

FULL COUNCIL – 9 NOVEMBER 2022

**AGENDA ITEM 3 – PUBLIC QUESTION TIME – ORDER IN WHICH THE
CHAIR OF THE COUNCIL WILL INVITE QUESTIONS BELOW RECEIVED IN
WRITING IN ADVANCE OF THE MEETING**

1. From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman
2. From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman
3. From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman
4. From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman
5. From Mr Cosgrove to the Chair of the Policy & Finance Committee, Councillor Gunner
6. From Mr Cosgrove to the Chair of the Policy & Finance Committee, Councillor Gunner
7. From Mr Cosgrove to the Chair of the Policy & Finance Committee, Councillor Gunner
8. From Mr Fennell to the Chair of the Planning Policy Committee, Councillor Bower
9. From Parish Councillor Hamilton-Street to the Chair of the Planning Committee, Councillor Chapman
10. From Parish Councillor Hamilton-Street to the Chair of the Planning Committee, Councillor Chapman
11. From Mr Wild to the Chair of the Planning Committee, Councillor Chapman
12. From Mr Wild to the Chair of the Planning Committee, Councillor Chapman
13. From Mr Wild to the Chair of the Planning Committee, Councillor Wild

FULL DETAIL OF THE QUESTIONS TO BE ASKED IS DETAILED BELOW

Note, the Chair will:

- invite questions from members of the public who have submitted in writing their questions in line with the Council's Constitution.
- explain that the questions received will be answered by the Chair of the Council
- confirm that Public Question Time allows Members of the public to ask one question at a time and that a maximum of one minute is allowed for each question;

- state that questions will be invited in the order in which they have been received and that if there is time remaining from the 15 minutes allowed for Public Question Time, questioners will be allowed to ask a supplementary question.

QUESTION ONE

From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman

Question

Why were we 'obliged' to spend our savings on a new boundary fence costing £10,000, simply because our neighbour, Mr Duggin, decided to build on the field next door to our house. We already had a boundary fence in place and he refused to provide any kind of screening for his activities.

Response

Thank you for your question. I can confirm that there was no obligation imposed by the local planning authority, this council, for you to construct a fence.

QUESTION TWO

From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman

Question

A pragmatic decision was taken to cast aside the Condition that AL/121/16/PL must be completed, before the houses were allowed to be lived in or the access and internal road built. (Email from Compliance Officer.) Why could such a pragmatic decision not have been taken, in order to require boundary fences to be erected, sooner rather than later, giving us the normal privacy and protection expected between residential properties, while the land was already being lived on?

Response

Thank you for your question. Once imposed on a planning permission a condition, if breached, can be enforced against (or not) depending on the circumstances that apply. The planning permission at your neighbour's property did not include a condition that they provide a boundary fencing. Conditions should only be proposed where they meet the six tests for a condition set out in the NPPG. As these tests were not met an informative was added relating to the

fencing. Once a permission is granted it is not legally possible to add additional conditions. I am aware that officers have provided you with a response on this issue some time ago.

QUESTION THREE

From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman

Question

Now that the two houses on Mr Duggins' site have been occupied for over 6 months and over 18 months and despite the fact that Condition 6 prevents this until the access is completed, why is there still a mobile home on the land? We understood that this should have been removed long ago. This is of great concern to us, since there is STILL a LIVE electricity cable rising from the ground at the access to the site which trails across the land beside our fence, past the houses and provides power for the mobile home which should no longer be there.

Response

Thank you for your question. It is possible to have a mobile home within the curtilage of a dwelling without the need for a specific planning permission (it can be put there as permitted development). We have undertaken previous investigations in respect of the occupation of these mobile homes through the duration of the construction and the outcome of this investigation has been communicated with you previously. Now that construction is completed, the site is now subject to a further investigation and the legitimacy of the mobile home will be discussed with the occupiers when we next contact them. This will look at occupation as well as what might be allowed without planning permission. We will be contacting the occupier of the mobile home before the end of the month with a view to getting an answer by early January.

QUESTION FOUR

From Mrs Smith to the Chair of the Planning Committee, Councillor Chapman

Question

During the last five years, while our lives have been made impossible by the activities which the Council have allowed to happen on the building site next door, what COULD or SHOULD we have DONE or NOT DONE, to avoid the distress, disturbance, and expense of having to fund part of Mr. Duggins' build? (A fence which we never planned for, and should never have needed to pay for.)

Like everyone else, we have a right to Article 8 of the Human Rights' Act, (That is, to a peaceful, private, family life and home.

Response

Your statement is noted. It is regrettable that this site has taken so long to be implemented. The Council will continue to monitor that activity on this site to ensure that the development proceeds in accordance with the approved plans and to minimise the impact of the development within the powers that the Council has.

QUESTION FIVE

From Mr Cosgrove to the Chair of the Policy & Finance Committee, Councillor Gunner

Question

I welcome the surprise across-the-board 'disenchantment' of Councillors with the Mace Presentation especially re the minimum number of seats for the main auditorium. Given the costs have risen already, will he and the Committee now pay special attention to the response of the Levelling-Up Minister to Nick Gibb MP concerning bringing in private investment, with the LUF funding as the core?
I quote:

Your constituent raises an important question around whether it is possible to adjust the scope of LUF funded projects after they have been agreed and announced. I should start by saying that I would expect that places deliver the projects that my department has agreed to invest in, realising the social and economic benefits that they will have on local levelling up plans. I do of course recognise that the local context may change, and in this particular instance, based on your constituents email it sounds as though there may be an opportunity to increase the scope of the project through additional private sector investment.

Does he not agree circumstances have changed - eg rising costs, failure of consultants to propose acceptable minimum seating etc so that contact with the named civil servant might now be most appropriate, also that expediting such an approach might enable an improved outcome including a minimum of 450 seats, together with the integration of the Brewers Fayre aspect into the overall outcome on the site with even more benefits?

Response

No.

QUESTION SIX

**From Mr Cosgrove to the Chair of the Policy & Finance Committee,
Councillor Gunner**

Question

It is clear that many councils are facing major deadline problems with their Levelling-Up projects. Will he ensure the Minister is made aware of the Council's concerns in this regard if this has not happened already?

Response

Yes.

QUESTION SEVEN

**From Mr Cosgrove to the Chair of the Policy & Finance Committee,
Councillor Gunner**

Question

One of the principles of the Council's 2004 Masterplan was that of cross-subsidy between the two major sites in Arun's ownership, Regis Centre and Hothamton (and in July 2018 the Planning Inspector drew attention to this re the Sunrise application). Although Sunrise is dead in the water, the principle is still there. Would he not agree that it may be worth while exploring whether there is scope for cross-subsidy re the LUF project so as to enable additional funds for the Regis Centre site in return eg for flats on Hothamton and also gaining a new much-needed Medical Centre for Bognor, and that expediting such an approach might enable an improved outcome including a minimum of 450 seats, and the integration of the Brewers Fayre aspect into the overall outcome on the site with even more benefits, and that there is a possibility of meeting the deadline for the core LUF elements but also leaving the path open for integration of additional benefits beyond that deadline, avoiding further supplementary estimates and even of not having to spend the ones already sanctioned?

Response

No.

QUESTION EIGHT

From Mr Fennell to the Chair of the Planning Policy Committee, Councillor Bower

Question

Arun has the best farmland on the south coast, which should be protected. With the situation in Ukraine, world food shortages, jobs and the environment, Arun should immediately ban building on farmland, in line with Government policy. Arun has brownfield sites, for which there are grants available to build on. Arun should not be forced to have neighbouring councils housing allocations, destroying rare prime agricultural land, where essential crops are grown, employing residents. Their unsold food goes to local Fridges; the result, many people have fresh food they could not afford.

Also, Arun does not have the infrastructure. Old sewage systems, lack of NHS dentists, overworked GPs and high streets dying. Arun is one of the most densely populated areas in the UK. We cannot lose all our green space, the gateway to the south downs, to out of town development!

We have a Conservative Council, MP and Government; united you can stop the destruction of Arun!

Will you stop desecrating our essential farmland and prioritise brownfield instead?

Response

Thank you Mr Fennell for your question.

The impact of building housing on agricultural land was fully assessed and examined prior to the Local Plan being adopted in 2018. The Inspector considered this an inevitable and acceptable consequence of accommodating the very large housing requirement imposed on Arun District Council by the government. I appreciate that you will not agree with that conclusion but that is the conclusion the Inspector came to. The Local Plan does contain a policy on agricultural land and this is often used to try and ensure that higher grade land is avoided and that appropriate mitigation is provided where it can be.

As part of the Local Plan process, a detailed assessment of available brownfield land was undertaken. This is reviewed every year and kept up to date. This is available on our website. Unfortunately, this process would only yield a maximum of about 1,000 dwellings. This is only a small fraction of the required 20,000.

The level of unimplemented permissions at around 6,000 is of far greater significance than the potential use of brownfield sites.

QUESTION NINE

From Parish Councillor Hamilton-Street to the Chair of the Planning Committee, Councillor Chapman

Question

After several recent issues, we are compelled to bring these questions directly to you.

We also have the full support of Felpham Parish Council, Barnham and Eastergate Parish Council, Jaine Wild - West Sussex County Councillor Felpham, Middleton-on-Sea Parish Council, Slindon Parish Council, Kingston Parish Council, Walberton Parish Council, Clymping Parish Council, East Preston Parish Council, Aldingbourne Parish Council, Rustington Parish Council and Yapton Parish Council who support the content being asked.

In the last 2 months we can give examples where planning processes have sat with consultants, and not council employees and compliance issues are not being addressed.

We have 2 questions that we would like answered by Cllr Chapman.

How can Arun District Councillors provide suitable reassurance to the above parishes and their residents that the council is effectively holding the Planning Department to account in ensuring that developers are held to the planning applications, conditions and compliance issues? Because the above parishes and their residents know that it is currently not undertaking its duties.

Response

Thank you for your question. In answering it, it is important to draw a distinction between compliances issues on strategic sites and elsewhere. On the former, the Council has two officers who are in regular contact with the developers to ensure that for example conditions are discharged at the appropriate time and infrastructure is delivered in accordance with the consents. They also follow up issues brought to our attention which might impact upon residents. For example, during the summer the Council was contacted about dust issues at the Fontwell development and the team then engaged with the developers to address this. For non-strategic site matters it has been more challenging because of staff vacancies and subsequent difficulties recruiting. Unfortunately, this is not a situation unique to Arun. All parishes have been advised that the Council has instructed consultants from 1 July 2022 to work on the higher priority compliance cases. Compliance issues are being addressed to the best of our ability within the resource constraints that we have. I obviously do not know the details of the two cases you refer to, but I would urge you to contact the Group Head of Planning if you feel that these cases are a priority. Members are fully aware of the difficulties that the Council has with resources in Planning Compliance and I

am aware that the Group Head of Planning is developing a project to hopefully provide a more long term solution to this problem which will in due course be presented to members but such a solution will not provide a quick fix and therefore it is likely that subject to appropriate funding being available the Council will need to continue with external support.

QUESTION TEN

From Parish Councillor Hamilton-Street to the Chair of the Planning Committee, Councillor Chapman

Question

How will the Arun District Councillors make it a priority to ensure that Arun residents have an effective planning department, and this is prioritised in a timely manner, so that communities do not continue to be ridden rough shot over by developers doing what they want without any recourse, as has happened in recent weeks?

Response

I thank the questioner for her question, however, there are no specifics about how or when or where communities are being ridden rough shot by this council or by its planning Department.

Arun Planning Department has to work within the planning system that is set out nationally. As a District Council we have one of the highest levels of required homebuilding across the country and the Council has to work within an exceptionally permissive planning system. I entirely appreciate that many members of the public and Parish Councils will not agree with some decisions made and I share many of these concerns personally. Regrettably, what might be a popular decision to reject a development is rarely a robust decision in the context of the current planning system. It is true that developers are able to secure planning permission in very unpopular locations but that is not a fault of the Planning Department or Council. When we have tried to resist such inappropriate and poor development very recently, we have lost at appeal. The Government has indicated for some time now that it intends to modify the planning system and that might help to address a number of the concerns you and I share but until we know how the system will change it is difficult to identify what pre-emptive actions we should take. Until then we need to continue to encourage those who have permission to proceed at pace and where land has been allocated and we need to continue to work with developers towards the submission of high quality schemes and then secure early delivery.

QUESTION ELEVEN

From Mr Wild to the Chair of the Planning Committee, Councillor Chapman

Question

Can lessons be learnt from the destruction of protected species at Outerwyke Farmhouse, Felpham Way, Felpham (which was rich in bats, birds, reptiles and hedgehogs as the garden had been wild for 50 years) so departments work together and any enforcement notice given where protected species are likely, then this has to be accompanied by a request for an ecological survey before clearance?

Response

Thank you, Mr Wild for your question.

The original enforcement notice served made was served by the Council's Environmental Health department and the activity on the site recently was to undertake works required by that Notice. We are aware that a number of trees have been removed but these were not covered by any preservation order and so did not require any form of planning permission. Complaints recently received on this matter have been looked at and have had a response. Certain species and features, for example nests, are protected under the Wildlife and Countryside Act 1981 which makes certain activities an offence. The provisions of that Act are enforced by Sussex Police, not by this Authority. If you believe that works carried out breach that Act concerns should be directed to them. The Council's Tree Officer was fully aware of the works that were due to take place and the Planning Department had also been notified. We are going to investigate adding an informative to such Notices to draw attention to wildlife legislation. We also encourage all applicants to contact local Parish Councils and neighbours before carrying out works on site to inform them what is happening and why.

QUESTION TWELVE

From Mr Wild to the Chair of the Planning Committee, Councillor Chapman

Question

Arun is seen as a 'soft touch, can't care' attitude to protected species by developers who clear land before submitting planning applications to save Ecologist's costs and restrictions: so can Arun DC ensure that any clearance of land likely to have protected species that takes place before submitting a planning application counts against acceptance of the plans? Arun DC should make this known in a press release and on their website. Land to the east of

Heath Place, North Bersted is a recent example where land clearance of wildlife rich habitat has taken place before submission of any plans. Outerwyke Farmhouse is another.

Response

Thank you, Mr Wild, for your question.

Firstly, it is important to understand that planning legislation does not deal with all circumstances and eventualities. So, for example if someone decides to undertake works in advance of applying for planning permission and those works do not require permission then any impact upon protected species is governed by other legislation, for which other organisations, such as Sussex Police take the lead. When we do receive an application for planning permission we check to see if certain ecological information is required for that application to be valid. If this information is provided the application must be made valid. When considering an application for planning permission, a consultation can be carried out with our ecology service provider where needed. Planning permissions are regularly granted with conditions requiring Biodiversity Net Gain to be provided or compliance with plans/documents that show ecological improvements. Land at Heath Place is subject to an active enforcement investigation and the owners of the site have been served with a temporary stop notice. Further enforcement action is currently under consideration.

QUESTION THIRTEEN

From Mr Wild to the Chair of the Planning Committee, Councillor Chapman

Question

Where ecological surveys show protected species, that any failure to act without ecological mitigation is treated seriously by Arun's planning officers, and that they report such matters to the police and put a stop order on the developer? An example is the former LEC Airfield, Bognor Regis, where Sime Derby commissioned a 55 page ecology report showing protected species, but when use of the land was transferred five or six years ago, the whole area was cleared without mitigation, and all Arun's officers would say to me was that it was a police matter – and the police said it was too late as the area was completely cleared and evidence destroyed.

Response

Thank you, Mr Wild, for your further question.

The Council will always seek relevant ecological surveys for any significant development. If planning permissions are granted, these will always secure biodiversity net gain and/or mitigation. I am not able to comment on the specifics of the site referred to in your question, but it is important to remember that, under planning law, it is not an offence to clear a site of protected species prior to submitting an application. Where protected species have been adversely affected from development carried out without planning permission, as in my previous answer I would say the Police have been informed as these offences are enforced by them, not by Arun. I am aware, Mr Wild, that you probably do not consider that this is adequate, but the Council can only act within the law and powers that it has.