

# Public Document Pack

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A meeting of **Council** will be held in **Committee Rooms - East Pallant House** on **Tuesday 3 March 2020 at 2.00 pm.**

MEMBERS: Mrs E Hamilton (Chairman), Mrs C Apel (Vice-Chairman), Mrs T Bangert, Mr G Barrett, Miss H Barrie, Mr M Bell, Rev J H Bowden, Mr R Briscoe, Mr J Brown, Mr A Dignum, Mrs J Duncton, Mr J Elliott, Mr G Evans, Mrs J Fowler, Mrs N Graves, Mr F Hobbs, Mr K Hughes, Mrs D Johnson, Mr T Johnson, Mrs E Lintill, Mrs S Lishman, Mr G McAra, Mr A Moss, Mr S Oakley, Dr K O'Kelly, Mr C Page, Mr D Palmer, Mrs P Plant, Mr R Plowman, Mr H Potter, Mrs C Purnell, Mr D Rodgers, Mrs S Sharp, Mr A Sutton, Mrs S Taylor and Mr P Wilding

## SUPPLEMENT TO AGENDA

5 **Public Question Time** (Pages 1 - 9)

Public Questions and Answers – Full Council – 3 March 2020.

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**Chichester District Council**

**Full Council**

**3 March 2020**

**Public Questions and Answers Sheet**

**Questions from Mr Dicker**

The council has recently announced that, and I quote: “Local Plan timetable to be reviewed following Government advice” I believe that it is very convenient for the officers and the council to delay.

I have been warning for 15 months that this is a flawed process that would never succeed with the examiner but I have always been told not to say “I told you so”. As a result of this last minute change I would like answers to the following:

**Why as a registered consultee and regular contributor to this planning process I still have not been informed directly of these changes.**

**Answer:**

*To ensure the widest possible coverage, a press release was issued by the Council which appeared in the Observer newspaper last week together with an email which was sent all Parish Councils. Further community engagement and consultation options are currently being considered but I can advise that an email will be sent to all respondents regarding the Local Plan timetable as soon as possible.*

**With the very clear and unambiguous advice of Sir James Bevan, and I quote: “Properties should not be built on the floodplain” what CDC are going to do with the land availability assessment in this inevitable delay period whatever that may be and particularly AL6.**

**Answer:**

*The latest information in relation to flooding and advice from the Environment Agency, will be used to inform both the update to the land availability assessment and subsequent site selection, and will form part of the Sustainability Appraisal considerations. As any further updates to flooding evidence are received, these will also be taken into account – this is a normal part of the iterative process of plan preparation. To be clear, only part of site AL6 lies within the floodplain – it was never intended that any housing would be built within those parts of the site subject to flood risk, hence the proposal for a large area of open space and Country Park within the policy.*

**Having been lied to at full council in responses to my previous questions when will we the public now be reconsulted and when will CDC be submitting this to the examiner.**

**Answer:**

*If you believe that officers or members have lied to you, you should write to the Monitoring Officer and ask him to investigate your complaint, in respect of members under the Council's Code of Conduct and in relation to officers, under the Council's formal complaints process.*

*In accordance with the press release and statement on the Council's website, the timetable for the Chichester Local Plan is being updated and this will be made available as soon as it is ready. It will include proposed dates for both consultation and formal submission of the Plan for examination.*

**When will the decision to reject the unallocated housing from the SDNP come for decision at this council as it is not on the agenda today as previously PROMISED it would be.**

**Answer:**

*At the Cabinet and Council meetings of 3 December, in response to questions, I advised that the unmet need from the South Downs National Park Authority will be considered as this council finalises its proposed submission draft plan. Your question has therefore previously been answered. At the risk of wasting further Council time, I can advise that remains the intention.*

**What is the impact on housing numbers and in particular the impact on the 40% cap as a result of us failing to have a local plan in place approved by the examiner.**

**Answer:**

*The government's standard methodology for assessing housing need includes a 40% cap, with reference to either previous plan targets or household projections. After 15 July 2020 the cap will be applied to household projections rather than the previous Plan figure. The impact of that is that this year the figure derived from the methodology rises from 609 dwellings per annum to 628 dwellings per annum.*

**What action is being taken as a result of the failure of the plan to be ready for the examiner which has conveniently been obscured by the very helpful advice of Government saving the embarrassment of this council.**

**Answer:**

*As stated, the timetable for the Chichester Local Plan is being updated and this will be made available as soon as it is ready. Other measures are being considered as appropriate and will be the subject of further Council reports in due course.*

### **Question from Carolyn Cobbold**

**In the light of CDC's recent Climate Change Emergency Declaration will CDC implement the latest guidance from the Committee for Climate Change and the Environment Agency and prepare its local plan to allow the district to become as flood resilient as possible with the expectation of a 4 degree Celsius global mean temperature increase by 2100? And how will CDC ensure that developments are not allowed to go ahead in the transition period between local plans that may compromise the district's future flood resilience?**

### **Answer:**

*Work on the Council's high level Climate Emergency Action Plan will be used to help inform planning policies on this important issue going forwards. The Council does of course work within the context of advice set out in the National Planning Policy Framework and associated Planning Practice Guidance in preparing new planning policies. Latest advice on climate change allowances in relation to sea level rise was issued by the Environment Agency in December 2019 and we will be using this information and any subsequent updates as part of our flood risk assessments and to inform site selection, sustainability appraisal and policy wording as we progress the Local Plan Review. We work closely with the Environment Agency in relation to the Local Plan Review on an ongoing basis to ensure such matters are appropriately addressed.*

*In respect of applications for planning permission, a flood risk assessment is required for any proposal over 1ha, and proposals of any size in areas at risk of flooding. The flood risk assessment would need to demonstrate that the risk of flooding would be minimised to an acceptable level and that the new development would not increase flood risk elsewhere, taking account of climate change and other relevant strategies such as Shoreline Management Plans. The Environment Agency is consulted on any application in flood zones 2 or 3 and it is extremely unlikely that permission would be granted in the case of any unresolved objection from the Agency. In addition, 'sensitive' development in these locations must be sequentially assessed against other comparable alternative sites before development can be considered acceptable in principle.*

*Any updated information relating to flood risk will be taken into account in relation to planning applications as and when it is received.*

### **Question from Lucia Withers**

**With reference to the proposed actions under Chichester District's Climate Emergency Action Plan 2020-25 on communications and promoting lifestyle changes, does the Council envisage stakeholder and public engagement in the process of developing the final plan, and what steps will it take to consult with and learn from the experience of other councils in this regard, including (although not limited to) the establishment of climate commissions, citizens assemblies and public consultations?**

**Answer:**

*The development of the final plan will build on the actions and priorities approved in the initial plan. In developing these further we fully intend to engage with stakeholders and the wider public. This will especially be the case in the development funding criteria for the Local Carbon Chichester fund in order to ensure that this is used effectively and in ways that meet the needs of our community. In detailing the tree planting and food waste actions, we will seek the view of stakeholders, as their participation will be vital to success in these areas. The development of planning policy through the Local Plan review will, as always, be subject to extensive consultation and engagement as detailed in our Statement of Community Involvement.*

*We are already engaged with other councils across Sussex to ensure sharing of best practice and joint working where appropriate through an officer level Climate Emergency Network group. The Initial Action Plan includes a specific action on evaluating a Climate Commission for the District. This will depend on the willingness of other key partners from the public, private and voluntary sectors to participate and to adopt joint actions. Part of that process will be to find out if a commission or similar body is needed and wanted by those partners and what it would add to the achievement of carbon reduction in the district. We are keeping an open mind as to best mechanism, whilst keeping a focus on not working in isolation.*

**Questions from Cllr Charlotte Pexton, Bosham Parish Council**

**When did CDC realise the Local Plan timescale was not achievable?  
(CDC requested an extension in October 2019 which was refused.)  
Has the failure to achieve the July 2020 deadline been formally recognised by  
CDC Cabinet, Council or other Committee?**

**Answer:**

*The Council has always recognised that the Local Plan timetable involving submission of a plan before July 2020 that was likely to be found sound was challenging given the complex planning issues that need to be addressed. These include the identification of sufficient land to meet the area's housing needs, an acceptable scheme of transport mitigation for the A27, including options without a Stockbridge Link Road and waste water capacity. At the Meeting with the Minister for Local Government and Homelessness in October 2019, support was offered to see if the timetable could be met before the July deadline. An independent advisor met with officers before Christmas and advice was received in January, confirming it would be better to take longer to prepare a robust defensible plan. The Council's Development Plan and Infrastructure Panel has considered the findings, and it is expected that more details will be placed on the council's website next week. It is envisaged that a formal revision to the Plan timetable in the Local Development Scheme will be brought to Cabinet and Council in due course.*

**Does CDC have a final list of outstanding evidence / items needed to complete a Local Plan for submission?**

**Answer:**

*The report Local Plan Review - Responses to Preferred Approach Consultation and Way Forward considered by Cabinet and Council in December 2019 set out a programme of technical work required.*

**What are the barriers to completing the above such list of outstanding items? If resources then surely the £483,900 uncommitted revenue budget (see item 14: Budget Spending Plan 2020) could be spent on “Getting the Local Plan done” rather than being transferred to 2021/22 to mitigate the expected deficit or being spent on defending unwanted planning applications and consequent appeals - indeed, are the latter costs included in the 2021/22 budget as they will be significant?**

**Answer:**

*The Local Plan has not been delayed through lack of financial commitment by the Council. Preparing a Local Plan is an iterative process, informed by evidence and consultation responses. Not all the evidence and work can be undertaken concurrently – there is a sequence to the process so that each step is informed by evidence. This involves the commissioning and timely preparation of evidence based studies by consultants on behalf of the Council but also a reliance on effective and ongoing 3<sup>rd</sup> party engagement e.g. with Highways England, Environment Agency and Southern Water which means that effective progress is not entirely within the Council’s control.*

**Will the 40% cap be lifted from CDCs housing requirements? What exactly will the revised numbers be?**

**Answer:**

*The government’s standard methodology for assessing housing need includes a 40% cap, with reference to either previous plan targets or household projections. After 15 July 2020 the cap will be applied to household projections rather than the previous Plan figure. The impact of that is that this year the figure derived from the methodology rises from 609 dwellings per annum to 628 dwellings per annum.*

**Does the Preferred Option Local Plan still stand or, especially in light of 4 above, is it back to the drawing board?**

**Answer:**

*It is not back to the drawing board. The report Local Plan Review - Responses to Preferred Approach Consultation and Way Forward considered by Cabinet and Council in December 2019 outlined how the distribution of development across the Local Plan area would be subject to further review – but the Preferred Approach*

*document remains the most recent formal iteration of the emerging Local Plan. In addition, evidence studies are still relevant.*

**If the Local Plan is delayed does this mean that all successful planning applications will count as windfall and therefore be ignored in the delayed Local Plan?**

**Answer:**

*No. Any sites with permission, or granted permission after 1 April 2019 will count towards meeting the overall plan target, and will be reflected in the next version of the Plan.*

**Who is responsible for this fiasco and what is your exact timeline and strategy to reduce the appalling prospect of unplanned housing in the District?  
Bosham Parish Council is dismayed at the failure of CDC Councillors to “Get the Local Plan done” -**

**Answer:**

*The Council recognises and is similarly concerned about the implications of development preceding the Local Plan review and is considering actions to seek to manage and mitigate the impacts. A formal report will be brought to Members as soon as possible on this important matter. However I should explain that even if the Council decided to go ahead and submit its Local Plan prior to 14 July (i.e. within the 5 year period stipulated), this would not benefit the basis on which the Council's 5 year housing land supply is calculated after that date, or the resulting implications for the determination of planning applications. It is the Council's view therefore that the 5 year review period imposed on the Council by the last Local Plan Examiner was in reality, unrealistic and unachievable.*

### **Questions from Jane Towers**

**The 2018 Housing Economic Development Needs document concludes there is a shortfall of 285 per annum or 5,700 in total affordable homes identified from 2016-2036. This figure comprises 47% of the 609 pa need resulting from the OAN. It further recognises that the Council are justified in seeking to secure additional affordable housing. Our own Parish Housing Needs Survey came to the same conclusion.**

**Can the Council therefore confirm that the Local Plan will revise its figure of 30% upwards to reflect the HEDNA which is one of the sources of evidence underpinning the Local Plan's Housing Policy?**

**Answer:**

*We are considering further the scope for increasing the affordable housing requirement in the new local plan. Whilst we clearly have the evidence of need, further work is required to confirm the implications of any increase, to include*

*financial viability; the deliverability of higher levels of development and the funding of essential infrastructure, in line with national planning policy.*

**NPPF policy 71 allows entry level exception sites of up to one Hectare to be developed to be suitable for first time home owners or renters. Given two approaches from developers have been made in Fishbourne and Chidham, can the Council confirm that any site of this type of over 10 houses will be deducted from the housing allocation quota for each parish in the revised Local Plan?**

**Answer:**

*Any sites which receive permission for this type of development will count towards meeting the overall Plan target. It is also anticipated that any scheme of 5 dwellings or more with permission will count towards parish housing allocation figures, though it should be noted that as with all allocations, the figure will be presented as a minimum. The figure is 5 dwellings to be consistent with the way housing delivery has been monitored and recorded since 1 April 2019.*

#### **Questions from Becki Dicker**

**As the representative here from Manhood Peninsula Action Group (MPAG) and Save our South Coast Alliance (SOSCA) who are working together can CDC confirm:**

**Whether they are actively considering building social housing as part of any plans.**

**Answer:**

*The District Council doesn't provide social housing directly but works with a range of Registered Providers who provide affordable housing, both for sale and rent. Currently, the one exception to this is a scheme which the Council is delivering itself at Freeland Close, Chichester and is designed to meet the short term needs of households facing homelessness. Registered Providers will complete approximately 200 new affordable homes during 2019/20, with a broadly similar figure expected during 2020/21.*

**How many homes have been built on Brownfield sites in the last 5 years and how many brownfield sites are being considered for the forthcoming plan.**

**Answer:**

*The monitoring of housing development is undertaken by West Sussex County Council. The most recent year for which figures are available is 2018/19. For the five years to 31 March 2019, their monitoring confirms there was a net increase of 1328 dwellings on brownfield land. Half of which were built on five sites - Graylingwell Hospital Chichester, Roussillon Barracks Chichester, Tangmere Military Aviation Museum, and Maudlin Nursery Westhampnett.*

*The technical report considering land availability in the Plan area (known as the HELAA) published in 2018 identified 61 potentially suitable sites for housing, employment or mixed use development. Of these sites, 16 could be classified as “brownfield” or “Previously Developed Land” in whole or part, as defined by the NPPF. Officers are in the process of updating the HELAA, to include consideration of additional ‘Previously Developed’ sites promoted since 2018.*

**As councillors one of your responsibilities is to: Oversee and scrutinise the actions of the executive in your non-executive capacity. How comfortable are you, as councillors in your non-executive capacity that the executive namely Cabinet, Cabinet lead for planning (Councillor Susan Taylor), and the officers have done a good job on the local plan which you have not even been formally informed is now delayed (unless it is a chairs urgent item).**

**The consequences of this delay are that we will now lose the 40% cap on housing numbers per year that the plan is not updated. This is not a political issue but one of critical importance that you councillors have done little or nothing to ensure gets back on track for the last 15 months despite numerous warnings from members of the public. Choosing instead to believe the hollow assurances of the executive.**

**Answer:**

*Firstly, can I advise that the Local Plan forms part of the Council’s policy framework for which the full Council, rather than the Cabinet, is responsible. I can also advise that your comment regarding the loss of the 40% cap is incorrect. The government’s standard methodology for assessing housing need includes such a cap with reference to either previous plan targets or household projections. After 15 July 2020 the cap will be applied to household projections rather than the previous Plan figure. The impact of that is that this year the figure derived from the methodology rises from 609 dwellings per annum to 628 dwellings per annum.*

**Regardless of the convenience of the Government advice the reason for this delay is that you the council were not ready for submission of the revised plan. You were told, as were we all, that it was imperative that public consultation occurred in December 2018 to ensure the deadline could be met. Who therefore has failed and who is no longer fit to perform their duties as a result of this failure.**

**Answer:**

*The process of preparation of a Local Plan is a complex, iterative one, requiring technical evidence based studies to inform decisions about the quantum and location of new development. It is also reliant on 3<sup>rd</sup> parties such as statutory consultees engaging in the process, which means that timely progress is not entirely within the Council’s control. Given these factors, some slippage in the project plan is to be expected and is not unique to this Council’s plan.*

*The consultation in December 2018 to which you refer provided much valuable information on the planning issues that need to be addressed by the plan. Those*

*issues, including the A27, waste water capacity and the arising issue of nitrates in the sensitive Harbour led to the Council requesting an extension to the plan timetable which was denied. Unfortunately, delays are a product of preparing and considering evidence, consulting with the public and relevant organisations, with the need to review and revise the timetable periodically as a consequence.*

**What action is now going to take place to ensure that you councillors and we the public will get to see the revised plan and be consulted on it. More importantly when will we be able to comment and discuss the evidence which was never completed for the first consultation.**

**Answer:**

*Further details regarding the plan timetable will be placed on the council's website next week following consideration of options. It is envisaged that a formal revision to the Plan timetable, set out in the Local Development Scheme, will be brought to Cabinet and Council in due course. I can confirm that the final draft, pre-submission draft Plan with accompanying evidence will be published for full consultation prior to it being submitted for Examination.*

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