

Subject to approval at the next Subcommittee meeting

## PLANNING POLICY S SUBCOMMITTEE

5 December 2018 at 6.00 p.m.

Present : Councillors Bower (Chairman), Charles (Vice-Chairman), Ambler, Mrs Bence, Mrs Brown, Chapman, Cooper, Elkins, Haymes, Oppler and Mrs Pendleton.

[Note: The following Councillors were absent from the meeting during consideration of the matters in the Minutes indicated:- Councillor Mrs Pendleton, Minutes 7 – 10; and Councillor Oppler, Minutes 9 – 10].

1. Apology for Absence

An apology for absence had been received from Councillor Mrs Hall.

2. Declarations of Interest

The following declaration of interest was made:-

Councillor Elkins – a personal interest as a member of West Sussex County Council.

3. Minutes

The Minutes of the meeting of the Community Infrastructure Levy Subcommittee held on 27 September 2018 were approved by the Subcommittee and signed by the Chairman as a correct record.

The Minutes of the meeting of the Local Plan Subcommittee held on 16 October 2018 were approved by the Subcommittee and signed by the Chairman as a correct record.

4. Arun Local Development Scheme

The Council was required to produce, and keep up to date, a Local Development Scheme (LDS), which provided a work programme for the production of Development Plan Documents to be prepared over the next three year period. With the adoption of the Arun Local Plan (2011-2031) on 28 July 2018 and further changes published to national planning policy in July 2018, it was now considered an appropriate time to update the LDS, taking into account any slippage, resources and future risks.

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The revised LDS, attached to the report, included the updated timescales for the production of the Non-Strategic Site Allocations Development Plan Document (NSS DPD), Gypsy & Traveller Site Allocation Development Plan Document (G&T DPD) and Community Infrastructure Levy Charging Schedule.

In presenting this report, the Planning Policy Team Leader explained the reasoning behind the need to adjust the work programme and emphasised that, although some slippage was signalled, the key submission dates for the DPD preparation would remain within 2020 – sufficient for the Council to defend its position on land supply for the purposes of the Local Plan 2018 and the NSS DPD and the G&T DPD.

The Planning Policy Team Leader advised a slight amendment to recommendation (2) to include the Portfolio Holder for Planning.

Following a brief discussion, the Subcommittee

RECOMMEND TO FULL COUNCIL – That

(1) the Local Development Scheme 2018/19, as amended and set out at Appendix 1 to the report, be adopted; and

(2) authority be delegated to the Group Head of Planning, in consultation with the Chairman and the Planning Portfolio Holder, to undertake minor updating and drafting of any amendments required to the Local Development Scheme prior to publication.

##### 5. Statement of Community Involvement

The Planning Policy Team Leader presented this report on behalf of the Principal Planning Officer and advised that, following consultation on the draft Statement of Community Involvement undertaken between 23 July and 17 August 2018, a small number of responses had been received resulting in further amendments to the SCI document or the need for some clarifications, as set out at Appendix 2 to the report.

In considering the matter, the Principal Planning Officer was commended for his inclusion of encouraging developers to undertake pre-application consultation to enable them to receive priority checking of their application.

In the course of discussion, it was agreed that a footnote would be added to stakeholder engagement to include all Parish and Town Councils.

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RECOMMEND TO FULL COUNCIL – That

(1) the Statement of Community Involvement, attached as Appendix 1 to the report, be adopted; and

(2) authority be delegated to the Group Head of Planning, in consultation with the Chairman and the Planning Portfolio Holder, to agree minor editorial changes prior to publication.

6. Community Infrastructure Levy (CIL) Evidence Base and Preliminary Draft Charging Schedule

The Planning Policy Team Leader presented this report on behalf of the Principal Planner and reaffirmed that the current regulations required Councils to strike an appropriate balance between the desirability of funding the total cost of infrastructure required to support development of its area and the potential effects (taken as a whole) of the imposition of CIL on the economic viability of development. In setting the Council's CIL rate it was important that the level was set at a point that would allow the majority of sites to come forward.

Due to the complexity of the subject, a Members' briefing had been arranged for 4 December 2018 and the feedback given at this meeting in respect of the contribution made by the Council's consultant was extremely positive. Members who had attended the briefing expressed views that it was informative, interesting and that their concerns and questions had been satisfactorily addressed.

The Subcommittee was being requested to note the findings of the CIL Viability Update Report 2018 and to agree that the Preliminary Draft Charging Schedule be published for public consultation and, as such, was not required to be recommended to Full Council.

In opening up the debate, the Chairman stated that one of the things he had picked up from the briefing was the change in respect of S106 contributions and how far away from a development site these could be applied. Such contributions towards necessary infrastructure had to address site specific impacts which could also include off site strategic infrastructure, provided that there were not more than 5 pooled S106 contributions coming from separate developments towards any particular piece of infrastructure or type of infrastructure. However, CIL was still needed to come out of available sites in order to top up S106 money for infrastructure. Further Member comment was made that the S106 pooling restriction of 5 such contributions from developments might be removed by the Government in the near future as part of an ongoing review of the CIL regulations

The Planning Policy Team Leader advised that CIL could address site and the cumulative impact of development but that it was essential not to double count contributions. S106 obligations would therefore remain

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alongside CIL but would be restricted to that infrastructure required to directly mitigate the impact of a proposal. The regulations restricted the use of planning obligations to ensure that individual developments were not charges for the same items of infrastructure through both planning obligations under S106 and CIL.

A question was asked relating to the predicting of future CIL income and the potential funding gap based on known infrastructure costs and whether there were other funding streams that could be used to bridge that gap. A response was given that the predicted CIL income was based on a number of assumptions about eligible development coming forward over the plan period and that might be greater or lower depending on the balance between costs and values, economic cycle and development delivery achieved over the plan period. It was evident that without CIL the funding gap would be significantly greater. Some of the funding gap infrastructure was aspirational or could be managed by re-prioritising schemes and by securing other funding streams, including Government monies secured through grant funding. For example, the Local Growth Fund (sourced through the Local Enterprise Partnerships towards eligible strategic infrastructure schemes) was a funding stream that the Council could bid against for grant funding. Similarly, there was the Housing Infrastructure Fund (HIF) which could be used to top up sites with marginal viability and towards forward funding infrastructure to get sites moving. Member comment was made that the HIF fund sustained a level of applications to it that were significantly higher than what was available – £4m had been set aside but £14m had been applied for!

In the course of discussion, comment was made that there was room to increase charges to maximise CIL charge rates, including for the Strategic allocation sites. However, the Planning Policy Team Leader cautioned that the CIL making regulations 2010 (as amended) specifically qualified that CIL charge rates should not be set at the maxima such that they would risk making development unviable and undermine the overall economic performance of the District – that would undermine housing delivery and the adopted plan development strategy, as well as severely impacting on the Council's ability to maintain its 5 year housing land supply (HSL). One of the first issues an independent examiner would consider would be whether an appropriate balance had been struck in accordance with the CIL regulations on achieving a viable levy.

A question was asked in relation to Exemptions and whether householders who wished to extend their homes would face a CIL charge. It was confirmed that residential annexes or extensions would be exempt. The Planning Team Leader said he would clarify the position and update Members following the meeting.

Further points were raised regarding infrastructure funding gaps, particularly in relation to a shortfall for social and leisure facilities and green infrastructure and habitats (table 5.1 refers) rather than necessarily transport schemes. The Planning Team Leader responded by advising that the Infrastructure Capacity Study Delivery Plan 2017 (ICSDP) supported the

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delivery of the adopted Local Plan and listed such social and community based infrastructure required to ensure that not only critical transport infrastructure requirements were met. In addition, the Non-Strategic Sites Allocations Development Plan Document preparation process would also update the ICSDP to identify further additional infrastructure needed to support development within the local communities that could be funded from CIL.

The Subcommittee

RESOLVED - That

(1) the findings of the CIL Viability Update Report 2018 be noted; and

(2) the Preliminary Draft Charging Schedule be published for public consultation (under Reg 15 of the CIL Regulations 2010) from 10 December 2018 until 5 pm on 21 January 2019.

7. Housing & Economic Land Availability Assessment (Update 2018)

The Planning Policy Team Leader presented this report on behalf of the Principal Planning Officer which provided an update on the work the Council was undertaking to plan positively to ensure that the development needs of the District were met in a sustainable way. An assessment of land availability was an essential part of the evidence base in preparing the Local Plan and other Development Plan Documents and would help to identify a future supply of land which was deliverable and developable for both housing and employment land uses.

In respect of taking the HELAA (Housing & Economic Land Availability Assessment) forward, the HELAA had been prepared consistent with the existing methodology and adopted Local Plan, although it should be noted for the reasons outlined in the report that :-

- The HELAA has not yet been prepared to fully address the new specific 'deliverable' definition introduced by the National Planning Policy Framework 2018;
- the windfall calculation had not been included but would be reported as part of the Authorities Monitoring Report (AMR) in February 2019 to ensure that a monitoring approach would be developed for smaller site allocations via the Non-strategic Sites Allocations Development Plan Document or Neighbourhood Plans to avoid double counting;
- the 5 year housing land supply had not been included but would be reported as part of the AMR;
- no new employment site had been identified via the call for sites and the status of existing HELAA employment sites remained to be updated and reported in February 2019

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Arun had a recently adopted Plan - on which basis para 74 of the NPPF provided that an authority could defend a 5 year housing land supply for a year (being until October 2019 for Arun) It would take intensive resource and time to work with development stakeholders to meet the new 'deliverable' definition, on which further guidance was awaited following a recent Government technical consultation. Going forward, it was intended that all of the landowners and developers with HELAA sites would be written to in order to help address the new definition,

It was reiterated that, whilst the HELAA was a useful resource for identifying the best available sites to contribute towards potential land supply, it did not allocate sites, nor did it grant planning permission as all other planning considerations had to be satisfied.

With respect to paragraphs 1.23 and 1.24 of the report, the Planning Policy Team Leader advised that, because of the need to accommodate two omission sites, the current supply of 50 deliverable sites had now been updated to 52, with a housing yield of 2,439. There was no change to the 49 developable sites.

The Subcommittee was requested to consider an additional recommendation to delegate authority to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to approve minor amendments and publication of the final version of the HELAA.

In debating the matter, the question was asked as to the location of the two omission sites mentioned above. A response was given that they were in Kingston and the Nursery Site at Littlehampton. There was also a question regarding whether a site (Reference: 32 Wings Nursery in Aldingbourne) was also included within the deliverable status list? The Planning Policy Team Leader agreed to check this and make any necessary revisions/clarification within the draft document prior to publication to the website and Members would be circulated with the updated tabled information and updated figures in the cover report via email following the meeting.

Following a short discussion, the Subcommittee

RESOLVED – That

(1) the Housing & Employment Land Availability Assessment be noted as part of the evidence base for the Local Plan and any future Development Plan Document preparation; and

(2) authority be delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to approve publication of the final version of the HELAA.

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8. Arun District Council Gypsy and Traveller and Travelling Showpeople Site Allocations Development Plan Document

On behalf of the Senior Planning Officer, the Planning Policy Team Leader presented this report which outlined the proposed approach and timetable for the preparation of the Arun District Council Gypsy and Traveller and Travelling Showpeople Site Allocations Development Plan Document (DPD) covering the period 2018-2036. Members were reminded that the DPD only encompassed the Local Planning Authority and not the South Downs National Park Authority.

Following comments with regard to pitches and the 'Nil' response from Worthing Borough Council, the Subcommittee

RESOLVED

That the proposed approach and timetable be noted for the preparation of the Arun District Council Gypsy and Traveller and Travelling Showpeople Site Allocations Development Plan Document (DPD) covering the period 2018-2036, including the key outputs of the Joint Gypsy and Traveller Accommodation Assessment (GTAA) Final Report October 2018.

9. Response to Draft Local Plan for Worthing Borough Council

The Planning Policy Team Leader presented this report which provided a response to the consultation being undertaken by Worthing Borough Council on its Draft Local Plan. To be clear on this Council's objection to the Plan and the reasons for the objection, an additional recommendation was being proposed to read:-

"Arun considers that it has no choice but to object to the draft Local Plan as proposed because it leaves a significant unmet need unresolved."

The report highlighted that Worthing had a significant shortfall of 8,600 dwellings and the Subcommittee was advised that, in preparing their Local Plan, Worthing must address a number of action/points listed in the covering report to try to resolve Arun's objections in order to protect its communities and environment by ensuring that Worthing could accommodate more of their own need. This could include working jointly with Worthing under the Duty to Cooperate on any evidence preparation to look at opportunities to review land supply – such as employment land – where this was older industrial sites which, whilst well occupied, might benefit from regeneration proposals.

In discussing the matter, disappointment was expressed at what Worthing was putting forward. The housing density being worked to was felt to be extremely low at 35 dwellings per hectare for family housing and up to

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50 dwellings per hectare within the town centre and on previously developed land compared to what Arun District had included in its own Local Plan. Officers were commended for their proposed response and comment was made paragraphs 1.15 and 1.16 could even in fact be emphasised more, i.e. that Arun had no choice but to object because Worthing's proposed plan left a significant unmet need unresolved, which would adversely affect Arun and prejudice Arun's own plan making under the Duty to Cooperate and revised National Planning Policy Framework 2018 requirements. These matters needed to be dealt with at the start of the process via 'Memoranda of Understanding' or 'Statements of Common Ground'.

Following further comment regarding the issue of coalescence and the Ferring and Lancing Gaps, which could be recognised as a potential issue, nevertheless, a formal proposal was made that the additional recommendation be agreed and, having been duly seconded, the Subcommittee

RESOLVED – That

(1) the conclusions set out at paragraphs 1.14 to 1.16 (inclusive) in the report be agreed as Arun District Council's formal response to the Worthing draft Local Plan Regulation 18 consultation; and

(2) Arun considers that it has no choice but to object to the Worthing Draft Local Plan, as proposed, because it leaves a significant unmet need unresolved

(The meeting concluded at 7.50 pm)