



ADUR DISTRICT COUNCIL

Executive Member for Regeneration
14 October 2020

Decision to be taken on or after
22 October 2020

Key Decision: No

Ward(s) Affected: All

Response to White Paper 'Planning for the Future'

Report by the Director for the Economy

Executive Summary

Purpose

- In August 2020 the Government published a White Paper for consultation: 'Planning for the Future'. This proposes significant and far-reaching reforms to the planning system in England. This report forms Adur and Worthing Councils' response to this consultation.

Recommendations

2.1 It is recommended that

the Executive Member:

- 1) Considers the comments made by the Adur Planning Committee which are summarised at paragraph 5.2; and
- 2) Endorse Appendix 2 as the Council's response to the consultation on the White Paper 'Planning for the Future'.

3. Context

- 3.1 The Government has published a suite of changes, and proposed changes to the planning system in England. These include:

- Recent amendments to the permitted development regime, and amendments to the Use Classes Order which came into effect on 1st September 2020.
- A technical consultation document 'Changes to the Planning System'. (This relates to four specific proposals - amendments to the Standard Methodology for determining each local authority's housing requirement; the introduction of 'First Homes' (discounted market price homes); the temporary increase of the affordable housing threshold to 40/50 units; and the extension of the Permission in Principle regime):
<https://www.gov.uk/government/consultations/changes-to-the-current-planning-system> (This consultation has now closed).
- A White Paper, 'Planning for the Future' which sets out longer term, fundamental changes to the role and form of the planning system in England: <https://www.gov.uk/government/consultations/planning-for-the-future>

This report relates to this last document.

- 3.2 The White Paper sets out a wide-ranging package of proposals for reform, which would potentially impact on Local Plans, Development Management and the delivery of infrastructure via s106 agreements and Community Infrastructure Levy. The proposals are intended to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed.

4. Issues for consideration

- 4.1 There is much to be supported within the White Paper:

- The proposed streamlining of the Local Plan process, including reduction of the required evidence base and updated requirements for assessment of Local Plans is welcomed.
- The use of technology to modernise the process is also supported. This would include standardising the format of Local Plans and the data they use; standardising software used by planning authorities; and supporting local authorities to use digital tools to facilitate civic engagement for plan-making and decision making.
- The development of 'national' development management policies within a revised National Planning Policy Framework is supported, therefore reducing the need for policies on certain subjects to be produced by every local authority.
- The increased emphasis on improvements in design is also welcomed,
- The strengthening of enforcement powers is supported.

4.2 However there are some proposals which the Councils wish to respond to in order to seek clarification, raise concerns, or indicate potential issues. These are addressed in Appendix 2, which responds to some of the White Paper's questions on specific matters.

5. Engagement and Communication

5.1 This is a response to the Government's own consultation, which is open to all individuals and organisations.

5.2 This report was taken to the Adur Planning Committee on 5th October 2020. Members noted the response, and expressed concerns regarding the increased housing requirement for Adur emerging from the revised standard methodology; increased permitted development rights and resultant impacts on town centres and changes to the production of Local Plans. The Committee hopes that the Government will take time to consider the impacts of the changes proposed in the White Paper. Member comments which relate to the White Paper have already been reflected in the response.

6. Financial Implications

6.1 There are no financial implications associated with the consultation response. However the final reforms to the planning system may have financial implications for the Councils which will be reported to members once known.

7. Legal Implications

7.1 The legal issues arising from the proposed changes are not yet clear. However it is understood that primary legislation will be required if the proposed changes are progressed.

Background Papers

White Paper: Planning for the Future (MHCLG) August 2020

Changes to the Current Planning System (MHCLG) August 2020

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Sustainability & Risk Assessment

- The White Paper proposed reforms to sustainability assessments which Local Plans are currently subject to.

1. Economic

- There is little specific mention of the relationship between planning and the economy in the White Paper; this is referred to in the Council's response.

2. Social

2.1 Social Value

- There is little specific mention of the relationship between planning and social matters (such as health) in the White Paper; this is referred to in the Council's response.

2.2 Equality Issues

- The White Paper proposed changes to consultation procedures; however it is not yet clear what the implications will be.

2.3 Community Safety Issues (Section 17)

- No issues identified.

2.4 Human Rights Issues

No issues identified

3. Environmental

- The White Paper proposes changes to environmental appraisal procedures involved in the assessment of Local Plans.

4. Governance

- In relation to Platforms For Our Places - Going Further - the Planning Service has a particular role in Platform 1 - Prosperous Places; Platform 2 - Thriving People and Communities and Platform 3 - Tackling Climate Change and supporting the natural environment.

Appendix 2 Response from Adur and Worthing Councils to 'Planning For the Future'

This response only addresses those issues which have most relevance for Adur & Worthing Councils (AWC).

Question 5

Do you agree that Local Plans should be simplified in line with our proposals (identification of three types of land).

Although the aim of simplifying Local Plans is supported, the Councils have some concerns that the use of a 3 'zone' approach may lack sufficient flexibility. (As such the binary model proposed as an alternative is not supported). Local definition of protected areas is welcomed, and the Councils would appreciate clarification that local designations such as Local Green Gaps and Local Green Space designations could be defined under this category.

Furthermore, the three-zone approach appears focussed on built development and does not appear to facilitate or support biodiversity or actions relating to climate change. Should this approach be maintained, a revised National Planning Policy Framework (NPPF) must make clear that planning for biodiversity must be integrated within all three zone types - and in fact, should be the starting point for planning in each area, rather than an 'add on'.

Furthermore the social and economic issues currently addressed by Local Plans - such as planning for health - must continue to be addressed through the planning system. It is not clear that the proposed approach will address these sufficiently.

Question 6

Do you agree with our proposals for streamlining the development management content of Local Plans and setting out general development management policies nationally?

The principle of national development management policies is supported. However the alternative options defined in paragraph 2.16 which allow for limited, locally defined policies, would seem to allow an opportunity for local authorities to address specific local circumstances, and is supported.

Questions 7a and b: replacement of existing legal and policy tests for local plans and addressing strategic cross-boundary issues (in the absence of a formal Duty to Co-operate).

This is supported, as long as this is not made at the cost of detrimental impact to the environment. Given the Climate Crisis (declared locally by Adur District Council and Worthing Borough Council on 9th July 2019) it is vital that a streamlined Local Plan system can truly assess and mitigate environmental impacts in a way that gives confidence to the public and others that the planning system is genuinely safeguarding and enhancing natural assets and biodiversity.

If the test of Duty to Co-operate is removed, the revised NPPF should support on-going cooperation between local authorities to address strategic needs. The creation of local statutory, or non-statutory policies should be supported. Furthermore a more explicit recognition of the positive role of strategic planning would be beneficial. Strategic frameworks are necessary to ensure aligned infrastructure contributions for strategic infrastructure investment, and for providing strategic housing delivery where these offer the most sustainable solution to meeting needs.

Questions 8a

Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

Adur & Worthing Councils welcome the acknowledgement of the constraints faced by local authorities in allocating land for development. The particular challenges presented by the physical constraints in our own districts (acknowledged by the Planning Inspectorate in adoption of the Adur Local Plan 2017, for example) should be a fundamental element in determining a realistic, deliverable annual housing target.

However we would welcome more detail as to: how local evidence will be considered; what involvement Districts and Boroughs will have; which constraints would be included; how the quantum of 'discount' would be ascertained; and whether this process would be undertaken at national or local level.

We consider that local level constraints (such as Local Green Gaps which serve biodiversity, landscape and anti-coalescence functions, and play a key part in defining the character and beauty of the area) should be acceptable.

We would welcome clarity as to whether the quantum of constraint reduction is to be determined nationally, or locally, and whether the approach to this will be standardised.

If the constraints are factored in at national level, we believe that local authorities should have the opportunity to comment on a draft figure, and if necessary, challenge it where they consider evidence indicates that the proposed figure would have adverse impacts.

A key concern is that once a housing requirement has been set and planned for within Local Plans there is little ability for Local Authorities to influence when planning applications are submitted and, once approved, implemented. As such, there is a risk that developers 'bank' the land and release it in stages in response to the prevailing market conditions. The Councils would like to see measures put in place to encourage / require developers to build out their permissions in an expedient manner.

Question 8b: Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

AWC agrees that affordability is one important factor in determining housing needs through a Standard Methodology. However the Councils question whether affordability can be improved simply by increasing delivery - particularly in areas like Adur and Worthing where significant development constraints mean that housing needs will never be met in full. The relationship between affordability and housing supply can be influenced by many factors - for example, the ability to borrow money cheaply (or otherwise) or the rate at which developers build out their developments (which the Council has limited influence over). In attractive coastal areas such as Adur and Worthing an increase in delivery will not necessarily improve affordability for local people, particularly given the likely increase in households leaving urban areas such as London, post-Covid. (There is a danger that affordability levels will either hold steady or worsen, due to the ability of incoming households to pay higher prices). As such we consider that a more nuanced approach to affordability is required.

Having said that, the physical extent of an area (its geographic size) and the constraints within that area (see response to 8a) should form a very important element in any assessment of housing figures.

Question 12: Do You agree with our Proposals for a 30-month statutory timescale for the production of Local Plans?

Although AWC welcome the move to speed up and streamline the Local Plan production process, there are concerns as follows:

Firstly there are concerns that the proposed timetable does not allow sufficient time at Stage 1 to allow for the required public involvement and integrating the outcomes of this into the process.

Stage 2: 12 months may be insufficient to develop any necessary evidence and react accordingly

Stage 3: Given the increased focus on front-loading consultation within the Local Plan (and away from the Development Management process) a six-week consultation period seems insufficient.

Question 13 Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

Neighbourhood Plans can play an important role in certain areas, particularly where there is a clear need to facilitate growth or manage change at a local level, such as particular small settlements.

However we note the suggestion in paragraph 2.56 which suggests there is scope to extend and adapt the concept so that small areas - such as individual streets- can set their own rules for the form of development. This could lead to a huge impact on local authority resources to facilitate and advise these groups, and ensure that any outcomes are consistent with Local Plan and national policy. Rather than provide the certainty and

efficiency that the White Paper proposes, this could in fact create the opposite effect. As such, the reduction of the neighbourhood plan process to this 'micro-level' is not supported.

Question 17 Do you agree with our proposals for improving the production and use of design guides and codes.

The principal of this is supported. However, sufficient resources will need to be made available to local authorities to prepare this work. There are also concerns that seeking 'empirical evidence' of popularity (as referred to in the White Paper) seems to increase consultation and could potentially perpetuate 'average' design and stifle innovation.

Question 22(a) 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 value?

It will be necessary to ensure that those on-site requirements which are currently delivered via s106 can still be effectively secured and delivered. For example, not just the level of affordable housing provision on-site, but other contributions such as green space, travel management plans and electric vehicle charging points will still need to be secured through developments. This may mean that conditions attached to planning applications will need to cover a wider range of matters than at present.

It is important that at least the current level of contributions received by an authority under s106 and CIL would be received under a new Infrastructure Levy. Given that both s106 and CIL take into account the viability of development in the local area/the development, it is important the new Infrastructure Levy delivers at least as much infrastructure contributions, without affecting the viability of development.

However the Government will need to ensure that a national set rate would be applicable across the whole country, given the differences in development values, particularly between the North and the South of England. Currently, with CIL, the rates are set by each Local Authority to reflect the viability of development locally.

Question 23:

Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

Yes - given that development delivered through permitted development rights can have an impact on existing infrastructure and/or generate the need for additional resources (and the potential increase in permitted development following recent changes) AWC agrees that the new Infrastructure Levy should capture these in order to ensure these impacts are addressed fairly. It will be important to ensure that there are no loopholes which developers will be able to exploit in order to avoid paying the 'Infrastructure Levy'.

Question 24(a) 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 provision, as at present?

Yes - AWC are keen to ensure that any alternative system provides at least the same, if not increased level of affordable housing to meet the assessed needs of the area. Ensuring that as much of this is made available on site is particularly important given the limited opportunities for alternative housing sites in certain areas. It is important though to consider how the affordable housing will be delivered, such as who would be responsible for the delivery of the units, when would they be delivered and whether or not they would meet the requirements of the LPA or and/ or registered provider.

AWC appreciates that the matter of affordable housing thresholds is addressed in the separate consultation document 'Changes to the Planning System'. However the Councils would like to reiterate that thresholds for seeking Affordable Housing need to acknowledge the form of development in that area. For example, Adur sites can be extremely small. It would be very unusual for a site of 40/50 dwellings to come forward outside of a Local Plan allocation. As such, raising the threshold to a higher level would eradicate many opportunities to seek affordable housing through developer contributions

Other Matters

The Councils support development of comprehensive resources and a skills strategy for the planning sector, and use of new technologies, providing these can be sufficiently resourced.

The role of Planning Committees in a revised system is unclear; the Councils request that clarification is given as to the role of the Planning Committee in any future planning system, given the important element of democratic accountability it provides.

We note that some of the White Paper proposals, particularly those regarding local plan preparation will require primary and secondary legislation, in addition to regulatory amendment. As such, AWC would welcome advice for local authorities in the transitional period as to how best they can prepare for the new-style local plan preparation in advance of the regulatory framework being put in place.