

Committee	PTTC
Date	29/8/23
Item	9, 10, & 12

Report:	9. Policy proposals - Sustainable Design and Water Infrastructure
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Summary

This report proposes an enhanced approach to responding to planning consultations, designed to encourage the incorporation of measures to assist property owners to contribute to a more sustainable use of energy and water resources when undertaking building works.

Background

At the PTTC meeting held on 8th August, Members agreed to respond to two of the planning applications considered (DM/23/1818 – Malling Priory, 88 High Street and DM/23/1909 – Hickmans Lane Pavilion) including references to Mid Sussex District Council's (MSDC) District Plan Policies DP 39, Sustainable Design and Construction, and DP 42, Water Infrastructure and the Water Environment (see Appendix One and Two). In particular, seeking whether sustainable elements such as solar PV, EV charging and rainwater harvesting had been considered for these projects.

In the light of this it was suggested that LPC considers a policy-based approach to such issues and this report sets out a proposed way forward.

Current Position

LPC's Environment and Amenities Committee has formed a Climate Change Working Group and it would seem appropriate to seek their input to any policy in this regard.

A proposed policy is shown at Appendix Three.

Budget

None required.

Way Forward

Accordingly, the following options have been considered:-

1. Continue to respond to planning applications focused on the issues suggested by MSDC in their neighbour planning notification document entitled - Advice on Commenting on Proposals (see Appendix Four)
2. In addition to the issues identified under 1 above, to comment where appropriate on issues relating to sustainable design and water infrastructure, as detailed in the draft policy shown in Appendix Three.

Recommended Action

1. PTTC to consider the appropriate way forward – Option 2 above is recommended.
2. Depending on PTTC's decision, to ask the Council's Climate Change Group to comment on the proposed policy.

David Parsons
Deputy Parish Clerk

24th August 2023

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Report:	10. Consultation on Proposed Changes to the Planning System
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Summary

This report recommends an approach to address the three Government consultations (which have short response deadlines) on proposed changes to the planning system, by using the Delegated Authority and taking account of members' views.

Background

Following information received from SLCC and advised to PTTC at its 8th August meeting, the Government has published three Consultations on Proposed Changes to the Planning System:

1. The first consultation seeks views on proposed **changes to existing Permitted Development Rights in England** (which allows certain types of work to be undertaken without the need to apply for planning permission) as well as proposing new ones. This includes rights that would allow the change of use of certain commercial, business and service buildings as well as the change of use of agricultural buildings to dwelling houses and the erection or extension of schools, colleges, universities, hospitals and some prisons. It also explores the use of local design codes to change Permitted Rights.

The consultation document can be found at [Consultation on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification - GOV.UK \(www.gov.uk\)](#) and includes 88 specific questions.

SLCC intends to respond to the consultation. The **deadline for comments is 25 September 2023**. To contribute to SLCC's response, please send your comments by email to Andrew Towleron, SLCC National Planning Advisor, Andrew.Towleron@slcc.co.uk by Monday 11 September 2023.

2. The second consultation, entitled '**Levelling-up and Regeneration Bill: consultation on implementation of plan making reforms**' includes a series of proposals aimed at making the preparation of Local Plans simpler, faster and more accessible in England. Further information about the consultation, which **closes on 18 October 2023**, can be found at [Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms - GOV.UK \(www.gov.uk\)](#). and includes 43 specific questions
3. The final consultation, '**Planning changes to speed up delivery of vital infrastructure**', aims to streamline and speed up the planning system in England and Wales to enable the faster delivery of Nationally Significant Infrastructure Projects (NSIPs) including off-shore wind, transport links and other major infrastructure. The **closing date is the 19 September 2023**. More information about this can be found at [Operational reforms to the Nationally Significant Infrastructure Project \(NSIP\) consenting process - GOV.UK \(www.gov.uk\)](#) and includes 45 specific questions.

Current Position

Clearly consultation deadlines are relatively short and there is a lot of information to read and understand, some of which is probably beyond the scope of anyone but subject matter experts.

Budget

No budget is required.

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Way Forward

Accordingly, the following options have been considered:-

1. Not to submit any responses.
2. To set up working groups for each consultation, each to draft proposed responses for agreement at a future PTTC meeting. However, that would require at least one extra PTTC meeting to be able to respond within the deadlines for consultation 3, and to reply to SLCC on consultation 1 (if that is appropriate). The working groups would have to proceed in an extremely efficient way to meet the specified deadlines.
3. To seek any comments on the three consultations from members by email and for the Deputy Parish Clerk to consider these and compile a response under the Delegated Authority, having also consulted with the Chair and Vice Chair of PTTC. Further taking account of guidance provided by SLCC or WSALC, if any is forthcoming.

Recommended Action

1. Option 3 above appears the most practical in the circumstances. Assuming PTTC agrees to this approach, the office will email all members for their comments and set appropriate deadlines.

David Parsons
Deputy Parish Clerk

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Report:	11. Outstanding Action Points
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Minute	Meeting date	Subject	Action Agreed	Responsibility	Due Date	Status	Date Completed	Comments
469 37.1	22/11/22 27/6/23	Neighbourhood Plan	no response was required to the updated plan. Further, that the Neighbourhood Plan should be reviewed, with the Deputy Parish Clerk seeking guidance from MSDC accordingly	Deputy Parish Clerk	22/12/22	Overdue		1/23 Initial discussions with MSDC highlight that NPPF and DP have moved on significantly. Accordingly, a full update and referendum/consultation will not necessarily be required if only minor corrections are being considered. Deputy Parish Clerk to review plan and summarise suggested approach to P&TC. Email sent to LRPC 30/3/23. As at 22/6/23 LRPC advised that 2 Cllrs allocated and Clerk will be in contact. No contact received as at 4/8/23
22.3	6/6/22	Lewes Road TRO WG	Working Group agreed as P&TC Chair, Vice-Chair, Cllr Burns and Mr Turner.	Deputy Parish Clerk	6/7/23	In course		Cllr Garry Wall discussing with Cabinet Member Joy Dennis 27/7/23, Chased 3/8/23. Arrange WG meeting - scheduled for 5th September
25.2	6/6/23	Conservation Area window treatment	Agreed to track applications and review accordingly	Deputy Parish Clerk		On Target		Tracking added to Planning Applications Index Plan review in due course

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Minute	Meeting date	Subject	Action Agreed	Responsibility	Due Date	Status	Date Completed	Comments
55.3	8/8/23	Sustainability / Renewables Policy	In conjunction with the Climate Change Working Group, to develop a suitable policy when considering planning application, recognising DP 39 and 42	Deputy Parish Clerk	8/9/23	Completed	25/8/23	Report submitted to PTTC 29/8/23
63.2	8/8/23	Three Planning Consultations	Add to next suitable agenda	Deputy Parish Clerk	8/9/23	Completed	25/8/23	Report submitted to PTTC 29/8/23

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Appendix One

Mid Sussex District Council's (MSDC) District Plan Policy, DP 39: Sustainable Design and Construction

The District Council, with four other West Sussex authorities, commissioned the 'West Sussex Sustainable Energy Study' to inform policies on carbon emission standards for new development. The Study was prepared to inform planning policies which positively encourage reduced energy consumption and carbon emissions from buildings and greater sustainable energy generation. The Study makes a number of recommendations (section 9 of the Study) for inclusion in future planning documents.

The Mid Sussex Sustainable Energy Study (2014) updated this earlier work and assessed the local potential for renewable and low carbon energy development. However, since the 2014 Study was published, the Government's position on sustainable development has changed. In July 2015, HM Treasury and the Department for Business, Innovation and Skills published 'Fixing the Foundations: Creating a more prosperous nation'. This states, "The Government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards, but will keep energy efficiency standards under review, recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established." The policy reflects the current Government position on sustainable development.

DP39: Sustainable Design and Construction

Strategic Objectives: 1) To promote development that makes the best use of resources and increases the sustainability of communities within Mid Sussex, and its ability to adapt to climate change.

Evidence Base: Gatwick Sub Region Water Cycle Study; West Sussex Sustainable Energy Study, Mid Sussex Sustainable Energy Study.

All development proposals must seek to improve the sustainability of development and should where appropriate and feasible according to the type and size of development and location, incorporate the following measures:

- **Minimise energy use through the design and layout of the scheme including through the use of natural lighting and ventilation;**
- **Explore opportunities for efficient energy supply through the use of communal heating networks where viable and feasible;**
- **Use renewable sources of energy;**
- **Maximise efficient use of resources, including minimising waste and maximising recycling/ re-use of materials through both construction and occupation;**
- **Limit water use to 110 litres/person/day in accordance with Policy DP42: Water Infrastructure and the Water Environment;**
- **Demonstrate how the risks associated with future climate change have been planned for as part of the layout of the scheme and design of its buildings to ensure its longer term resilience**

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Mid Sussex District Council's (MSDC) District Plan Policy DP 42: Water Infrastructure and the Water Environment

The European Water Framework Directive came into force in December 2000 and became law in December 2003. The Water Framework Directive sets out a requirement to prevent deterioration of water quality and to achieve good ecological status in rivers, estuaries and coastal waters, together with good status of groundwater by at least 2027. The policy requires new development proposals to be in accordance with this Directive.

The Council has worked with Crawley Borough Council, Horsham District Council and Reigate and Banstead Borough Council to analyse the existing water environment, assess environmental capacity and establish the water infrastructure required to deliver growth, in accordance with paragraph 162 of the NPPF. The Gatwick Sub Region Water Cycle Study provides an assessment of the capacity of current water infrastructure to accommodate growth without adversely affecting the environment. Section 8 of the Study sets out a number of recommendations which would address capacity and quality issues identified in the Study. The policy requires new development proposals to accord with the findings of the Study.

Water scarcity is an increasing concern as the population of the district and demand increases as new homes are built. Climate change may further increase demand and put public water supply under greater pressure in the future. South East Water has produced its Water Resources Management Plan (2014) covering the period 2015 to 2040. The Plan states that "calculations show that with less water being available for use, combined with an increasing overall demand for water, we will have insufficient supplies to meet demand". The Plan set out a water efficiency strategy that seeks to reduce water consumption for all households from 165 litres per person per day to 148.3 litres per person per day by 2040 and highlights the importance of partnership working with Local Authorities to incorporate water efficiency into all new buildings.

Recommendation 1 of the Water Cycle Study proposes a standard above that required by Building Regulations. For new residential development, an internal/indoor water usage standard of 105 litres of water consumed per person per day (l/p/d) and for non-residential developments to meet a BREEAM 'Good' standard for water consumption targets.

Revisions to Part G of the Building Regulations came into effect in October 2015. These introduced an optional requirement for water efficiency into the Building Regulations that would be triggered where a local planning authority has a policy in place based on clear and evidenced need. The policy therefore incorporates this optional requirement for all new dwellings to deliver estimated average water consumption of no more than 110 litres per person per day. The need for such a requirement in Mid Sussex is demonstrated in the Water Cycle Study which recommends a water consumption standard of 105 litres per person per day for internal/indoor water usage. In addition to this the optional requirement includes an allowance for external water use of 5 litres per person per day.

Recommendation 4 (page 105) of the Study has shaped the approach to foul and surface water provision and water supply in this policy. The recommendation suggests that developments for more than 10 dwellings should submit a Water Sustainability and Drainage Assessment as part of their application to demonstrate that they have met the requirements of this policy. It is necessary for the District Plan to address the provision of water and sewerage infrastructure because it is not possible to identify all infrastructure required over the plan period as water companies only plan in five year periods through Asset Management Plans due to the way they are regulated.

Developers will be required to demonstrate that there is adequate capacity or additional infrastructure can be provided in time both on and off the site to serve the development and that it would not lead to problems for existing users. Developers will need to show that they have engaged with service providers at the earliest opportunity to establish the proposed development's demand for water supply and wastewater infrastructure and how this can be met. In some circumstances this may make it necessary for developers to carry out

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appropriate studies to ascertain whether the proposed development will lead to overloading of existing water and wastewater infrastructure.

Statutory undertakers have only limited powers under the Water Industry Act 1991 to prevent connection ahead of required infrastructure upgrades and are reliant on robust policies to ensure improvements are provided prior to occupation and therefore can achieve sustainable development in accordance with National Planning Practice Guidance. It is essential to ensure that infrastructure is in place to avoid unacceptable impacts on the environment such as sewage flooding of residential and commercial property, pollution of land and watercourses plus water shortages with associated low pressure water supply problems. Where there is a capacity constraint and no improvements are programmed by the statutory undertaker the developer will need to contact the statutory undertaker/s to agree the improvements required and how these will be funded prior to any occupation of the development.

DP42: Water Infrastructure and the Water Environment

Strategic Objectives: 1) To promote development that makes the best use of resources and increases the sustainability of communities within Mid Sussex, and its ability to adapt to climate change; 6) To ensure that development is accompanied by the necessary infrastructure in the right place at the right time that supports development and sustainable communities. This includes the provision of efficient and sustainable transport networks.

Evidence Base: Building Regulations (Approved Document G); Gatwick Sub Region Water Cycle Study; DCLG Housing Standards Review: Technical Consultation, September 2014; South East Water - Water Resources Management Plan 2014, Strategic Flood Risk Assessment.

New development proposals must be in accordance with the objectives of the Water Framework Directive, and accord with the findings of the Gatwick Sub Region Water Cycle Study with respect to water quality, water supply and wastewater treatment and consequently the optional requirement under Building Regulations – Part G applies to all new residential development in the district. Development must meet the following water consumption standards:

- Residential units should meet a water consumption standard of 110 litres per person per day (including external water use);
- Non-residential buildings should meet the equivalent of a 'Good' standard, as a minimum, with regard to the BREEAM water consumption targets for the development type.

Development proposals which increase the demand for off-site service infrastructure will be permitted where the applicant can demonstrate;

- that sufficient capacity already exists off-site for foul and surface water provision. Where capacity off-site is not available, plans must set out how appropriate infrastructure improvements approved by the statutory undertaker will be completed ahead of the development's occupation; and
- that there is adequate water supply to serve the development.

Planning conditions will be used to secure necessary infrastructure provision.

Development should connect to a public sewage treatment works. If this is not feasible, proposals should be supported by sufficient information to understand the potential implications for the water environment.

The development or expansion of water supply or sewerage/sewage treatment facilities will normally be permitted, either where needed to serve existing or proposed new development, or in the interests of long term water supply and waste water management, provided that the need for such facilities outweighs any adverse land use or environmental impacts and that any such adverse impact is minimised.

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Appendix Three

Planning, Transport & Traffic Committee Draft Sustainability Policy for Planning Applications

Summary

Recognising its obligations to appropriately address environmental issues, LPC's PTTC should consider whether MSDC's District Plan Policies DP 39 and 42 (see appendices One & Two) have been appropriately considered in planning applications submitted to LPC as a consultee.

Criteria

All proposals for material building works whose planning applications have been submitted to LPC for consultation should be reviewed to consider whether sustainable elements have been built into the proposals detailed in the planning application submitted to MSDC.

Definitions

- Material building works – projects which propose substantial changes to a property (e.g. two storey extensions, re-roofing, significant reconfiguration of the property's interior layout,) new builds, or additions such as pools or hot tubs or other features which may have additional energy or water usage requirements.
- Sustainable elements – the provision of solar PV systems, solar hot water systems, EV charging points, and rainwater harvesting. Further measures such as underfloor heating, ground or air source heat pumps are not considered to be within the scope of this policy at the present time.

Consultation Response wording

If the application meets the material building works definition above, the consultation response should include a wording along the following lines:

LPC requests MSDC to consider whether sustainable design elements (e.g. solar PV, EV charging and rainwater harvesting*) supporting the ethos of DP39 and DP42 can be incorporated in the proposed scheme.

*Examples as appropriate to the project in question

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Appendix Four

MSDC ADVICE ON COMMENTING ON PROPOSALS

Finding out about the Application

Try and view the submitted plans and forms before you contact the Council. Either view the plans online by visiting <http://www.midsussex.gov.uk/planning-licensing-building-control/planning/>, or at our offices in the Planning Reception. Your local town or parish council will also consider the application. Most have regular planning committee meetings and, if so, you may be entitled to go along to hear what is being said. It may also be possible for you to speak at the meeting and the clerk, I am sure, will be happy to advise. After the meeting, the planning committee will submit its recommendations to us for consideration alongside other submissions from interested parties.

If you don't understand any part of the proposal, please telephone the Case Officer to make an appointment.

What to Comment on

All comments we receive about a planning application will be considered, but only planning issues can be taken into account.

These might include:

- The effect of the proposed development on the appearance of the area;
- The quality of the design;
- Significant overbearing impact and loss of outlook;
- The economic benefits of the proposal
- Highway safety issues
- Loss of important trees
- Intrusion into the countryside
- Significantly increased noise and disturbance.

These do not include:

- Loss of view
- Loss of property value
- Loss of trade to a competitor
- Boundary and other disputes between neighbours
- Moral, religious issues