



Minutes of the meeting of the **Public Facing Development Plan and Infrastructure Panel (DPIP)** held in Committee Rooms, East Pallant House on Wednesday 20 November 2024 at 9.30 am

Members Present: Mr B Brisbane (Chairman), Mr J Brown, Ms M Corfield, Mr S Johnson, Mr A Moss and Mr H Potter

Members not present: Mr R Briscoe, Mrs D Johnson, Mr C Todhunter and Ms V Weller

In attendance by invitation:

Officers present all items: Mr A Frost (Director of Planning and Environment), Mr T Whitty (Divisional Manager for Planning Policy) and Mrs C Potts (Planning Policy Team Leader)

53 **Chairman's Announcements**

The Chairman welcomed all present to the meeting.

Apologies were received from Cllr's Briscoe, D Johnson, Todhunter and Weller.

54 **Declarations of Interests**

There were no declarations.

55 **Approval of Minutes**

The minutes of the meeting held on 21 August 2024 were agreed as a true and accurate record.

56 **Bird Aware Solent Revised Strategy**

The Chairman invited Mrs Potts introduced the report.

Mrs Potts informed the Panel that the revised strategy followed a comprehensive independent review of Bird Aware Solent and took into account the Breeding Bird Study. The Breeding Bird Study had been undertaken to identify if any further mitigation was required for summer breeding birds.

Mrs Potts informed the Panel the revised strategy and updated financial model had both been endorsed by the Partnership for South Hampshire (PFSH).

Mrs Potts highlighted the key changes to the revised strategy, which included;

- The extended duration of the strategy from 2034 to 2050 to support emerging Local Plans. Mrs Potts explained some remodelling had been required due to the extended period and the number of dwellings requiring mitigation.
- The strategy had also been extended to provide mitigation for summer breeding birds and not just for overwintering birds. Natural England supported this proposal as detailed in Appendix C.
- Increase in staff from 10 to 19.

The revised strategy was supported by a financial review and updated financial model. This had been done to ensure the level of contributions from new development were sufficient to cover the operational costs of the scheme and to build up the 'in-perpetuity' fund. The updated model showed there was no requirement to increase developer contributions other than annual inflationary rise.

Mrs Potts explained there had been an amendment to the zones of influence, this had been done due to the differences between the areas for breeding birds and overwintering birds. Two separate charging schedules had been developed to ensure areas where no breeding bird mitigation was required were not over charged. Mrs Potts confirmed Chichester was in a zone which did require breeding bird mitigation; the flat rate per dwelling was £777.

Mrs Potts advised the Panel there would be a period to notify developers and other stakeholders of the changes to the strategy and charging schedule. Guidance on the council website would also be updated to refer to the revised strategy. Regarding the Local Plan Examination, a Habitats Regulation Assessment note had been produced and submitted to the Local Plan Inspectors (the note could be viewed on the examination webpage).

Officers responded to comments and questions as follows;

On the matter of housing number assumptions; Mrs Potts confirmed the housing numbers were extrapolated from current and emerging Local Plans and the required contributions based on those numbers to ensure the strategy was adequately funded in perpetuity. This was to ensure the expected development would meet the requirement for mitigation. Any speculative development with a zone would still be required to pay the contribution in addition. She clarified the figures did not mean there was a 'cap' on the amount of development within an area.

Responding to concerns regarding people's behaviour around controlled spaces; Mrs Potts acknowledged the concerns raised. However, she explained the mitigation was partly aimed at changing people's behaviour and raising awareness; and with regards to the breeding birds, it may be that more project specific mitigation such as preventing access to certain areas was required.

Mrs Potts explained there was a lot of monitoring built into the strategy to oversee what success the project was having.

Mr Frost reminded the Panel that the scheme was subject to five-yearly reviews and was an iterative process. In addition, there was the potential for the Council to consider when the PSPO's were reviewed whether there was any evidence for and merit in extending them into the protection zones.

Mrs Potts explained the purpose of the review was to understand and evaluate what was working and what was not, full details were included within Appendix A and in the Review document on the Bird Aware website.

Regarding the monitoring methodology; Mr Whitty explained the key indicators were not based on the numbers of breeding birds, for example, as there were other factors which may influence their success such as climate change. The analysis was primarily based on the success rangers had with engaging with people.

Mr Potts confirmed Mr Peter Hughes of the Chichester Harbour Conservancy was a member of both the Project Board and Steering Group.

Regarding the funding of additional mitigation projects; Mrs Potts explained that part of the funding would be used for funding small scale projects which agencies such as the Council could propose. Bigger projects would also be considered if it were felt there was a need. In addition, Mr Whitty reminded the Panel it was not just the council who could suggest projects, there were a number of other groups within the Harbour who could put projects forward. For the purpose of the Local Plan, the strategy delivered the required mitigation for the number of houses.

Mr Frost informed the Panel of the proposed Chichester Harbour Investment and Adaptation Plan which through Coastal Partners was looking for funding from the Environment Agency (EA) to support ways to address issues such as coastal squeeze.

Following a vote, the Panel agreed to support the report recommendation.

Resolved; That the Development Plan and Infrastructure Panel recommend to Cabinet that the Bird Aware Partnership's revised Bird Aware Strategy is approved for use in the determination of relevant planning applications.

57 **Local Plan Verbal Update**

The Chairman invited Mr Whitty to give an update.

Mr Whitty informed the Panel the first set of Local Plan Examination Hearings had been held between the 1 and 10 October 2024, the following matters were addressed; procedural and legal requirements, strategic policies, spatial strategy, transport, employment, and housing and allocations policies. There was then a period of adjournment before the final day Hearing which took place on 13 November where other policies were considered.

Mr Whitty explained the Inspectors had commented that they were able to move quickly through the Hearings due to the Council addressing most of the 268 questions they had provided in advance.

The Hearings were well attended, they were also streamed online so those unable to attend could still view proceedings.

Mr Whitty informed the Panel that he understood that the Inspectors had begun to draft their 'post Hearings' letter, he understood this was progressing well.

Mr Whitty explained to the Panel that the Inspectors had raised fifty-nine action points. He confirmed most of these points had now been addressed and returned to the Inspectors.

Mr Whitty gave the following examples of where further information had been sought and provided;

- A transport methodology statement which informed policy T1
- A note on the Duty to Cooperate in the north of the Plan area.
- A note on the settlement policy boundaries indicating when they were last reviewed and the criteria for when they would be reviewed again.
- An agreed statement with Natural England on Air Quality in the north of the Plan area. Mr Whitty confirmed Natural England had made it clear they did not object to the Plan but had suggested a policy modification.
- Further information on employment data particularly in relation HDA's.
- An updated note on Gypsy and Travellers and Travelling Showpeople's matters including permissions to date; tolerated sites and information on how strategic sites could provide some of the identified need.
- A note on self-build outlining how it was anticipated to be delivered through windfall development.

Some of the outstanding issues included;

- Further discussion with Landlink and Knightsbridge regarding the HDA policy (Mr Whitty confirmed this had now taken place).
- An issue regarding the Strategic Flood Risk Assessment (SFRA) which had been identified during the recent Stubbcroft appeal. Officers had now reviewed this, and a note had been prepared, however, the Planning Inspectors had indicated they did not want to receive the note until the outcome of the appeal was known.
- A number of changes were required to some of the housing policies including amendments to the format used, ensuring it was easy to identify where extant applications had been deducted from Parish numbers.
- Further information was required to clearly define how demonstrable progress would be measured on Neighbourhood Plans housing delivery.

Mr Whitty informed the Panel all outstanding matters would be submitted to the Inspectors by the beginning of December.

Mr Whitty explained the Inspectors had requested the Schedule of Modifications be submitted in a very specific format. He explained the reason for the request and confirmed the Council would provide an interim update, before changing to the prescribed format.

The Inspectors had also requested further clarification on the proposed relationship between the Local Plan and Neighbourhood Plans, for example the Strategic Wildlife Corridor Policy and Southbourne Neighbourhood Plan's Blue and Green Infrastructure Policy. This was to prevent confusion in the future over which policy had precedent.

Mr Whitty explained the Inspectors had also noted discrepancies between the proposed heritage policies and the NPPF, officers were currently addressing these.

Mr Whitty informed the Panel that the Inspectors had confirmed they would not issue their letter until the outcome of both the Stubbcroft and Crouchlands appeals were known, due to the impact the decisions could have on housing numbers and the SFRA.

Going forward, it was hoped the post hearings letter would be received by the end of the year. Upon its receipt officers would consider any suggested modifications, a further six-week consultation would be required on any amended modifications, after which a final letter from the Inspectors would be issued. It was anticipated the Local Plan would be adopted by Spring 2025.

Officers responded to comments and questions as follows;

On the matter of engaging with statutory consultees going forward; Mr Frost acknowledged there had been challenges in some areas, however, he explained it was important to focus on the future and not the past.

On the matter of what weight could now be applied to the Local Plan; Mr Whitty explained that it still had moderate weight, only gaining full weight when adopted. However, once the post hearings letter was received certain policies may start to gain a little more weight if they have not been challenged by the Inspector.

Cllr Moss thanked all those who had been involved in developing the Local Plan and getting through to the Examination stage.

58 **Agenda Items for the meeting**

The Panel noted the next meeting would be held on Wednesday 18 December 2024.

Mr Whitty explained the following items would be considered by the Panel at the meeting;

- The Infrastructure Business Plan (IBP)
- Local Plan Update

59 **Late Items**

There were no late items.

60 **Exclusion of the Press and Public**

There were no part two items.

The meeting ended at 10.25 am

CHAIRMAN

Date: