

## **SOUTH DOWNS NATIONAL PARK AUTHORITY**

### **PLANNING COMMITTEE**

Held at: 10.00am on 12 May 2022 at The Memorial Hall, South Downs Centre.

Present: Alun Alesbury, Heather Baker (Chair), Therese Evans, Barbara Holyome, Robert Mocatta, Vanessa Rowlands, Andrew Shaxson, and Diana van der Klugt, Richard Waring and Ian Phillips.

Officers: Tim Slaney (Head of Planning), Rebecca Moutrey (Senior Solicitor), Lucy Howard (Planning Policy Manager) Richard Sandiford (Senior Governance Officer), Sharon Libby (Governance Officer) and Jane Roberts (Governance Officer).

Also attended by: Hannah Collier (Senior Planning Policy Officer), Katharine Stuart, (Planning Policy Lead), Kelly Porter (Major Projects Lead)

### **OPENING REMARKS**

432. The Chair welcomed Members to the meeting and informed those present that SDNPA Members had a primary responsibility for ensuring that the Authority furthered the National Park Purposes and Duty. Members regarded themselves first and foremost as Members of the Authority, and would act in the best interests of the National Park as a whole, rather than as representatives of their appointing body or any interest groups.

### **ITEM 1: APOLOGIES FOR ABSENCE**

433. Apologies were received from Janet Duncton and Gary Marsh.

### **ITEM 2: DECLARATION OF INTERESTS**

434. There were none.

### **ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 14 APRIL 2022**

435. The minutes of the previous meeting held on 14 April 2022 were agreed as a correct record and signed by the Chair.

### **ITEM 4: MATTERS ARISING FROM PREVIOUS MINUTES**

436. There were none.

### **ITEM 5: UPDATES ON PREVIOUS COMMITTEE DECISIONS**

437. There were none.

### **ITEM 6: URGENT ITEMS**

438. There were none.

### **ITEM 7: SHOREHAM CEMENT WORKS AREA ACTION PLAN, ISSUES AND OPTIONS**

439. The Officer presented the report, reminded Members of the report and referred to the update sheet.

440. The Committee considered the report by the Director of Planning (Report PC 21/22-52), the updates and the public speaker comments and commented as follows:

- How were the four different development scenarios referred to on pages 25-26, paragraph 1.18 of the report derived?
- Page 30, paragraph 2.9 of the report referred to the unmet housing needs of neighbouring authorities; Adur District Council (ADC) and Horsham District Council (HDC). Was any of the housing developed within Shoreham Cement Works (SCW) allocated to these neighbouring authorities to meet this unmet housing need?
- Prior to 2015 the Riverside section of the site was used for storage businesses. Whilst this was not encouraged within the South Downs National Park (SDNP), it was essential

to the needs of the businesses. Where was this space likely to be moved to and was it referred to in the report?

- Concern was raised on scenarios one and two with regards to much needed employment in this area. Were there any employment opportunities in the Leisure Led schemes, or was it just houses and leisure?
- Would the scheme include more traditional employment; was there an option for a more mixed scheme, other than leisure and homes?
- With regards to the housing mix referenced on page 74, paragraph 5.116 of the report, how would the allocation of affordable housing follow the West Sussex County Council (WSCC) cascade model for houses to be allocated or was it possible for a different model to be followed where people within the SDNP were prioritised?
- Concern was expressed on the phrase “very challenging” used on page 75, paragraph 5.120 of the Area Action Plan (AAP) in relation to viability and affordable housing. By stating this in the AAP the Authority could be reducing its ability to negotiate a strong position with regard to affordable housing on this site. Perhaps this wording should be amended.
- Who currently owned the site?
- Was the value of the site known?
- As schools for any development here would be outside the SDNP there was a reliance on WSCC to improve the transport network to get children to and from school. As the developer may be unlikely to support this with the equivalent of a Community Infrastructure Levy (CIL) or S106, would WSCC agree to improve the transport network?
- Had the impact of water neutrality on this development been considered in the long term and the finalisation of the AAP in the short term?
- Would the parish benefit from CIL in this development and would the SDNPA have any influence?
- Production of the AAP was a reflection of the importance of the site. It was subservient to the policy in the local plan and was also a marketing document with the inclusion of issues and options. Feedback was expected from local communities and digital communications was an essential mechanism which reached the broader audience. It was a key site (with key constraints which impacted its viability) for the whole of SDNP and the South of England with the potential to be an exciting development.
- Had the new IKEA development on the A27 been taken into account in the transport assessment?

441. Members were advised:

- Some of the scenarios had been previously tested in the Local Plan which aided this exercise with the requirement of a mixed use site of employment and housing, with different quantum tested. The first two scenarios were similar with the second scenario including more homes. The third scenario was more imaginative with the floor space figures informed by the Eden Project and Zip World in Snowdonia. The figures for the fourth scenario came from the refused appeal schemes as advised the consultants Intelligent Plans run by former Planning Inspectorate inspectors.
- It was understood that housing needs outside of the SDNP were a significant issue and neighbouring authorities would have an interest in the new homes on this site. Discussions would be had with the neighbouring authorities during the consultation, with housing numbers forming part of these discussions. It is likely that statement of common grounds with ADC and HDC will be agreed. It was, however, rare that a planning authority offered housing in its area to meet the housing need of a neighbouring authority.

- The Riverside section of the site provided affordable accommodation for several local businesses. The AAP included a section on the need to relocate of these businesses as they had an important role in the local economy.
- In planning, employment was defined as manufacturing, warehouse & distribution and offices. However, there were other commercial opportunities in the leisure sector i.e. the Eden Project and Zip World which also create jobs.
- Appendix two of the AAP provided details of the floor space figures for all the scenarios which included an element of traditional employment in the third opportunity
- A local cascade system for affordable housing was used by the SDNPA and has been agreed by Members, so the mechanism was in place. Negotiations would determine who would benefit from any affordable housing provision.
- Viability was discussed at a recent meeting of the Task and Finish Group. The costs were exceptional due to the contaminated land and cost of demolition which, along with vacant building credit, would likely impact the delivery of affordable housing on this site. Whilst the detail in paragraph 5.120 was considered acceptable, the wording would be reviewed and amended in line with this feedback.
- It was confirmed that the site was owned by Steve Dudman of the Dudman Group.
- Viability was dependant on what type or level of development would provide a profit and if it was acceptable. Various options were considered to assess what was profitable.
- The exact value of the site had not been shared by the developer. Therefore, the value of the site was considered by the viability team reviewing an array of scenarios and, due to challenges in accessing the site, was based on a number assumptions and comparisons.
- Officers at both WSCC and Adur District Council had helped with the transport study and were keen to work with us on infrastructure issues.
- Water neutrality was a risk for the project and was referenced in the Planning Committee report and the AAP. The SDNPA is working with partners to resolve the water neutrality issue.
- Upper Beeding had a made Neighbourhood Development Plan (NDP) which referred to but did not allocate SCW as it is a strategic site. Therefore the Parish Council was entitled to CIL at the enhanced rate. Conversations would continue with the parish council around the amount they were likely to receive and what it would be spent on.

442. It was proposed and seconded to vote on the officer's recommendation.

443. **RESOLVED:** The Committee resolved to:

1. Endorse the direction of the draft Issues & Options version of the Shoreham Cement Works Area Action Plan (Appendix 1) subject to any comments made by the Planning Committee being addressed.
2. Endorse the direction of the digital engagement subject to any comments made by the Planning Committee being addressed.
3. Note the main issues arising from Sustainability Appraisal (Appendix 2) and Habitat Regulation Assessment Screening Statement (Appendix 3).
4. Recommend that the Authority approve the draft Issues & Options version of the Area Action Plan for public consultation under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 subject to any minor changes that arise prior to the start of the consultation being agreed by the Director of Planning in consultation with the Chair of the Authority.

## ITEM 8: LOCAL PLAN REVIEW AND LOCAL DEVELOPMENT SCHEME

444. The Officer presented the report, reminded Members of the report and referred to the update sheet.
445. The Committee considered the report by the Director of Planning (Report PC 21/22-53) and commented as follows:
- Concern was expressed at a recent Chichester District Council parish meeting that the SDNPA were late in the review of their Local Plan. However, the five year review period was measured from the adoption date of the previous and current Local Plan. Confirmation was required that this review was within the required timeframe.
  - The word “not” was missing from the last sentence of paragraph 2.7 on page 275 of the report.
  - Could Neighbourhood Development Plans (NDPs) be at risk of being unsound due to the change of policies in the new Local Plan?
  - When would SD26, housing policies and allocations be discussed?
  - A Call for Sites was referenced in the report. Would sites for nature based solutions be considered?
446. Members were advised:
- There was a small but acceptable risk that the review of the Local Plan was outside of the timeframe. The award winning plan was adopted in 2019 and it was a collective decision by the Senior Management Team not to start too early, in order to allow time for the policies to bed in and be implemented. It was expected the Local Plan would reach the pre-submission stage in July 2024 where substantial weight would be given to a Local Plan. The driver behind local plans for many local authorities was to meet housing targets, however the SDNPA did not have this same urgency as we do not have to meet our objectively assessed housing need.
  - Policies in NDPs needed to be broadly consistent with strategic policies in the Local Plan, so this was not considered to be a significant risk. However, NDPs did not need to be consistent with development management policies as NDPs had their own development management policies.
  - The report references Member workshops and officers will prepare a schedule of these workshops to address different issues. There will be specific workshops when housing policies and allocations would be discussed.
  - There will be a call for sites which would be discussed at the workshop that followed this meeting. Allocating sites for nature could be part of the Local Plan, however, particularly if they required planning permission.
447. It was proposed and seconded to vote on the officer’s recommendation.
448. **RESOLVED:** The Committee resolved to:
1. Note the purpose, resourcing and risks for the Local Plan Review and associated potential reviews of Neighbourhood Development Plans
  2. Recommend to the NPA that it approves the commencement of the Local Plan Review
  3. Note that a report will be presented to the Authority seeking the virement (budget transfer) of £227K from other Planning Policy budgets to the Development Plan budget in line with the Authority’s financial procedures
  4. Recommend to the NPA that it approves ~~Approve~~ the Local Development Scheme (seventh revision) for the South Downs National Park set out in Appendix I of this report.

## ITEM 9: SUMMARY OF APPEAL DECISIONS RECEIVED FROM 1 JANUARY 2022 - 14 APRIL 2022

449. The Officer presented the report and also highlighted a recent appeal decision on an application for 140 dwellings in Lavant, just outside the SDNP boundary, which SDNPA officers had been involved with. The appeal was dismissed on the loss of the gap between Chichester and Lavant and the transition to the National Park would be harmful to the setting of the National Park.
450. The Committee considered the report by the Director of Planning (Report PC 21/22-54) and commented as follows:
- There was a change in the Queens Speech, on 11<sup>th</sup> May 2022, to Judicial Reviews to make them easier, which had now been cancelled.
  - Planning Application SDNP/21/01457/HOUS and Appeal Reference Number APP/Y9507/W/21/3286422 on page 308/309 of the report was referenced and it was noted that there must be many applications which were of “private benefit”.
  - There was a risk of paying awards of costs if an application was turned down, and went to appeal and was subsequently lost. The report referred to 20 appeal decisions, seven were granted, but there was no awards of costs against the authority. Were there any lessons to be learned from this?
  - Concern was expressed on Planning Application APP/Y9507/C/21/3284029/SDNP/21/00622/HOUS/ APP/Y9507/C/21/3279810, and the Inspectors thought process towards Dark Night Skies. Had this approach been applied in Buriton, the Dark Night Skies status may have been severely impacted.
451. Members were advised:
- The various bills of the Queens Speech had not been released in detail. The Levelling and Regeneration bill was only released at 15:30 yesterday 11 May 2022, and it was understood that the opportunity to make Judicial Reviews easier had been dropped.
  - The specifics of this appeal were regarding replacement windows in a conservation area. The applicant presented an argument that the environmental and other benefits of UPVC windows should override the conservation area reasons for refusal. The inspector acknowledged there could be some environmental benefits, but that there were very specific private benefits to the resident of that house.
  - Where possible the Authority sought to avoid award of costs and ensured the reasons were clear to the appellant and inspectorate. The responsibility was on the appellant to apply for costs and to demonstrate unreasonable behaviour by the SDNPA. the authority was set up in planning terms, a fund was established for appeals, so the burden of costs was minimal. The Authority guarded against costs; but worked with members to enable the necessary decisions.
452. **RESOLVED:** The Committee resolved to note the outcome of appeal decisions.
453. The Chair closed the meeting at 11:30

## CHAIR

Signed: \_\_\_\_\_