

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF PLANNING POLICY COMMITTEE ON 6 OCTOBER 2021

REPORT

SUBJECT: Development Management Policies Engagement Feedback

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DATE: 2 September 2021
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AREA: Planning

EXECUTIVE SUMMARY:

Following the meeting in June, Planning Policy Committee agreed early engagement work could commence on the draft list of Development Management Polices identified for potential review. This report provides an update on that engagement work.

RECOMMENDATIONS:

That Planning Policy Committee: -

Considers the feedback received and agrees the report be used to inform future plan making.

1. BACKGROUND:

1.1 The Planning policy Committee meeting in June considered and agreed a list of Development Management (DM) polices that should be reviewed and used for early engagement with key stakeholders. This early engagement would then be followed by a Regulation 18 public consultation Issues & Options document of DM policies proposed for review, at the end of the year.

1.2 The Parish Councils and the following organisations have been sent the draft list of DM policies (31 August) for comment, seeking a high level response regarding the Council's approach at this stage on the identified DM policies, although welcoming any specific and detailed responses.

- Parish & Town Councils
- Homes England
- Natural England
- Historic England
- Environment Agency
- Highways England
- Southern Water
- Portsmouth Water

- West Sussex County Council
- Chichester District Council
- Adur & Worthing Councils
- Horsham District Council
- Crawley Borough Council
- South Downs National Park Authority

1.3 The consultation period closed 16 September with a Parish/Town Council workshop for those unable to submit a written response or those seeking further clarification. Comments received via the workshop and separate email responses are summarised below:-

Parish Town/Councils workshop and email responses

- Climate change - flooding – a longer term perspective is needed v's shorter term rolling forward only 5 years – e.g. in Clymping the 100-year flooding event occurred in 2019 - how is this to be accommodated in a plan update?
- The need for DM decisions to reflect the Council's climate change emergency priorities e.g. recent permissions of Local fast-food outlets - car based in developments;
- Green networks/corridors - requiring developers do undertake phase 1 habitat studies now - in order to implement biodiversity net gain but also critically, to protect existing trees, habitats and wildlife that exist;
- Relevant strategic polices set an important context and need to be included i.e. Policy ECC SP1 Adapting to Climate Change and flooding is critical to addressing impacts of climate change and needs strengthening e.g. tightening up against building on floodplains and on the coastal plain;
- Any development of cultivated and uncultivated land will impact on drainage characteristics and fundamentally change the character of the landscape within Arun;
- Policy ECC SP2 Energy and climate change is not ambitious enough and should look to exceeding national zero carbon 2050 targets – in particular, providing the framework for policy ECC DM1 Renewable Energy i.e. 10% on site renewable energy is too low;
- Why can't stronger energy performance be applied now for the energy performance of new buildings?
- The Climate Change Emergency must be an important consideration - the focus should be on addressing flooding, sewage and traffic concerns arising because of proposed development;
- In terms of design standards, solar panels should be required on new development along with heat pumps and a greater focus on efforts towards carbon neutrality;
- Whilst DM design policies are important for carbon reduction, the policies protecting of green spaces, heritage assets, village/rural character, landscapes, farmland, gaps between settlements all play a role in tackling climate change e.g. locally accessible facilities/services, healthy lifestyles, quality of life, conservation and enhancement of natural and built environment can help reduce waste and carbon and enhance the lifetime of built development;
- Allied to above - important that Conservation Area reviews and appraisals are updated including locally listed assets;
- Other strategic polices may need to be looked at – e.g. SP SD3 Strategic Gaps and criterion e);

- Protection of the landscape, biodiversity and gaps between settlements to maintain character of coastal plain;
- Changes to policies D DM4 (Extensions) or Permitted Development may benefit from a update;
- Need to engage public more about how climate change may affect them;
- Planning reforms suggest ADC Local Plan update will be required;
- There is currently no assessment of the Carbon Footprint associated with Housing applications / development (either construction or lifetime use) or any offsetting measures;
- The concept of Net Biodiversity Gain is being established but indications are already that it is risks being subject to considerable abuse by developers;
- Arun needs to appoint their own Ecologist to get bespoke advice;
- The issue of access to affordable housing of the right size and mix in local communities including mobility between single and larger occupancy houses should also be addressed.

West Sussex County Council (WSCC)

- WSCC submitted general and specific points and in summary, welcomed the policy focus (and shared the concern) on the need for tackling climate change; including the respective importance of each authority's role in the Sussex Nature Partnership Local Authority Network (i.e. via biodiversity net gain and a Natural Capital Investment Plan)
- The important role of TEL DM1 Telecommunications and digital infrastructure;
- The role of H DM1 Housing Mix: 'extra care' and "older people" including policy H DM2 Independent living and care homes;
- ECC SP1 Adapting to Climate Change: should examine the role of green infrastructure in addition to the GI Network towards flood avoidance and management together with policies for W DM1 Coastal Protection and W DM2 Flood Risk e.g. criterion a – should refer to ... all forms of flood risk ...
- W DM3 Sustainable Urban Drainage Systems (SuDS): an opportunity to refer to 'green walls' as well as 'green roofs' which have biodiversity benefits, as well as amenity value; suggest add a criterion k: to take account of the 1 in 100 year storm event plus 40% allowance, on stored volumes, to ensure that there is no flooding of properties or the public highway or inundation of the foul sewerage system; any excess flows must be contained within the site boundary, and within designated storage areas.
- Updated references required - to refer to 'West Sussex Joint Minerals Local Plan, July 2018 (Partial Review March 2021); recent soft sand review; Safeguarding Guidance is no longer in draft form and now covers waste too ('West Sussex Minerals and Waste Safeguarding Guidance').

Local authorities

- Horsham District Council - a sensible approach appears to be being undertaken to update policies relating to climate change and design; the scope and priorities will depend on the circumstances of Arun tempered by reforms to national planning policy and the emerging new Environment Act; Horsham will continue to work with ADC under the duty to cooperate on signing off a Statement of Common Ground to progress respective plan making.
- Adur & Worthing Councils – Thanked ADC for the opportunity to comment; support the direction that ADC is taking in responding to the Climate

Emergency declaration; the emerging Worthing Local is seeking to deliver similar outcomes and through the Examination will feed back intelligence; need to ensure the update reflects recent policy changes e.g. Use Class E, Biodiversity Net Gain, National Model Design Code / Guide, increased focus on all sources of flooding, future homes standard etc.

- South Downs National Park Authority - submitted general and specific points and in summary - support ADC's approach and suggest updating policy DM1 'Aspects of form and design quality') that facilitate the adaption of the built environment and new development to cope with the effects of climate change – will making a greater contribution; agree sensible to include the two strategic policies on adaption and mitigation in relation to climate change; suggest also prioritising policies relating to biodiversity and green infrastructure in support of 'nature based solutions' to address both the Climate Change Emergency and nature recovery; recent changes to the NPPF 2021 in particular, regarding protecting national parks and their setting, should be a priority e.g. for updating Policy LAN DM1 Protection of Landscape Character; priorities should also include water policies DM1, DM2, DM4 flood risk where likely to need significant adaptation and mitigation for the predicted effects of climate change; also the need to make appropriate reference and have regard to SDNP updated 'Landscape Character Assessment' work/evidence and guidance for 'Nature networks' and 'Natural Capital Investment', 'Trees Planning and Development'.,

Environment Agency (EA)

- Generally supportive of ADC's approach, welcome updates to DM policies that relate to the environment and in particular to ENV DM5 regarding Biodiversity Net Gain, W DM1 Water Supply and Quality and W DM2 highlighting natural flood management;
- To be aware of the recent updates regarding climate change allowances for peak river flows (response included references and resources, links and further briefing note);
- On 20th July 2021 'Flood risk assessments: climate change allowances' was updated in line with the latest climate change projections and research on flooding from rivers. The main changes include:
- Change to how peak river flow allowances are provided, by river basin district to a smaller geography called management catchments, so that allowances better reflect variability in how different catchments will respond to the impact of climate change;
- Application of 'peak river flow' allowances has also changed, focusing more on use of the central allowance - reflecting variability within catchments means allowances may be lower or higher than the current allowances in some places and focus on the central allowance will ameliorate the impact where updated allowances are higher than the previous allowances;
- Latest climate science and research shows peak river flows could more than double by 2100 in some locations and by ensuring EA guidance is premised on the latest climate change projections, it promotes resilient and sustainable communities and built environment, helping local planning authorities and developers to demonstrate they are prepared for the climate emergency;
- In EA's corporate plan 'EA 2025' in 'A nation resilient to climate change' EA state an ambition to be a stronger leader on climate adaptation and resilience, encouraging others to act now on the climate emergency and invest in adaptation;

- EA's Climate Ambition is to create a net zero nation that is resilient to climate change, putting it at the heart EA's activity will help EA and the country to be better prepared for climate impacts whilst limiting further climate change by driving down emissions; it focuses on three main areas: enabling UK net zero, preparing for climate impacts and walking the walk (EA net zero). The EA's climate change allowances guidance supports the second of these, by providing benchmarks for customers to use to help them design developments and flood risk infrastructure that is resilient to future flood risk;
- EA guidance promotes a robust approach to climate resilience, based on the high emission scenario of UKCP18, with the central allowance representing a 4°C increase by 2100; this ensures EA's approach is grounded on the latest evidence on the global climate change pathway we are currently following, reflected in UNEP Adaptation Gap report (Jan 2020), which states we are heading for a 3°C temperature rise this century, but this could be as high as 4°C.

Historic England (HE)

- Agree with ADC's approach and the list of policies set out in June;
- Queried whether policies relating to heritage assets have been reviewed and found to be still fit for purpose;
- A considerable body of HE research and evidence in relation to climate change effects and the historic environment may assist the local plan update (references and sources provided).

Southern Water

- Submitted general and specific points and in summary - fully support ADC's approach – two key challenges faced by Southern Water resulting from climate change and growth are increased flood risk (in particular the challenge of surface water entering the foul drainage network) and the need for greater water efficiency, to avoid or delay the need for increased abstraction;
- The right DM policies will help mitigate these impacts;
- Water re-use e.g. rainwater harvesting could be encouraged within development to lessen demands on water supply, and the added benefit of reducing surface water runoff;
- Suggested DM policy on Extensions/Alterations requiring SuDS for any increase in impermeable surface area such as roof or driveway, to mitigate the impact of increased surface runoff from the development, if not already addressed;
- Suggest priority would be sustainable drainage to reduce surface water runoff in line with Southern Water SuDS guidance; suds-outline-guidance.pdf (southernwater.co.uk), and to increase water efficiency in line with our T100 advice which would also help to reduce carbon.

1.4 No other responses were received.

CONCLUSIONS

1.5 That the early engagement exercise on the draft list of DM policies has identified a number of helpful general and detailed points that can be used to inform the next stage of Regulation 18 Issues and Options consultation for the DM policies list

update. That members consider the matters raised. Should the approach to plan making change (i.e. with regard to the 'Local Plan Update' item on the Agenda), the intelligence set out in this report (and detailed comments received on the list of DM policies) will remain relevant and be 'banked' if necessary to inform future plan making.

2. PROPOSAL(S):

2.1 That the Planning Policy Committee considers the early engagement response on DM policies and agrees the report.

3. OPTIONS:

3.1 That the Planning Policy Committee considers and agrees the report of responses or does not consider or agree the report.

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council	x	
Relevant District Ward Councillors		x
Other groups/persons (please specify) As set out in the report under 1.2.	x	

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)

	YES	NO
Financial		x
Legal		x
Human Rights/Equality Impact Assessment		x
Community Safety including Section 17 of Crime & Disorder Act		x
Sustainability		x
Asset Management/Property/Land		x
Technology		x
Other (please explain)		x

6. IMPLICATIONS:

6.1 This is an early high-level engagement exercise, to help shape the next Regulation 18 consultation stage on Issues and Options, focussed on Development Management policies.

7. REASON FOR THE DECISION:

7.1 In order to progress speedy plan making, to ensure that the Local Plan update provides a Development Management Policies framework which enables local decision making on planning applications to require high standards for carbon reduction, decentralised energy, energy efficiency and mitigation/adaptation to climate change.

8. BACKGROUND PAPERS:

None.