

Public Document Pack

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15 October 2018

Dear Member,

County Council - Friday, 19 October 2018

Please find enclosed the briefing notes for the motions to be debated at the meeting of the County Council to be held on Friday, 19 October 2018.

Agenda No	Item
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7(a)	Motion on Tackling Homelessness and supporting those at Risk (Pages 3 - 6)
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Briefing note on factual background information attached.

7(c)	Motion on consultation on Shale Gas and Other Oil and Gas Exploration and Production (Pages 7 - 10)
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Briefing note on factual background information attached.

Yours sincerely

Tony Kershaw
Director of Law and Assurance

To all members of the County Council

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County Council**19 October 2018****Agenda Item 7(a) - Notice of Motion by Mr Jones****Tackling Homelessness and supporting those at Risk – Briefing Note****National Context**

Nationally levels of homelessness and rough sleeping have been rising over the last eight years and this is mirrored in the county as a whole and in particular localities. This may be attributed to a general period of economic slowdown, national policy changes in both welfare reform and planning policy alongside house price increases and the pressure on the housing market.

The publication of the Government's Rough Sleeping Strategy in August 2018 set out the Government's aim for halving rough sleeping by 2022 and ending it by 2027. It builds on a programme of work that is already underway to address homelessness as a whole: the introduction of the Homelessness Reduction Act proposes more funding for local authorities to prevent homelessness and launches the Rough Sleeping Initiative. The strategy is backed by £1.2bn of funding to tackle homelessness in the short and long term. This includes £100m of investment over three next two years to tackle rough sleeping.

Distribution of responsibilities

There are a range of responsibilities within the system arising from a complex set of statutory obligations upon national agencies and local authorities. Welfare benefits to maintain independence and prevent poverty are managed by government agencies. District authorities have the principal statutory duty in preventing and responding to homelessness in their areas with the County Council in two-tier areas having a statutory role in relation to those who meet specifically defined needs associated with categories of vulnerability or risk of harm. Voluntary organisations provide significant levels of support and direct services to individuals supplementary to these statutory services.

District Spend**Core Costs**

Districts operate their Home Options Service which includes costs of providing emergency and temporary accommodation. This uses district-owned housing stock or other options including bed and breakfast or private sector leasing arrangements.

In 2017/18 financial year the district and borough housing services in West Sussex spent £4,354,731 on bed and breakfast and/or temporary accommodation. Additional funding is provided to account for additional statutory requirements placed on districts and boroughs and includes New Burdens funding, the flexible Homeless Support Grant and Discretionary Housing payments as detailed below.

New Burdens

	17/18	18/19	19/20	Total
	£000s	£000s	£000s	£000s
Adur	29	27	28	84
Arun	71	65	69	205
Chichester	39	36	38	113
Crawley	51	46	49	146
Horsham	34	32	33	99
Mid Sussex	29	26	27	82
Worthing	48	44	47	139
Total	301	276	291	868

Flexible Homelessness Support Grant

	17/18	17/18	18/19	19/20	Total
	£000s	£000s	£000s	£000s	£000s
Adur	184	184	206	138	528
Arun	0	304	350	507	1161
Chichester	1	128	147	188	463
Crawley	258	448	506	610	1564
Horsham	21	124	143	206	473
Mid Sussex	27	193	222	281	696
Worthing	84	120	138	152	410
Total	575	1501	1712	2082	5295

Discretionary Housing Payment

	16/17	16/17	17/18	17/18	18/19
	£000s	£000s	£000s	£000s	£000s
	Expenditure	Allocation	Expenditure	Allocation	Allocation
Adur	94	102	148	155	130
Arun	132	239	339	361	320
Chichester	143	159	175	232	202
Crawley	249	280	277	436	337
Horsham	102	141	199	210	155
Mid Sussex	105	126	223	207	169
Worthing	156	160	262	267	228
Total	981	1207	1623	1868	1541
Forgone		226		245	

County Council Spend

The County Council has no statutory housing function or responsibility for addressing homelessness or destitution. The County Council's responsibilities are found in legislation relating to children and to adults with care needs.

- To provide accommodation to children in need or at risk of significant harm – up to the age of 17;

- To provide accommodation to children looked after;
- To provide accommodation to former looked after children including in some cases up to the age of 25 if in full time education or training;
- To provide or secure accommodation to individual adults where they have no recourse to public funds and present with care needs (people who have no eligibility for welfare benefits or housing); and
- To provide or secure residential care for those whose care needs identify such need (the core Care Act duty).

The County Council received ring-fenced grant related to supported housing. In 2011 this ring fence was removed. The Council had settled contracts (floating and/or accommodation-based) which include provision for groups who are vulnerable and threatened with homeless, broken down by district. The current spend by District is as follows:

	Young people	Prevention	Adults	Total spend
Adur and Worthing	£639,275	£975,052	£178,482	£1,792,809
Arun	£114,169	£493,848	£301,115	£909,132
Chichester	£67,525	£441,565	£113,728	£622,818
Crawley	£335,377	£525,742	£92,750	£953,869
Horsham	£280,172	£268,417	£151,662	£700,251
Mid Sussex	£36,118	£294,051	£133,379	£463,548
Total spend by service	£1,472,636	£2,998,675	£971,116	£5,442,427
Youth Homelessness Prevention Team				£170,000
Floating preventative support – countywide demand led				£574,673
Other				£140,000
Total				£6,327,100

County Council spending review proposals

The Forward Plan, published on 29 August 2018, included a proposal to undertake a review of the County Council's spending on supported housing as set out above. It led to a decision to commence a process for consultation and engagement during which representations should be made. The aim is that the final decision will be taken in December 2018 taking into account all representations and submissions.

In addition to this review of spending commitments the Council proposes a collaborative model working across the tiers to better understand the issues and costs associated with homelessness in order to remodel joint arrangements and reduce potential inefficiency, duplication and avoidable cost from the system as a whole.

It is further proposed that consultation on the delivery models for the future of commissioned services is overseen by the Strategic Housing Partnership through a working group which will:

- Analyse the needs and demand of the client groups currently supported in the existing commissioned services;
- Provide clarity about statutory responsibilities of the district and borough housing services and those of the County Council;
- Identify what monies and funding streams are currently in the wider homelessness and prevention system; and
- Consult with, and work with the local authorities and providers to analyse what efficiencies can be identified and what alternative provisions and funding within the whole system there are to shape new models of services reflecting the resources available.

Rachel North

Director of Communities

County Council**19 October 2018****Agenda Item 7(c) - Notice of Motion by Ms Lord****Consultations on permitted development rights for Shale Gas Exploration and defining proposals for major Shale Gas Production as Nationally Significant Infrastructure Projects – Briefing Note****Background***Onshore Hydrocarbons*

Some types of oil and gas (referred to as 'conventional hydrocarbons') flow through porous rocks (e.g. limestone, sandstone) into reservoirs where they are trapped under impermeable layers/'cap rock'. Both vertical and horizontal drilling is used for extraction. Hydraulic fracturing ('fracking' – pumping liquid into a well at high pressure to create/open up fractures) is not required to extract these hydrocarbons because the rock is naturally fractured. Other types of oil and gas (referred to as 'unconventional hydrocarbons') remain in pore spaces within the impermeable source rock (e.g. shale). Different technology (e.g. fracking) is required to extract these hydrocarbons.

Shale Gas and Oil

Shale gas and oil is found in rocks deep below the earth's surface. They have previously been considered too impermeable ('tight') to allow for the gas and oil to be recovered economically. The British Geological Survey (BGS) indicates that there is unlikely to be shale gas potential in the Weald Basin, within which West Sussex is located. It also concludes that it likely that only limited amounts of shale in the area have the potential to produce shale oil in commercial quantities.

Phases of Development

There are three phases of extraction: exploration, appraisal, and production. Planning permissions are required for each stage, as well as other (non-planning) consents/permits required under other regulatory regimes. However, in some cases, planning applications may seek permission for more than one phase (e.g. exploration and appraisal). The exploration phase involves seismic surveys to understand the geological structure followed by exploratory drilling (possibly including some hydraulic fracturing) to determine whether hydrocarbons are present. The drilling is a short-term but intensive activity. The appraisal phase may involve further drilling to establish whether the deposit can be economically exploited; it is usually a short-term activity. The production phase involves the long-term production of oil or gas commercially.

Role of the County Council

As the Mineral Planning Authority, the County Council is responsible for determining planning applications for oil and gas development or 'onshore hydrocarbon extraction'. Decisions are made within the Town and Country Planning system, which governs the development of land in the public interest.

Consultation

The Government is consulting on two separate proposals relating to shale gas development. The first consultation seeks views on the principle of whether non-hydraulic fracturing shale gas exploration development should be granted planning permission through a permitted development right. The rights would relate only to the exploratory phase, where geological data is acquired to establish whether hydrocarbons are present. It would not apply to the appraisal or production phases. Specifically, the 'permitted development' rights would only apply to shale gas exploration and not to proposals to explore for other types of hydrocarbon. Also, it would only apply to proposals for non-hydraulic fracturing operations (to take core samples for testing purposes) and it would not allow the injection of fluids for the purposes of hydraulic fracturing.

The second consultation seeks views on the inclusion of major shale gas production projects that meet defined thresholds as Nationally Significant Infrastructure Projects (NSIPs). It would relate only to production development, not exploration or appraisal, and only to shale gas, not other hydrocarbons.

Permitted Development

Permitted development rights, as defined in the Town and Country (General Permitted Development)(England) Order 2015, are a national grant of planning permission that allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights can be subject to conditions and limitations to control impact and to protect local amenity. However, they are exempt from the usual planning application process, including the need for public consultation.

Where a relevant permitted development right is in place, there is no need to apply to the local planning authority (LPA) for permission to carry out the work. However, in a small number of cases, it may be necessary to obtain prior approval from a LPA before carrying out permitted development. Permitted development rights do not override the requirement to comply with other permission, regulation or consent regimes.

Drilling (or 'boring') for hydrocarbons is a significant operation with potential adverse impacts in terms of, amongst other matters, HGV movements, visual impact, the water environment, and noise emissions. Therefore, hydrocarbon exploration has the potential to result in more wide-scale impact than is the case for proposals with existing 'permitted development' rights, such as household extensions.

Nationally Significant Infrastructure Projects (NSIP)

NSIPs are projects of certain types, over a certain size, that are considered by the Government to be so big and nationally important that permission to build them needs to be given at a national level, by the responsible Government minister. They include proposals for power plants, large renewable energy projects, new airports and airport extensions, major road projects etc. A local example is the Rampion Wind Farm.

Detailed plans for NSIPs are subject to consultation as part of the Development Consent Order process. LPAs, including the County Council, and communities

would be consulted as part of this process. Following examination by the Planning Inspectorate, the final decision to grant or refuse development consent would rest with the Secretary of State rather than LPAs.

Although proposals for hydrocarbon exploration can be controversial (both locally and nationally), such development is not large in physical scale or land-take. Also, it is unlikely that any single site (even including multiple pads) would, in isolation, make a significant contribution to meeting the UK's national energy needs.

Responses to the Consultations

Officer-only responses have been drafted following discussion with the Cabinet Member for Environment. The deadline for responding is 25 October 2018. The draft responses, summarised below, will be finalised following the debate on the motion at full Council. With regard to the consultation on permitted development, the draft response is that the County Council does not agree with the proposal because:

- (a) there is no justification for separating out proposals for shale gas exploration from other types of hydrocarbon exploration;
- (b) the potential impacts of exploration are significant and they are not akin to those of the current types of permitted development, such as household extensions;
- (c) it is not considered appropriate for such significant development to be beyond the scope of the normal planning application process and the checks that it provides in the public interest; and
- (d) if permitted development rights are introduced, they should be subject to stringent conditions.

With regard to the consultation on NSIPs, the draft response is that the County Council does not agree with the proposal because:

- (a) it is unlikely that applications for major shale gas production projects would meet the current criteria to be considered as NSIPs. Furthermore, even if they did, it is unclear why proposals for the production of other types of oil and gas would not also be defined as NSIPs;
- (b) LPAs are the correct bodies to consider shale gas applications due to their democratic mandate and understanding of their place; and
- (c) given that such proposals are controversial, to take decisions away from LPAs would likely be seen by local communities as anti-democratic.

Lee Harris

Executive Director Economy, Infrastructure and Environment

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