

Chichester District Council

Full Council

2 March 2021

Public Questions and Answers Sheet

Question from Maureen O'Grady:

Would the CDC give serious thought to establishing a Climate Forum: comprising of remaining interested members of the Climate Assembly, established by the Sortition Foundation, plus volunteers from Eco-chi?

Answer from Cllr Plant:

Thank you for your question. Within the Climate Emergency Action Plan, the Council has committed to setting up a Climate Assembly later this year and there was much support for this idea when we consulted on the draft action plan last Autumn.

The Council is yet to procure an external organisation to support this action, however, the aim is that those participating in the Assembly will be residents who have been selected to reflect the demographic profile of the District and we hope to engage with a wide range of residents who vary in their understanding of and engagement with climate change issues.

The members of the Citizen's Assembly will make informed recommendations to the Council on the delivery of the Climate Emergency Action Plan and therefore I would not wish to pre-empt the findings of the Assembly. However, on the same point, I would not wish to rule out a Climate Forum as a possible outcome.

The Council, in this first detailed action plan, has focused on delivery of carbon savings that largely fall within its remit of control. However we will also continue to support existing district wide initiatives, such as Gillian Keegan's, MP, Conference on Climate Change, as well as engaging with local groups where these support the actions in the plan, such as the new and existing working groups. These will provide further opportunities for individuals and organisations to work together to develop practical solutions to reduce greenhouse emissions across the District.

Questions from Andrew Kerry-Bedell:

1. Given CDC has only added four small new sites to its Brownfield register in 2020, and there are none on the list with no planning permission, how can the Council assure residents that every single possible site in the whole district has been fully reviewed for the latest Brownfield register?
2. Parishes like Southbourne have a Council allocation of 1,250 houses that they have agreed to and are putting into a new Neighbourhood Plan, so why is it on the 5YHLS CDC has only 300 houses listed for Southbourne?
3. Can the Council confirm that it will review the whole December 2020 list of 9,579 houses, listed in major allocations and individual parish housing allocations, to include them on the last 5YHLS?

4. What date with the new 5YHLS be issued to the public?

Answer from Cllr Taylor:

Thank you for your questions. I will answer each in turn

1. *The latest Brownfield Register update included a review of all sites submitted for the HELAA 2020 and any sites submitted for inclusion on the register via our webpage or through Member submission. To be included in the register the site must meet a number of criteria, including over a size threshold, considered suitable for development under Local Plan policy, and available for development. Some of the brownfield sites included in the HELAA 2020 are not included on the register because they are located outside of a settlement boundary and therefore not considered appropriate for residential development under Local Plan policy.*

2. *The five year land supply can only include development which is reasonably expected to be delivered within 5 years. With regards to Southbourne, the most recent housing supply position statement included a proportion of the dwellings which have planning permission. It did not include delivery of the remainder of the 1,250 dwellings envisaged at Southbourne because there was insufficient evidence at that time that any further dwellings would be delivered within 5 years. Since then, the Southbourne Neighbourhood Plan has progressed further and the next housing supply position statement will be able to take this into account. However, as with all sites, it is critical to remember that it is what we can demonstrate is likely to be delivered within 5 years – not the total amount of development envisaged on a site.*

3. *The figure of 9.579 homes mentioned in the question is not recognised. However, I can confirm that it is intended to undertake a full review of the housing supply position with specialist advisors, to ensure the Council has a robust and defensible position on housing supply.*

4. *It is anticipated that the next update to the 5 year housing supply statement will be prepared with a base date of 1 April 2021, and be available around July 2021.*

Question from Richard Weavis (on behalf of SOSCA):

Given that the Local Plan is unlikely to be adopted for at least another two years does the Council have a District wide strategy for approving housing development applications that will support the housing numbers in the emerging Local Plan, and will any such strategy require that approved developments will not be inhabited until all adequate off-site supporting infrastructure is complete, as pledged by the Conservative Party Manifesto.

Answer from Cllr Taylor:

Thank you for your question.

In addition to the adopted Local Plan which remains an important part of the Development Plan for the area and is the starting point for assessing planning applications, the Council has prepared an Interim Position Statement for Housing

Development (IPS) . This Statement to provides a mechanism for the Council to provide clarity and confidence in relation to how planning applications for housing should be determined in the period that the Council is unable to demonstrate a five year supply of housing and until the Local Plan Review is adopted. The IPS applies to the Local Plan area and not to the part of Chichester District which is within the South Downs National Park, and seeks to ensure appropriate opportunities for housing development in locations which are sustainable.

The IPS requires proposals submitted under the IPS to set out how necessary infrastructure will be secured, having regard to a number of evidence documents including the Infrastructure Delivery Plan, the Surface Water and Foul Drainage Supplementary Planning Document, and the Approach to securing development contributions to mitigate additional traffic impacts on the A27 Chichester Bypass Supplementary Planning Document. The timing of delivery of significant infrastructure is frequently a complex matter and the Council is guided on this by the relevant statutory consultees.

Question from Carey Mackinnon:

How confident is the Council that these current plans will not receive the same level of objections and that there will be no further unwanted delay to preparing the Plan?

Answer from Cllr Taylor:

Thank you for your question.

The Local Plan must show how development can proceed without unacceptable traffic impacts. In the absence of a national road scheme on the A27, this means the onus is on the Council to investigate further whether the development needs the Council is expected to address can be met in full, and that includes confirming if the package of measures set out alongside the *Preferred Approach* Local Plan are deliverable.

It is clear that any transport mitigation package arising from the emerging Local Plan will be linked to the wider public debate around the future of the A27. That is unfortunate, but appears unavoidable. Once the technical work for the Local Plan is complete we will have a full understanding of the relative merits or otherwise of this proposal, and the Council will be presented with a report in order to consider this important matter in the summer.

Question from Sarah Cunliffe:

I am a local international film-maker and biologist. Given the proposed delay of the Local Plan to 2023, I believe it is vital that sufficient protection is in place to prevent irreversible damage to the unique environment around Chichester caused by the current developer free-for-all. The status of the Chichester Harbour SSSI is in critical condition per the Natural England report published on 23rd February. It is now classed as 90% unfavourable condition, 80% unfavourable declining. Susan Taylor has publicly argued that a moratorium is not possible or desirable. I argue that a delay on ALL significant planning applications is CRITICAL to properly assess the

environmental impact on the area and to properly assess failing infrastructure such as Southern Water's sewage works. There is precedence. Natural England brought about a "moratorium" of sorts on all new development in the Solent area in 2019 post the 2018 judgement from the Court of Justice of the European Union (the 'Dutch Case'). The Partnership for South Hampshire (PfSH) estimates as a result some 4,500 dwellings are currently in a backlog awaiting consent both solely and/or principally because of the ongoing nitrate issues in the Solent. The Chichester Harbour also has a massive nitrate problem. I would like to ask if the Council, based on the clear legal precedence of the Dutch Case and what is happening in the Solent, if they will work together with the key regulators and government to action a delay on planning applications as a priority.

Answer from Cllr Taylor:

Thank you for your question. Can I firstly reassure you that we work closely with Natural England, the Environment Agency, Southern Water and other relevant agencies in relation to water quality on an ongoing basis, including through the Chichester Water Quality Group. Since the Dutch Case we have also been working closely with the PfSH authorities through the PfSH Water Quality Group to identify solutions to the nitrates issue, including jointly funding an officer working on mitigation options across the Solent area, including Chichester Harbour.

All relevant planning applications currently have to demonstrate that they do not add nitrates into the Harbour, providing mitigation where this is an appropriate solution. Impacts are assessed through Habitats Regulations Assessment and this would need to demonstrate that there was no adverse impact on the protected areas. Applications that cannot meet this requirement will not be granted planning permission. Relevant agencies are consulted through the development management process, and applications would not be permitted if Natural England raised an objection.

We also work closely with Southern Water and the Environment Agency in relation to waste water treatment and there is already an adopted Position Statement in place limiting new waste water connections to Apuldram WWTW.

These measures taken together, and agreed with relevant statutory agencies, are designed to ensure that developments that are allowed do not have an adverse environmental impact on the water quality of Chichester Harbour. They do not equate to a "moratorium" on development, and without clear advice and objections to all relevant planning applications from Natural England and the Environment Agency that this is necessary, such an approach would not be justified or appropriate. Natural England and other agencies, including government departments MHCLG and DEFRA (who are currently developing a Solent Nitrate Trading Pilot), are working closely with local authorities including Chichester to find solutions to ensure that appropriate housing development can continue across the Solent area.

Question from Jane Towers:

- 1. How can this possibly lead to (I quote) 'an opportunity to create a better future for our residents and businesses' and 'creating a fairer, healthier and greener district' when agricultural land is built over, traffic increased and the environment and ecology of the area damaged beyond repair?*
- 2. You say that measures are in place to protect the local plan area from inappropriate speculative development but how confident can we be that those measures, such as the Interim Position Statement are robust enough.*
- 3. Would our communities not have been better protected from speculative planning applications if the new green field sites in the 2020HELAA had been fully assessed for deliverability and sustainability?*
- 4. Is it the case brownfield sites are excluded from the Brownfield Site Register if they are outside the settlement boundary, as defined by the Local Plan or Neighbourhood Plan, but a green field site outside the settlement boundary is considered suitable?*

Answers from Cllr Taylor:

Thank you for your questions. I will answer each in turn.

In answer to question 1, it is acknowledged that the proposed timetable represents a significant extension, however there are complex strategic issues which must be resolved before the Local Plan Review can be concluded, and which are critical for the Council to be able to demonstrate that it has prepared a sound plan. I must also emphasise the point that making effective and rapid progress on the plan is reliant upon proactive engagement by statutory agencies (e.g. Southern Water and Highway England) and so is not wholly within the council's control, despite our widespread requests to those agencies and to the Government for further and timely support.

At the examination into the Local Plan Review, the Council will be expected to demonstrate that it has done all that it reasonably can to meet the housing and other development needs identified by government. Whilst I appreciate the concerns being raised, we have no option therefore but to complete the evidence gathering work, although we do intend to take stock of the evidence and consider our options going forward via reports to Cabinet and Council in July.

In the meantime, the Council must continue to determine applications on their own merits, in the context of national and local policy, which includes, for example, the consideration of development impacts on infrastructure and the environment.

In terms of question 2, the Council is currently not able to demonstrate a five year supply of housing as required by national policy, meaning there is a presumption in favour of sustainable development, and the Council is at risk of receiving speculative applications. The Council has prepared the Interim Position Statement for Housing (IPS) to draw together adopted and emerging plan policies to provide clarity to applicants to guide development to the most appropriate and sustainable locations in

the Plan area, requiring applicants to consider criteria including locational sustainability, for example, the proximity of a proposed site to settlement boundaries. Whilst the IPS does not form part of the adopted development plan, it is a material consideration in the determination of planning applications, and has been in use since July 2020. It is worth noting the Council has recently been supported on appeal by an Inspector on the grounds that a small residential development proposal would be out of keeping with the character of an area – showing that where harm can be demonstrated in planning terms, refusal of planning permission can be justified.

In response to question 3, the Housing and Economic Land Availability Assessment (HELAA) is a technical document which assesses the availability, deliverability and developability of sites for housing or economic development. The Local Plan Review process has identified updated housing and economic needs as well as identifying constraints to development that affect the Plan area strategically, for example flood risk associated with climate change, transport, and wastewater capacity. The 2020 HELAA takes a broad view of suitability in order to present the widest range of options for potential development.

It is worth noting that the HELAA does not dictate how any subsequent planning applications are dealt with. Discounting a site in the HELAA process would not of itself protect a site from development. Of more importance is the underlying reasons. The 2020 HELAA is based closely upon the criteria set out in the National Planning Policy Framework, enabling the Council to ensure that the Plan is prepared considering the full range of available options.

In response to your fourth question, in order for sites to be included on the Brownfield Land Register, they must be available for residential development, and must meet the criteria set out in government guidance, which includes considering whether the site is appropriate under the policies of the development plan, which includes the adopted Local Plan, Site Allocations Development Plan Document and made Neighbourhood Plans. In this respect, sites that are detached from the settlement boundary are not considered to be appropriate for residential development and cannot be included on the Brownfield Land Register. Greenfield land is also not suitable for inclusion on the Register.