



Minutes of the special meeting of the **Cabinet** held in Committee Rooms at East Pallant House East Pallant Chichester West Sussex on Wednesday 14 November 2018 at 15:00

Members Present Mr A Dignum (Chairman), Mrs E Lintill (Vice-Chairman), Mr J Connor, Mrs J Kilby, Mrs S Taylor and Mr P Wilding

Members Absent Mr R Barrow

Officers Present Mr M Allgrove (Divisional Manager for Planning Policy), Ms H Chivers (Planning Policy Officer), Mrs V Dobson (Principal Planning Officer), Mrs K Dower (Principal Planning Officer (Infrastructure Planning)), Mrs T Flitcroft (Principal Planning Officer (Local Planning)), Mr A Frost (Director of Planning and Environment), Mr T Guymer (Principal Planning Officer), Mrs V Owen (Principal Planning Policy Officer), Mrs D Shepherd (Chief Executive) and Mr G Thrussell (Legal and Democratic Services Officer)

606 **Chairman's Announcements**

Mr A Dignum (Leader of the Council) greeted the members of the public and Chichester District Council (CDC) members and officers and the two press representatives who were present for this special meeting of the Cabinet in order to consider two important aspects of CDC's current review of the Chichester Local Plan: (a) the Chichester Local Plan Review: Preferred Approach – Consultation (agenda item 5) and (b) the Revised Local Development Scheme 2018-2021 (agenda item 6), both of which would be the subject of recommendations to the forthcoming Council meeting on Tuesday 20 November 2018.

Mr Dignum summarised the emergency evacuation procedure.

There was an apology for absence from Mr R Barrow (Cabinet Member for Residents Services). All other members of the Cabinet were present.

There were no late items for consideration.

Mr Dignum had no specific announcements to make.

[Note Hereinafter in these minutes CDC denotes Chichester District Council]

[**Note** Minute paras 607 to 613 below summarise the Cabinet's discussion of and decision on agenda items 2 to 8 inclusive but for full details of the items considered in public session please refer to the audio recording facility via this link:

<http://chichester.moderngov.co.uk/ieListDocuments.aspx?CId=135&MId=979&Ver=4>]

607 Approval of Minutes

As stated in the agenda, there were no minutes to consider at this meeting.

The minutes of the Cabinet's ordinary meeting on Tuesday 6 November 2018 (together with the minutes of this special meeting) would be presented for approval at the next ordinary meeting on Tuesday 4 December 2018.

608 Declarations of Interests

No declarations of interests were made at this meeting.

609 Public Question Time

Four public questions had been submitted for this meeting, details of which appear below.

The text of the questions had been circulated to CDC members, the public and the press immediately prior to the start of this meeting. Mr A Dignum (Leader of the Council) invited each person in turn to come to the designated microphone in order to read out the question before an oral response was provided.

The questions (with the date of submission shown within [] at the end of the text), any supplementary questions and the answers given by Mr Dignum or Mrs S Taylor (Cabinet Member for Planning Services) were as follows.

(1) Mr Mike Dicker

'Please find enclosed a statement and three associated questions for the CDC special Cabinet to be held at 15:00 on 14 November 2018.

On 21 September 2018 Councillor Potter at Boxgrove Village Hall announced that there is no point raising the A27 as councillors at CDC had been advised by officers that the RIS 2 money would not be forthcoming. I have been seeking this advice since then under FOI and the matter is currently the basis of a complaint to the Information Commissioner having exhausted CDC internal processes for relying on an exemption that the advice would be published at a later date. I now have three questions:

1. Why is CDC promoting a scheme which just 3% of respondents to the 2016 public consultation supported (option 3)? Should CDC not instead be working closely with the public, WSCC and our MP Gillian Keegan to get the RIS 2 funding to take the SYTRA work forward for a preferred mitigated

Northern option as voted for by CDC and then propose plans for the local feeder road with sustainable transport options as part of any local planning?

2. What value does the Cabinet attach to the Peter Brett traffic study when the costs shown are around half those calculated by HE for option 3?

3. When will I receive the disclosure of my FOI request as you could not then and certainly not now rely on the publication at a future date exemption and have not, as promised, published the advice to councillors or provided it to me?

[Monday 12 November 2018]

(1) Response

Mr Dignum provided the following response.

‘Thank you for your questions.

1. In answer to your first question, Chichester District Council (CDC), working closely with West Sussex County Council, remains focused on achieving improvements to the A27 Chichester Bypass that will provide long term benefits and also address concerns about matters such as poor air quality and journey reliability. As part of the BABA27 initiative, the concept schemes developed by consultants Systra were reported to a special meeting of the full Council in June 2018 where it was resolved that in promoting a scheme to Highways England for inclusion in RIS2, our preference is for the Mitigated Northern route with the alternative Full Southern route put forward as a reasonable alternative. Highways England agreed to develop the concepts further to check they are technically viable and to establish a base cost for each option and we anticipate its response in the coming weeks. However, despite this important on-going work, there is, at this stage, no certainty that a scheme for Chichester will be included in RIS2 and the draft RIS will not in any case, be published by the DfT until late 2019.

As a consequence, we have always been clear that in preparing the review of the adopted Local Plan (which we must do to ensure our plan remains up to date), we must identify a scheme of mitigation that can be relied upon for the A27 which is not dependent on RIS2 funding. This amounts to comparatively small scale, at-grade improvements to the Bypass to mitigate the traffic impact of development in the Local Plan to ensure that the junctions continue to operate effectively. Without such a scheme, we will not be able to demonstrate that the Local Plan review is sound and could lose control over new development as it comes forward. Once there is more certainty about RIS2, we will be able to review our position on the necessary highway improvements required to mitigate the projected traffic growth arising from the provisions of the emerging Local Plan accordingly.

2. In answer to your second question, this can of course only be answered once the Cabinet has considered the Local Plan Review item later on the agenda.

However, it should be noted that Peter Brett Associates are specialist consultants with extensive experience of designing major highway schemes and CDC has every confidence in their work and in the findings of the study. In terms of the relative cost of the schemes referred to, the consultants have advised that their estimate of the cost of the A27 mitigation scheme at about £25.2 m is based on the cost of construction only whereas Highways England (in relation to Option 3 of the public consultation in 2016) undertook a more detailed costs analysis to inform the 'Benefit to Cost Ratio' and so the identified cost is understandably higher. CDC is working with Highways England and the consultants to refine the cost estimate of the Local Plan mitigation scheme.

3. In answer to your third question, I can advise that CDC's Divisional Manager for Democratic Services has received your question under the Freedom of Information Act 2000 and will respond to it within the prescribed timescales.'

Supplementary Question

Mr Dicker did not ask a supplementary question.

(2) Mrs Charlotte Pexton on behalf of Bosham Parish Council

[**Note** This set of questions was, at the request of Mrs Pexton, taken as read and the response only was read out]

'Q1 – We note that in the preamble to SA10 - Chidham/Hambrook and SA9 - Fishbourne statements are made about **“protecting views to the South Downs National Park and Chichester Harbour Area of Outstanding Natural Beauty and their settings and creating opportunities for new views”**. Criteria 5 of SA10 also states **“Detailed consideration of the impact of development on the surrounding landscape, including the South Downs National Park and Chichester Harbour AONB and their settings. Development should be designed to protect long-distance views to the South Downs National Park”**. Should not the same statement be included in SA7 as exactly the same issues arise?

Q2 – The preamble to SA9 – Fishbourne references the importance of **“the separate distinct identity of Fishbourne in relationship to surrounding settlements, including Chichester City”**. Given the proximity between Bosham and Fishbourne should not the preamble to SA7 include the same criteria?

Q3 – Policies SA9 and SA10 both state: “and securing necessary off-site improvements (including highways) to promote sustainable transport options”. SA7 only refers to **“provision of satisfactory means of access from the A259.”** SA7 should give consideration to a pedestrian crossing to allow the north and south of the village to be better integrated and so should not SA7 be updated?

Q4 – Policies SA9 and SA10 say: **“Demonstration that development would not have an adverse impact on the nature conservation interest of identified sites and habitats”** However, SA7 does not include the same criteria despite evidence of

slow worms being present and the use of the site as a landing area for Brent Geese and so should not SA7 should be updated?

Q5 – Both SA9 and SA10 include mitigation for water quality: “**...water quality issues relating to runoff into a designated site, and loss of functionally linked supporting habitat**”. Policy SA7 does not have the same criteria despite the run off from the site potentially being able to impact on the Chichester SPA/SAC and Ramsar site and so should not SA7 be updated?’

[Monday 12 November 2018]

(2) Response

Mrs Taylor provided the following response.

‘Thank you for your questions that relate to the policy proposing allocation of land at Bosham for development in comparison to the proposed policies for Chidham and Hambrook and Fishbourne. There is some variation in the policy wording which arises from the nature of the site specific policy for Bosham, which actually allocates land for development, whereas the policies for Fishbourne and Chidham and Hambrook facilitate the identification of land through the neighbourhood planning process. However, Chichester District Council is open to reviewing the wording of the policy that allocates land at Bosham and would suggest that the questions raised today are submitted in response to the consultation on the Chichester Local Plan: Preferred Approach, should it be agreed by the Council next week, where they can then be given detailed consideration by officers and members.’

Supplementary Question

Mrs Pexton did not ask a supplementary question.

(3) Dr Linda Boize

‘My question concerns PBA's traffic report [third agenda supplement, Chichester Local Plan Review: Preferred Approach - Consultation, para 4.4]:

One of the many failings of the Highways England consultation proposals was the inaccurate and inadequate analysis of rat-running through Chichester to avoid the A27.

The PBA report is similarly inadequate. Item 4.4 'Dealing with Congested Network' states that drivers will likely change mode of transport or not travel at all – but makes no mention of rat-running on residential roads with schools, buses, residential parking, 20 mph restrictions etc. This rat-running is what happens at the moment and WILL happen in the future but I could find no evidence in the PBA report that they have looked at this. I wonder how many of us have either walked, cycled or taken the bus to get here this morning, evidencing the 'to further encourage changes in travel behaviours proposed by PBA as their solution to dealing with congestion.

My question is: Does the report sufficiently embrace and analyse the consequences arising from their A27 scenarios proposed. Do you, like me, have no confidence that PBA's scenarios will not just clog up local residential roads?’

[Tuesday 13 November 2018]

(3) Response

Mr Dignum provided the following response.

‘Thank you for your question.

The PBA Transport Study uses a methodology that has been approved by Highways England and West Sussex County Council and which is widely used in similar studies across the country. In simple terms, the study utilises computer modelling to understand the impact that additional traffic growth has on the highway network. It takes account of the existing travel patterns of drivers ie which roads they typically take in travelling from origin to destination. When additional traffic is expected to be generated from proposed development, the modelling seeks to predict routes that drivers will choose, taking into account the increased levels of traffic likely to be experienced on each route, and with the assumption that drivers will choose a route that minimises the costs involved (time and financial). The intention of this modelling is to predict as accurately as possible, the effect of additional growth on all roads within the area, whilst acknowledging that such long term modelling of traffic is inherently difficult to predict and in turn to enable appropriate highway interventions to be identified.

The effect of the highway improvements identified in the PBA Transport Study will be to ensure that the level of traffic experienced in the plan area would be similar to that which would otherwise be expected to be experienced without such additional growth as now being planned for. Indeed, the proposed mitigation to the A27 junctions could have the effect of ensuring that as much traffic as possible utilises the A27 for through trips, rather than rat-running through the city centre.’

Supplementary Question

In the light of the response just delivered, Dr Boize remarked that her reading of the Peter Brett Associates (PBA) report was at variance with what seemed to be the officers’ understanding of it. She said that she would be very surprised if anyone could find in the report a full appraisal of the issue of current and future rat-running. She was concerned that A27 improvements works would cause drivers to use the city’s roads to avoid the inevitable congestion and disruption. This was not addressed by PBA in what was a very difficult document to read. She awaited the officers’ response with interest.

Response

Mr Dignum said that officers would look into this point.

Mr M Allgrove (Planning Policy Manager) said that he was not able instantaneously to identify the reference to this issue in what was a very large document. Neither the transport study nor the Chichester Local Plan Review; Preferred Approach said at any point that existing traffic congestion would be addressed; the emphasis was correctly that the Local Plan Review would mitigate the extra traffic caused by additional development.

(4) Mrs Joan Foster – Chairman of Hunston Parish Council

‘Hunston Parish Council would like to question the new proposals for development of 200 houses in Hunston contained in the Chichester Local Plan Review 2035 – Preferred Approach December 2018.

At a meeting on 23 July 2018 between CDC, Hunston and North Mundham Parish Councils, we were told that 250 houses would be allocated between the two parishes. The split was left to us. Both Hunston and North Mundham decided to produce their own Neighbourhood Plans, so that they could consult with residents as to how many houses should be built and where. This work has started.

Some 14 weeks later we were then advised that the Officers had decided to recommend individual allocations to the parishes of 200 to Hunston and 50 to North Mundham.

This conflicts with the Housing and Economic Land Availability Assessment (HELAA) published in August 2018, which demonstrates deliverability of 176 houses in Hunston and 375 in North Mundham. Planning Officers have been unable to justify to the Parish Council why, when clearly North Mundham parish could accommodate the entire allocation on its own, Hunston Parish Council is being told it will have to take the Lion’s share of the proposed housing.

Additionally, we are being warned that if our Neighbourhood Plans are not a draft stage by June 2019 then the District Council will allocate the designated land for development. This would render the work that the Parish Council is undertaking as irrelevant.

Hunston Parish Council’s question is as follows:

Will the Cabinet please agree to reject the officers’ recommendations and recommend to the Council meeting on Tuesday 20 November 2018 that a fairer housing split be allocated between the two parishes?’

[Tuesday 13 November 2018]

(4) Response

Mrs Taylor provided the following response.

‘Thank you for your question regarding the relative proposed allocations of development requirements for Hunston and North Mundham. Firstly, the Housing and Economic Land Availability Assessment needs to be updated with respect to

land at Hunston that is being promoted on behalf of the land owner, the Church Commissioners. It is the availability and, in the view of officers, suitability of this land that has informed the officers' recommendation with regard to the numbers of dwellings proposed for Hunston and North Mundham. I would emphasise however, that the HELAA is only part of the evidence base when considering land availability and its main purpose is to demonstrate that there is sufficient land available to meet the development needs of the plan area.

I note your concern about the timing of the neighbourhood plan. However, if Chichester District Council (CDC) is to be able to put forward a convincing case as to how development needs can be met and facilitate neighbourhood planning, then rapid progress on those plans will need to be made, or CDC may not be able to demonstrate a five-year housing land supply and development will take place in an unplanned way through the appeals system.

The Cabinet will consider the content of the Plan today, before it is considered by the full Council on 20 November 2018 and will determine whether the split of housing between the two parishes as proposed is appropriate. I would suggest that Hunston Parish Council makes formal representations on the plan if the recommendations are agreed so that this matter can be given further detailed consideration.'

Supplementary Question

Mrs Foster did not ask a supplementary question.

The immediately foregoing response concluded public question time.

610 Chichester Local Plan Review: Preferred Approach - Consultation

The Cabinet received and considered the agenda report and its four appendices in the main agenda supplement and the updates detailed in the sixth agenda supplement.

This item was presented by Mrs S Taylor (Cabinet Member for Planning Services).

In attendance for this matter were Mr A Frost (Director of Planning and Environment), Mr M Allgrove (Planning Policy Manager) and the following members of the CDC Planning Policy team: Ms H Chivers, Mrs V Dobson, Mrs K Dower, Mrs T Flitcroft, Mr T Guymer and Mrs V Owen.

Mrs Taylor presented the report as follows. CDC currently had an adopted Local Plan but was committed to reviewing it by July 2020 to ensure that the development needs of the Local Plan area were addressed in accordance with national planning policy. The Local Plan Review would be for 2020 to 2035 and would cover the Chichester District area outside the South Downs National Park (SDNP). Work on the evidence base to inform the Local Plan Review had been ongoing for the past two years. Appendix 4 to the report set out the evidence base already published together with future dates of publication. The Local Plan area's housing need was based on the government's current proposed methodology and was capped at an

increase of 40% of the figure in the existing Chichester Local Plan (CLP), resulting in a housing need figure of 12,350 new dwellings over the plan period ie 609 dwellings plus 41 dwellings per annum to accommodate the unmet housing need of the SDNP within the CLP area, namely a total of 650 dwellings per annum. The Local Plan Review: Preferred Approach (LPRPA) had two parts. Part one set out some of the key planning issues and challenges together with the preferred spatial strategies to meet the needs of the District. It proposed *inter alia* specific sites for development. A majority of the planned growth would be in the east-west corridor including Chichester city, with more moderate development for the Manhood Peninsular and in the north of the District. In addition, provision for new employment floor-space was proposed equating to over 230,000 m² for the plan period. Part two of the LPRPA comprised development management policies, which provided greater detail with respect to, for example, design, heritage, housing mix/tenure and landscape considerations. If approved by the Cabinet and the Council, the LPRPA would be published for consultation for a period of eight weeks from 13 December 2018 to 7 February 2019. The Revised Local Development Scheme (the next agenda item at this special meeting) set out the timetable for taking the LPRPA through to adoption, which self-evidently was very tight. Failure to proceed to consultation on the LPRPA would be likely to result in the extant CLP becoming out-of-date with its serious consequences. The proposed consultation would afford an opportunity for the community to engage in a positive and constructive way to ensure that the development that took place was planned, and not speculative and unplanned with a lack of control over infrastructure, design and location, as was experienced prior to the adoption of the current CLP. The need for and commitment to new housing was recognised by all of the main political parties ie 300,000 new dwellings per annum. The best way to ensure that the unique qualities of this very beautiful part of the country were preserved was for CDC to ensure that it had an up-to-date Local Plan. She commended the two recommendations in section 3.1 of the report to the Cabinet's approval.

Mr Allgrove commented on a number of matters:

- (a) The very extensive process and considerable amount of hard work necessitated in a review of the Local Plan, which included the issues and options consultation, meetings of CDC's Development Plan and Infrastructure Panel, member briefings and discussions with parish councils and developers.
- (b) The work in progress on the transport study, the sustainability appraisal, the habitat regulations assessment, the strategic flood risk assessment and the landscape study.
- (c) The completion of the evidence base and consultations as expeditiously as possible was necessary in order to submit the Local Plan Review for examination in July 2019 and adoption in July 2020.
- (d) The sections in the sixth agenda supplement set out logically the sequential order of the various updates, which would be incorporated into the LPRPA consultation version if approved by the Cabinet and the Council – due to members having the Development Plan and Infrastructure Panel agenda

papers, it should be noted that the page references in the sixth supplement should have 44 subtracted from them in order to equate to the same pages of the LPRPA document in appendix 2 in the papers published for the public.

In its discussion the Cabinet acknowledged the amount of hard work which had already been undertaken, the work yet to be done in an acutely time-compressed period and the consensus was that the LPRPA document should now be subjected to consultation and the Council be recommended to approve that course of action.

Mr Allgrove and Mr Frost responded to the Cabinet's questions and comments on points of detail as follows:

- The justification for the proposed housing allocation for Loxwood: this was based on the limited availability of land and sites being offered in the north of the CLP area and having regard to Loxwood being identified as a service village.
- The relationship between the LPRPA and the existing and emerging neighbourhood development plans (NDP): in the extant CLP and the LPRPA the intention was to facilitate NDP wherever possible to enable local decisions about land/housing allocations to be made. Within the Local Plan Review process, parish councils now needed to undertake reviews of their NDP or prepare them. It was recognised that this was a time-consuming process and CDC would assist parishes as much as possible. It was important to realise the implications for an adopted Local Plan Review if the NDP were not up-to-date: this would result in the absence of a five-year housing land supply and the risk of planning by appeal. Accordingly it was incumbent on parish councils to make expeditious progress with the NDP if they wished to influence the identification of land for housing in their areas. It was open to parishes to comment on proposed housing allocations during the anticipated forthcoming consultation and at the eventual examination of the submission draft Local Plan.

With Mr Dignum's permission, three CDC non-Cabinet members addressed the meeting.

(1) Mr S Oakley (Tangmere)

Mr Oakley had previously submitted 12 questions for this special meeting, from which he selected the following seven questions with the corresponding answers being given by either Mr Dignum or Mrs Taylor:

Question

'What is your view on the impact of the actual costs of the proposed package of LPR mitigation measures for the A27 by-pass (using Highways England's methodologies) on the overall viability of the plan? There is no way new development, CIL and local authority contributions will be able to cover these costs, so is there a risk that this plan could be found unsound on viability grounds?'

Response by Mr Dignum

‘The actual costs of the proposed measures for the A27 Chichester Bypass are still being refined, and will continue to be refined as the scheme proceeds through the detailed design process. It is agreed that developer, CIL and local authority contributions are unlikely to be sufficient to cover the entire cost of the scheme and that other funding sources may be required. If no potential additional funding sources can be identified then there is a risk that the plan as a whole could be considered unviable and therefore unsound unless alternative mitigation can be identified. It would be extremely difficult or impossible to bid for funds from pots such as the Housing Infrastructure Fund if we do not have a plan in place setting out the proposed development and the infrastructure needed to support it. This position is not uncommon in other local authorities across the country.’

Question

‘There is also the issue of the longevity of effect of these mitigation measures. The transport study appears to accept that the A27 junctions with these works will require further works within a few years of the plan’s end. We are in a five-year plan review cycle and funding for all the proposed works will not have accumulated or been obtained until the late 2020s at best. Is there a risk that the further works required by the 2025 review will supercede these proposals so we get into a cycle that means either nothing gets delivered or if something is done it gets redone only a few years later?’

Response by Mr Dignum

‘Highways England (HE) has not provided certainty as to when there is a necessity to deliver highways improvements in relation to the phasing of development within the adopted Local Plan. Officers are continuing to work with HE to establish the need for mitigation measures in relation to the phasing of development in the emerging Local Plan Review as well as the adopted Local Plan. Unfortunately in the absence of a major scheme to deal with the existing capacity issues, we are faced with the prospect of incremental improvements that may need to be replaced or revised within short timescales. Should Highways England not provide any assistance on phasing of improvements in relation to the provision of development, and ideally this should be set out on the next iteration of the plan and the Infrastructure Delivery Plan, then the Council will be entirely reliant on Highways England to decide the timing of the implementation of the improvements through the Development Management process.’

Question

‘With regards sustainable transport infrastructure, there are many ambitious references to seeking additional provision, but little in the way of “shall” be provided in the policy wording. Would the Cabinet agree that wording on this aspect of infrastructure should be strengthened throughout?’

Response by Mrs Taylor and Mr Allgrove

‘This is a detailed point and one that should be picked up when revisions to the plan are being considered following public consultation. Additional provision is often the responsibility of West Sussex County Council as Highway Authority and therefore strengthened wording may not achieve the provision but could prevent development from occurring, with obvious negative implications regarding five-year housing land supply etc.’

Mr Allgrove added that there was not a limited ambition in the LPRPA with regard to sustainable transport infrastructure but it ought to be appreciated that there were limits to what could be realistically expected of developers and as the Highways Authority West Sussex County Council was ultimately responsible for delivery and this was not necessarily within the gift of the developer.

Question

‘Will the Cabinet make it clear that a countryside gaps policy will be in the LPR and clarify the consultation process on that policy given it only appears as a possibility in the present version? Could it also be clarified as to what national planning policy support is there for these proposed designations?’

Response by Mrs Taylor

‘The LPR contains text that makes it clear the countryside gaps will be included in the Submission Plan, upon completion of the landscape study looking at this issue. Officers are of the view that this can be introduced at that stage, dependent on the findings of the landscape study, but will seek legal clarification that a further regulation 18 consultation is not required. There is little commentary in the NPPF but as long as the Council is meeting its development needs and not trying to claim that it cannot meet its needs due to a countryside gap policy, then it should be appropriate and defensible to introduce this locally specific policy. Arun has gap policies within its recently adopted plan.’

Question

‘Given there is reference to starting work on a possible future large scale single development, should not investigations into green belt designations around Chichester accompany that work so that we avoid creating a continuous Southampton to Brighton conurbation and protect the city’s and surrounding area’s character for the long term?’

Response by Mrs Taylor

‘DPIP considered a full report on this matter and concluded that there were significant risks to the plan to try to introduce such a policy within the Local Plan Review and that this matter should be addressed with other authorities in the West Sussex and Greater Brighton Strategic Planning Board.’

Question

'I've submitted a number of comments on the revised open space standards which hopefully you will have considered. Could it be confirmed that, for housing developments over 200 dwellings, there will be an about 30% reduction in open space provision as compared with the current standards?'

Response by Mrs Taylor

'The reduction is 26%, but the new approach will deliver larger more usable spaces, rather than smaller areas of amenity space that are expensive to maintain. It should be borne in mind that our current standards are very generous compared to national benchmarks.'

Question

'Should build rates reach the levels proposed, what guarantees are there that development quality will not suffer?'

Response by Mrs Taylor

'The best prospects for ensuring that the Council is able to positively influence the quality of development is through having an up to date plan so that the Planning Committee is able to apply the policies within the plan, rather than losing control of development through the appeal system if the Council cannot demonstrate a five-year housing land supply. This is the situation notwithstanding the proposed increase in the levels of development.'

(2) Mr A Moss (Fishbourne)

Mr Moss spoke in his capacity as the Leader of the Opposition and not as the CDC member for the Fishbourne ward and he was articulating views which had been presented to him from residents all over Chichester District.

He began, however, by thanking all officers for their diligent hard work in reaching this point in the Local Plan Review process.

He made the following points and received answers (denoted by the use of italics) from Mr Allgrove, Mrs D Shepherd (Chief Executive) and Mr Frost.

- The timing of the consultation period coincided with the Christmas/New Year holiday season and it would be helpful to extend the deadline notwithstanding the tight timetable: *the consultation period had in fact been extended from the normal six to eight weeks.*
- There were four Cabinet members sitting on CDC's Development Plan and Infrastructure Panel (DPIP) and the consistency of this arrangement with the important principles of transparency and democracy could be questioned: *the membership was in accordance with CDC's Constitution, which had been approved by the Council; any changes to the DPIP's composition and thereby to the Constitution would likewise have to be approved by the Council.*

- There was a feeling in Chichester District that the Local Plan Review process was being undertaken quickly and a consultation was due to be run when there was still work in progress, not all of the facts were yet known and perhaps the review should have been commenced sooner: *it was correct that the process was moving forward as expeditiously as possible in view of the current CLP not being up-to-date with the aforementioned risks of challenges by developers on appeal and the loss of the 40% government cap on housing numbers, which would then result in much higher targets being imposed; the evidence base was in the main now complete or as complete as it could be at this stage; CDC began the review as soon as was reasonably practicable within the very tight timetable constraints.*

(3) Mr J Brown (Southbourne)

Mr Brown asked two questions which he had previously submitted and received responses from Mr Dignum as follows:

Question

‘It is coming up to a year since a breach of condition relating to the provision of sewer upgrades in Southbourne was reported to the District Council. In that time, no enforcement action has been taken. Southern Water has recently completed a different set of works but to date no request to vary the original condition has been made. No evidence has been supplied that the work required by the original – and still current – condition is not necessary. There are studies in the public domain which show that the waste water network in Southbourne needs upgrading.

The Local Plan review recommends substantial new housing numbers for Southbourne. How can this council regain the confidence of residents that the necessary infrastructure works will be carried out? I am not asking you to comment on this application specifically but about the more general point about confidence in the planning and enforcement regime, especially with regards to the provision of infrastructure.’

Response by Mr Dignum

‘The general point here with respect to the Local Plan Review was whether there would be adequate enforcement resources to ensure the promised infrastructure was provided. Clearly resources were necessary to provide adequate enforcement and this was a matter for the Cabinet to address as part of the 2019-2020 budget process.’

Question

‘It is clear that all of the new housing proposed for the A259 corridor will substantially increase the burden on that road and the A27. While the Local Plan Review cannot assume that we will be successful in applying for funding under RIS2 for either a ‘Mitigated Northern Bypass’ or a ‘Full Southern Upgrade’, we cannot set aside the feedback that has been received during the consultations of the last few

years – especially with regards the environmental inappropriateness of a Fishbourne-Birdham link road.

Can the Local Plan Review incorporate a timetable that would enable the Council to hold off on making any decision to commit an unspecified but huge amount of money to a package of mitigation measures for the A27? At least until such a time that we at least know the outcome of our application for RIS2 funding?’

Response by Mr Dignum

‘The Local Plan review timetable as proposed within the Council’s Local Development Scheme will be considered by Cabinet under agenda Item 6. CDC remains focused on achieving improvements to the A27 Chichester Bypass that will provide long term benefits and also address other environmental concerns.

However, despite the recent joint work with WSCC and the BABA27 community group, there is, at this stage, no certainty that a scheme for Chichester will be included in RIS2. Furthermore the draft RIS will not in any case, be published by the DfT until late 2019. Until further stages of the RIS process have been completed, including the announcement by government of a ‘Preferred Route’ which will be several years from now, we will not have sufficient certainty of such funding being available.

Consequently, in preparing the new plan, we must identify a scheme of highway mitigation for the A27 that can be relied upon which is not dependant on RIS2 funding. And as I think members are aware, if we are to retain a local plan that is up to date so that we remain in control of the location and distribution of new development across the plan area, then it is vital that we do all we can to be in a position to adopt a revised Local Plan by 2020.

We should not therefore adjust the local plan timetable as you suggested and risk substantial uncontrolled development. Instead we should continue to work with HE and WSCC so that once there is more certainty about RIS2, we can then review what would then be the necessary highway improvements required to mitigate growth arising from the Local Plan.’

Supplementary Question

Mr Brown asked if it could be written into the Local Plan Review that there would be no commitment to mitigation measures until the outcome of the RIS2 funding bid was known.

Response by Mr Frost

CDC was dependent on Highways England as to when the phasing of A27 works would be triggered and it was not appropriate to write something so prescriptive into the Local Plan Review.

In concluding the debate Mr Dignum made the following remarks:

The government inspector in approving the CLP in 2015 laid down that a full review had to be completed by 2020, in particular a review of the housing numbers. The CLP laid down a figure of 435 houses per annum within the Local Plan area. The current government formula lays down a figure 40% higher than that, namely 609 houses per annum (hpa) for the Local Plan Review. In addition the South Downs National Park Authority had asked CDC to provide up to 41 hpa. Thus the Local Plan Review would have to identify deliverable sites providing in total up to 650 hpa. The choices of locations had to avoid the SDNP and the Chichester Harbour Area of Outstanding Beauty, the worst flood zones and take account of the poor access to and from the Manhood Peninsula. It had to be assumed that no major scheme on the A27 would be having an impact during the period up to the next Local Plan review due in 2025.

All of these constraints meant that the Manhood would be asked to take a far smaller proportion of new homes ie 16% than its share of population might suggest. If new housing over the new plan period had been allocated in proportion to population, the Manhood would receive twice as many homes, namely 33% of the Local Plan Review total. Housing allocations to specific towns and parishes were rarely received with acclamation but CDC members needed to agree a local plan which would deliver an annual number of homes fixed by the government. It had to be grasped that when a housing figure went down in one area, then somewhere else would need to accept a higher figure in order to balance the books and deliver the Local Plan total.

Another major issue was the Local Plan Review's relationship with the A27. In preparing the document officers had to assume that there would be no major scheme implemented by Highways England before another plan review was due in 2025. However, CDC was required to arrange plans to be prepared to offset the impact of new development on the A27 and local roads. In the absence of a major Highways England scheme, there was no alternative to making relatively minor at grade improvements to the existing A27. This did not mean that CDC was embracing any of the Highways England 2016 options for the existing A27 but it did mean that CDC had to calculate the impact of the new housing that was planned and devise proposals to offset its impact on the whole highways network.

In summary, CDC had to ensure it had a new adopted Local Plan by 2020 or confront the risk of uncontrolled development on any site not included in the current CLP and developers making only a minimal contribution to the necessary infrastructure. Accordingly, he commended the making to the Council of the two-fold recommendation.

Decision

The Cabinet voted unanimously to make the recommendation set out below.

RECOMMENDATION TO THE COUNCIL

- (1) That the Local Plan Review: Preferred Approach document (attached as appendix 2), as amended in the sixth agenda supplement, and the schedule of proposed changes to the policies map (attached as appendix 3) be

approved for an eight-week consultation from 13 December 2018 to 7 February 2019.

- (2) That the Director for Planning and the Environment be authorised, following consultation with the Cabinet Member for Planning Services, to make minor amendments to the consultation documents prior to their publication.

611 **Revised Local Development Scheme 2018-2021**

The Cabinet received and considered the agenda report and its appendix in the agenda supplement.

This item was presented by Mrs S Taylor (Cabinet Member for Planning Services).

In attendance for this matter were Mr A Frost (Director of Planning and Environment), Mr M Allgrove (Planning Policy Manager) and the following members of the CDC Planning Policy team: Ms H Chivers, Mrs V Dobson, Mrs K Dower, Mrs T Flitcroft, Mr T Guymer and Mrs V Owen.

Mrs Taylor presented the report, saying that the Local Development Scheme (LDS) identified and timetabled the planning documents to be prepared by CDC for its plan area over a three-year period, and the version of the LDS appended to the report was for the period 2018 to 2021. She drew attention to the revised timetable for the Local Plan Review. As mentioned in the preceding agenda item, the timetable was now very tight and there was no room for slippage if CDC wished to attain its target date of July 2020. The Local Plan Review would require work to commence on development plan documents (DPD) such as Gypsy and Traveller Sites and the Site Allocation DPD. Dates had not yet been set but it was anticipated that work would start on them shortly. The LDS was constantly kept under review and updated. It was published on the CDC's website to enable the community and stakeholders to find out about the planning policies for their area and the timetable for the production of the documents.

Mrs E Lintill (Deputy leader of the Council, Cabinet Member for Community Services and one of the two CDC members for the Petworth ward) pointed out with reference to the final bullet point in section 4.1 in the revised LDS document (page 280 in the agenda supplement) that it should be made clear that only a small part of Petworth was in the Chichester Local Plan area.

Mr Allgrove noted the need to clarify that and added that the same applied to Lavant (the penultimate bullet point).

Decision

The Cabinet voted unanimously to make the recommendation set out below.

RECOMMENDATION TO THE COUNCIL

That the revised Local Development Scheme 2018-2021 be approved.

612 **Late Items**

As stated by Mr A Dignum (Leader of the Council) during agenda item 1 (minute 606) there were no late items for consideration at this special meeting.

613 **Exclusion of the Press and Public**

There were no exempt agenda items or matters for consideration at this special meeting and so there was no requirement to pass a resolution to exclude the press and public.

[Note The meeting ended at 16:18]

CHAIRMAN

DATE