

Planning, Health and Environmental Protection

Introduction

The Covid-19 pandemic and subsequent lockdown restrictions have had a significant impact on the housebuilding and construction industry, requiring the Council to consider how these sectors can be supported by the planning process in recovery. The Council's roles in these areas include:

- As Local Planning Authority (LPA), in setting local planning policy, determining planning applications, ensuring compliance with planning permission and using compulsory purchase powers where appropriate;
- As Housing Authority, liaising with Registered Providers and private developers to secure affordable housing;
- As CIL Spending body, allocating and spending CIL funds in accordance with the annual Infrastructure Business Plan process;
- As a landowner in the city and development partner in the Southern Gateway site;
- There is also a community leadership role, as advocate for Chichester in wider public policy, for instance in the debate on the future of the A27.

The Council's response for delivery of the planning service has required changes to working practices and processes, some as a result of temporary changes to planning guidance and regulations. The pandemic and 'new normal' will also lead to a revaluation of some of the emerging policies in the Local Plan Review. This paper highlights some of the opportunities and actions that we may wish to consider in more detail.

In relation to health and environmental protection, the Council's responsibilities include:

- Environmental Health and regulation of food hygiene, air pollution, health and safety at work, nuisance and noise, including construction site disturbance etc. thereby assisting businesses and ensuring a fair commercial environment.
- As consultees in the development management and alcohol/public entertainment licensing regimes to ensure protection of health and the environment.
- Environmental strategies to promote biodiversity, climate change and air quality, including active transport, through proactive action plans.
- Building Control, supporting the construction industry by determining building control applications and ensuring compliance with the Building Regulations.

This paper also addresses the Council's statutory roles in these areas in supporting the high street, healthy communities and the environment in recovery.

1. Supporting the Housing and Construction Industry

The Government recognises the importance that the Planning System will play in the economic recovery and since the beginning of the crisis has repeatedly emphasised the need for Local Planning Authorities to do all they can in 'keeping the planning system running', including policy making and the determination of planning applications.

The Government has introduced a temporary relaxation of some procedures and planning requirements during the COVID-19 crisis, including:

- Permitted development change from A3 (restaurants) and A4 (drinking establishments) to A5 (takeaway) for a period expiring 23 March 2021. This means that certain businesses can run takeaways without further permission from the Council for a temporary period. It is apparent that many establishments have found this planning relaxation helpful.
- Overnight deliveries for food and essential products. This amounts to a temporary relaxation of planning enforcement where it relates to planning conditions restricting the timing of deliveries, for example overnight.
- Increased flexibility for construction site working hours - the Government expects local planning authorities to approve requests to temporarily extend construction working hours, where they are controlled by planning condition, unless there are compelling reasons not to. As government has left it to LPA's to determine how this flexibility is applied, a procedure note is being prepared by officers.
- Temporary changes have been made by government to the statutory publicity requirements, including newspaper publicity and neighbour notification. This allows for other reasonable steps to be taken to publicise planning applications, for example, through the use of social media and other electronic communication. We ceased sending individual neighbour notification letters at the start of lockdown and have instead used site notices to ensure we comply with statutory requirements. Officers are now giving further consideration to whether other forms of notification would also be appropriate.

In broad terms, those planning applications which are best positioned to aid economic recovery are dealt with predominantly by the Council's Development Management Majors and Business Team. Since the start of lockdown in March 2020, the total number of new planning applications submitted in the CDC Plan area has fallen by 17% and in the Chichester part of the South Downs National Park area by 22%. Notably, April 2020 saw the same number of Major applications submitted as April 2019 in the CDC Plan area, although no further Major applications were received in May. Nevertheless, officers have been given notice by developers of a number of major housing schemes that are being actively prepared for submission in the near future. Many of these will be 'speculative' applications for housing development outside settlement policy boundaries, relying upon the likely imminent shortfall in the Council's 5-year housing land supply position. The Council will need to consider these carefully and robustly and staff resources are being

prioritised in delivering appropriate housing and commercial development to aid recovery wherever possible.

Under lockdown and the movement restrictions imposed as a result of coronavirus, working practices within the planning service generally has changed. The Planning Policy team are working entirely from home. The majority of staff within the Historic Environment and Development Management teams are also working from home and use photographic supporting information, mapping and other electronic material to determine applications through desktop assessment and only if that is not possible, undertaking site visits.

The housebuilding industry relies upon expedient and timely decision making to provide a healthy supply of consented sites for housing development. The focus moving forward should therefore be how the Council can streamline and support the planning application process so as not to present a barrier to development.

In terms of planning policy, we have already considered a range of options to address the expected shortfall in the Council's 5 year housing land supply position from mid-July onwards. This position is likely to be exacerbated by the slowdown in house building due to the pandemic. Actions considered so far that will contribute to recovery include:

- Preparing an Interim Policy Statement for housing development, to facilitate the consideration of applications for housing development in advance of the emerging Local Plan. This was approved for consultation by the Planning Committee on 3 June 2020.
- Prioritising progress on the delivery of known sites. This includes progressing the Tangmere CPO as soon as circumstances allow and testing more long term sites such as Southern Gateway to investigate what could be delivered within five years and hence included within the 5 year housing land supply.
- Inviting developers to intensify and speed up development. It may be the case that certain development sites may be suitable for more intensive development to increase supply in the medium term.

The Overview and Scrutiny Committee has also agreed the terms of reference and scoping outline plan for the Local Housing Delivery Task and Finish Group, looking into the long term viability of the Council setting up an arm's length housing company, with an expectation that a report will be brought back the Council early in 2021.

A summary of proposed actions to support recovery in this area is set out below:

Medium term:

- More flexibility over the timing of CIL payments, where justified, to help developer confidence and commence work on site, to include potentially formally reviewing the Council's instalments policy. On 13th May the Government also announced that they intend to introduce temporary changes to the CIL regulations to help small and medium sized developers.

- Consider reprogramming/renegotiation of Section 106 agreements, where supported by viability evidence, to ensure work can start on site. This may enable developers to bring forward development more quickly, in an uncertain market.
- Liaise with developers and Registered Providers in the area to see if increased affordable housing provision on strategic sites would build confidence, encourage sites to recommence and/or speed up delivery.
- Undertake a programme of engagement with the developers of existing sites to understand any additional “ask” of the Council.
- Revisit the council’s own landholdings to consider if they have potential for development, and potentially development for alternative uses (e.g. housing).
- Revisit emerging planning policy approach on main town centre uses to inform a more flexible approach to planning policy.
- Review of the Planning Application Validation ‘Local List’ to provide certainty to the development industry when submitting planning applications. The local list is currently under review and this work should be completed within the next two months.
- Consider introduction of fast-track planning services and complete pre-application advice service review. Both of these projects will allow developers to tailor the way in which they engage with the Local Planning Authority and to expedite decisions on planning applications.
- Use of shorter implementation periods when granting permission for economically important development and housing sites. The National Planning Policy Framework encourages local planning authorities to consider imposing a shorter time period to ensure that proposals for housing development are implemented in a timely manner.
- Use of Local Development Orders (LDOs) to allow minor retail or commercial development or changes of use including temporary uses/works, without the need for further planning permission, or an expedited application process. This would allow certain premises to be used more flexibly and would aid economic recovery.
- Reassess Development Management team structures to ensure they are focused on supporting the timely determination of those applications particularly important to economic recovery. Prior to the COVID-19 crisis, workloads in the Development Management Majors and Business Team were reaching an unmanageable level and consideration was being given to further necessary resources. The immediate downturn in application numbers during March 2020 has meant that current staffing levels are sufficient to deal with current workloads, however if the number of applications submitted increases back up to previously anticipated levels (likely while the Council cannot demonstrate a 5-year housing land supply), further consideration should be given to whether and how the existing team structures can be adjusted to resource this important work.

Long term:

- Review the Council’s scheme of delegation and Red Card procedure in relation to the determination of planning applications. The Planning Committee plays an important role in the decision making process particularly for large scale, complex or

very controversial applications. However, this also adds considerable further time and resource to the consideration of applications and meetings can be very long. Although these matters have been the subject of past reviews, there may be scope to make further adjustments to delegation to enable a greater focus by the committee on major applications, faster decision making and greater capacity in determining applications.

2. Health Protection

The Council's role in relation to Health Protection required adjustment during the response phase to defer or cease certain mainly non critical work areas (e.g. routine low impact health and safety work) and project work that was restricted by the lockdown measures. This resulted in a focus on matters such as enforcement of the business closure regulations, providing business support and addressing complaints regarding social distancing together with dealing with a significant increase in complaints about noise and bonfires due to the lockdown. Corporate health and safety advice was also focused on providing Council support and advice on ensuring social distancing measures were addressed to ensure safe delivery of the Council's services.

As we move away from national lockdown to a phased lifting of restrictions, the service is now preparing to support the government's recently introduced test and trace programme. This will involve close working with WSCC as part of a local outbreak control team to trace and contain local outbreaks.

The service is also planning the phased restoration of a range of mandatory inspection programmes with Covid 19 safety measures in place, prioritising the construction sector or programmes with public health impact: Building Control, Food Hygiene and Private Water Supplies. Monitoring illegal shellfish harvesting is also a priority to recommence as this activity poses a significant public health risk. These proactive inspection regimes support business and economic recovery, ensuring an even commercial playing field. The Food Hygiene programme has however been deferred by Government until 17 July and it is unclear at this stage whether the Food Standards Agency will revise the programme or whether the suspension of the programme will place the Council in a deficit position of the annual inspections not yet undertaken.

A summary of proposed actions to support recovery in this area is set out below:

Short term:

- Supporting WSCC in its role in the national test and trace system to extend the capacity of local Outbreak Control Teams, involving mapping and monitoring specific at risk sectors.
- Continued business support and advice/enforcement for social distancing including as part of the Council's High Street Recovery group.

Medium term:

- Recommence food hygiene inspection programme when permitted by government.
- Provision of a fast track food hygiene advice revisit service.
- Implementation of recommendations from environmental health service review to promote channel shift, self-service, use of e-forms for food hygiene inspections, food safety advice and service requests.

3. Building Healthy Communities and Protecting the Environment in Recovery

The linked objectives of building healthy communities and protection of the environment are influenced by the Council's planning and environment services largely through the Local Plan and other specific project initiatives in a number of ways:

- a) By including a health and wellbeing policy in the Local Plan Review (Policy S21) that will incorporate the elements required to support healthy communities in the recovery phase.
- b) By promoting healthy lifestyles and improving quality of life, via protection and enhancement of the environment (specifically Policy S28 Pollution).
- c) By promoting cycling and walking routes in new developments.
- d) By requiring new development to incorporate elements required for building communities, in one overarching policy for larger scale developments, Policy S32 Design Strategies for Strategic and Major Development Sites.
- e) By provision of suitable open space and recreation areas in development.
- f) By inclusion of Green Infrastructure networks, providing benefits for the economy, local people and wildlife.
- g) By preparation of an initial climate change action plan and appointment of a climate emergency officer to develop this important area of work.

The Local Plan also supports protection of the environment by:

- a) Directing development away from areas of most harm (e.g. nature conservation assets).
- b) Ensuring new development is delivered to environmental standards and is served by modes of transport other than the private car.
- c) Securing environmental gains as part of wider development schemes; and
- d) Safeguarding the natural and historic environment through the development management process.

The Local Plan Review provides an opportunity to address health and well-being issues by influencing the provision of new and improved facilities and opportunities to encourage healthy choices and active lifestyles when creating new places and new development.

A summary of proposed actions to support recovery in this area is set out below:

Short term:

- Continued support for the CDC and WSCC work on temporary and permanent road space reallocation projects to support pedestrians and cyclists maintain social distancing and promote sustainable travel modes.
- Draft Interim Policy Statement for Housing - includes guidance to emphasise Local Plan policies that support healthy communities (e.g. wildlife corridors/sustainable travel linkages/quality design). As stated above, this was approved by the Planning Committee for consultation on 3 June 2020.

Long term:

- Local Plan Review - This contains draft policies that recognise the health and wellbeing benefits that can be gained from the built and natural environment; in particular the inclusion of a separate policy (Policy S21 Health and Wellbeing) consolidates this and should contribute to building healthy communities as part of recovery. The current Local Plan does not include such a policy.
- Further appropriate amendments to the emerging Local Plan will be assessed to ensure relevant aspects for health are addressed. For example, adopting national minimum space standards for new residential dwellings.
- Preparation of a detailed climate change action plan and policy framework as part of the Local Plan Review.
- Completion of a revised Air Quality Action Plan and Local Cycling and Walking Infrastructure Plan to develop sustainable transport initiatives to be implemented as a result of Covid-19.

It should also be noted that with the current lockdown restrictions and a focus on essential work and projects that will contribute to recovery, the following projects and work areas are to be delayed or deferred until next year:

- Conservation area character appraisal reviews - delayed until 2021/22.
- Progress on making Tangmere CPO - Delayed but it is envisaged that following recent government announcements that works can recommence. Officers are taking legal advice on how to proceed, including any requirement to revisit evidence in light of increased economic uncertainties and the time passed since the resolution by full Council in March 2020 to make the CPO.
- Neighbourhood planning – some plans have been delayed due to restrictions imposed by Covid19 which affect public consultation. This issue may affect progress of plans where statutory stages will be reached in the coming months and appropriate public consultation/examination solutions will need to be identified. Referendums are delayed until 6 May 2021.
- Health Protection team proactive service plan projects:
 - Carry out traceability checks on high risk foods with an emphasis on imported foods.
 - Advice to food businesses on how to cut down food waste and to encourage recycling.

- Carry out compliance checks on all registered ear piercers.
 - Provide advice and check compliance on the safe operation of inflatables at premises in the district.
- Develop opportunities for biodiversity enhancements to sites within the Strategic Wildlife Corridors - to be scaled back due to HLF currently being withdrawn for new projects.

Recovery Action Plan – Planning, Health and Environmental Protection

What	Who	Timescale	Member Engagement	Community / Partnership Engagement	Financial Implications	Comments/ actions needed
Supporting the Housing and Construction Industry						
1. Adopt Interim Guidance Statement on Housing Delivery	DM for Planning Policy	September 2020	Cabinet member DPIP Planning Committee	External consultation	None	Actions required: <ul style="list-style-type: none"> • Report to Planning Committee 3 June to approve and agree consultation • 4 week consultation • Report to Planning Committee Sept 2020 to agree final version
2. Prioritise progress on the delivery of known development sites and inviting developers to intensify and speed up development	DM for Planning Policy / DM for Development Management	December 2020	Cabinet/Council Planning Committee	Tangmere PC Planning process	None	Actions required: <ul style="list-style-type: none"> • Progress work on making Tangmere CPO • Agree planning strategy and programme for Southern Gateway • Assess scope for more intensive development at suitable sites
3. Actions to support development viability	DM for Planning Policy / DM for Development Management	As soon as revised Regs are published, envisaged Sept 2020. For S106 as requested	Cabinet		None	Actions required <ul style="list-style-type: none"> • Revise CIL instalments policy • Implement changes to CIL Regs to support small & medium sized developers • Reprofile developers Section 106 payments

						where justified by viability
4. Programme of engagement with Developers/Registered Providers	DM for Planning Policy / DM for Development Management	December 2020	Cabinet member Planning Committee		None	Actions required <ul style="list-style-type: none"> Meetings to assess actions required to build confidence, remove obstacles, recommence or speed up delivery
5. Review draft planning policies in Local Plan review	DM for Planning Policy	December 2020	DPIP Cabinet/Council	Local Plan consultation	None	Actions required <ul style="list-style-type: none"> Commission update to retail study Review emerging policies in light of evidence
6. Making planning processes more responsive and efficient and encourage implementation of permissions	DM for Development Management	December 2020	Planning Committee Cabinet	Developers Parish Councils	None	Actions required <ul style="list-style-type: none"> Introduce Fast Track Planning Services Review Pre Planning Application Advice Scheme Review of Local Validation List Use of shorter permission implementation periods
7. Consider use of Local Development Orders (granting automatic planning permission for specified uses / development)	DM for Development Management	December 2020	Planning Committee Cabinet	Developers Parish Councils	None	Actions required <ul style="list-style-type: none"> Assess scope for LDO's Report to Planning Committee and Cabinet
8. Review Development Management team structures	DM for Development Management	December 2020	Cabinet member		None	Actions required <ul style="list-style-type: none"> Review of team structures to ensure focused on recovery
9. Review Scheme of Delegation and Red Card Procedure	DM for Development Management	March 2021	Cabinet member Cabinet/Council	Parish Councils	None	Actions required <ul style="list-style-type: none"> Reports to Cabinet and Council

Health Protection Moving Forward						
10. Support WSCC in its role in the national Test and Trace system	DM for Environment & Health Protection	June 2020 & ongoing	Cabinet member		None	Actions required <ul style="list-style-type: none"> Liaise with WSCC to assess requirements and impact on capacity of Health Protection team
11. Business support and advice for social distancing as part of CDC officers High Street Recovery Group	DM for Environment & Health Protection	June 2020 & ongoing	Cabinet member		None	
12. Recommence food hygiene programme when requested by Food Standards Agency and inspection of high risk new businesses	DM for Environment & Health Protection	July 2020	Cabinet member		None	Actions required <ul style="list-style-type: none"> Prepare for restart of food hygiene programme Introduce fast track food hygiene advice revisit service (chargeable)
13. Implement recommendations from Environmental Health Service Review that support business	DM for Environment & Health Protection	December 2020	Cabinet member		Net savings £114,000	Actions required <ul style="list-style-type: none"> Deliver channel shift Deliver e-form availability for food hygiene inspections/advice and service requests
Building Healthy Communities and Protecting the Environment in Recovery						
14. Complete Road space Reallocation work	DM for Environment & Health Protection	August 2020	Cabinet member		Reopening High Streets Safely Fund (CDC) / Emergency Active Travel Fund (WSCC)	Actions required <ul style="list-style-type: none"> Complete input into Road space Reallocation work with WSCC Complete input into CDC 'High Street' action plan
15. Adopt Interim Guidance Statement on Housing Delivery	DM for Planning Policy	September 2020	Cabinet member DPIP	External consultation	None	Actions required <ul style="list-style-type: none"> Inclusion of guidance to emphasise LP policies that

			Planning Committee			support healthy communities
16. Progress Local Plan review to adoption	DM for Planning Policy	April 2022	Cabinet/Council	External consultation	None	<p>Actions required</p> <ul style="list-style-type: none"> • Inclusion of specific policy requirements for health & well-being in addition to other policies that indirectly contribute to building healthy communities
17. Draft detailed Climate Change Action Plan	DM for Environment & Health Protection	Jan 2021	Environment Panel Cabinet	Consultation?	TBC	<p>Actions required</p> <ul style="list-style-type: none"> • Set up Low Carbon Chichester Fund project • Report on the feasibility of a District-wide fund for delivery of carbon reduction and biodiversity projects • Report full Action Plan to Environment Panel and Cabinet
18. Complete Revised Air Quality Action Plan	DM for Environment & Health Protection	March 2021	Environment Panel Cabinet	External consultation	None	<p>Actions required</p> <ul style="list-style-type: none"> • Reports to Environment Panel and Cabinet
19. Complete Local Cycling and Walking Infrastructure Plan (LCWIP)	DM for Environment & Health Protection	March 2021	Environment Panel Cabinet	External consultation	None	<p>Actions required</p> <ul style="list-style-type: none"> • Reports to Environment Panel and Cabinet