

Policy and Performance Advisory Committee

Minutes of meeting held in Council Chamber, County Hall, St Anne's Crescent, Lewes, East Sussex, BN7 1UE on 7 November 2023 at 3.00 pm.

Present:

Councillor Christine Brett (Chair).

Councillors Janet Baah, Ciarron Clarkson, Graham Clews, Ezra Cohen, Nikki Fabry, Paul Keene, Imogen Makepeace, Paul Mellor and Daniel Stewart-Roberts.

Officers in attendance:

Philip Brown (Property Lawyer), Nick Peeters (Committee Officer), Nadeem Din (Planning Policy - Lead), Mark Horan (Improvement and Business Design Lead), Bill McCafferty (Lead for Income Maximisation and Welfare), Leigh Palmer (Head of Planning First), Rachel Sadler (Specialist Adviser (Air Quality)) and Jo Wunsch (Specialist Adviser (Sustainability)).

23 Minutes of the previous meeting

The minutes of the meeting held on the 7 September 2023 were submitted and the Deputy Chair was authorised to sign them as a correct record.

24 Apologies for absence

Apologies were received from Councillor Davies.

25 Declarations of Interest

There were none.

26 Urgent Items

There were none.

27 Written Questions from Councillors

There were none.

27a 2023 Air Quality Annual Status Report

Rachel Sadler, Specialist Adviser (Air Quality), introduced the report which provided the 2023 Annual Air Quality Status report for Lewes District, including data on the two Air Quality Management Areas (AQMAs) within the administrative boundary of Lewes District. During discussion, the following points were highlighted:

- The objectives for air quality testing were being met, in that the monitoring carried out was in line with the requirements of the local air quality management regime (LAQM). There was small reduction in nitrogen dioxide nationally, with tailpipe emissions from vehicles reducing.
- As well as producing the Annual Status Report (ASR), the Council was required to update its Air Quality Action Plan. There was currently an air quality management area in Lewes and the nitrogen dioxide levels in parts of Lewes initially showed as exceeding the national standards and objectives. However, because of the type of monitoring equipment used in some parts of Lewes, an annual adjustment was required, and along with further analysis, the levels within the objectives at the nearest sensitive receptors (i.e the façade of the nearest commercial property).
- The updating of the action plan had been delayed due to Covid19 and other factors, which meant the monitoring undertaken was not fully representative of what was expected, and the data could not accurately be used for modelling the prediction of future levels of nitrogen dioxide and particulate matter.
- The United Kingdom objectives for air quality were not currently aligned with the World Health Organisation (WHO) objectives, including those that related to ultra-fine particulates, which carried a higher health risk. A number of London councils and the neighbouring authority to Lewes, Brighton and Hove City Council had chosen to align their objectives with WHO and it was suggested that Lewes District Council could have similar aspirations and this could be included in the Action Plan as a goal.
- Air pollution and sustainability were closely linked. Air pollution looked at greenhouse gases but focused on pollutants that impacted only on human health. Carbon dioxide emissions did not impact directly in this area but were a greenhouse gas. 50% of particulate matter in Lewes originated from outside its boundaries and although the Council was unable to directly influence this occurrence in isolation, it would continue working with other local authorities and lobbying government for legislative change. Any sustainability strategy should look at air pollution.
- It was confirmed that monitoring of the nitrogen dioxide levels in Fisher Street, Lewes, showed a decreasing trend over the previous six years. The reconfiguration of bus stops on School Hill, Lewes, had likely resulted in buses travelling at a lower speed and was impacting the trend there. The retrofitting of Brighton & Hove buses to zero or low emission engines would help. The A259 air quality management area was challenging, with Newhaven identified as a growth area, with large developments potentially coming forward and adding an increase in vehicles to an already congested area. A multi organisational approach was needed, including the County Council and planners. Introducing air quality directives were also a challenge and required resourcing, although other port authorities were introducing green initiatives, and this was an area that could be

explored for Newhaven. The installation of a new sulphur dioxide monitor, in the new monitoring station, was being progressed and sulphur dioxide diffusion tubes were being installed in and around Newhaven.

Resolved to note the report.

27b Policy and Performance Advisory Committee Southern Water Panel - verbal update

The Chair of the Policy and Performance Advisory Committee Southern Water Panel, Councillor Keene, provided an update on the work of the Panel. Councillor Keene highlighted the following points:

David Murphy, Wastewater Investment Strategy Manager and Sue Cobb, Stakeholder Engagement Manager attended a Panel meeting on the 5 October 2023 and gave a presentation on:

- Southern Water's operations and business plan for 2025-2030.
- Planned investments.
- Southern Water's commitment towards the environment and customers, the current picture environmentally and how it intended to achieve 3-star status.
- An overview of storm overflows, resulting spills and solutions

Discussion covered the following areas:

- No dividends had been paid since 2017. The company was bought in 2020 with a subsequent investment of £1.6 billion.
- Pathfinder projects had been established to look at mitigating storm overflows - free, modified water butts/ working with highway authorities to deliver schemes funded by Southern Water/ replacement of poorly maintained septic tanks.
- Southern Water as working with other water companies - a new reservoir was planned for the Southeast located in Hampshire and was being developed with Portsmouth Water.
- There were remaining 'deliverables in the current investment period across-the-board, some were included in the 'water industry national environment programme'.
- Southern Water recognised that there had been issues over the previous two years with outages, discharges and customer satisfaction, and that its performance was not at the level it, or its customers expected. Southern Water had reached a two-star rating but was working back towards three stars.
- Southern Water anticipated that there would be a significant reduction in

storm overflows over the five-year investment period from 2025-2030.

- The Government set targets in its Storm Overflow Discharge Reduction programme which went up to 2050 and all of Southern Water's spill reporting data was available on its website.
- The Beachboy app had been produced by Southern Water to provide 'near' real-time data on storm overflow discharges and the potential impact on bathing water. There were plans to expand the app to inland waters.
- Investigation was needed at treatment works where additional spills, above the capacity that was licenced to serve the population, were needed. These had been built into the next investment period.
- It was not Southern Water's responsibility to refuse the supply of water and management of wastewater to developers, where planning permission had been granted by the local planning authority.
- Southern Water needed to review the permits for stormwater overflows in order to reduce the number of discharges.
- The Panel would look at engagement with industry and academic experts as well as engaging with residents through town and parish councils.

Southern Water would seek to provide additional information on the following areas:

- An update on how Southern Water promoted and supported community-based schemes and how Southern Water engaged with environmental community groups.
- A metric/management plan with headline figures for the future mix of wastewater/ground water/rivers?
- The 'spend value' left in the current investment period?
- Clarification over developer contributions to Southern Water for infrastructure improvements/treatment works provision/upgrade and whether the requirement for this could be strengthened as part of Southern Water's response to local plans and major developments.

Site visits

Two site visits were offered By Southern Water - The Newhaven Wastewater Treatment Works and Barcombe.

Resolved to note the verbal update on the work of the Panel.

28 Requested reports due for consideration by the Cabinet on 9 November 2023

Resolved to discuss all the Cabinet reports included on the agenda.

28a Climate Change and Sustainability Strategy - Annual update 2023

Jo Wunsch, Specialist Adviser (Sustainability), presented the report which provide an update on the Climate Change and Sustainability Strategy and action plan, and set out proposals for climate change activities in 2024/25, including refreshing the Strategy and the action plan. During discussion, the following points were highlighted:

- A more detailed, analytical refresh of the Strategy would be provided in 2024. Members were advised that it could address the following areas:
 - Projections for future actions and their impact on future carbon reductions.
 - The inclusion of emissions data from social housing and construction in the Scope 3 reporting.
 - How Biodiversity Net Gain (BNG) would be maintained into the future.
 - An update and report on the implementation of a new Hydrogen Hub strategy.
- Members were pleased to see the roll-out of food waste recycling and its collection by electric vehicles. It was confirmed that recycling rates were reported through the Council's quarterly performance reports.

Resolved to support the Officer recommendations in the Cabinet report, in full.

28b War Pensions and Armed Forces Compensation Policy

Bill McCafferty, Lead for Income Maximisation and Welfare, presented the report which sought to gain Cabinet's recommendation to Full Council for the disregarding, in the assessment of Housing Benefit, War Pension and Armed Forces Compensation income above the statutory disregard. During discussion, the following point was highlighted:

- It was confirmed that the decision in the report was one that had to be agreed at Full Council.

Resolved to support the Officer recommendations in the Cabinet report, in full.

28c Lewes Local Plan - Towards a Spatial Strategy and Policies Approaches

Leigh Palmer, Head of Planning and Nadeem Din, Planning Policy Lead, presented the report which sought agreement from the Cabinet for a period of public consultation on the Regulation 18 Local Plan 'Towards a Spatial Strategy and Policies Approaches', and publication of supporting documents.

During discussion, the following points were highlighted:

- The process for proving the soundness of the Council's evidence gathering and its submitted Local Plan would be through examination by the inspector. The Council's evidence would be supplemented as the Plan progressed towards examination and it was felt that a credible case was being presented, that demonstrated the existing constraints on housing development such as landscape, the South Downs National Park (SDNP), coastline, rivers/flooding and ancient woodland. The document provided for consultation included the setting of a 'range' for the housing target which was informed by technical assessments of the land. The process going forward would include discussions and engagement (under the duty to cooperate) with neighbouring authorities on land availability, which would demonstrate to the Inspector that the Council was taking a 'no stone unturned' approach to addressing its identified needs.
- The proposed split of housing numbers between Lewes District and the SDNP authority was a long-standing figure, although it had not yet been agreed between the SNDPA and LDC. The number allocated to the SDNP did not need to be solely delivered in Lewes and could be across the entire park. If consensus on the final figure could not be reached, it was felt that the Council would be able to successfully evidence its position.
- The document acknowledged that 40% was the requirement for affordable housing provision, however, the trend for Lewes was currently lower (based on viability grounds). As a result, the Council would continue to aim for 40% but would set as policy direction, a minimum level of 25% provision on-site, with the difference taken as a cash contribution, allowing the Council to provide its own housing across the district. The document also recognised that a positive direction from the Council towards the provision of two-bedroom dwellings by developers was required, as this was where a larger portion of housing need arose.
- The Council was discussing its expected growth plan in terms of housing numbers with all infrastructure providers, including Southern Water. The Environment Agency had been involved in the draft production of evidence and would continue to be involved as the Plan progressed. There was a statutory obligation to provide infrastructure for approved sites.
- The sites marked as red (unacceptable for development) were not yet set as such and should mitigation measures be proposed, for example by a developer, the sites could be moved to another category which identified them as acceptable, following further evidence-based work. The sites would not be set until the final submission of the document and developers would be able to challenge the sites that remained red, at the enquiry stage.
- There were two separate levels of need in the document for Travellers/Gypsies as there were two different definitions and the document had policies for both definitions. The provision of sufficient sites

for Travellers/Gypsies would come from a combination of site allocations and a policy direction that obligated large residential housing developers to provide a proportion of their land for Gypsy/Traveller accommodation.

- The scale for the Biodiversity Net Gain (BNG) from development acknowledged that Government had mandated a minimum of 10%, although the Council aspired to a higher net gain. The current scope looked at whether 20% was attainable across all sites, however, this could become site specific if viability became an issue, which would then potentially impact on the ability to deliver affordable housing. The Council was not yet at the stage where the higher end of the scale could be evidenced.

Resolved to support the Officer recommendations in the Cabinet report, in full.

29 Forward Plan of Decisions

The Chair, Councillor Brett, introduced the Forward Plan of Cabinet Decisions which outlined reports due to be presented to the Cabinet at its future meetings.

Resolved to note the Forward Plan of Cabinet Decisions.

30 Policy and Performance Advisory Committee Work Programme

The Chair, Councillor Brett, introduced the Committee's work programme, which detailed the items due to be considered at future meetings and provided an opportunity for Members to request any areas or issues they wished the Committee to look at in further depth:

- A Member requested that a review of the Council's green spaces, grass-cutting and cemetery management be added to the work programme.

Resolved to note the Committee's work programme.

31 Date of Next Meeting

Resolved to note that the next meeting of the Policy and Performance Advisory Committee is scheduled to be held on 30 November 2023 at The Marine Workshops, Railway Quay, Newhaven, East Sussex, BN9 0ER.

The meeting ended at 4.40 pm

Councillor Christine Brett (Chair)