

# Public Document Pack

## JOHN WARD

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A meeting of **Council** will be held in **Virtual** on **Tuesday 24 November 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 - 13)

Public Question and Answers.

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## Chichester District Council

Full Council

24 November 2020

### Public Questions and Answers Sheet

#### Question from Lucia Barbato:

*Do you agree that our current high food standards benefit both our local farmers and consumers and if so will you write to our MP to ask her to lobby Parliament and the Government to ensure that they are maintained in law - including in any new trade deals - and that no food that is produced beneath them will ever be permitted in schools, hospitals or other public places that offer food in the district?*

#### Answer from Cllr Plant:

In West Sussex, WSCC Trading Standards have a key role in ensuring food complies with food standards law together with DEFRA's Animal and Plant Health Agency which support the food and farming industry. The Animal and Plant Health Agency role is to safeguard animal and plant health for the benefit of people, the environment and the economy. The District Council's role is one of ensuring food is safety through its statutory food hygiene work and therefore it is not within the Council's area of expertise to comment on whether high food standards benefit our local farmers and consumers.

The UK has some of the highest food standards and the Government's new Agriculture Bill, which is currently passing through Parliament, continues this with a key policy objective of ensuring high standards of animal health and welfare. DEFRA's "Farming for the future" document, Feb 2020, outlines a priority for a productive, competitive farming sector – one that will support farmers to provide more home grown, healthy produce made to high environmental and animal welfare standards. The District Council and its food safety team supports the continued high food safety and welfare standards as is outlined in the Government's policy documents. Should these not be incorporated into the new National Food Strategy, due to be published winter 2020, the Council through the policy consultation process will, within its remit, respond by calling for continuation of existing standards.

#### Question from Bruce Garrett:

*Many of you can very probably bear witness to the terrible consequences of traffic and other accidents on the A27. A large lorry jackknifing across all 4 lanes early on Friday 9th October created chaos for very close to twelve hours. My concern is that progress on rerouting the A27 and ridding it of dangerous roundabouts appears to reveal the inability of all the concerned bodies, statutory and others, to sit down and hammer out a plan of action. Housing targets and fragile infrastructure are the talk of the day, almost every day. What is the status and what is the timeline for the A27 project please?*

**Answer from Cllr Taylor:**

Thank you for your question. The first thing to say is that the A27 forms part of the strategic road network and so is the responsibility of Highways England rather than the District Council.

I can however advise that the A27 Chichester Bypass is identified as a 'pipeline' project in national Road Investment Strategy 2 (RIS2). This does not mean that funding for a future national scheme is guaranteed, but the project is earmarked by government to go through the early stages of the development process for potential allocation in RIS3 and potential funding post-2025. We intend working closely with Highways England and WSCC to ensure that a major scheme to improve this key part of the strategic road network is included in RIS3.

I should add that in the absence currently of a government funded scheme for the A27, there is a need for the Council to demonstrate how the housing and employment development that is to be brought forward in the Local Plan review can be delivered without unacceptable traffic impacts. It should be noted that the draft Local Plan scheme included in the Council's published 'Preferred Approach' Local Plan is required only to mitigate against the impact of new development and not to provide significant additional capacity as a government funded scheme might do. The timescale for preparation of the next stages of the Local Plan are under review and are intended to be the subject of a report to Cabinet and Council in January 2021.

**Supplementary Question submitted post meeting from Bruce Garrett:**

*My supplementary question relates to the A259 which is deemed to be a "resilient" road when the A27 is non-functioning for whatever reason. Specifically, latest crashmap data shows the A27 is not the only although it is the major problem. 1,200 houses have already been built along the length of the A259 West of Chichester in the last decade and as a result deaths and serious injuries on this now very busy road have increased by some 40% in the same ten year period.*

*Given Council's plans to impose a further 3,250 houses along the same stretch of road in the period 2020-2035, what are the Council's plans to reduce the dangers for cyclists, pedestrians and vehicles on the A259 both during normal usage and when the A27 is closed and the A259 has to move enormous articulated lorries and trucks?*

**Answer from Cllr Taylor:**

Dear Mr Garrett

I am writing in response to your supplementary question to Full Council on 24 November, particularly with regard to the Council's plans to improve the safety of cyclists and walkers along the A259. I understand you have already received a response to your first question, regarding the A27.

The first point to note is that whilst we have a responsibility to prepare a Local Plan to accommodate identified development needs, matters relating to highway capacity

and safety are for West Sussex County Council (WSSC) as the Highway Authority, rather than for Chichester District Council (CDC) to consider. WSSC is a statutory consultee on the Local Plan in relation to highway related issues and therefore, will need to be satisfied that development growth can be delivered in a way which maintains road safety. As you are probably aware, the Local Plan is subject to several rounds of formal consultation. At each stage, both HE and WSSC are consulted on the proposals. However, given the significance of transport issues to the development of the Local Plan, we also engage with both bodies on a regular basis, between consultations. This is to ensure that all of the data inputs, modelling, methodology and assumptions are agreed by all parties so that the Transport Assessment, which will help inform the Local Plan, provides a robust part of the evidence base. Finally on this point, we also meet with colleagues from neighbouring authorities, including Havant Borough Council, to ensure that relevant information relating to proposed development and the road network is agreed and exchanged. This means that development outside the Chichester Plan area, but which also uses the A259, is accounted for.

As you are aware, there is a high housing need in the Chichester Local Plan area. We are currently looking at how best to address this need, by directing development to the most sustainable locations while also seeking to reduce the impact on designated areas, such as the Chichester Harbour AONB and areas most at risk of flooding. The next version of the development strategy will be sent to key stakeholders and infrastructure providers, for their consideration. This will include HE and WSSC and we will be asking them to specifically identify any highway constraints which could affect the delivery of the proposed strategy. This will include any issues associated with safety and any with the existing or future capacity of the road network.

The Council is highly aware of the importance of the A259 corridor in relation to walking and cycling and is working towards realising its potential in that regard. The route is broadly flat and connects Chichester to Emsworth in a desire-line driven manner. As such this is a great opportunity to encourage cycling and walking amongst both the existing community and future residents, with safety being at the core of the design principles. WSSC is the Highway Authority responsible for the A259 and their Draft Local Cycling and Walking Infrastructure Plan (LCWIP) lists the route as one of the six priority schemes for the whole of West Sussex. Earlier this year Highways England funded a feasibility study for the scheme and are currently progressing a preliminary engineering design for April 2021. HE is the project lead and WSSC is the relevant Highway Authority with CDC's involvement relating strongly to its statutory role as the Local Planning Authority. HE have submitted bids to their designated funds programme for funding of the design and construction phases. The scheme will need to be affordable and offer good value for money as it will be competing against other projects nationwide for a share of a limited pot. CDC will consider bids to their planning and development related Community Infrastructure Levy funding on their merits and against other bids made to that money at that time. CDC remains supportive of this work, has on-going sight of the process and anticipates seeing the preliminary engineering design proposal from HE in due course.

CDC is also looking to enlarge the cycling network in Chichester. To this end CDC has recently commissioned an independent consultant to provide a Local Cycling and Walking Infrastructure Plan for Chichester. This document was the subject of a recent public consultation and is due for adoption by the Council in early 2021. The document provides an evidence based approach to enlarging Chichester's cycle network and augments WSCC's LCWIP and other schemes that WSCC have proposed through their Sustainable Transport Package and Local Transport Improvement Plan.

The Local Plan process is on-going and the issues you have raised will continue to be addressed as the plan progresses. Further information relating to both the Local Plan and its evidence base, which includes transport related matters, can be found here: [Chichester Local Plan Review](#).

### **Questions from Andrew Kerry-Bedell**

#### **Question 1:**

*It has been well over a year since the Hampshire PUSH group published its nitrate neutral house building policy. Everyone agrees nitrate neutral house building is essential, yet there is no clear consensus on how to deliver it. Neither Council suggestion of housing development nitrate mitigation on sites outside the parish, nor financial contributions in lieu of nitrate mitigation, are acceptable to Chichester's Parish Councils. Given we've already had developers in our own parish (Chidham and Hambrook) proposing nitrate mitigation sites in the South Downs National Park, as well as another county altogether, how are parish concerns about the policy around the highly sensitive issue of Nitrate neutral house building going to be consulted on and incorporated into Chichester Council Policy?*

#### **Answer from Cllr Taylor:**

A policy requiring nitrate neutrality, as requested by Natural England, will be included in the proposed submission (Regulation 19) version of the Local Plan Review which will be subject to full consultation.

The policy itself is unlikely to be prescriptive about how nitrate neutrality is achieved, given there is a range of solutions, including the identification of mitigation land, or potentially contributions to a nutrient mitigation scheme which may be employed if appropriate. What is important is whether the impact upon sensitive environments such as Chichester Harbour is satisfactorily dealt with – not the particular location or method of mitigation employed. Chichester District Council is working closely with PfSH and other affected authorities – and has contributed towards funding an officer to work on setting up a scheme across the wider Solent area. National government has also announced funding to set up a nutrient trading platform for the Solent area and it is expected the new officer will seek to bring these 2 projects together.

#### **Supplementary Question submitted post meeting from Andrew Kerry-Bedell:**

*What work is still remaining for Chichester Council to do in order to finish its nitrate neutral house building Policy, how will the Council be engaging with Parishes to*

*ensure they all have adequate contribution to the final policy, and when will the policy be made public?*

**Answer from Cllr Taylor:**

Officers are currently preparing a strategic nitrate budget at the whole plan level, and drafting a policy requiring all relevant development to be nutrient neutral as advised by Natural England. Policy wording for the Local Plan Review will be published as part of the Reg 19 consultation. We need to consider appropriate mechanisms for mitigation. This may include our own scheme, if necessary.

We are also working with the Partnership for South Hampshire authorities to ensure that Chichester is included in any Solent wide scheme and to this end are joint funding an officer resource to work up a pilot scheme. This should also tie in with any MCHLG/DEFRA funded scheme. Any planning application that requires mitigation would be subject to the usual consultation.

**Question 2:**

*Using calculation methods agreed with CDC officers, and analysing Southern Water data via the Environment Agency and results validated by them, Thornham Water Treatment works has less than 300 houses capacity. Yet there are over 3,000 new houses in total in Chichester and Havant Local Plans both feeding into Thornham, and 1,000 new houses likely to be built by 2025, based on CDC HELAA phasing and conversations with Emsworth Parish. How does Chichester Council justify its own 1,750 new houses currently in the Local Plan for Southbourne, Chidham, Hambrook and Nutbourne, especially when there will be no water treatment capacity left at all once Emsworth housing development starts in early 2021?*

**Answer from Cllr Taylor:**

Officers are working closely with Southern Water, the Environment Agency and colleagues in Havant Borough Council in line with the Duty to Cooperate. Both the Environment Agency and Southern Water were consulted upon the previous distribution of development as set out in the Preferred Approach Plan and neither stated that new development cannot be served. However it is agreed that improvements to the capacity of the waste water infrastructure will be required. Initially Southern Water is expected to consider options for rerouting connections to works with more capacity although additional overall capacity may also be required within the Plan period. Southern Water will need to identify whether sufficient necessary improvements/ changes can be made which will inform consideration of whether phasing of development is required. As well as informing the Local Plan Review, work will inform preparation of Southern Water's next Business Plan, which will form the basis of funding bids to OFWAT to allow them to undertake any necessary works.

**Supplementary Question submitted post meeting by Andrew Kerry-Bedell:**

*Managers at Southern Water confirmed today no work is proposed at Thornham from 2020 to 2025 to increase water treatment capacity. So can the Council confirm,*

*after the 750 houses of current capacity is used up (likely end 2022), that there will be no more planning approvals for new housing that uses Thornham, from 2023 until 2026 at the earliest?*

**Answer from Cllr Taylor:**

The capacity for Wastewater Treatment Works to accommodate further foul flows from residential development is part of the assessment process for major development proposals. Both Southern Water and the Environment Agency are consulted on planning applications for a net increase of 10 units or more, consideration is given to the capacity for further foul flows in the network at that time, and a response provided to the Local Planning Authority. If those consultees consider that there is insufficient capacity to deal with the Wastewater from a given development (taking account also of all known other development commitments) and that additional capacity cannot be provided prior to occupation of the proposed housing, this will likely result in an objection from either or both of the consultees, and the application would then be determined on this basis.

**Questions from Jane Towers:**

*In the 2018 HELAA all available land was assessed as to suitability and subsequently rejected if it failed to meet the criteria. The 2020 HELAA has deemed all available land north of the A259 from Fishbourne to Southbourne as developable on the basis that it is available, regardless of constraints which made them unsuitable for development in 2018 eg land at the end of bridle paths with no vehicular access at all. Nothing in the interim has changed on those sites.*

*This is a nonsense and is giving carte blanche to developers to use the 2020 HELAA to justify their outline planning applications.*

*The Interim Policy Statement has policies which would render the sites that have been designated developable as unsuitable.*

- 1. Why did CDC not carry out updated assessments and what actual value does the HELAA have?*
- 2. Will the IPS be robust enough to counteract the arguments put forward by developers that sites in the HELAA are suitable and sustainable?*

**Answer from Cllr Taylor:**

Thank you for your questions.

In response question 1, all sites in the 2020 HELAA were assessed against the updated methodology. Many sites were re-submitted with new information or updated as part of this process. The HELAA looks at potential for development in principle including whether constraints could be overcome, such as the formation of a new access. The HELAA is a technical study that forms part of an extensive evidence base used to inform the preparation of the Local Plan Review. Its principal purpose is to identify the quantum and location of available land for housing or economic development over a 15+ year period. All the evidence will be used in

combination to identify the most sustainable locations for development to meet the needs of the plan area over the forthcoming plan period.

In response to question 2, the HELAA is a technical study that undertakes an assessment of land availability, and is one of the evidence base studies that will inform the Local Plan Review. The identification of housing sites within the HELAA does not imply that the Council will grant planning permission for residential development. The IPS is a material consideration for planning applications at this time, however, the acceptability of planning proposals will be assessed on a case by case basis, in relation to the economic, social and environmental dimensions of the proposals, whilst having regard to all elements of the proposal, policies in the adopted development plan, national planning policy, consultation responses and any other material considerations.

Q1 (depending on notice given by chairmen to full council) For the last full council meeting I asked a number of questions (enclosed below for your reference). These questions were rejected by your chair with the reasoning that:

“I do not feel that the questions put sufficiently meet the above criterion and I will not be accepting the question to be put by you to the Committee.”

Naturally i challenged this and have complained at the chairs refusal to allow me to ask questions as per the public question time. In the final response from your Chief Executive (enclosed below) I was told and I quote:

“The Chairman is invested with authority to regulate and control proceedings for the purposes of the meeting. The powers and duties are not prescribed by statute and the constitution, although they derive from them originally, they are also derived from common law and collect their authority from the meeting itself. The decision having been made was reported to the meeting and if the meeting had concerns then it could have challenged them but whilst the Chairman remain acting as the Chair as to decisions relating to the meeting which this was, then they have virtual complete power.”

as you are no doubt aware this was not reported to the meeting. I therefore consider that my enclosed questions should be answered but accept that this may occur within the prescribed 7 days in writing and not within the current public question time but minuted accordingly. Can the council please provide answers to my questions from the last meeting which were rejected?

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**Answer**

Where answers to questions have not been answered previously, they are set out below.

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Q2 I wonder whether you as councillors are content that your chair has virtual complete power ... as to decisions relating to the meeting. Please confirm were in the relevant rules this is laid down?

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## Answer

The powers of Chairman are matters of common law amended by the Constitution. Councillors elect their Chairman at the Annual meeting of Council and accept their powers in so doing.

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Q3 (depending on FOI complaint that was due to be answered 13th November 2020 but delayed until NLT than 20th November). Under FOI disclosure DPIP when discussing the Stockbridge link road (A27 update) on the land known as AL6 have been informed by officers that the main risk to the plan is, and I quote:

- Availability of land for the Stockbridge Link Road
- **5.2 Land for the SLR may not be available**, though at present the highways mitigation strategy relies on it. There is a possibility that there is no satisfactory alternative.

Mitigation - An alternative mitigation strategy is being explored at “first principle” level with Highways England. In the event the SLR is required, the Council can pursue delivery of the link road, working with WSCC as landowner and strategic delivery partner. As a last resort the Council could use compulsory purchase powers if appropriate.

In November 2016 Officers wrote in the Chichester Local Plan (Sustainability Appraisal of the Site Allocation: Development Plan Document referring to Option 6 Land North of Stockbridge):

This large open site is separated from the City by the A27, which makes walking and cycling links difficult despite the proximity. The major negative impacts are on the protected wildlife of the Harbour and the landscape impacts on the Harbour AONB. **Overall this site has the most negative impacts and fewest positive of all the Chichester options.”**

Could this council please confirm what has changed in the last 4 years to make a complete change of view of this same site as nothing has changed as far as I can see from 2016

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## Answer

The issues with the development of the land South West of Chichester, and the proposed Stockbridge Link Road have been well aired and discussed at length as part of the local plan process.

The DPIP report quoted discusses the availability of the land purely for the purposes of delivering the Stockbridge Link Road, and the options available to the Council should the link road prove to be necessary.

The November 2016 Sustainability Appraisal document assessed the relative merits, impacts and issues of developing land north of Stockbridge at the time the Site Allocations document was being prepared. The relative merits of development at the land identified in the Preferred Approach Plan as site AL6 South West of Chichester was considered further in the Sustainability Appraisal report published in support of that document in December 2018.

Therefore it is not considered there has been a change of view. The issues regarding the development of land South West of Chichester are recognised.

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Q4 Turning to the availability of land at AL6. In the report to DPIP officers state that:

Land for the SLR may not be available

In the HELAA the same officers (I assume) say that the availability of the land is:

Availability: The site was submitted in 2018, it is considered to be available.

Deliverability: There is a reasonable prospect that the site would be deliverable during the Plan period.

What is the difference and why are officers reporting to councillors diametrically opposed opinions of the land availability

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### **Answer**

The HELAA document is an initial appraisal of land which has been promoted to the Council for development. In accordance with the HELAA methodology published on the Council's website, recent active promotion of a site is sufficient evidence of availability. Given the lack of any official correspondence from WSCC to the contrary, that is considered to be a reasonable conclusion for the HELAA to reach.

Notwithstanding that, given the importance of the Stockbridge Link Road to the strategic transport mitigation strategy, the DPIP report quoted discusses the availability of the land purely for the purposes of delivering the Stockbridge Link Road, and the options available to the Council should the link road prove to be necessary. This is of importance to ensure that the link road can be delivered in a timely manner.

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Q5 Is the land available or is there a sitting lifelong tenant which makes the land unavailable?

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### **Answer**

It is the Council's understanding that there is a tenancy affecting part of the land identified in the Preferred Approach Plan. That does not necessarily mean the land is unavailable or undeliverable.

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### Questions asked at previous Council (refused)

An officer of this council stated that my concerns are unfounded (Mr Frost Oversight and Scrutiny Committee 15th September 2020). Sadly and many of the public that I speak to do not think so.

At the last council meeting Councillor Taylor in response to my question 2 on the local plan timeline stated:

"The council website has a page "timeline - local plan review" which sets out the next steps and what needs to happen for the plan to progress to the next stage".  
with this in mind why did Mr Frost at Overview and Scrutiny last week state:  
"we are working on a new programme"

**Question 1.** Is there an agreed timeline and if so how confident are the council that they will meet the revised July 2021 submission date?

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### Answer

The question of the local plan timetable has been discussed numerous times and will be the subject of a report to Council in due course. It is not appropriate to answer this question again at this time.

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Officers at Overview and scrutiny committee stated to councillors present that the local plan "is an almost impossible task" and that on average local plans take upto 7 years to complete.

{Note quote from the white paper that officers relied on **It takes too long to adopt a Local Plan**: although it is a statutory obligation to have an up to date Local Plan in place, only 50 per cent of local authorities (as of June 2020) do, and Local Plan preparation takes an average of 7 years (meaning many policies are effectively out of date as soon as they are adopted)}.

{L}  
{SEP}

As this is a refresh and update of an extant local plan I have the following questions:

**Question 2.** What is the average time to complete a local plan update and not as quoted the average for a new local plan?

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**Answer**

There is no meaningful distinction between a new Local Plan, and a Local Plan review which includes significant matters such as housing development. This is because of the comprehensive range of evidence required to support and justify a Local Plan is the same, and the same regulatory matters apply. Nationally, it is almost always the case that Local Plans are being brought forward during the period covered by a previously – adopted Plan.

For that reason, the Planning Inspectorate does not distinguish between “new” plans and updates of existing Plans, and the average time of 7 years given in the Planning White Paper covers all strategic plans.

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**Question 3.** Why has the fact that this is an “almost impossible plan” not been voiced previously to councillors and the public. Why also does it not feature in the appropriate risk log as a key risk?

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**Answer**

The question of the local plan timetable has been discussed numerous times and will be the subject of a report to Council in due course. It is not appropriate to answer this question again at this time.

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DPIP minutes of March 2020 state that the revised plan will not be in place until 2 years after the original date. My valid concern is based on the fact that Councillor Taylor stated on the 20th November 2018

“Any delay could be seriously prejudicial to the timetable and risk CDC no longer having a 5 year housing land supply with the consequences of planning decisions by appeal and a loss of the Governments housing numbers cap.”

**Question 4.** Why then if submission is delayed by 1 year is the plan implementation delayed by 2 years especially as a better plan should make scrutiny easier for the examiner according to the officers report not worse?

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**Answer**

It is understood that the question is referring to the end date of the Local Plan Review, which is proposed to be 2037. This is because currently, national planning policy requires new Local Plans to cover a timeframe of fifteen years following adoption. Looking at the time it takes for plans to go through the Examination process, that is considered the earliest the Plan will be adopted is 2022.

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**Question 5.** Can the council please confirm when Cabinet or this full council meeting voted on a resolution to delay submitting the local plan (not noting that the delay had been agreed) as I can find no record of this decision being made in the relevant council committee minutes. I can find a decision in DPIP but as councillor Taylor stated DPIP “is not a decision making body”.

Perhaps the council could confirm which body of this council approved the delay to a decision that is: “prejudicial to the timetable and risk CDC no longer having a 5 year housing land supply”.

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### **Answer**

The question of the local plan timetable has been discussed numerous times and will be the subject of a report to Council in due course. It is not appropriate to answer this question again at this time.

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