

## PLANNING POLICY SUB-COMMITTEE

15 December 2020 at 6.00 pm

Present: Councillors Mrs Yeates (Chairman), Jones (Vice-Chairman), Bower, Chapman, Charles, Dixon, Elkins, Hughes, Huntley, Lury, Ms Thurston and Tilbrook

Councillor Coster was also in attendance at the meeting.

[Note: The following Councillors were absent during consideration of the matters in the following minutes – Councillor Charles – Minute 26 to 31]; and Councillor Chapman – Minute 29 to 31].

### 16. WELCOME

The Chairman welcomed Councillors, representatives of the public, press and Officers to what the third virtual meeting of the Sub-Committee.

### 17. APOLOGIES FOR ABSENCE

Apologies for Absence had been received from Councillors Mrs Daniells and Oppler.

### 18. DECLARATIONS OF INTEREST

Councillor Elkins declared a Personal Interest in some of the items on the agenda in his capacity as a Member of West Sussex County Council and also in his capacity as Cabinet Member for Highways and Infrastructure.

### 19. MINUTES

The Minutes of the meeting held on 22 September 2020 were approved by the Sub-Committee as a correct record and the Chairman confirmed that she would sign these as soon as she could, when she returned to the office.

### 20. URGENT ITEMS - A259 BOGNOR REGIS TO LITTLEHAMPTON CORRIDOR

The Chairman confirmed that there was one urgent item for the Sub-Committee to consider and this had been published to the Sub-Committee's web pages on 14 December 2020 and emailed to Councillors separately.

This item was on the A259 Bognor Regis to Littlehampton corridor enhancement scheme where an update on the technical work carried out as part of the feasibility stage by West Sussex County Council (WSCC) was being presented. This item was urgent as the information had only just been made available and the Sub-Committee needed to be made aware of the current position.

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The Chairman confirmed that in considering this item, she proposed a change to the order of the agenda in that this item would be considered as a new Item 7 after Item 6 [West Sussex County Council Transport Plan Review Consultation and Potential Updates on the A259 Bognor Regis to Littlehampton Enhancement Scheme.]

This change to the order of the agenda was approved by the Sub-Committee.

## 21. COMMUNITY INFRASTRUCTURE LEVY GOVERNANCE

*(During the course of the introduction of this item, Councillor Elkins redeclared his interest made at the start of the meeting and asked to be placed in the waiting room during its debate and so did not take part in any debate or vote on this item.)*

The Sub-Committee received a report from the Principal Planning Officer confirming that the Council started implementing the Community Infrastructure Levy (CIL) on 1 April 2020.

Members were advised that although it potentially might take a number of years for a significant level of income to be received from CIL, it was important now to set out a method for determining how CIL receipts would be spent in the future.

The proposed approach had been prepared following discussion with neighbouring CIL charging authorities and officers within various departments of the Council to understand the best approach to CIL spending and governance. The process set out was considered to ensure transparency and clarity on how CIL would be allocated and spent by the Council in the future.

The report included five recommendations in relation to CIL spending and governance arrangements, covering the following:

- A methodology and process chart for the preparation of a 3 year Infrastructure Investment Plan, starting in 2021 as set out in Background Papers 1 and 2
- The process for spending CIL – set out in Background Paper 3. This provided examples of different situations relating to how infrastructure providers might apply for CIL funding.
- A recommendation which related to ensuring all necessary contractual documents be executed as necessary to ensure CIL would be passed to service providers
- The recommendations also asked the Planning Policy Sub Committee to note that a report to the Constitution Working Party would be prepared to recommend necessary changes to the new 2021 Constitution.
- These would include a change to the scheme of delegation for the Group Head of planning to authorise transfer of CIL receipts for approved

schemes, subject to all contracts for spending in accordance with the IIP being in place.

- Also, where CIL bids were not in accordance with the IIP, authority would be delegated to Planning Policy Sub-Committee to grant or refuse spend on applications for projects less than £25,000.

Finally, the Principal Planning Officer drew to the attention of the Sub-Committee two points. Firstly, that Paragraph 2.3 of the report explained that CIL income was estimated to total around £30 million over the lifetime of the plan. However, to put this into context, the Infrastructure Funding Statement, presented to the Planning Policy Sub-Committee in September, stated that S.106 income from the strategic housing allocations was estimated to total approximately £200 million. CIL was therefore a less significant funding stream, which would be difficult to accurately forecast for a number of years. Therefore, high expectations should not be placed on CIL to deliver large infrastructure projects at this time.

Secondly, CIL worked alongside S.106 in most cases, but on smaller sites, it mainly replaced S.106 income, which would have previously been passed to the County Council and other infrastructure providers for services such as education, transport and healthcare. It was for that reason that it was felt necessary to highlight the approach proposed in Section 4 of the report.

Allocating a proportionate amount of CIL to different infrastructure providers did not mean that this amount of the Council's CIL receipts would automatically be passed to these service providers. They would have to bid for the money through the Infrastructure Investment Plan process – and would then have to apply for CIL funding, in accordance with Background Paper 3. This approach aimed to ensure continuity of service provision for all infrastructure providers, whilst giving the Council greater control and certainty over which projects the money was spent on and when, in accordance with the Council's Infrastructure Investment Plan.

In considering the report, there were concerns expressed over difficulties that the Council had had with certain infrastructure providers in the past in that they had not actually delivered on their part of the agreement by either withholding monies or had had arguments about costs. The Sub-Committee was of the view that it needed to be sure that these infrastructure providers delivered what had been agreed by allowing the monies to be properly released.

The Director of Place responded reassuring Councillors that the work undertaken by the Principal Planning Officer around CIL and governance helped to put Arun in a much better position in terms of understanding infrastructure needs and that it was now in a good place to monitor and ensure the delivery of infrastructure, which had been a weakness in the past.

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The Sub-Committee saw this as an exceptional report as it provided evidence that the Council now had more control in terms of how CIL money was spent and in the appropriate time constraints. Officers were commended for their work.

Following further discussion,

The Sub-Committee

**RESOLVED**

That it be noted that the Principal Planning Officer will prepare a report to the Constitution Working Party to recommend changes to the new 2021 Constitution (Committee System) as set out in Paragraph 7.5 of the report.

The Sub-Committee also

**RECOMMEND TO FULL COUNCIL – That**

- 1) the CIL arrangements set out in Sections 4 to 7 (inclusive) of the report, and CIL District Pot apportionment set out under paragraph 4.3 be approved;
- 2) the first Infrastructure Investment Plan (2022-2025), which sets out CIL spending priorities over the three-year period, will be completed, subject to Full Council approval, by December 2021 and will last for a period of 3 years;
- 3) The Planning Policy Committee (PPC) is granted delegated authority to approve bids for funding infrastructure projects that are not listed on the Infrastructure Investment Plan (IIP) (subject to the correct application process being undertaken in accordance with processes set out in Background Paper 3);
- 4) the Group Head of Planning in consultation with the Group Head of Corporate Support, be granted delegated authority to authorise money to be passed to infrastructure providers to spend on CIL projects on the IIP. Where projects are not listed within the IIP, spending will be subject to Planning Policy Committee approval; and
- 5) approval be given to execute all necessary documentation to ensure CIL is passed to service providers and spent in accordance with the council's Infrastructure Investment Plan.

22. WEST SUSSEX COUNTY COUNCIL TRANSPORT PLAN REVIEW CONSULTATION AND POTENTIAL UPDATES ON THE A259 BOGNOR REGIS TO LITTLEHAMPTON ENHANCEMENT SCHEME

The Sub-Committee received a report from the Principal Planning Officer which provided an update to the West Sussex Transport Plan (WSTP) review, which had recently commenced. The current WSTP 2011-2026 period needed to be reviewed to take account of changes to national and local policy, such as the Government's legally binding commitment to achieve net zero carbon by 2050.

The first step in the WSTP review was to ask stakeholders to complete a survey, which would identify key issue and priorities. The survey results would help to shape the draft version of the plan, which was due to be published for consultation in Summer 2021.

The report provided the response to the survey which the Sub-Committee was being asked to note so that it could be submitted to WSCC by its deadline date of 17 December 2020.

In summary, the response included the following key issues to be considered by the County Council as they prepared the draft WSTP:

- Consider impact of future population growth on the highway network (by taking into account the proposed Standard Housing Methodology, as set out by the Government in its latest consultation, published on 6 August 2020);
- Taking into account new technologies in relation to transportation – in particular a focus on electric vehicles, and the availability of electric vehicle charging points across the county;
- Consider equitable provision and the availability of electricity supplies for electric vehicles (looking ahead to 2030 when new diesel and petrol cars will no longer be on sale);
- Give greater priority in the plan to the impact of the economy, as a result of the Covid-19 pandemic – this will have long term impacts on transport and travel;
- The WSTP should identify the barriers that level crossings continued to have in terms of movement of traffic within the District;
- The revised plan should address the challenge of integrated transport systems which provide mobility and connectivity to people, through the provision of transport hubs and shared transport opportunities (eg. bike share, car share, bus shelters and efficient links to other public transport nodes); and finally
- the response explained that Arun District Council Officers were investigating the principle of 'twenty-minute neighbourhoods', where all essential, day-to-day facilities were located within a twenty-minute walk from home. This involved unlocking walking and cycling routes within, and between, communities to allow residents to walk and cycle to key services (schools, shops, leisure facilities etc). This could be increasingly achievable as working from home became more commonplace.

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In considering the report, the Sub-Committee welcomed the idea of 20 minute neighbourhoods where people could live having easy access through either walking or cycling to a wealth of amenities such as work; education; leisure and shops. There were also concerns expressed over out commuting from the District and the way in which some priorities had been ranked.

Although the Sub-Committee agreed that the Council's response was good, questions were asked over the next steps in terms of where this response tied in with other responses that were ongoing and involved West Sussex highways interlinking with other projects. The timeline for this project was explained by the Planning Policy Team Leader who confirmed that he felt that the complete process would take some time [until Summer 2021] and in terms of how this related to other studies.

Following further discussion,

The Sub-Committee

**RESOLVED**

That the response to the West Sussex Transport Plan Review Survey, to be submitted to the County Council by the deadline date of 17 December 2020 be noted.

**23. A259 BOGNOR REGIS TO LITTLEHAMPTON CORRIDOR ENHANCEMENT**

As referred to earlier in the meeting by the Chairman, the Sub-Committee received this report so that it could note the update provided regarding the West Sussex County Council A259 Bognor Regis to Littlehampton Corridor Enhancement Scheme.

The Sub-Committee

**RESOLVED**

That the update provided regarding the West Sussex County Council A259 Bognor Regis to Littlehampton Corridor Enhancement Scheme be noted.

**24. ARUN DESIGN GUIDE SUPPLEMENTARY PLANNING DOCUMENT**

The Sub-Committee received an update report from the Senior Planning Officer. At the meeting of the Sub-Committee on 30 June 2020 it had been agreed that the Draft Arun Design Guide should progress to Public Participation Stage (under Regulation 12b of the Town and County Planning (Local Planning) (England) Regulations 2012 and this stage of that process had been commenced on 16 September 2020 and had been completed on 14 October 2020.

The report before Members set out what the further representations were, and it detailed this Council's response to those representations which needed to be approved by Full Council so that at the next Full Council meeting the Design Guide could be finally adopted.

The Sub-Committee confirmed that it was delighted that work on the Design Guide had finally got to this stage and it wished to have placed on record to all Officers who had played a part in its implementation, especially the Senior Planning Officer.

Having asked for a view on what the significant changes in the revisions were, the Sub-Committee

**RECOMMEND TO FULL COUNCIL – That**

(1) the proposed modifications schedule which addresses the comments made from the Regulation 12b Public participation period in accordance with Regulation 35 (as amended by Regulation 2 (Coronavirus) (Amendment) Regulations 2020 be agreed; and

(2) the revised Design Guide (as a result of the Reg.12b proposed modifications), be adopted.

**25. RAISING ACCESSIBILITY STANDARDS FOR NEW HOMES CONSULTATION**

The Planning Policy Team Leader presented this item to the Sub-Committee on the proposed responses to the Government's consultation on Raising Accessibility Standards for new homes. The consultation sought views on five options to raise the 'accessible and adaptable' standard for homes (known as Part M of the Building Regulations and these were explained. There was M4(1) concerning the outside access to homes for example level thresholds to the door and M4 (2) accessible adaptable internal spaces within the home and M4(3) the 'wheelchair user' standard which were currently used as optional technical standards. It was highlighted that the Arun District had a significant ageing population, on top of the national picture, and so there were issues of increasing need to address the required needs of this group and also to respond to issues around disabilities. There was the need to respond to issues about confusion over standards being applied differently in authorities in terms of developers not being sure of the standards to be used and costs involved. This highlighted an increasing realisation that significant progress needed to be made. The consultation sought the Council's views on each of the five options – these had been set out in the report at Paragraph 1.15.

All Councils were also being asked to confirm one of the five options in response to the Government's consultation on Raising Accessibility Standards for new homes.

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It was explained that Option 4 was what Officer's recommended as this was felt to be the most effective for everyone. Developers would be clearer on the requirement from the outset without needing to negotiate with the Local Authority. It would be easier and clearer for the Local Authority to apply and enforce and it would provide greater certainty for the end user of the homes to have a space which was fit for purpose.

The consultation on this had run from 8 September until 1 December 2020 and so a provisional response had been sent prior to this meeting.

Following a very brief discussion,

The Sub-Committee

#### RESOLVED

That the Planning Policy Sub Committee notes the Officer recommendation to the Government in response to the consultation 'Raising Accessibility Standards for New Homes' – this being:

**Option 4** is preferred, to mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes with M4(1) applying by exception only, a set percentage of M4(3) homes would also need to be applied in all areas. So rather than local authorities setting a local planning policy for the provision of M4(3), a defined and constant percentage would apply to all new housing.

#### 26. REGULATION 18 (II) GYPSY & TRAVELLER AND TRAVELLING SHOWMEN SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT - PREFERRED OPTIONS

*(During the course of the introduction of this item, Councillor Elkins redeclared his interest made at the start of the meeting and asked to be placed in the waiting room during its debate and so did not take part in any debate or vote on this item.)*

The Planning Policy Team Leader presented this item on behalf of the Senior Planning Officer reminding the Sub-Committee that at its last meeting held on 22 September 2020, the Sub-Committee had agreed that the Regulation 19 (II) Draft Gypsy & Traveller and Traveller Showperson site Allocation Preferred Options development Plan Document (DPD) should commence to public consultation in October 2020 for eight weeks.

It was confirmed that following the public consultation period, this report set out the representations received and the proposed response and next steps for noting. This was because material objections had been raised by West Sussex County Council in relation to restrictive covenants affecting three of the sites proposed for intensification for Gypsy and Traveller pitches and for Traveller showmen plots.

Following some discussion,



The Sub-Committee

RESOLVED – That

(1) The Statement of Representation and proposed response to comments made from the consultation Draft Gypsy & Traveller and Traveller showmen Site Allocations Development Plan Document 'Preferred Options' - Regulation 18 (ii) be noted; and

(2) It also be noted that Officers will undertake further 'duty to cooperate' discussions and evidence work to resolve objections before progressing G&T DPD further and will report back to this Sub-Committee in the Spring 2021 with the proposed way forward and timetable for progressing the Reg.19 publication consultation and subsequent DPD submission.

27. BROWNFIELD LAND REGISTER 2020

The Planning Policy Team Leader presented this report on behalf of the Principal Planning Officer and explained that the production of a Brownfield Land Register was a requirement under the Town and County Planning (Brownfield Land Register) regulations 2017.

The Register was established in two parts which was explained in the report and was to include all brownfield sites that were suitable for residential development. It was highlighted that the register had to be updated every year.

The Sub-Committee

RECOMMEND TO FULL COUNCIL – That

1) Notes the 2020 Brownfield Land Register (Part 1); and

2) Agrees that Officers work towards the production of the Brownfield Land Register (Part 2) including the carrying out of consultation and publicity requirements, as well as other procedures in line with the Brownfield Land Register Regulations 2017.

28. CHANGE TO THE ORDER OF THE AGENDA

The Chairman proposed and the Sub-Committee agreed a change to the order of the agenda to allow Item 12 [Housing and Economic Land Availability Assessment (HELAA 2020 Update) to be considered before Item 11 [Authority Monitoring Report).

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29. HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT (HELAA 2020 UPDATE)

The Planning Policy Team Leader presented this report reminding the Sub-Committee that the Council had reviewed and updated its HELAA for 2020. This document provided the Council with a database of sites within the District and that each site within the database had been assessed to determine whether it was deliverable, developable or not currently developable according to the HELAA methodology.

It was important to note that whilst the HELAA was a useful resource, it did not allocate sites, nor did it grant planning permission. Its 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. The HELAA was not intended to be used for development management decisions, as set out in national guidance. The HELAA methodology was updated to more closely align with the National Planning Policy Framework 2019 which clarified that high level assessment of strategic development plan constraints could be considered alongside national constraint criteria, including guidance on avoiding areas at risk from, or adding to, the risk of flooding using 100 year development lifetime climate change constraints. A consequence of this was that Arun was a significantly constrained authority in terms of housing land supply.

The Planning Policy Team Leader then worked through the highlights of the report confirming that there were 22 new sites that had been identified for this year's HELAA. These included sites that had been submitted to the Council as part of the 'Call for Sites' exercise, it did not include commitments. Of these new sites, only 3 had been identified as being deliverable and 3 had been identified as being developable. The remaining 14 sites had been identified as being 'Not Currently Developable' due to suitability; availability and achievability reasons and two sites comprised 1 potential employment site and 1 existing employment site.

The Sub-Committee was being asked to note the HELAA as part of the evidence base for the Local Plan and any future Development Plan Document preparation.

Following some discussion,

The Sub-Committee

**RESOLVED**

That the Housing and Economic Land Availability Assessment be noted as part of the evidence base for the Local Plan and any future Development Plan Document preparation.

30. AUTHORITY MONITORING REPORT

The Planning Policy Team Leader presented the annual authority monitoring report which had to be published at the end of each year as a requirement under Regulation 34 of the Town and County Planning (Local Planning) (England) Regulations 2012.

This was the Arun Local Planning Authority's Monitoring Report for 2019/20 and it included a range of updates and progress reports which had been summarised in the report. It was explained that further work needed to be undertaken to resolve the Council's inability to demonstrate a 5 year housing land supply and so it was necessary for the Planning Policy Team Leader to undertake further work on this issue to be able to set out the Council's approach to resolving this. It was therefore necessary to bring a further report back to the next meeting of the Sub-Committee in February 2021.

Following questions from Members relating to non-delivery of the 5-year Housing Land Supply and housing targets and responses from Officers, the Sub-Committee

RESOLVED – That

- (1) the Authority Monitoring Report 2019/20 be noted; and
- (2) It be agreed that a further report be made back to this Sub-Committee in the Spring 2021 to set out the Authority's approach to resolving the inability to demonstrate a 5 year housing land supply.

31. COMPLIMENTS OF THE SEASON

As this was the last meeting before Christmas, the Chairman wished Members and Officers the compliments of the season.

(The meeting concluded at 8.47 pm)