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Minutes of the **Special** meeting of the **Cabinet** held in Committee Rooms, East Pallant House on Monday 23 January 2023 at 9.30 am

Members Present Mrs E Lintill (Chairman), Mrs S Taylor (Vice-Chairman), Mr R Briscoe, Mr A Dignum, Mrs P Plant, Mr A Sutton and Mr P Wilding

Members Absent

In attendance by invitation

Officers Present Mrs L Baines (Democratic Services Manager), Mr N Bennett (Divisional Manager for Democratic Services), Mr A Frost (Director of Planning and Environment), Mrs J Hotchkiss (Director of Growth and Place), Mrs C Potts (Planning Policy Team Leader), Mrs L Rudziak (Director of Housing and Communities), Mrs D Shepherd (Chief Executive), Mr J Ward (Director of Corporate Services) and Mr T Whitty (Divisional Manager for Planning Policy)

69 **Chair's Announcements**

Cllr Lintill welcomed everyone to the meeting and read the emergency procedures.

There were no apologies for absence.

70 **Declarations of Interests**

There were no declarations of interest.

71 **Public Question Time**

The following public questions and answers were read:

Question from Ian Sumnall on behalf of the Chichester and District Cycle Forum:

*Chichester & District Cycle Forum question re. **Policy T3 Active Travel - Walking and Cycling Provision.***

*While welcoming the inclusion of such a policy in the proposed Local Plan we believe that it is seriously inadequate. Since **2020** we have been trying to persuade your officers that to achieve any significant shift from vehicular use to Active Travel*

modes a local plan policy must protect existing and proposed routes and require contributions from new developments [much the same as is done for roads]. This policy must follow “Gear Change” and LTN1/20 guidelines from DfT.

As a local example this is the approach in your neighbouring Local Plan for the South Downs National Park where amongst other routes Centurion Way is identified and now being extended from West Dean past Singleton, through CIL funding. This shows what can be done if your Local Plan has ‘teeth’. Your Plan does not propose any protection to Centurion Way, which will be severed if you approve the application for Phase 2 of Whitehouse Farm.

To be constructive, in December 2022, the Manhood Peninsula Partnership approved a comprehensive Active Travel Policy which proposed such protections [eg. Selsey Greenway], contributions etc. and included all forms of active travel including mobility assisted uses ,equestrian needs and quiet lanes.

Why is it that this draft Local Plan is so weak when everyone , including the Government accepts that a fundamental shift in travel and transport patterns is required to tackle climate change, reach net zero carbon, achieve sustainability, promote healthy living and stop the insatiable needs of the motor car?

Of the 10,354 houses proposed for the plan period 2021 to 2039 over 85% are to be provided in the East-West corridor. Most of the vehicular trips generated by these new properties will use the A259 and access the A27 at the Fishbourne Roundabout. The plan also requires there to be a financial contribution to the A27 improvements of £7,728 per dwelling as ‘Mitigation Contributions’.

Two issues arise:

- 1. Why is all of this levy to be used for road improvements when the West Sussex Transport Plan requires there to be a 7% reduction in vehicular traffic by a switch to active and sustainable modes? None of this £43 million is allocated for such uses either on A259 [ChEmRoute NCN2] or to cross the A27.*
- 2. Recent traffic studies, and everyday experience, shows that the A27, especially at the roundabouts, is already well over capacity. Why then are the proposals for these 8,712 houses plus 963 on the Manhood Peninsula being allowed to proceed before National Highways have even a programme for their improvement? This is putting the cart before the horse; new, necessary infrastructure should come first before the growth in vehicles, housing and population [the same applies to flooding, sewerage and coastal protection, pollution controls]. This is a fundamental part of preparing Local Plans and these new housing allocations are all premature and their release should be dependent on such fundamental improvements being enacted.*

Your views and answers are requested.

Answer from Cllr Taylor:

Policy T3 will seek to deliver new and improved opportunities for active travel including via the LCWIP and WSCC plans. Active travel opportunities within the Manhood Partnership's Active Travel Policy were considered as part of the plan formation process, however there is insufficient evidence to link them to policies in the Plan or to require specific contributions from development to them.

Whilst the southern access route to the West of Chichester allocation may require a crossing of Centurion Way, it is not correct to assert that this will sever this important route.

The impact of Local Plan led development on the capacity of the A27 is a matter that has been the subject of significant evidence gathering and discussions with National Highways and WSCC. However, it is important to recognise that all development within the Plan period only accounts for 27% of modelled growth on the A27, with the remaining 73% being the result of other wider growth factor unrelated to Chichester's Local Plan. Of that 27% only one third of those trips is as a result of newly proposed development. Therefore, additional development to be delivered through the plan will account for less than 10% of the increase in trips across the Plan period.

Notwithstanding the proportionately low impact of growth specifically as a result of the Proposed Local Plan, new policies will see a significant contribution collected toward improving capacity on the A27. The Monitor and Manage approach being worked up with WSCC and National Highways, in addition to delivering capacity improvements through A27 infrastructure, will look at solutions to reduce trip rates via sustainable and active travel opportunities, based upon the most up to date evidence at the time. Few of these improvements will be likely to be deliverable without funding made available as a result of the development identified within the plan (though either CIL or S106).

Question from Annabelle Glanville-Hearson:

I refer members to Local Plan Appendix B, chapter 4 'Climate Change and the Natural Environment' Policy NE4B East of City Corridors.

The Pagham to Westhampnett strategic wildlife corridor (SWC) was defined using information from the South Downs Barbastelle project draft September 2015 part 1.

What wildlife evidence was used to change the SWC so significantly in this area?

How can we be sure that these rare bats and other rare species are no longer using this woodland? Have any further wildlife surveys been done recently in this area that justify the devastating reduction in the size of the woodland? What remains of the woodland in the latest proposal is mostly made up of residential back gardens and not woodland. Therefore there is no control over this area and it will be influenced by individual landowners, trees could be lost, pets could predate on protected species and there will be no control over garden/house lighting, BBQs/smoke etc.

In addition to this, the prevailing wind is from the west, and losing the western half of the woodland will affect the temperature and functionality of the woodland for bats. The western trees are the protecting boundary trees for this woodland and the inner trees will be damaged/lost without this buffer.

The cumulative impact of development in this area should also be taken into account; the proposed SWC is vital for an area with so much development and is an important corridor for our wildlife. Surely using land that is devoid of wildlife, sterilised by intensive farming and/or brownfield sites should be the Council's preferred option for housing developments.

Please see the attached document and the Local Plan Appendix B which refers to Strategic Wildlife Corridors.

Answer from Cllr Taylor:

Thank you for your question. The evidence base for the Pagham to Westhampnett wildlife corridor does indeed show that it is used by a wide variety of bat species, including the rare and heavily protected Barbastelle species from a maternity colony at Goodwood. That is one of the key reasons why the route of this corridor was altered in 2021 to its current line. We have evidence since 2015 of the continued use of the corridor by many bat species including Barbastelle. Further ecological surveys have been done in 2021 and 2022 by the district council and by the site promoters. Policy A8 is specifically written to protect the corridor for all the species that live there or pass through it.

As you have pointed out in the attached document you sent, the area of the corridor has been reduced compared to the first proposal in order to facilitate a development that has space for the school and open space that a strategic development requires. This does not mean that houses and gardens will be built up to the revised boundary of the corridor. Policy A8 requires a substantial and effective buffer within the allocated site to protect the corridor and by including this within the site allocation rather than the corridor we gain more control over its use, planting, future maintenance, layout and light levels. For example, uses that require external lighting would not be permitted in the buffer.

We are aware of the potential for impact on microclimate. The proposed policy states that "The buffer to the corridor should ensure darkness and minimise disturbance in the wildlife corridor and ensure habitats and microclimates of the corridor continue to support a wide range of species and maintain connectivity;"

Paragraph 8 of the policy includes further specifications on light levels and noise. Because of the special protection of Barbastelle bats, the detailed proposals will have to pass a rigorous Habitats Regulations Assessment that will look in more detail at all the potential impacts and must ensure that there is no adverse effect on the SAC bat species.

Finally, this allocation is in large part a brownfield site and it is also in close proximity to the facilities of Chichester so there are good planning reasons for allocating housing here.

Question from William MacGeagh:

- 1. Why hasn't your Self & Custom Build (S&CB) housing insertion in Chapter 5 been more fully supportive and encouraging to adhere to statute, starting with the correct Register numbers as highlighted by HEDNA (2022) being inserted and major changes to the Register wording being implemented immediately, in order to adhere to the law of the land and more recent government and NACSBA initiatives on self build?.*
- 2. Why has robust and encouraging wording not been inserted to action, advertise, market and implement S&CB, especially so in our northern district to support smaller scale schemes in our service villages in support of 100% S & CB projects rather than 'add ons' to major developer projects, which self builders would ideally not seek to build on?*
- 3. Why is your S&CB insertion so lacking in initiative by only directing S&CB as part of major developer schemes rather than a number of smaller stand-alone 100% self build projects created by SMS builders, which would more directly and visually support the retention of character and uniqueness of housing being lost..... in line with Government and NACSBA initiatives?*
- 4. I don't believe your initiative for S&CB will be accepted by the Inspector, as it is not robust, lined up thinking, specific or sound, in best supporting S&CB housing, especially in northern service villages such as Loxwood, in best retaining lost character and uniqueness and how do you propose to rectify this in not losing this exciting opportunity to give individual self builders the opportunity of living where they want to and not to be linked to mass developer housing (so disliked by them) by best creating their dream homes within their village communities, and in best supporting their communities collectively in the long term.*

Answer from Cllr Taylor:

The numbers on the register, as reflected in the HEDNA, are for the whole district not the plan area, the numbers for the plan area are significantly lower, and hence those need to be the basis for addressing this issue in the Local Plan. We consider that the Local Plan has addressed the needs in a manner which is consistent with national policy.

The Local Plan sets out a supportive approach in relation to self-build, and appropriately addresses the need as currently identified. We are keen to support self/custom build housing and are exploring ways in which the register can reflect this. Any future change to the register may identify further need, however, the Local Plan needs to respond to the evidence base as it currently stands and the policies within the Proposed Submission Local Plan are considered to be a reasonable response to that evidence base. The council is supportive of meeting additional future needs once they have been established. Self-build sites can also come forward on the basis of other policies in the Local Plan, neighbourhood plans and there will be the potential to allocate smaller sites as part of the Site Allocation DPD.

With regard to the means of delivering self/custom build units, the strategic housing sites are a mechanism which is currently available, and to not utilise those at this stage would mean deferring the meeting of that need. There is nothing in national policy which suggests that strategic allocation sites are an inappropriate delivery mechanism and the council is in compliance with the relevant legal requirements pertaining to self/custom build housing in its administration of the register.

Question from Bosham Parish Council read by Cllr Charlotte Pexton:

- 1. On reviewing the draft policy A11 – Highgrove Farm, Bosham; Bosham Parish Council finds it difficult to understand why 3x gypsy and traveller pitches and 4x self/custom build plots have been added at this stage. What is the evidence for change in direction of travel for this site? It appears the requirements of the equality act have not been included consistently across all the other allocated sites.*
- 2. Why was the Parish Council not informed of these changes at the same time as the developers?*
- 3. Why does para 12 not address the present difficulties experienced by Bosham in transporting and treating foul water, especially in the absence of an agreed Position Statement between CDC and SW.*

Answer from Cllr Taylor:

1. The inclusion of additional policy requirements concerning gypsy and traveller pitches and self/custom build housing at this stage reflects the council's current need position and limited alternative supply options. For gypsy and traveller pitches the level of need in the plan area is significant and therefore the council needs to do all it can to meet these needs, and the strategic housing allocations are a key mechanism for achieving this. This is set out in more detail in the background evidence on this issue.

The timing of the inclusion of these requirements is appropriate in a local plan context, as it reflects the increase in need between the Regulation 18 and 19 versions of the plan. These requirements have been applied consistently across the new allocations, however, the existing allocations from the current Local Plan are being carried forward as they currently stand and hence do not include such requirements, in essence they are not new proposals, and are hence fundamentally different to the new allocations.

2. It is necessary to engage early with site promoters prior to inclusion of sites, and site-specific requirements, within the Local Plan in order to ascertain the capacity and ability of those sites to accommodate the envisaged development. This engagement is investigatory only and provides no certainty of inclusion of any particular site or requirements.
3. A Statement of Common ground was agreed with Southern Water in November 2021 which, whilst recognising that Bosham is environmentally constrained, also identifies capacity for some additional development. We

are aware that Bosham had particularly high wastewater flows in 2021 and that Southern Water are currently investigating the reasons for this. We will continue to work with Southern Water on matters relating to waste water and will update the Statement of Common Ground as necessary. Policy NE16 of the plan, Water Management and Water Quality, ensures that wastewater treatment can be considered as development comes forward, to ensure that water quality is protected and that if new waste water infrastructure is required, that development aligns with that.

Question from Paula Chatfield (read by Democratic Services):

Please would officers advise why, given the delay and substantial changes in text/presentation and context since the last public consultation (3 years ago), they are recommending the current draft (with delegated tweaks) advance to Proposed Submission (Regulation 19) rather than repeat the original public consultation stage to enable further amendment in response to public feedback before referring to examination by the Planning Inspector.

Answer from Cllr Taylor:

Whilst some of the content of the local plan has evolved since the Regulation 18 Consultation in January 2019, we consider that the overall strategy and distribution of development remains relatively unchanged. Although there has been a reduction in development on the Manhood Peninsular, there remains a focus on the east/west corridor and the majority of the strategic allocations remain the same. Whilst there has been a period of four years between the consultations, the evidence base has been updated accordingly and changes made are commensurate with what may be expected between Regulation 18 and 19 stages of the Plan formation process.

72 Proposed Submission version of the Chichester Local Plan 2021 - 2039

Cllr Taylor introduced the report. She then thanked officers and fellow Development Plan and Infrastructure Panel members for their work in getting the Plan to this stage.

Cllr Oakley was permitted to speak. He asked by what means it would be made clear which developments that have been granted permission since the Plan start date counted towards the allocations as set out in Policy H1. He also asked in what context would Parishes have to work out their Neighbourhood Plans and whether they need to allocate sites already in the planning process. Mr Whitty referred to page 288 of the supplement pack. He drew attention to the table which sets out the parish and the housing need yet to be found. Mr Oakley asked if Special Full Council could be informed which sites this specifically referred to.

Cllr Plant referred to environmental factors not in the previous Plan which have been included in the proposed Plan; climate change, wildlife corridors, nitrate neutrality, water neutrality, wastewater works, biodiversity net gain and nature recovery strategies.

Cllr Plant then asked in relation to the Duty to Cooperate Statement at Appendix F why Statements of Common Ground (SoCG) are listed as incomplete. She also asked why in the Infrastructure Delivery Plan under utilities it underemphasises the number discharging into the harbour. Mr Whitty with reference to Appendix F explained that the process of agreeing the SoCG was ongoing and was not of concern. With regard to Appendix 1 Infrastructure Delivery Plan recent ongoing investigations would not be listed at this stage.

Cabinet members individually wished to thank officers for their hard work in producing the Plan.

Cllr Sutton referred to the public question discussing Community Land Trusts and commented that it provided flexibility for the council.

In a vote the following recommendations to Council were agreed:

RECOMMENDATION TO COUNCIL

That Cabinet recommends to Council that:

- 1. The Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19) (attached as Appendix A), the Submission Policies Map (attached as Appendix B), Sustainability Appraisal (Appendix C) and Habitats Regulations Assessment (Appendix D) all as amended be approved for publication for a 6-week consultation from 3 February 2023 to 17 March 2023 under Regulation 19 of the Town and Country Planning (England) Regulations 2012 (as amended);**
- 2. Following publication and consultation, the Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19), the Submission Policies Map and supporting documents be submitted to the Secretary of State for examination, together with the representations made under Regulation 20 (in response to consultation at Regulation 19) and a summary thereof (as an update to the Statement of Consultation);**
- 3. The Director of Planning and the Environment be authorised, following consultation with the Cabinet Member for Planning Services, to:**
 - a. make minor amendments and any necessary editorial changes to the Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19), the Submission Policies Map, the Sustainability Appraisal and Habitats Regulations Assessment, prior to publication, prior to submission and during the examination;**
 - b. prepare the Council's response to the main issues identified and to any substantial concerns about soundness or legal compliance raised in the representations, to submit alongside the Plan;**
 - c. if necessary, to prepare a Schedule of Main Modifications that may be necessary to address soundness issues raised by representations received in response to the Regulation 19 publication, that can be submitted with the Plan to be considered by the Inspector during the examination process;**

- d. if necessary, to prepare a Schedule of Minor Modifications that may be necessary to address minor editorial and factual changes that do not go to the soundness of the plan that can be submitted with the Plan to be considered by the Inspector during the examination process.

73 **Revised Local Development Scheme 2023-2026**

Cllr Taylor introduced the item.

In a vote the following recommendation to Council was agreed:

RECOMMENDATION TO COUNCIL

That the Cabinet recommends to Council that it approves the revised Local Development Scheme.

74 **Late Items**

There were no late items.

75 **Exclusion of the Press and Public**

There was no requirement to exclude the press or public.

The meeting ended at 10.30 am

CHAIRMAN

Date:

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