

Chichester District Council

CABINET

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Chichester Harbour Conservancy (CHC) - Statutory Consultee Status

1. Contacts

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2. Recommendation

2.1 That Cabinet agree that a letter of support be provided to the Chichester Harbour Conservancy in its bid to be awarded Statutory Consultee Status on planning matters.

3. Background

- 3.1 On 21 August the Chichester Harbour Conservancy (CHC) wrote to CDC requesting that the District Council provides a letter of support in its bid for the Ministry of Housing Communities and Local Government (MHCLG) to recognise the Harbour Conservancy as a Statutory Consultee in the determination of planning applications and planning policy formation. Their bid to achieve this status follows the outcomes of the 2019 Glover Review of protected landscapes, which recommends that bodies that manage AONBs be recognised as Statutory Consultees.
- 3.2 The letter from the CHC indicates that following discussion with the Department for Environment, Food and Rural Affairs (Defra), Defra has agreed to recommend to MHCLG that the Conservancy is awarded Statutory Consultee status, provided it can demonstrate sufficient local support for the change. The Conservancy has already received letters of support from Natural England, the Environment Agency, Historic England, Sussex Wildlife Trust, and Sussex Ornithological Society and is now seeking the support of CDC, Havant Borough Council, West Sussex County Council and Hampshire County Council, as the Local Planning Authorities for the area covered by the AONB.
- 3.3 CHC have set out 5 main reasons for seeking Statutory Consultee status, which are:
- The high level of development pressure in and around the AONB;
 - The recommendation of the Glover Review that all AONBs should become Statutory Consultees;

- The status of the Conservancy as a legal entity (this means that the foundations for becoming a Statutory Consultee are already in place);
- It's high level of involvement in the planning application process (the Conservancy responds to 300 planning applications per year and employs a Principal Planning Officer to respond to these applications as well as operating its own Member-led Planning Committee, to consider strategic applications);
- There is presently no Statutory Consultee for landscape matters affecting Chichester Harbour AONB.

3.4 CDC currently engage with the CHC on planning matters in essentially the same way as with Statutory Consultees such as Natural England. They are consulted on planning applications and the formation of planning policy within the AONB boundary.

4. Outcomes to be Achieved

4.1 That appropriate consultation and liaison arrangements are in place between CHC and the District Council to support good quality and sound decision making.

5. Proposal

5.1 The CHC are requesting the support of the District Council in its bid to become a Statutory Consultee on planning matters. Given that CDC currently consult with the Harbour Conservancy in much the same way as with other Statutory Consultees, it is not expected that the change of status would result in any material difference in the way in which the Council, as the Local Planning Authority, engages with the CHC.

5.2 However, as currently drafted, the Council's Constitution does specify that where an application is to be determined contrary to an objection raised by a Statutory Consultee, that application must be considered by the Planning Committee. This is not currently the case with representations made by the CHC and so this may mean that a number of additional planning applications will need to be reported to the Planning Committee for a decision each year.

5.3 Statutory Consultee status would increase the weight of comments by the CHC (in relation to its functions) both at planning application stage, but also at appeal. In respect of the latter, this will be of assistance to CDC in advancing its case on areas of concern set out in the grounds of refusal put forward by the CHC. The CHC proposals will therefore support the Council's priority of managing our built and natural environments to promote and maintain a positive sense of place.

6. Alternatives Considered

6.1 The Council could object to the CHC's bid for Statutory Consultee status. However, as a change in its status is not anticipated to affect the way in which the Council engages with CHC there would be no benefit in doing so. There are also likely to be benefits in increasing the weight to be given to the representations of CHC on planning applications at appeal.

7. Resource and Legal Implications

7.1 The change to Statutory Consultee status may increase the workload of the Planning Committee, which could then result in further resource implications. However, should

this result in a significant increase in the workload of the Planning Committee, it is within the Council's powers to amend its constitution to deal with such an issue.

8. Consultation

- 8.1 Notification of the receipt of the request from the CHC has been circulated on the Member's Bulletin.

9. Community Impact and Corporate Risks

- 9.1 None

10. Other Implications

Are there any implications for the following? If you tick "Yes", list your impact assessment as a background paper in paragraph 13 and explain any major risks in paragraph 9		
	Yes	No
Crime and Disorder		X
Biodiversity and Climate Change Mitigation		X
Human Rights and Equality Impact		X
Safeguarding and Early Help T		X
General Data Protection Regulations (GDPR)		X
Health and Wellbeing		X

11. Appendices

- 12.1 Letter from CHC dated 21 August 2020

12. Background Papers

- 12.1 Landscapes Review: Glover Report September 2019