

Public Document Pack

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A meeting of **Public Facing Development Plan and Infrastructure Panel (DPIP)** will be held in Committee Rooms, East Pallant House on **Wednesday 10 April 2024 at 9.30 am**

MEMBERS: Mr B Brisbane (Chairman), Mr R Briscoe, Mr J Brown, Ms M Corfield, Mrs D Johnson, Mr S Johnson, Mr A Moss, Mr H Potter, Mrs S Sharp and Mr C Todhunter

AGENDA

1 **Chairman's Announcements**

Any apologies for absence that have been received will be noted at this stage.

The Chairman will announce any late items that due to special circumstances will be considered under Agenda Item 5.

2 **Declarations of Interests (Pages 1 - 3)**

Details of members' other interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies. Such interests are hereby disclosed by each member in respect of agenda items where the Council or outside body concerned has been consulted in respect of that item.

Declarations of disclosable pecuniary interests, other interests and prejudicial interests are to be made by members of the Development Plan & Infrastructure Panel (DPIP) in respect of matters on the agenda or this meeting

3 **Approval of Minutes (Pages 5 - 22)**

The minutes relate to the meeting of the Development Plan and Infrastructure Panel on 14 February 2024 and 28 February 2024.

4 **Agenda Items for the meeting**

The Development Plan and Infrastructure Panel are requested to note any items for the next meeting

5 **Late Items**

The Development Plan and Infrastructure Panel will consider any late items as announced by the Chairman under agenda item 1.

6 **Exclusion of the Press and Public**

The Panel is asked to consider in respect of the following item(s) whether the public interest including the press should be excluded from the meeting on the grounds of exemption under Parts I to 7 of Schedule 12A of the Local Government Act 1972, as indicated against the item and because, in all the circumstances of the case, the public interest in maintaining the exemption of

that information outweighs the public interest in disclosing the information. **The reports dealt with under this part of the agenda are attached for members and senior officers only (salmon paper)**

- 7 **Updated Draft Statement of Consultation following Regulation 19 consultation on Proposed Submission Chichester Local Plan 2021- 2039** (Pages 23 - 183)
The Development Plan and Infrastructure Panel are asked to note the attached report.
- 8 **Local Plan Proposed Submission Update** (Pages 185 - 190)
The Development Plan and Infrastructure Panel are asked to note the update report.

NOTES

- 1) The press and public may be excluded from the meeting during any item of business wherever it is likely that there would be disclosure of 'exempt information' as defined in section 100A of and Schedule 12A to the Local Government Act 1972.
- 2) The press and public may view the report appendices which are not included with their copy of the agenda on the Council's website at Chichester District Council - Minutes, agendas and reports unless they contain exempt information.
- 3) Subject to Covid-19 Risk Assessments members of the public are advised not to attend any face to face meeting if you have symptoms of Covid.
- 4) Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. [Standing Order 11.3 of Chichester District Council's Constitution.

Chichester District Council

Development Plan and Infrastructure Panel

10 April 2024

Declarations of Interests

Details of members' other interests arising from their membership of parish councils or West Sussex County Council or from their being Chichester District Council or West Sussex County Council appointees to outside organisations or members of outside bodies or from being employees of such organisations or bodies are set out in the attached agenda report.

The interests therein are disclosed by each member in respect of other items in the agenda which require a decision where the council or outside body concerned has been consulted in respect of that item.

Declarations of disclosable pecuniary interests, other interests, or predetermination or bias are to be made by members of the Development Plan and Infrastructure Panel (DPIP) or other members who are present in respect of matters on the agenda or this meeting.

Other Interests - Membership of Parish Councils

The following members of DPIP declare a other interest by way of their membership of the parish councils stated below in respect of the items on the agenda where their respective parish councils have been consulted:

- Mr R Briscoe - Westbourne Parish Council
- Mrs M Corfield – Chichester City Council
- Mrs D Johnson – Selsey Town Council
- Mr S Johnson – Chidham & Hambrook Parish Council
- Mr H Potter – Boxgrove Parish Council
- Mr C Todhunter – Loxwood Parish Council

Other Interests - Membership of West Sussex County Council

The following members of DPIP declare a other interest by way of their membership of West Sussex County Council in respect of the items on the agenda where that local authority has been consulted:

- Mrs D F Johnson – West Sussex County Council Member for the Selsey Division
- Mrs S M Sharp – West Sussex County Council Member for the Chichester South Division

Other Interests - Chichester District Council Representatives on Outside Organisations and Membership of Public Bodies

The following members of the DPIIP declare a other interest as Chichester District Council appointees to the outside organisations or as members of the public bodies below in respect of those items on the schedule of items where such organisations or bodies have been consulted:

- Mr B Brisbane – Chichester Conservation Area Advisory Committee
- Mr B Brisbane – Partnership for Urban South Hampshire (PUSH) a) Joint Committee; b) Planning and Infrastructure Panel and; c) Solent Recreation Mitigation Partnership Project Board
- Mr B Brisbane – West Sussex and Greater Brighton Strategic Planning Board
- Mr R Briscoe – Portsmouth Water Forum
- Mr J Brown – Board of Coastal Partners
- Mr J Brown – Chichester Community Development Trust
- Mr J Brown – Chichester Ship Canal Restoration Project Board
- Mr J Brown – Chichester Vision Delivery Steering Group
- Mr J Brown – Standing Conference on Problems Associated with the Coastline (SCOPAC) - reserve
- Mrs M Corfield – Brandy Hole and East Broyle Copse – Local Nature Reserve
- Mrs D Johnson – Manhood Peninsula Partnership
- Mrs D Johnson – Western Sussex Hospital NHS Trust Council of Governors
- Mr S Johnson – Chichester Harbour Conservancy
- Mr A Moss – Chichester Business Improvement District Board
- Mr A Moss – Chichester Harbour Conservancy
- Mr A Moss – Coast to Capital Joint Committee
- Mr A Moss – Coastal West Sussex Partnership
- Mr A Moss – District Councils' Network
- Mr A Moss – Joint Climate Change Board (West Sussex County Council)
- Mr A Moss – Local Government Association – General Assembly
- Mr A Moss – South East England Councils
- Mr A Moss – The Parking and Traffic Regulations Outside London Adjudication Joint Committee – reserve
- Mr A Moss – West Sussex Joint Leaders Group
- Mr H Potter – Goodwood Motor Circuit Consultative Committee
- Mr C Todhunter – West Sussex Rural Partnership

Other Interests – West Sussex County Council Representatives on Outside Organisations and Membership of Public Bodies

The following member of the DPIIP declares a other interest as a West Sussex County Council appointee to the outside organisation stated below in respect of those items on the agenda where that organisation has been consulted:

- Mrs D Johnson – Chichester Harbour Conservancy

Other Interests – Other Memberships of Public Bodies

The following member of the DPIIP declares a other interest as a member of the outside organisation stated below in respect of those items on the agenda where that organisation has been consulted:

- Mr R Briscoe – Woodmancote Residents Association
- Mr R Briscoe – 1st Westbourne Scout Group
- Mr J Brown – Southbourne Neighbourhood Plan Steering Group
- Mr J Brown – Southbourne Environment Group
- Mr J Brown – Graylingwell Park Residents Association
- Mr J Brown – Southbourne Development Trust (CIO)
- Mr J Brown – Southbourne Community Land Trust (CLT)
- Mr S Johnson – Maybush Copse Friends
- Mrs S Sharp – ChiCycle
- Mrs S Sharp – Transition Chichester

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Minutes of the meeting of the **Public Facing Development Plan and Infrastructure Panel (DPIP)** held in Committee Rooms, East Pallant House on Wednesday 14 February 2024 at 9.30 am

Members Present: Mr B Brisbane (Chairman), Mr R Briscoe, Mr J Brown, Ms M Corfield, Mrs D Johnson, Mr S Johnson, Mr A Moss, Mr H Potter and Mr C Todhunter

Members not present: Mrs S Sharp

In attendance by invitation:

Officers present all items: Mr T Whitty (Divisional Manager for Planning Policy) and Mrs F Stevens (Divisional Manger for Planning)

1 Chairman's Announcements

The Chairman welcomed all present to the first meeting of the Development Plan and Infrastructure Panel to be held in public.

Apologies were received from Cllr Sharp.

2 Declarations of Interests

The declarations of interests of members of the Development Plan and Infrastructure Panel were set out in the report papers.

Cllr S Johnson informed the Panel he was a member of Chidham and Hambrook Parish Council.

No other interests were raised.

3 An update on the Levelling Up and Regeneration Act (LURA) and the revised National Planning Policy Framework (NPPF) - REPORT TO FOLLOW

Mr Whitty introduced the report and drew the Panel's attention to the main policy changes and objectives introduced through the Levelling Up and Regeneration Act (LURA) and the National Planning Policy Framework (NPPF).

Mr Whitty explained that much of what was proposed in the LURA would require secondary legislation to be passed before enacted.

Mrs Stevens informed the Panel of the main changes and objectives introduced through the LURA and NPPF that would impact Development Management.

Officers responded to comments and questions as follows;

Regarding the introduction of the new Infrastructure Levy (IL) and whether Parish Councils would still be entitled to funding (similar to the CIL arrangement); Mr Whitty informed the Panel that until secondary legislation was enacted this unknown. The Council had stated that it should be kept in their representation to the original consultation.

Responding to concerns regarding the additions to S73B applications; Mrs Stevens acknowledged concerns but assured the Panel applications would continue to follow normal procedure for determination.

Responding to who the 'prescribed bodies' were; Mr Whitty informed the Panel he was unsure at this time as further definition was still required.

Regarding intervention by the Secretary of State in plan making; Mr Whitty explained further detail was needed to fully understand the objectives and reasons for how, why, and when the Secretary of State might intervene.

On the matter of development outside the AONB; Mr Whitty informed the Panel policy was designed to protect, not just the area within the AONB but also its setting. Therefore, when development was being proposed near to an AONB consideration must be given to the potential impact it may have on the setting of an AONB.

Mr Whitty told the Panel he was unsure how Community Land Auctions would work in practice.

Regarding changes to the housing requirement; Mr Whitty assured the Panel this was not a fundamental change but just provided further clarity.

On the matter of restricting GPDO rights, for example preventing commercial property from being converted into domestic; Mrs Stevens explained how it was very difficult to limit GPDO rights. There were very few areas in the country where this had been done, it required the application of an Article 4 direction and was only considered for very specific cases.

Mr Whitty clarified how the Gypsy and Traveller policy would be included within the Local Plan going forward.

Regarding the Duty to Co-operate; Mr Whitty acknowledged the comments made; and confirmed that whilst the duty had been removed from legislation it did remain in policy.

Regarding Street Vote Development Orders; Mrs Stevens confirmed that Street Vote Development Orders did not have to comply with planning policies, but they were required to consult with the Local Planning Authority. Regarding their use in

rural areas, she confirmed there were definitions of what made a 'street' and limitations on what development could take place.

Responding to whether a design code could be developed to specify what was 'beautiful' for Chichester; Mr Whitty agreed this was an option, however, the word beautiful was very subjective.

On the matter of how a change in government might impact the introduction of the LURA; Mr Whitty explained LURA was already law, it would depend on priorities as to how swiftly secondary legislation followed.

Mr Whitty advised the provision of a 5YHLS was very beneficial as it meant the Council were able to resist inappropriate development, however, he explained that it was important the Council maintained an open mind when considering proposed developments which came forward outside the Local Plan.

Mr Whitty clarified how the housing trajectory was calculated, explaining when development was included, and completions removed.

Cllr Potter suggested the following words be added to the report recommendation '... in so far as is known'. Mr Whitty confirmed he was happy to include the suggestion.

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

Resolved; That the Development Plan and Infrastructure Panel note the implications of the LURA and NPPF for both Development Management and Planning Policy functions of the council in so far as is known.

4 **An update on the Council's 5 (4) Year Housing Land Supply - REPORT TO FOLLOW**

Mrs Potts presented the report. She detailed how the housing land supply was calculated.

Officers responded to comments and questions as follows;

Mrs Potts agreed to correct the Table A1, so it referenced Bosham instead of Boxgrove.

Mr Frost confirmed the 2014 census data continued to be used in calculations. Mr Whitty added that the 2021 data was not fully released and for the purpose of the Local Plan the 2014 data would continue to be used.

Mrs Potts provided further clarification on how the housing trajectory was calculated.

Mr Whitty explained that where permissions had lapsed, they would no longer feature in supply.

Regarding the progression of the Tangmere CPO; Mr Whitty informed the Committee the CPO had been heard but the decision had not yet been published. On the assumption the CPO is granted it is expected that the first completions would come forward in 2025.

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

Resolved; That the Development Plan and Infrastructure Panel notes the update five-year housing land supply position as of 1 April 2023 which is set out in the appendix to the report.

5 **Agenda Items for the meeting**

The Chairman informed the Panel the next meeting would be held on Wednesday 28 February 2024 at 2pm in the Committee Rooms.

Mr Whitty advised the following items would be considered at that meeting;

- Statement of Consultation
- Authority's Monitoring Report
- A bid for Nutrient Mitigation
- An update on the Local Plan

6 **Late Items**

There were no late items.

7 **Exclusion of the Press and Public**

The Chairman proposed the Panel move into Part 2 to consider the following items – Agenda Item 8 Approval of the Minutes and Agenda Item 9 – Verbal Update of the Local Plan Progression to Submission.

He asked them to consider whether the public interest including the press should be excluded from the meeting on the grounds of exemption by virtue of paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part 1 of schedule 12A of the Local Government Act, because, in all circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

Cllr Moss seconded the proposal.

Following a vote, the Panel agreed to support the proposal.

8 **Approval of Minutes**

The minutes of the meeting held on Wednesday 13 December 2024 were agreed as a true and accurate record.

9 **Verbal Update on the Local Plan Progression to Submission**

The minutes for this item are restricted.

The meeting ended at 12.21 pm

CHAIRMAN

Date:

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Minutes of the meeting of the **Public Facing Development Plan and Infrastructure Panel (DPIP)** held in Committee Rooms, East Pallant House on Wednesday 28 February 2024 at 2.00 pm

Members Present: Mr B Brisbane (Chairman), Mr R Briscoe, Mr J Brown, Mrs D Johnson, Mr S Johnson, Mr A Moss and Mr H Potter

Members not present: Ms M Corfield, Mrs S Sharp and Mr C Todhunter

In attendance by invitation:

Officers present all items: Mr A Frost (Director of Planning and Environment), Mr T Whitty (Divisional Manager for Planning Policy), Mrs C Potts (Planning Policy Team Leader), Mrs A-M Ferrier (Planning Policy Officer) and Mrs V Owen (Principal Planning Policy Officer)

10 **Chairman's Announcements**

The Chair welcomed all present to the meeting and read out the emergency evacuation notice.

Apologies were received from Cllr Corfield, Sharp and Todhunter

There were no late items.

11 **Declarations of Interests**

No declarations of interest were raised.

12 **Approval of Minutes**

The minutes of the meeting held on 14 February 2024 would be carried forward to the next meeting.

13 **Authority's Monitoring Report**

Mrs Ferrier presented the report.

Mrs Ferrier informed the Panel that during the monitoring year the neighbourhood plan for West Wittering was made and a referendum for the modified Southbourne

Neighbourhood Plan was held on 25 January 2024. She went through the policy indicators (set out from page 7) and highlighted some of the key headlines, including the amount of employment space completed during the monitoring period and the number of housing completions.

In addition, Mrs Ferrier informed the Panel there had been a late submission from Westbourne Parish Neighbourhood Plan which she proposed be included as part of the Authority Monitoring Report.

Officers responded to comments and questions as follows;

Mrs Ferrier clarified the period covered by report and explained the statistical data used in producing the report was in line with the financial year.

Mr Whitty confirmed windfall development was considered when calculating future housing delivery projections.

Mr Whitty informed the Panel the Authority's Monitoring Reporting was a legal requirement which must be produced by the Council. Once approved the report is uploaded onto the Council's public website. Much of the information is used to support other issues.

Mrs Potts agreed further paragraphs could be included within the report to clarify the relationship between table 10 & 11 and; 12 & 13.

Mrs Ferrier explained that 'non retail' (as referred to under the Economy indicator) meant any retail space with a non-A1 use class, for example banks and building societies.

Mr Whitty provided further information concerning the issues around affordable housing delivery (paragraph 8.29, page 58); the issue of 'additionality' where additional units are secured outside the Section 106 agreement and associated funding issues by Homes England.

Following a vote, the Panel agreed to support the report recommendation as set out at paragraph 2.1 and 2.2, along with the inclusion of the Westbourne Neighbourhood Plan.

Resolved;

That the Development Plan and Infrastructure Panel notes the Authority's Monitoring Report 2022-2023.

That the Director of Planning and the Environment be authorised, following consultation with the Cabinet Member for Planning, to make any minor amendments to the Authority's Monitoring Report prior to its publication.

**Cllr Moss joined the meeting at the start of this item.*

14 **Local Nutrient Mitigation Fund**

Mrs Owen presented the report and detailed the proposal.

Officers responded to questions and comments as follows;

Mrs Owen acknowledged members' concerns of land being taken out of agriculture within the district but delivering mitigation for development outside the district. It was noted that mitigation must be in the same catchment as the development. A concern was also raised about the effective monitoring of sites outside of the plan area (such as in the South Downs National Park) that provide mitigation for development within the plan area. She assured the Panel that monitoring agreements are in place with the other relevant authority for all such schemes.; Strategic Planning were currently working on identifying suitable land in the Chichester Plan Area.

Mrs Owen confirmed Chichester Harbour Conservancy were supportive, particularly of schemes such as the restoration of saltmarshes.

Mrs Owen assured members that any proposed scheme would need to be approved by Natural England to ensure they would deliver the proposed mitigation.

Mrs Owen explained the mitigation options being considered were currently high-level strategic proposals which would be brought together as part of the bid, which was expected to open shortly with a deadline of up to eight weeks.

Mrs Owen confirmed hydrological assessments were completed for each project, the assessments considered where the mitigation site was and the length of time it would take to deliver mitigation within the Harbour.

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

Resolved; That DPIP recommends to Cabinet that the Director of Planning and Environment be authorised, in consultation with the Cabinet Member for Planning, to work with the PfSH Strategic Environmental Planning team to prepare a bid to Round 2 of the Nutrient Mitigation Fund, for submission by Fareham Borough Council as lead authority for the wider Solent nutrient sensitive catchment area.

15 **Agenda Items for the meeting**

Mr Whitty informed the Panel that the meeting on 13 March 2024 would be cancelled; the next meeting would be on Wednesday 10 April 2024.

The following items would be discussed at the meeting;

- The remaining proposed modifications
- An update on the Local Plan Progression to Submission

16 **Late Items**

There were no late items.

17 **Exclusion of the Press and Public**

The Chairman proposed the Panel move into Part 2 to consider the following items – Agenda Item 9 Updated Draft Statement of Consultation following Regulation 19 consultation on Proposed Submission Chichester Local Plan 2021 - 2039 and Agenda Item 10 – Verbal Update of the Local Plan Progression to Submission.

He asked them to consider whether the public interest including the press should be excluded from the meeting on the grounds of exemption by virtue of paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part 1 of schedule 12A of the Local Government Act, because, in all circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

Cllr Moss seconded the proposal.

Following a vote, the Panel agreed to support the Chairman's proposal.

18 **Updated Draft Statement of Consultation following Regulation 19 consultation on Proposed Submission Chichester Local Plan 2021- 2039**

The minutes for this item are restricted.

19 **Verbal Update on the Local Plan Progression to Submission**

The minutes for this item are restricted.

The meeting ended at 4.50 pm

CHAIRMAN

Date:

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of the Local Government Act 1972.

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