



Minutes of the meeting of the **Council** held in the Committee Rooms, East Pallant House on Tuesday 24 January 2023 at 2.00 pm

Members Present: Mrs E Hamilton (Chairman), Mr H Potter (Vice-Chairman), Mrs C Apel, Mrs T Bangert, Miss H Barrie, Rev J H Bowden, Mr B Brisbane, 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, 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, Mrs C Purnell, Mr D Rodgers, Mrs S Sharp, Mr A Sutton, Mrs S Taylor and Mr P Wilding

Members not present: Mr G Barrett and Mr M Bell

Officers present all items: 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)

181 **Urgent Items**

There were no urgent items.

182 **Declarations of Interests**

Mr Bennett explained that memberships of Parish and Town Councils would not be required to be declared.

Cllr Moss declared a personal interest as the Chichester District Council representative on the Chichester Harbour Conservancy.

183 **Chair's Announcements**

Apologies for absence were received from Cllr Barrett and Cllr Bell.

184 **Public Question Time**

The following public questions and answers were read:

Question from Annabelle Glanville Hearson read by Deborah Carter and Mr Bennett:

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 Deborah Carter read by Mr Bennett:

In the Local Plan it says

“10.12. Relocation of the existing bus depot is likely to be required with the bus station being replaced by new bus stops.” Page 214

Policy A4 Section 1 “A statement building on the bus station site should articulate a sense of arrival

I am a bus passenger with sight loss and frequently take the bus in Chichester. I am really concerned about the potential closure of the bus station which goes against the need to increase bus travel and reduce the reliance on the public car.

Why is this Council planning to replace the bus station with bus stops along a busy dual carriageway?

Why is the Council not considering the embedded carbon involved with knocking down the bus station? The bus station is an iconic 1950s building of value. Has the Council not considered upgrading it and retrofitting it to modern standards so that it can continue to welcome bus passengers to the City and thereby “articulate a sense of arrival”?

Supplementary question Has any other plans been asked for or submitted by more forward thinking developers and has any disability groups included the consultation and planning of the southern project.

Answer from Cllr Taylor:

Whilst the replacement of the bus station with bus stops is likely to be necessary as part of the redevelopment of the bus station land to ensure that sufficient land is available to accommodate the scale of development proposed, this is not an essential requirement. The approach to the detailed development of this land will need to be agreed between the Council and developer at a future planning stage in light of the criteria set out in Policy A4 and other relevant plan policies. As set out in the policy, any re-provided bus stops would need to be in line with the West Sussex Bus Service Improvement Plan and would also need to meet accessibility standards.

The Council, as Planning Authority has not been approached by any further site promoters in relation to Southern Gateway. Officers have engaged with the landowner (in this case the council) to ensure that the sites proposed for allocation in the Local Plan are

deliverable. This does not include consideration of any detailed proposals from developers at this stage.

In relation to consulting disability groups, the Local Plan has been out to consultation at Issues and Options stage (2017) and Preferred Approach (2018). The Chichester Access Group were consulted at the Preferred Approach stage. The Local Plan is also accompanied by an Equalities Impact Assessment which concluded that Policies A3 and A4 on the Southern Gateway would have a neutral impact on protected characteristics.

185 **Proposed Submission version of the Chichester Local Plan 2021 - 2039**

Cllr Hamilton clarified that there was a minor amendment to the Special Cabinet recommendation as Appendix A, B and D were recommended as amended with Appendix C recommended unchanged.

Cllr Taylor proposed the recommendations as amended which were seconded by Cllr Lintill and then introduced the report. She concluded her introduction by thanking officers for their hard work in producing the Plan and fellow Development Plan and Infrastructure Panel (DPIP) members for their contribution.

Mr Frost explained that the Plan would be discussed in four sections. The first section being Chapters 1,2,3 Introduction, Vision and Spatial Strategy. The second Chapters 4 & 6 Climate Change and Place Making. The third Chapters 5,7,8 & 9 Housing, Employment Transport & Infrastructure. The fourth and final section Chapter 10 Strategic and Area Based Policies. He proceeded to confirm each section prior to its discussion.

Chapters 1,2,3 Introduction, Vision and Spatial Strategy.

Cllr Brisbane was invited to speak first. He acknowledged the amount of evidence required for the Plan was greater than that of most other Local Authorities. He added that new advice and guidance from central Government was received during this time which also had to be accounted for. He wished to thank Mr Whitty and his team.

Cllr Apel commented on the amount of time provided to members to consider the documents. She asked if it would have been possible to receive them earlier in January.

Cllr Brown noted the work of DPIP. He explained that he did not agree with all that had come from that process but acknowledged that was not something that would be changed now. He acknowledged the hard work of officers and members. He commented that despite his reservations to avoid speculative development he was minded to vote for the Plan.

Mr Frost in response to Cllr Apel explained that the documents were given to members as early as possible.

Cllr Sharp explained her concerns regarding the cycle and footpaths that had not been progressed. She added that there had been much development which threatened the rural aspect of West Sussex. Mr Frost explained that having an adopted up to date Local Plan is the best way to prevent speculative development.

Cllr Page noted the work of Mr Whitty and his team. He commented on the number of houses having to be permitted in the district without infrastructure improvements. He noted

the council's minimal power over the infrastructure of roads, water, sewage, education, health, broadband, gas and electricity supply. He noted his concerns on the impact of infrastructure in the Southbourne area which is proposed to have additional development as part of the Plan.

Cllr Oakley referred to Cllr Apel's question. He noted that members had received parts of the Plan documents over a period of time with the opportunity to comment. He commented that there are a number of complexities involved in the Chichester Local Plan. He noted the length of the process but acknowledged that this was due to the nature of what had to be considered. He explained that he felt that the council had the evidence in place to take the Plan to the next stage.

Cllr O'Kelly acknowledged that it is good to have a Plan rather than no Plan. She also acknowledged the work of officers. She raised concerns over transparency and whether residents had been given the opportunity to input into the Plan with much member debate taking place at DPIP which is not open to the public.

Cllr Evans wished to put on record the disappointment of the northern parishes he had met with over the increased allocations proposed to those parishes following the 2019 Preferred Approach based on the environmental constraints at the time. He asked how the increase met with the requirements of the Environmental Act 2021 for 10% biodiversity net gain. He explained he remained conflicted how to vote.

Mr Frost in response to Cllr O'Kelly he explained that the council has to work in the process set. A number of informal forums have taken place with parishes at appropriate points. He also noted that if agreed today the parishes had been invited to an All Parishes session to give an opportunity about the detail in the Plan and to give an opportunity to ask questions. Mr Whitty added that apart from addressing issues that had arose the Plan remained similar to the 2018 Plan. He also noted the parishes had all been contacted in January 2022.

Cllr Plowman noted the upcoming challenge of the Plan going to Inspection. He sought assurance that the Plan was ready and sound for the process. He raised concerns about public consultation. With reference to the Plan in 2018 he noted that the proposed Plan has a new Policy on water neutrality (NA17) which had not been consulted on. Mr Frost explained that he cannot guarantee an adopted Plan. He explained that the strategy in the Plan is largely similar to the Preferred Approach. He added that there is good evidence which has been refreshed and updated. He explained that two Inspector Advisory visits had taken place to provide advice to understand if as much as can be done had been done. The council had received positive feedback in writing. He acknowledged there would be challenges but the evidence had been gathered to substantiate what was in the Plan.

Cllr Moss wished to thank Mr Whitty, Ms Potts and the Planning Policy team for their work. He acknowledged the challenges of the Plan given the districts geographically location with considerations needed for the Chichester Harbour, South Downs and Area of Outstanding Natural Beauty. He suggested that any advantages of any changes made to the National Planning Policy Framework (NPPF) from government should be considered going forwards. He noted that Mrs Shepherd had confirmed that the consideration would be able to be given dependent on the nature of changes. He then raised concerns relating to the sewage discharge into Chichester Harbour and the damage it will cause if there is additional housing. He also raised concerns relating to Community Infrastructure Levy (CIL) funds being used for the A27 rather than it coming from National Highways.

Chapters 4 & 6 Climate Change and Place Making.

Cllr Sharp commented on her concerns about the protection of Chichester Harbour, the size of the Wildlife Corridors and risks of flooding. She raised concerns about nutrient neutrality. She explained that residents had asked for stronger pollution regulations.

Cllr Apel referred to the Overview and Scrutiny Committee held the previous week which had invited Southern Water to answer members questions. She referred to the risks to the Chichester Harbour that were discussed. She asked how the Plan would stop this from happening. Mr Whitty explained that the decline in Chichester Harbour cannot be addressed via the Plan as the Plan can only address its only development. He explained that the Plan would not have a worse nitrate impact on Chichester Harbour than without the Plan. He added that Southern Water and the impacts of sewage discharge remain a separate matter.

Cllr Brown drew attention to the Wildlife Corridor running through site A8. He raised concerns that shrinking the Wildlife Corridor would affect the environmental evidence. He suggested passiv haus and Fabric First. He explained that accommodating greater housing on smaller sites could seek to maximise green space. Mr Whitty explained the use of Fabric First to mitigate carbon footprint. He explained that for all houses to be passiv haus impacts the viability of some developments. With regard to the Wildlife Corridor he explained that there would be a significant Wildlife Corridor buffer.

Cllr Evans raised concerns about housing numbers in the Loxwood ward whilst water neutrality remained unsolved. He suggested limiting and phasing development whilst this is addressed. He also asked what enforcement arrangements would be in place. Mr Whitty explained that there is a Water Neutrality Strategy which means development cannot come forward until it can demonstrate Water Neutrality. With regard to enforcement a level written into the Strategy.

Cllr Plowman raised concerns relating to Policy N17 and the declining levels of birds in the Harbour. He asked further consideration to be given to mitigation. Mr Whitty explained that there is further analysis to be considered as the Plan develops. Cllr Plowman asked for assurance that changes to the NPPF can be adapted into the Plan. Mr Whitty explained that was anticipated based on the draft available to date.

Cllr Oakley commented that development represents a small proportion of nutrient pollution. He drew attention to Policies NE3 Landscape Gaps and NE4 Strategic Wildlife Corridors. He noted the significance in adding NE4 into the Plan and hoped they would be built on in future Plans. He welcomed the inclusion of a Canals Policy. He also noted the Place Policies and their impact on the built environment. He raised concerns on Policy P15 and its reduction in green space provision on strategic sites.

Cllr Moss raised his concerns on the level of housing proposed for Chichester Harbour's surrounding areas and the impact that will have on the Harbour. He asked for greater work on addressing the decline of birds in the Chichester Harbour. He requested more position statements agreed with the Environment Agency and Southern Water. He asked for Bosham, the Witterings and Lavant.

Cllr Purnell wished to note her thanks for the inclusion of the integrated coastal management strategy.

Chapters 5,7,8 & 9 Housing, Employment Transport & Infrastructure.

Cllr Bangert wished to note her thanks to Mr Whitty and his team. She asked how Southbourne would be able to find viable sites for further Gypsy and Traveller sites. With regard to the map shown in H12F she explained that the map was not up to date as the pathway remained blocked and the site double the size. She also commended Community Bus Services and asked if the council had considered their use. Mr Whitty explained that the Gypsy Traveller site allocation was in proportion to other developments in the Plan. He also referred to responding to the locations in demand. With regard to the map H12F he explained that the Plan cannot address ownership issues.

Cllr Brown requested master planning for greater cycle provisions and more place making to reduce the use of cars. He noted in relation to A27 monies concerns relating to the impact on the viability of affordable housing.

Cllr Oakley asked whether the proposal included a buffer. What would the additional housing numbers have been. Mr Whitty explained two NPPF buffers. The first is to address if one site does not come through. The second is the 5% buffer in the first five years of delivery. He clarified that it is not additional housing but bringing housing forward.

Cllr Oakley requested clarification of how parishes would be able to work out the level of housing their Neighbourhood Plans would be required to accommodate. In particular he referenced 50 dwellings allocation at North Mundham and sought clarity on whether the figure was already covered. Mr Whitty drew members attentions to the supplement to the agenda which corrected some figures in Policy H1 in line with Chapter 10. With regard to North Mundham he confirmed they were already included. If the development does not come through 11 additional dwellings would be sought.

Cllr Oakley noted the impact of horticulture on landscape and change of site use. He requested clarification of the term ancillary. Cllr Hamilton requested Cllr Oakley had completed his three minutes. Mr Bennett requested Cllr Oakley stopped as requested to the Chair. Mr Whitty confirmed that ancillary to horticultural use of the site refers to not the primary use of the site such as toilets.

Cllr Apel with regard to sewage removal at Minerva Heights requested officers prevent weekly sewage removal on future sites like that on the Minerva Heights development. Mr Frost explained that occasionally temporary measures of this nature are required but should not continue indefinitely. He explained that the Local Plan was not the mechanism to address this.

Cllr Page raised concerns about priority given to through traffic on the A27. He explained that the proposals for the A27 link road would provide significant disruption to residents. Mr Frost clarified with reference to page 203 that junction improvements are only proposed to Fishbourne Roundabout and potentially Bognor Road.

Cllr Sharp raised concerns that there were no allocated amounts for sustainable travel cycling and walking routes in Plan.

Cllr Brisbane thanked officers for helping to draft his amendments for 'planning to the future' pages 2-6 of the supplement to the agenda. He requested a timeline for when the housing background paper would be available to members.

Mr Whitty explained that the background paper to housing would be prepared prior to inspection. He clarified that it would not be new information but a collation of information already gathered. With regard to Cllr Sharp's points raised on walking and cycling infrastructure he explained that the question over the Bognor Road junction works would be to consider that project over other travel projects to reduce the impact.

Cllr Brisbane requested clarification of the 535 figure. Mr Whitty explained that you would not expect to see the assessment in the Plan but it would be included in submission to the Examiner.

Cllr Moss noted his thanks for the inclusion of the Custom Build Policy. He raised some concerns relating to the method on developments already in place.

Cllr Hobbs if the hospitality and tourism trade could be included at section 2.13.

Cllr Page asked if the Wildlife Corridors would preclude any future northern bypass.

Mr Whitty explained that Wildlife Corridors are a consideration but would not preclude. With regard to Cllr Hobb's request Mr Whitty explained that he felt that as he referred to supporting text it would be preference to leave as is.

Cllr O'Kelly spoke in favour of partnership working in particular and Active Travel Group for the district and county to work together to create a plan.

Cllr Plowman asked for consideration of the growing wine industry in future plans. Mr Whitty confirmed that the council is in a five year review cycle for the Local Plan.

Cllr Evans noted his thanks for Custom Build on the Plan. He asked for comment on making the registration process easier. Mr Whitty explained that the registration process is separate to the Plan.

Members took a ten minute break.

Chapter 10 Strategic and Area Based Policies.

Cllr Oakley referred to the area east of Chichester and the increased concentration of housing and raised concerns of the associated impact on the A27. He explained that he felt that the housing allocation balance had been achieved for Policy A8. With regard to A10 he explained that he would have preferred the allocation in Southbourne in order to provide greater critical mass for that location. He raised the question of whether additional greenfield sites would need to be found if numbers were not achieved in the city. He wished to thank officer's past and present for their work.

Cllr Moss requested clarification about how the developments will come forward. Mr Whitty explained the Plan sets out tables of expected delivery times. He outlined how the development management process will manage the infrastructure required each time. He clarified that it indicates the current indicative timescale.

Cllr Evans with reference to page 262 wished to clarify that Billingshurst is a village not a town and that Loxwood as a service town currently has no village shop. With regard to bus stops in Loxwood he explained there are very few buses running. He raised concerns

relating to the infrastructure in Loxwood parish and how the additional allocated housing would be sustainable. Mr Frost explained that the council had to consider where there is scope for growth. He added that the growth in the north is comparatively low compared to the south. He explained that there is rationale when considering the Plan as a whole.

Cllr Brown explained that his priority is the ability to Plan for additional housing. He referred members to the examiner for the Southbourne Neighbourhood Plan who had explained that Southbourne did not have additional housing capacity. He added that no mechanism to avoid the additional allocation had been provided.

Cllr Sharp suggested an integrated transport hub in the Southern Gateway. She raised concerns relating to a lack of provision for journeys by foot and cycle. She outlined a number of environmental policies which are in other Local Plans but are not present in the Chichester Plan. She noted her thanks to officers for their work.

Cllr Page suggested closing the council's offices and the West Sussex County Council officers and using the money to regenerate the Southern Gateway.

Cllr O'Kelly raised concerns on page 220 relating to the removal of layover facilities at the bus station.

Cllr Plowman thanked officers for the addition of the word 'area' in Item 8 in relation to Westgate in the amendments document. Cllr Apel also added her thanks. Cllr Plowman then raised concerns about whether Policies A3, A4 and A5 can be delivered. Mr Whitty explained that officers had considered how to demonstrate that every site coming forward is deliverable. He explained officers had good and strong evidence for examination.

Cllr Bangert commended officers for the Plan. She also wished to thank Cllr Brown his work on and for chairing the Southbourne Neighbourhood Plan group along with Southbourne Cllr Hicks.

Cllr Lintill spoke in favour of the Plan. She explained that all housing distribution options across the Plan area had been well considered. She drew members attention to no additional housing plans in Bracklesham, the Manhood Peninsula and the Witterings due to flood risk. She outlined the new wildlife corridors.

Cllr Purnell called for a recorded vote which was supported by a number of members. The first three noted were; Cllr Graves, Cllr Sutton and Cllr Wilding.

Cllr Plowman asked for clarification that this is the last chance Full Council have to comment on the Plan. Cllr Hamilton confirmed that was the case.

Mrs Shepherd then carried out a recorded vote.

The results were as follows:

Cllr Apel – For
Cllr Bangert – For
Cllr Barrett – Absent
Cllr Barrie – Abstain
Cllr Bell – Absent
Cllr Bowden – For

Cllr Brisbane – For
Cllr Briscoe – For
Cllr Brown – For
Cllr Dignum – For
Cllr Duncton – For
Cllr Elliott – For
Cllr Evans – Abstain
Cllr Fowler – For
Cllr Graves – For
Cllr Hamilton – For
Cllr Hobbs – For
Cllr Donna Johnson – For
Cllr Tim Johnson – For
Cllr Lintill – For
Cllr Lishman – For
Cllr McAra – For
Cllr Moss – Abstain
Cllr Oakley – For
Cllr O’Kelly – Abstain
Cllr Page – For
Cllr Palmer – For
Cllr Plant – For
Cllr Plowman – For
Cllr Potter – For
Cllr Purnell – For
Cllr Rodgers – Abstain
Cllr Sharp – Abstain
Cllr Sutton – For
Cllr Taylor – For
Cllr Wilding – For

For = 28

Against = 0

Abstain = 6

Absent = 2

RESOLVED

That Council agrees:

- 1. The Chichester Local Plan 2021 – 2039: Proposed Submission (Regulation 19) (attached as Appendix A), the Submission Policies Map (attached as Appendix B), and Habitats Regulations Assessment (Appendix D) as amended and the Sustainability Appraisal (Appendix C) 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.

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

Cllr Taylor introduced the item and proposed the recommendation which was seconded by Cllr Purnell.

In a vote the following resolution was agreed:

RESOLVED

That Council approves the revised Local Development Scheme.

187 **Late Items**

There were no late items.

188 **Exclusion of the press and public**

There was no requirement to exclude the public or the press.

The meeting ended at 5.06 pm

CHAIRMAN

Date: