| **The Planning White Paper Consultation** |
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| **Response of Chichester District Council October 2020** |

| **Pillar One – Planning for development** | |
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| **Q1** | **What three words do you associate most with the planning system in England?**  No response. |
| **Q2a** | **Do you get involved with planning decisions in your local area?**  Yes – as the Local Planning Authority. |
| **Q2b** | **If no, why not?**  N/A |
| **Q3** | **Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? (Social media / Online news / Newspaper / By post / Other – please specify)**  It is critical that Local Authorities can continue to provide the best service possible in advising residents about new planning applications and planning consultations. The use of social media is useful **but** traditional methods must also be maintained. |
| **Q4** | **What are your top three priorities for planning in your local area? (Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify)**  In Chichester District, there is increasing pressure for affordable housing, significant infrastructure constraints, national designations such as AONB and National Park and flood risk due to climate change. Therefore, it is not possible to specify three priorities from this list. All of the above are priorities for the Council and it is the role of the planning system to ensure that these are assessed and balanced both individually and cumulatively.  This balance is required to ensure the delivery of socially, economically and environmentally sustainable development. Prioritising one element, i.e. affordability, will not achieve overall sustainable development  Notwithstanding the need for a balanced approach, there are specific priorities for the District, such as prioritising the building of suitable homes for young people and people with local jobs. Priorities may also need to be supported by local interventions, such as measures to avoid houses being sold off as second homes. Local Authorities would need a level of flexibility to achieve this.  Given the limited information in this White Paper on a number of proposals, it is not possible to fully understand their individual and overall effect. It is considered that it would have been more appropriate to have put forward these proposals in a Green Paper. |

| **Proposal 1 – Simplify land use plans** | |
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| **Q5** | **Do you agree that Local Plans should be simplified in line with our proposals?**  No. Overall, the implications of this proposal, together with the proposed granting of outline permission for areas identified for Growth, places a significant amount of “front loading” onto the Local Plan system. Local Planning Authorities, communities and other stakeholders will require an expanded evidence base to address matters of design to support and justify identification of sites for development, leading to increased cost and potentially a greater amount of time spent at Examination considering matters of design. Overall, the concern is that the new system will significantly increase the resource needed to front load the current schemes, without providing a longer term framework to be reiterated and revised in subsequent plans.  The Council does not support the proposal to confer outline planning consent to proposals in the Local Plan, or the general presumption in favour of development in Renewal areas. This Council has already expressed its concern regarding the proposed expansion of PiP in the previous consultation on Changes to the Current Planning System and considers that expanding similar measures to cover a wider area is not appropriate.  It is the experience of this LPA that major developments require, and greatly benefit from, the full scrutiny provided by the standard planning application process. It ensures that the necessary infrastructure required by such developments will be delivered and will fit in with other infrastructure, existing or planned, in the planning area. Any change that would curtail such scrutiny will prove detrimental to the community for years to come and also in the short term for developers, by reducing the market value of the development.  Further clarification on the definition of Protected Areas is required. Though reference is made in para 2.8 to the inclusion of open countryside, the protection of individual settlement identity and areas between conurbations not protected by Green Belts (e.g. between the Greater Brighton and South Hampshire conurbations) needs to be taken into account. Protection of wildlife corridors is also required, as well as appropriate buffers around designated landscape and nature sites.  Obtaining the evidence to support Local Plan preparation is the key challenge and our “partners” needs to be given strict rules on how and when they respond. Councils are often blamed for time delays which are beyond their control given the time it can take for statutory consultees to respond/engage. |

| **Proposal 2 – National development management policies** | |
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| **Q6** | **Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?**  No. While the proposals could have benefits for consistency and efficacy, if national policy is far more specific on proposed policy wording and that Local and Neighbourhood Plans can add appropriate local requirements where they are able to demonstrate a justification.  However there are concerns as to how this proposal may work in practice and whether detailed development management policies underpinned by evidence could be left to national policy.  The principle of subsidiarity should apply, with local matters for local determination by the Local Authority with local democratic input. Planning should allow for local distinctive characteristics to be retained, to allow the rich diversity of different localities to flourish in the spirit of the Localism Act. This is the welcome aim of other parts of the White Paper and this proposal has the potential to go against it*.* |

| **Proposal 3 – Replace test of soundness with sustainable development test** | |
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| **Q7a** | **Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?**  Not decided on the information available. For Chichester, an area subject to a number of the highest environmental designations (e.g. AONB and proximity to National Park), considerable further detail would be required, including details of proposed legislation, to enable the implications of the removal of the Sustainability Appraisal test to be fully understood.  Removal of the legal Duty to Cooperate is welcomed and should be accompanied by guidance from Government as to the expectations for Local Planning Authorities in considering cross-boundary issues.  This is particularly relevant in respect of regional, sub regional and local infrastructure planning, e.g. transport, water supply/foul water management infrastructure, mineral resource and primary/secondary education planning, which would need to be assessed against the cumulative impacts of nationally set housing development targets across a number of Local Planning Authority areas. |
| **Q7b** | **How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?**  Local Planning Authorities already have the option to produce joint plans where they consider it appropriate. This offers one option for considering strategic cross-boundary issues. However, this can be hampered by the availability of key infrastructure providers and organisations and utility providers at the local or-sub-regional level. There needs to be far greater capacity and responsiveness from statutory organisations, emerging bodies such as statutory sub-national transport bodies, Local Enterprise Partnerships and County Councils, to enable strategic planning and infrastructure matters to be identified and delivery supported.  There also need to be better options for improvement. For example, the AONB needs to be more integral to the plan. Excluding all development from the AONB is not actually the total answer – when some parts have already been damaged, they could be improved, but this needs to be achieved through cross-boundary working where the designation affects more than one Local Authority.  Finally, due regard is needed to, and consistency with, other potential legislative changes, e.g. regarding Local Government reorganisation and environmental matters (Devolution and Environment Bills). |

| **Proposal 4 – A standard method for establishing housing requirement figures** | |
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| **Q8a** | **Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?**  Yes with qualifications. The benefits of having a standard method, in that it reduces uncertainties and time and money developing bespoke evidence on this issue are recognised. However, the proposals give rise to the following significant concerns.  On its own terms, the proposal to make binding targets from a revised standard methodology **must** be accompanied with a specific method for how that will be applied in areas where the plan area is not contiguous with a District boundary. Otherwise the proposed benefits of certainty will not apply in areas such as Chichester, where part of the District falls within a National Park. The Council notes that the difference in land values between much of the Chichester Local Plan area and that part which falls within the National Park is already distorting the assessment of affordability as it is applied to the current and proposed changes to the standard methodology.  A revised standard methodology, which takes into account constraints, may be welcome but further detail will be needed on how it would be applied before a final view can be taken.  It is thought likely that in any event, there will need to be flexibility for Local Plan Examinations to take into account compelling evidence on the appropriateness and deliverability of any housing needs target set by national methodology including constraints from availability of infrastructure outside the LA’s control, e.g. of Strategic Roads and cumulative Waste Water Treatment capacity.  Any Standard Methodology should also include an assessment of the need for growth in a Region to level up economic activity and opportunities. Economic activity is key and the planning system has a role to play by encouraging jobs to less developed areas. |
| **Q8b** | **Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?**  Affordability should not be the starting point in assessing an area’s need. This is a relevant factor, but there are a wide range of other matters to be considered, including the capacity and deliverability of necessary infrastructure, extent of statutory landscape and nature designed areas, mineral aggregate resources, cumulative loss of high grade agricultural land, sustainability of economic (e.g. horticultural) activity due land price competition, area specific mitigation requirements (e.g. nitrogen neutrality, Trunk road issues) and the capacity and commercial willingness of the market to deliver. This is important as unrealistic/un-deliverable targets will lead, if the Housing Delivery Test is retained, to non-Local Plan led development.  Encouraging younger people to bring job opportunities to these areas, needs to be factored in. By using a too simplistic method demand keeps going up but does not necessarily encourage younger people to live in the area, if there are no jobs.  As the White Paper seems to foresee all development continuing to be provided by professional developers, and as it is clearly against their interests to build enough housing to lower market values, this White Paper as it stands will fail in its aims. |

| **Proposal 5 – Automatic grant of outline permission** | |
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| **Q9a** | **Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?**  No. It is the experience of this LPA that major developments require, and greatly benefit from, the full scrutiny provided by the standard planning application process. It ensures that the necessary infrastructure required by such developments will be delivered and will fit in with other infrastructure, existing or planned, in the planning area. Any change that would curtail such scrutiny will prove detrimental to the community for years to come and also in the short term for developers, by reducing the market value of the development.  As the Local Planning Authority, this Council already has limited ability to influence key environmental and infrastructure plans, covering matters such as transport and waste water. |
| **Q9b** | **Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?**  Not decided on the information available. The appropriateness of this approach would depend upon the detail as to how it would work, to ensure that locally important issues are able to be taken in to account in the process.  Protected Areas in particular require local control, which means that planning applications affecting these areas should be determined on a case by case basis at a local level. |
| **Q9c** | **Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?**  No. This would remove local democracy in the planning process and would force decisions on Local Authorities as to how to plan for the spatial distribution of development in their areas.  There is a good case for bringing forward substantial New Settlements where their needful business, employment and community support structures and infrastructure can also be built. However to do this under the Nationally Significant Infrastructure Projects regime would remove local democracy in the planning process and would force decisions upon Local Authorities as to how the spatial distribution of development in their area, is planned.  There is an argument for wider discussions over the development of large scale developments so the regional infrastructure can be better managed. There is a place here for LEPs to be statutory consultees.  Clarity is required as it is not clear as to what minimum size of new settlement this proposal would apply to. |

| **Proposal 6 – Faster decision making using digital technology** | |
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| **Q10** | Do you agree with our proposals to make decision-making faster and more certain?  No. The proposals to remove the ability to agree extensions of time alongside measures to ‘incentivise’ Local Planning Authorities by requiring repayment of a planning application fee, significantly threatens the ability of the planning system to secure well designed development. Such a system will result in a number of undesirable and unintended scenarios:   * Applicants may be tempted to save money on design and submit defective proposals, leading to the forced acceptance by Local Authorities of these poor development proposals which it will not have time to negotiate and improve, in order to avoid the proposed penalties; causing harm to the built and natural environment * a reduction in fee income from Local Planning Authorities, important in ensuring that the development management process delivers timely decision making on planning applications * Further delays in the application process as Local Authorities are forced to refuse poorly designed planning applications, rather than negotiate a well-designed and deliverable proposal. The applicant must either restart the application process or spend time arguing their case at appeal.   Proposals to simplify the application validation process would be welcomed but any new system will need to ensure that in striving for simplicity, the process does not omit the need for technical detail required to properly assess applications and therefore inadvertently delay the application process or lead to unsound planning decisions.  A reform of the way in which applications are submitted and engaged with, within a digital format, would be supported. However, this would need to ensure that the ability for applicants of proposals of a minor nature are still able to do so, without necessarily having to engage the services of multiple professionals and experts to translate their proposals in to an acceptable format. It is also important that measures are in place to assist those sectors of society who may not have the ability to naturally engage with a digital format, to still effectively participate in the application process.  If there is faster decision making, Councils will be forced to refuse permission before constructive negotiations can take place. |

| **Proposal 7 – Visual, map-based Local Plans based on digital technology** | |
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| **Q11** | **Do you agree with our proposals for accessible, web-based Local Plans?**  Yes. The proposals are supported provided resources are made available for Local Planning Authorities to buy or lease appropriate software and for the considerable staff training required to implement a web-based Local Plan.  The proposals for a template are also supported to ensure Local Plans and subsequent revisions, meet data standards and digital principles. Plans should become fully digitised and web based following agreed web standards rather than paper documents. Currently information submitted as pdfs or scanned paper copies cannot be searched or read by computers.  It is also considered that digital plans will support community engagement, aid transparency of the Local Plan process and result in effective public participation. There is the opportunity to engage younger generations who remain a “hard to reach” group, yet who should be able to influence how and where they live and work. A digital format should also make it simpler and quicker to analyse results of consultations.  Nonetheless, the move to digital plans should be accompanied by clear proposals for ensuring access for all groups.  Cleary it would be helpful if all Plans were developed using a standard “toolkit” but that “Toolkit” must be robust, evidence based where detail is justified, but not over complex. Developing a Local Plan is not a simplistic job that can be deskilled. It requires professional planners supported by Councillors and residents to scrutinise the work. There is a concern that the measures at paragraph 2.43 will lead to standardisation and potentially, a requirement for less evidence which could undermine the plan. |

| **Proposal 8 – Statutory timetable set through legislation for plan-making process** | |
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| **Q12** | **Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?**  No, unless:   * The Planning Inspectorate would be bound to keep to timetable; * The timetable is binding upon all other key organisations, such as statutory consultees; * The potential for binding timetables is reviewed, if warranted by circumstances such as a change in national policy; and * The requirements to establish a robust evidence base are addressed, given the length of time it takes to complete technical assessments.   Our uncompromising answer to this question arises from the continuing experience of Chichester LPA that Local Plan production cannot move forward as we, the Government and the Community would wish, owing to the restraints placed upon us by other statutory authorities over which we have no control, but without whose evidence it is impossible to produce a viable Local Plan. If Highways England, Southern Water etc. could respond to issues in a timely manner, there could be a reduction in timescales, but consistent failings leave the Council not in control of their timetable.  If implemented, there also needs to be a parallel regime of statutory timetables imposed on developers actually to build out their schemes once permission is in place. |

| **Proposal 9 – Retain Neighbourhood Plans** | |
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| **Q13a** | **Do you agree that Neighbourhood Plans should be retained in the reformed planning system?**  Yes. The concept of Neighbourhood Planning is well embedded into the Chichester plan area and is accepted and supported locally. However, the process and procedures that need to be undertaken in order to bring forward a Neighbourhood Plan (NP) for a parish are unduly onerous. It is therefore difficult to see how this could be easily transferred to a reformed Local Plan system without the risk of consultation overload and of one element undermining the other. Potentially a tighter focus for NPs may help with this and may also serve to remove some of the overly procedural requirements that have tended to burden the NP system in recent years.  There is also an issue with the proposed shorter Local Plan timescales as Neighbourhood Plans could not be produced in line with the Local Plan. The opportunity for communities to develop their own Neighbourhood Plan is good but there needs to be a clearer structure and clearer guidance, with affordable support. In addition, there needs to be consistency without the NP requirements being altered on a regular basis.  In terms of considering smaller areas such as individual streets, it is difficult to see how present NP requirements could be translated to such a small scale. Village and town design statements (VDS and TDS) already provide an avenue to look in more detail at character areas for a Parish and these can be more easily amended than NPs, providing more responsive documents. The alternative may be for Neighbourhood Plans to have a more focused approach on design matters that provide characterisation for a particular local area. The local community could then set out policies for their own design parameters based on particular areas and supported by their own local characterisation work. However, as this would currently be subject to established NP regulations, this may well be more onerous and less responsive that the route of progressing a VDS or TDS.  Finally, further clarification is needed as it is not clear as to what extent the restriction of NP’s to a design document extends. For example, could an NP cover the layout design aspects of a Growth area? |
| **Q13b** | **How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?**  It is agreed that technology is now able to offer a wide range of interactive methods which are beneficial to the understanding of design. However, the ability to introduce digital tools into local communities will vary widely depending on the nature and make-up of the local community. While often digital methods are welcome, they are not always easily adopted by all communities and some flexibility will be required in encouraging their introduction along with time to adopt any such new methods. In this respect the results of the pilot projects and any data standards that are developed will enable this approach to be considered carefully and built on where opportunities arise in the NP process. |

| **Proposal 10 – Stronger emphasis on building out through planning** | |
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| **Q14** | **Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?**  Yes. Multiple developers on one site will likely speed up housing delivery. There should be suitable safeguards in place to ensure an appropriate transition between designs where there are multiple elements to the development.  To help encourage delivery on sites with unimplemented permissions (directly or through the selling on of the land with permission); implementation of Land Value Tax (LVT) or a ‘land banking tax’ should be considered. |

| **Pillar Two – Planning for beautiful and sustainable places** | |
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| **Q15** | **What do you think about the design of new development that has happened recently in your area? (Not sure or indifferent / Beautiful and/or well-designed / Ugly and/ or poorly-designed / There hasn’t been any / Other – please specify)**  The use by national development companies of their standard designs based solely on ease of marketing is resulting in bland, unremarkable developments that take insufficient account of the local vernacular or of the unique opportunities of this location.  While not dreadful, much new development is not only bland, but fails to meet reasonable energy efficiency standards, fails to provide adequate walking and cycling infrastructure, destroys habitat that is not replaced and many new houses are poorly designed, make inefficient use of space, and exhibit problems with construction within just a few years of completion. |
| **Q16** | **Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? (Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / Other – please specify)**  These are all priorities. Others include protection and enhancement of habitats and wildlife corridors.  We need to offer some houses at the highest level of energy efficiency. Energy efficient buildings to Passivhaus standard; proper, linked provision of cycling routes; provision for electric vehicle charging, higher densities in areas close to employment, education and community infrastructure  It is not just about more green open spaces it is about **quality**. Walking routes into town that can be maintained with wild flowers and places to stop. Areas for children to play so that housing density can be increased. Cycle routes that encourage people to cycle to work. Clear link to bus routes and trains. It is not about offering an open space but about design. |

| **Proposal 11 - Make design expectations more visual and predictable** | |
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| **Q17** | **Do you agree with our proposals for improving the production and use of design guides and codes?**  Yes. Further emphasis on design in the decision process is supported. However, Design Codes will need to be applicable to development where approval is required by the Local Planning Authority, but also that which is granted through the GPDO, to ensure codes are robustly and consistently applied. Without this consistency, planning application decisions will be undermined by applicants’ use of “the fall-back position” and an erosion of a carefully designed character of an area through ‘permitted development’ that would not have to conform to similar design codes.  However, design codes must be local as without this, there is the potential for the same designs across the country. Design codes must not diminish innovation. Notwithstanding this, national guidance is useful and expediting the revision of Manual for Streets for example, to include latest cycling and walking infrastructure guidance and standards, is considered essential  Further clarification is required as it is:   * Not clear what weight local design codes will have if the Housing Delivery Test is not met and therefore the Local Plan is considered out of date. * Not clear as to what empirical evidence is required (para 3.8). Should this include national generic designs on recently built sites? Clarification on “popular” (with whom) should also be provided. |

| **Proposal 12 – Design codes to support transition to more visual planning system** | |
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| **Q18** | **Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?**  Yes. A new arms-length body responsible for helping authorities make effective use of design guidance and codes, as well as performing a wider monitoring and challenge role for the sector in building better places, reporting to Government, would be supported - as would further resourcing for Local Authorities to ensure appropriate design expertise can be brought to bear in determining applications, and avoiding the delays that may result from unnecessary appeals.  If a new body is established it should be in an advisory capacity and should be part of the Planning Advisory Service (PAS) rather than a separate entity. Clear guidance (not policy) in design issues would be beneficial.  More clarity is required regarding the role of a Chief Officer. |

| **Proposal 13 – Use Homes England strategic objectives to deliver beautiful places** | |
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| **Q19** | **Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?**  Yes. In 2019, Chichester District Council declared a climate change emergency. As such, many efforts have been made to improve the energy efficiency and carbon footprint of buildings through the development management process. While little detail has been provided on this proposal, the Council would welcome improved design standards for affordable homes to ensure that they meet minimum floor areas, they are energy efficient and that their appearance is not externally distinguishable from market dwellings, promoting mixed, balanced and sustainable communities.  Local Plans should be design led, but not just at house level. Design needs to be holistic and include houses, street scene, roads, cycle ways, walking routes, landscape quality and energy efficiency. |

| **Proposal 14 – Incentivise and accelerate high quality development** | |
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| **Q20** | **Do you agree with our proposals for implementing a fast-track for beauty?**  Not convinced based on information available. Further detail is required. While a strengthening of the requirements for good quality design within development proposals is welcomed, some caution is advised as it is unclear as to how ‘beauty’ will be judged. Some areas benefit from their uniform appearance and others from their more eclectic and varied appearance. A ‘tick box’ approach to design would be unlikely to recognise the subtleties in the form and scale of the built environment that provide areas of England with their special and ornate character.  In addition, ‘beauty’ should not be at the expense of reducing the ability of Planning Authorities to scrutinise and ensure that other important material considerations are properly taken in to account in planning decisions, and that community engagement is integral.  Beauty is subjective and depends on many factors. For example, a beautiful design in Chichester City may not be beautiful on Chichester Harbour. Once again, we need to innovate and offer change. |

| **Proposal 15 – Climate Change** | |
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| **N/A** | This is very important. Chichester is a coastal and harbour based Council with a National Park to the north, a few miles from the Chichester Harbour AONB. Climate change is a major challenge to the area.  This proposal would centralise development management polices with an emphasis on the NPPF rather than local polices, which are described as being ‘generic’. In order for this to be successful, great reliance is placed on the Environment Bill; with its proposals for Net Biodiversity Gain and Local Nature Recovery Strategies. The former is again a centrally controlled system designed to deliver a very modest amount of gain against an uncertain baseline.  Without comprehensive safeguards to ensure that existing on-site habitats are not destroyed and replaced with immature new habitats and to ensure that off-site gains are delivered locally, there is a concern about over-reliance on Net Biodiversity Gain.  Local Nature Recovery Strategies (LRNS) offer more hope of stemming the current losses of ecological function. The current NPPF has a welcome emphasis on networks and connectivity across the wider landscape and it is hoped this will be sustained and strengthened in the amended version. Biodiversity needs protecting in situ; offsetting and compensation can only be a last resort. Gains funded through development must be delivered through the LNRS (not merely lowest cost solutions) and strategically delivered at scale.  The supporting text for this proposal makes very little mention of climate change mitigation, which is presumably to be mainly delivered through Proposal 18. |

| **Proposal 16 – Quicker, simpler framework for assessing environmental impacts** | |
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| **N/A** | In principle, the Council support the proposal to design a quicker and simpler framework for assessing the environment impacts of plans, providing those impacts are still assessed comprehensively. However, the implications depend almost entirely on the specific process being proposed, particularly in light of the proposal to ‘reduce the need for site specific surveys’.  There are significant resource implications for the Council (officer time and/or consultant costs) as Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) processes are time consuming and there is no clear evidence that they are effective in altering the outcomes of the plan making process. Rationalisation here would be supported. Therefore there is the potential to develop a standardised framework, which also takes account of local conditions, such as the impact on designated sites. Having a standardised framework available to use right at the start of the plan making process would ensure that the sustainability of sites or zones will be considered from the outset.  The SEA Regulations should be changed to break the link between Neighbourhood Plans needing an Appropriate Assessment and this triggering the need for an SEA on plans that would not need one for any other reason. The extra effort and expense is not usually justified.  In contrast, it is believed that Environmental Impact Assessment, Habitats Regulation Assessment and site specific species surveys are vital tools in ensuring development is sustainable and that impacts are minimised and mitigated. National and local digital data is a very useful tool and CDC already makes extensive use of such data, which helps target the need for site specific surveys - it does not reduce the need for them. Any move away from site specific surveys and mitigation strategies would pose a serious threat to protected species particularly the highly mobile and very vulnerable ones such as water voles, dormice and bats. |

| **Proposal 17 – Conserving and enhancing historic buildings** | |
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| **N/A** | Further detail is required regarding this proposal. |

| **Proposal 18 – Energy efficiency standards for buildings** | |
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| **N/A** | The Council strongly supports proposals to improve the energy efficiency of buildings and consider it essential that new development achieves the highest **viable** levels of energy efficiency and renewable energy generation, to ensure the UK meets our obligations on climate change.  Notwithstanding this, the Council questions whether reliance on Building Regulations to deliver a ‘one size fits all’ is the best model to achieve this. It was proposed to deliver Zero Carbon Homes by 2016 through just such a nationalised system, but this did not happen, leaving much ground to be made up in an even shorter time. The Building Regulations are a minimum level, which have to move at the pace of the slowest. Opportunities to make up lost ground through taking advantage of the opportunities that local variations in housing markets offer should be maximised. This could be achieved through optional higher levels in the Future Homes Standard, secured through planning condition according to viability tested local policies, similar to the optional water efficiency standard, currently in Part G of the Building Regulations.  Enforcement of the Future Homes standard should include an element of post occupancy evaluation.  Overall, the Council supports the Government’s proposal that new homes would be zero carbon ready, to prevent the need for further retrofitting work in the future. |

| **Pillar Three – Planning for infrastructure and connected places** | |
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| **Q21** | **When new development happens in your area, what is your priority for what comes with it? (More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don’t know / Other – please specify)**  The most important priority depends on what is already available in the locality, taking into account the capacity of existing facilities and any surpluses or deficits in provision. It is important that new development does not result in an infrastructure strain or deficit. Affordable housing is important but so are schools, open spaces, health facilities and access to the means to travel along with all the other infrastructure types that contribute to a good quality of life and safe, pleasant, attractive and accessible place to live.  There needs to be a holistic view. Affordable homes will drive infrastructure requirements. Suitable housing and suitable employment is needed for younger people. Infrastructure is crucial, particularly due to the current lack of doctor’s surgeries, an efficient road network and main drainage connectivity. |

| **Proposal 19 – Reform Community Infrastructure Levy and planning obligations** | |
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| **Q22a** | **Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?**  No. Although it would make sense to have one regime, rather than two, the Government proposals are very light on how an Infrastructure Levy might work in practice, as the roles of S106 and CIL are quite different.  S106 agreements directly relate to the provision of mitigation in respect of a particular planning application. It is far more practical for a developer to provide shops, open space, and schools via S106 related to triggers in the build out of a development, which ensure timely delivery for future occupants rather than be reliant on the Local Authority to provide facilities from the Infrastructure Levy once the development is occupied.  The current CIL is collected to pay for infrastructure related to the cumulative growth of an area, so unlike S106, it is not linked to a particular planning application. The CIL system is overly complex and needs to be simplified. Our concern is regarding the level at which the threshold is fixed and whether it would generate sufficient funds in areas such as Chichester where there is a high need for affordable housing, and also a need to support the demands that development places on an area which already has a substantial infrastructure deficit, and therefore a need to provide substantial investment in essential infrastructure.  It is not clear how the matters set out in a S106 Agreement could be adequately dealt with by condition. If, instead, a condition requiring a range of details to be agreed before commencement is the preferred route, all the use of conditions will achieve is a delay in what can be complex negotiations which would take place in the context of a condition discharge, not negotiations on a S106 Agreement. Neither is it clear how mitigation required to address the impacts of development will be addressed. Again, a condition will require delivery which again suggests complex negotiations after the grant of planning permission. Finally, if the mitigation comprises payment of sums of money, a further change in law would be required, to enable such payments to be made pursuant to condition.  In regards to mitigation required by the Habitats Regulations and currently secured by S106, this applies only to developments that have the potential to impact on the ecology of the site(s). Replacing S106 with a flat levy will result in non-domestic developments subsidising those residential developments below the threshold. This is not an insurmountable problem, but raise issues of fairness and accountability compared to the present system. Consideration should be given to retaining Unilateral Undertakings under S106 to fund such mitigation as these are not subject to the complex negotiations and high legal costs of full S106 agreements. |
| **Q22b** | **Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? (Nationally at a single rate / Nationally at an area-specific rate / Locally)**  It should be set locally at an area-specific rate, as if set nationally it would be set at a very low level which would defeat its purpose. National setting of the rate would adversely impact areas (including Chichester) where nearly all residential development requires considerable contributions to strategic schemes to mitigate adverse effects of development on and Special Areas of Conservation and Special Protection Areas. Such mitigation is mandatory and would have to be drawn from the levy revenue ahead of other priorities. Without the ability to increase rates locally, the overall amount available for affordable housing and other vital infrastructure (e.g. in Chichester’s case the A27 by-pass) would be reduced compared to a Planning Authority area producing the same level of development value but which lacked the high quality habitats. In effect this penalises areas of high environmental quality.  It is not entirely clear how payment of the Infrastructure Levy will be enforced. (One of our greatest enforcement tools at the moment is the ability to use CIL stop notices during the build). The option appears to be a restriction on occupation until payment. However, prevention of occupation will be problematic given the purchaser has no role in assessing viability – will payment be made on occupation of a block, phase or whole development? In addition, it should not be assumed that there is always an incentive on a Developer to complete a development or development on a phase. The assessment of the payment due will also involve a full development appraisal which brings complexity and opportunity for conflict and dispute. In addition it will be possible to build, for example, affordable housing and use that cost to offset against the levy. However, calculating the market value of the on-site provision will itself involve complex and contentious development appraisals. |
| **Q22c** | **Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities? (Same amount overall / More value / Less value / Not sure. Please provide supporting statement.)**  Significantly more. At present, insufficient funds are being raised to provide all the essential infrastructure needs, and more will be needed if it is to fund the infrastructure currently provided by S106 including affordable housing. |
| **Q22d** | **Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?**  No. This is considered likely to be too uncertain, as Local Authorities have no control over the rate of development or whether it actually materialises, so there is no guarantee that sufficient money would be received to pay back such loans. It would also be vulnerable to a further change in legislation which could repeal or significantly change the infrastructure levy, as well as changes in the financial circumstances of development companies.  The change to payment on occupation is not compatible with current Habitats Regulation requirements for mitigation to be in-place before occupation. New schemes of mitigation (such as those which will be needed to address nutrient neutrality), will likely require up-front funding from another source in order to overcome the cash flow issues that could otherwise stall development. If payment on commencement is abolished, then central Government should provide such funds either via LEPs or directly, to be re-paid on receipt of revenue, in order to facilitate development. |

| **Proposal 20 – Apply Community Infrastructure Levy to Permitted Development** | |
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| **Q23** | **Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?**  Yes. It would generate more funds for necessary infrastructure, but whatever system is put in place it should not be an onerous task for Local Authorities to collect the levy.  It is not clear why self and custom-build development should be made exempt from the levy, as these developments generate as much need for infrastructure as mass-produced dwellings. In Chichester District, the self-builders are typically not younger people trying to secure a place on the housing ladder, but people building very large houses. This could easily be rectified by setting a floorspace threshold for self-build relief at 100sqm. |

| **Proposal 21 – Reformed infrastructure levy should deliver affordable housing** | |
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| **Q24a** | **Do you agree that we should aim to secure at least the same amount of affordable housing under the Infrastructure Levy, and as much on-site affordable provision, as at present?**  Yes. Chichester District has a high need for affordable housing. It is vital that at least the same number of affordable homes are secured on site and delivered by Registered Providers of affordable housing. This is particularly key in Chichester District, where affordability of homes is 12-13 times the resident and work placed incomes, as identified by the ONS. The Council’s most recent Housing and Economic Development Needs Assessment (HEDNA) identifies a significant need for affordable housing to be delivered each year. Therefore, sufficient levy and on-site delivery needs to be secured to ensure the delivery of affordable homes to meet the Council’s objectively assessed need for these tenures. |
| **Q24b** | **Should affordable housing be secured as in-kind payment towards the Infrastructure Levy, or as a ‘right to purchase’ at discounted rates for local authorities?**  Affordable housing should be secured through a right to purchase by housing associations and Local Authorities. Every reasonable step should be taken to ensure affordable housing is secured onsite rather than through financial contributions. The “in-kind” approach does raise questions on whether there is enough levy to secure the required amounts of affordable housing, including purchasing off-site land for that housing as well as sufficient contribution towards infrastructure) something which is averted through the right to purchase option. |
| **Q24c** | **If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk?**  Yes. If the value secured through in-kind units is greater than the final levy liability, then the developer should have no right to reclaim overpayments. In the event of market failure the demand for affordable housing usually increases as it is so closely linked with the economy. |
| **Q24d** | **If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality?**  Yes. Standards should be at least as high as they are currently. This should be through the implementation of thorough design, environmental and quality standards which either meet or exceed the Nationally Described Space Standards and the upcoming Future Homes Standard. Developers must not be allowed to build affordable housing that does not meet these standards and such standards must be mandatory and enforceable to ensure good universal quality, sustainability and energy efficiency. |

| **Proposal 22 – More freedom over infrastructure levy spending** | |
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| **Q25** | **Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?**  Yes. Local authorities should have more discretion to ensure that areas with the highest need get the necessary funding from the Infrastructure Levy. This is particularly apparent with affordable housing where certain areas of Chichester District, e.g. Chichester City have a greater demand for affordable housing than Parishes within the Manhood Peninsula and north of the District e.g. Kirdford, Plaistow etc.  Flexibility is always useful, in order to deal with local circumstances as they arise. However, if insufficient Infrastructure Levy is collected, it could result in huge affordable housing or other essential infrastructure deficits.  However if CIL is retained, current restrictions should remain so as to avoid the dilution of spending on a wider range of projects. |
| **Q25a** | **If yes, should an affordable housing ‘ring-fence’ be developed?**  Yes. It is vital that the levy is ring fenced for affordable housing to ensure an appropriate percentage of housing is delivered to meet the local identified needs. |

| **Delivering Change** |
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| **Proposal 23 – Develop resources and skills strategy for planning sector** | |
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| **N/A** | No question provided in consultation document. |

| **Proposal 24 – Strengthen enforcement powers and sanctions** | |
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| **N/A** | No question provided in consultation document.  However, the Council supports this proposal and would makes the following comments:   * It is considered that fines need to be increased to deter persons from continuing to undertake unauthorised development based on a calculation of the associated risk of a prosecution * Removal and loss of natural habitat should be enforceable in all cases   The Local Authority would also welcome:   * The ability of a LPA to issue a Fixed Penalty Notice, in the first instance, against the failure to comply with a TSN; BCN or PCN and works to trees in a CA * An online prosecution service to submit details of an offence (subject to a process of validation) to avoid Court delays * Measures to close a site with immediate effect |
| **Q26** | **Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010?**  No response. |