study report due to the phased nature of the project. One Member asked for an update on the Strategic Flood Risk Assessment and an in-depth study on the multiple causes behind the Council's problems with housing delivery to be brought to future meetings; whether these would be better delivered as Member briefings was left for the Chair and Officers to determine. The Planning Policy Team Leader confirmed that work on both of these items was ongoing. The Chair confirmed that he and the Chair of Planning Committee had sent a letter to Clinical Commissioning Group (CCG) asking for an update on their plans, and as a result there was to be a presentation (date to be determined) made to Members of the Committee by the CCG on the NHS's plans for Arun.

The Committee then noted the Work Programme.

(The meeting concluded at 8.02 pm)

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