

SPECIAL PLANNING POLICY COMMITTEE

21 February 2023 at 6.00 pm

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

Apologies: Councillors Elkins, Lury and McAuliffe

684. DECLARATIONS OF INTEREST

No declarations of interest were made.

685. MINUTES

The Minutes of the previous meeting held on 26 January 2023 were approved by the Committee and signed by the Chair.

686. 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.

687. PUBLIC QUESTION TIME

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

688. NATIONAL PLANNING POLICY FRAMEWORK (NPPF) CONSULTATION

Upon the invitation of the Chair, the Group Head of Planning presented the report which sought the Committee's agreement of a Council response to the Government's consultation on proposed changes to the National Planning Policy Framework. The Group Head of Planning explained that, in his opinion, the changes were not fundamental and fell short of expectations following the 'Planning for the Future' White Paper back in 2020 though the changes would have some impact on Arun as detailed in the report.

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

- passing the duty to cooperate being the first legal hurdle a Local Plan must demonstrate before it can proceed to tests of 'soundness', and the proposed changes downgrading the legal requirement to a policy test i.e. an 'alignment test' as part of the 'soundness' tests at examination
- the reviewing of green belt policy in question 9 and the absence of green belt from Arun

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- whether housing availability and uptake of empty homes should be included in the list of considerations in question 10 or whether this would confuse subjective and evidential character measures
- biodiversity interventions in question 37, the need to include habitat continuity and nature recovery networks, and the Biodiversity Net Gain Study adopted at Committee on 24 November 2022 [Minute 452]
- question 40 and promoting topographical opportunities within the District
- disappointment at the missed opportunity by central Government that amounted to minor tweaks that did not help Arun
- the need to be stronger as a Council and greater appreciation of the exceptional circumstances Arun finds itself in positioned between the sea and the South Downs National Park
- the need for central Government to get rid of the 5-year housing land supply and be stronger with developers who were land banking
- whether the 5-year housing land supply could include not only houses built but also houses given permission to be built to put some of the onus back on developers to build
- the context provided by the impending Levelling Up Bill
- Neighbourhood Plans and support for the proposal that these be given greater weight in planning decisions as these indicated what communities wanted
- housing market absorption and the failure of developers as shown in the data
- the need for central Government to revise its house building figures based on demographic projections
- food security and the timescales involved in consulting on reflecting the food production value of land in planning decisions

Councillor Thurston queried why questions 41 to 43 had ‘no comment’ as the Council’s response when she believed Arun should be supporting these measures (encouraging energy production efficiency, updating wind turbines and re-powering renewable and low carbon technologies without the need for new planning permissions). The Group Head of Planning clarified that Arun did support them but had no specific comment to make on the changes as proposed in the consultation. Councillor Thurston then proposed that ‘no comment’ for these three responses should be changed to positive wording that affirmed support for the changes. This was seconded by Councillor Yeates. After a vote, this was declared CARRIED.

Reflecting on the discussion had by Members, Councillor Bower suggested that the consultation response and recommendation should contain a personal view of the Council, in addition to the responses to the questions asked, about Members’ experience of the NPPF and how they had found it working in practice [to be supplied to the Group Head of Planning by Committee Members outside of the meeting]. There was agreement that this statement should concentrate on the failure of developers to build out at a rate that would have allowed Arun to deliver a 5-year housing land supply. The recommendation, with the additional wording ‘and updated to include a personal view of Councillors in consultation with the Group Head of Planning and Chair of

Planning Policy Committee' was then proposed by Councillor Hughes and seconded by Councillor Goodheart.

The Committee

RESOLVED

That the response to the consultation, attached at Appendix 1 in the Officer report, be agreed and updated to include a personal view of Councillors in consultation with the Group Head of Planning and Chair of Planning Policy Committee

689. CHICHESTER LOCAL PLAN REGULATION 19 (PUBLICATION OF A LOCAL PLAN) CONSULTATION

Upon the invitation of the Chair, the Planning Policy Team Leader presented the report which sought the Committee's agreement that representations be made (via delegated authority for Officer representations) to Chichester District Council's Regulation 19 (Publication of a Local Plan) consultation. This was because Planning Policy Committee would next meet in June 2023 beyond the 6-week consultation period which ran from 3 February to 17 March 2023.

The Planning Policy Team Leader outlined the detail of the report and explained that the Plan was based around an 'infrastructure constrained' development strategy predicated on improvements to the A27 (principally the Fishbourne and Bognor Road roundabouts) and the cost viability of development to fund it. Both the Planning Policy Team Leader and the Group Head of Planning stressed that answers and reassurances to questions raised by Arun Officers have not been provided by Chichester District Council in advance of publishing its proposed Local Plan and the 'infrastructure constrained' approach taken by Chichester must not prejudice or impact Arun's existing Local Plan or future plan making; for example, the current adopted Local Plan included West of Bersted, BEW and Pagham which were contributing towards cross boundary infrastructure in Chichester (e.g. A27 Bognor Roundabout and Whyke Road junctions) as well as reciprocal contributions from Chichester District Council towards mitigation in Arun on the A259. The latter were now not included in Chichester's Regulation 19 Publication plan but the evidence acknowledged that these were needed. The assumption that these were just Arun schemes needed clarification. Furthermore, capacity constraints on the A27 from Chichester's approach might increase the cost burden on any future development in Arun to build capacity on the A27.

Members then took part in a full debate on the item where concerns over Chichester's Local Plan were raised. Specific points made included:

- Section 106 contributions claimed by National Highways from developments in Arun having historically gone towards improvements in the Chichester District
- clarity over how much funding had already been provided and was still to be collected for cross boundary projects
- a perceived infrastructure deficit between the Districts

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- the process by which Arun Members sign off the consultation response following the receipt of a draft Statement of Common Ground from Chichester District Council
- what Arun was hoping to achieve from this process
- what would happen to already allocated contributions from developments in Arun if the improvement works did not go ahead in the Chichester District under the proposed 'infrastructure constrained' development strategy
- the impact on strategic sites and their mitigations in Arun if previously proposed improvement works did not go ahead
- the need for improvements to the A259, and if these were not forthcoming and instead focused on the A27 whether any outcomes would be worth the effort

Noting the advice given by the Monitoring Officer in the Officer report, Councillor Chapman suggested the addition of a third recommendation that the outcome of the duty to cooperate discussions be reported to the June Planning Policy Committee meeting. All three recommendations were then proposed by Councillor Chapman and seconded by Councillor Edwards.

The Committee

RESOLVED – That

1. Due to the significant level of concerns that remained outstanding, Officers and the Group Head of Planning in consultation with the Chair of Planning Policy Committee submit necessary 'soundness' representations on Chichester's Regulation 19 Publication Local Plan as identified in the conclusions to the Officer report;
2. These 'soundness' representations be withdrawn should continued engagement with Chichester under the 'Duty to Cooperate' resolve these concerns;
3. The outcome of the duty to cooperate discussions be reported to the June Planning Policy Committee meeting.

#### 690. ARUN HOUSING MARKET ABSORPTION STUDY

Upon the invitation of the Chair, the Group Head of Planning presented the report which asked Committee to note that the evidence in the Arun Housing Market Absorption Study be used for the Local Plan update (when it resumed). A briefing for all members on this study was held on 6 February 2023. Before outlining the detail of the report, the Group Head of Planning explained that the study sought to establish and provide evidence to demonstrate the relationship between the number of planning permissions granted and the number of houses built, and whether there was a market limit up to which the housebuilding industry would actually build houses. He highlighted historic housing delivery rates over the last 20 years of 550 dwellings per annum, with

the rate only exceeding 700 dwelling per annum in two of the previous 20 years, and Figure 5.4 [on page 32 of the Agenda pack] which showed that planning consents had been significantly high and rising and considerably exceeded completions. He noted that it was too early to conclude on housing requirements in Arun, but that in two to three years' time when larger strategic sites did not have constraints on deliverability, whether this translated into higher house building rates and whether delivery growth rates were realistic.

A number of Members made reference to Figure 5.4 and their frustration with the underdelivery of houses by developers, and the lack of any penalties that the Council could impose in response. The Chair highlighted an approximate figure in total of 6,500 unimplemented permissions and reminded Members of the discussion at the previous meeting on 26 January 2023 regarding the Authority Monitoring Report [Minute 628]. Another Member concluded that developers were responding to market forces and supplying the market with the necessary numbers and that blame lay with central Government methodology created in isolation from the market. The recommendation was then proposed by Councillor Chapman and seconded by Councillor Thurston.

The Committee

RESOLVED

That the Arun Housing Absorption Study be noted as evidence to inform plan making and that it be uploaded to the Arun evidence pages on the website.

691. CHAIR'S CLOSING REMARKS

As this was the final meeting of the municipal year, the Chair concluded the meeting by thanking the Officer team for their service to the Committee over the previous year and Members for their attendance and engagement at meetings.

(The meeting concluded at 7.39 pm)