



Ministry of Housing, Communities and Local Government

*Sent by email only*

29 October 2020

Dear Sir/Madam,

**Response to the White Paper: Planning for the Future by the West Sussex and Greater Brighton Strategic Planning Board**

The West Sussex and Greater Brighton (WS&GB) Strategic Planning Board represents the local planning authorities of Adur, Arun, Brighton & Hove, Chichester, Crawley, Horsham, Lewes, Mid Sussex, the South Downs National Park Authority and Worthing, together with West Sussex County Council.

The constituent authorities have been working together for several years and have prepared award winning Local Strategic Statements to set out long term strategic objectives and spatial priorities for delivering housing growth in the short to medium term. The Board is currently preparing the third revision to the LSS (LSS3), a non-statutory strategic planning framework to explore options for meeting the area's unmet needs for housing, employment and infrastructure as far as possible given the constraints of the area. This history of joint working, and the range of authorities involved (urban, semi-rural, and a National Park) gives the group a unique perspective on the proposed changes and their potential impacts.

It should be noted that the individual authorities making up the WS&GB Strategic Planning Board have all submitted their own responses to the White Paper, and the comments of the Board are made without prejudice to these individual responses.

The Board would like to comment on the following eight strategic cross boundary issues:

**1. Strategic Planning**

Q7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

**2. Housing Requirements**

Q8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

**3. Affordability and Planning Constraints**

Q8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

**4. Bringing forward new settlements**

Q9c Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

**5. Sufficient Time to Consult on Strategic and Cross Boundary Matters**

Q12. Do you agree with our proposals for a 30 - month statutory timescale for the production of Local Plans?

**6. A stronger emphasis on build out through planning**

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?

**7. Climate Change Management and Bio Diversity Net Gain**

Para 1.12 – General aim to support bio diversity net gain and address climate change

Para 1.18 – Focus on design and sustainability

Proposal 15 – mitigation and adaptation to climate change and maximising environmental benefits

Proposal 16 – simpler sustainable appraisal and environmental assessments

Proposal 18 – energy efficiency

**8. Possible New Infrastructure Levy**

Q23(a). Replace CIL and S106 with a new Consolidated Infrastructure Levy

Q23 (b) New Levy rates set nationally or locally?

Q23 (c) New Levy to collect same value or more?

Q23 (d) LAs able to borrow against New Levy?

Q24 New Levy extended to capture value from PD?

Q25(a) New Levy to capture same level of affordable housing?

Q25 (b/c) New Levy to allow in kind payments and mitigate LA risk?

Q26 New Levy - less restrictions on LPAs?

The Board's full response is set out below.

**1. Strategic Planning**

Q7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?

The WS&GB Strategic Planning Board recognises that the Duty to Cooperate has not been as effective as the Government had wished it to be, but considers that it has delivered some positive outcomes. For example, the north west Sussex authorities (Crawley, Mid Sussex and Horsham) have worked effectively to meet unmet need from Crawley through the last round of plan making. Whilst we do not support retaining the system, it does need to be replaced without delay by a mechanism that will enable more effective working on strategic cross boundary issues. In preparing local plans we need to plan effectively for strategic planning matters such as housing, employment, infrastructure (both green and grey) and nature recovery in order to ensure that the amount and distribution of development is both sustainable and deliverable.

The WS&GB Strategic Planning Board has been working together for several years and has prepared Local Strategic Statements (LSS) to set out long term strategic objectives and spatial priorities for delivering development in the short to medium term. The authorities already work together on other strategic issues, for example, regional economic planning is being undertaken by the Local Enterprise Partnerships and, where they exist, regional transport planning is being undertaken by Regional Transport Bodies, such as Transport for the South East. It is important for key infrastructure providers to provide appropriate input at the appropriate time. The Board is currently preparing the third revision to the LSS (LSS3), a non-statutory strategic planning framework to explore options for meeting the area's unmet needs for housing, employment and infrastructure as far as possible given the constraints of the area.

This history of joint working, and the range of authorities involved (urban, semi-rural, and a National Park) gives the group a good perspective on the strategic planning matters and challenges facing this sub-region.

The role of planning to consider and plan for cross boundary strategic issues is a clear omission from the White Paper and its omission is of particular concern given the White Paper proposals for setting housing targets for local planning authorities (see response to Q8). The Government needs to provide further clarity around how strategic planning will operate. WSGB had anticipated that the Devolution White Paper might point towards further potential ways forward for strategic planning matters, but we understand that consultation on that White Paper is now likely to be delayed. As devolution and planning are so inextricably linked we would suggest that the Planning White Paper decisions should await the outcome of consultation and decisions on the Devolution document.

## **2. Housing Requirements**

Q8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

We consider that the currently proposed approach would be over-simplistic and would not provide a realistic or accurate assessment of the specific constraints and development opportunities within individual LPA areas. We have concerns that a centrally applied standard method for establishing housing requirements in plans may be unlikely to gain support from local residents and stakeholders and represents a significant loss of local democracy in plan making.

We can see some merit in applying a nationally set standard and consistent methodology for assessing housing need (as opposed to the proposal for setting a housing requirement in the Plan) although we have concerns about the current standard methodology and the changes proposed in the 'Changes to the Current Planning System' recent consultation. It should be noted that WSGB has already submitted a joint response to 'Changes to the Planning System.'

We consider that development opportunities and constraints need to be assessed in detail at a local and sub-regional level, using relevant housing market and functional economic areas and market development delivery rates, and the inputs of local and regional statutory bodies, development stakeholders, local residents and businesses. In this way the extent of constraints can be identified along with how they might be overcome, satisfactorily mitigated or avoided. It is not as simple as determining the housing numbers by plotting constraints on a map. The SA/SEA/HRA process also plays an important role in establishing the parameters for sustainable development within the local area overall and for individual sites.

Of particular concern is how the proposed approach would take account of the statutory legal obligations such as the Habitats Directive. For example, a number of the WS&GB authorities are located close to the Ashdown Forest Special Area of Conservation (SAC)/ Special Protection Area (SPA), which lies in adjacent Wealden District, and is impacted by atmospheric pollution (particularly Nitrogen Dioxide as a result of transport movements) and is a significant constraint on development. The impact of traffic on the Forest was a key consideration during the preparation of the Mid Sussex District Plan. The Council commissioned detailed and costly transport and air quality evidence to demonstrate the combination of sites it was proposing would not have significant impacts on the SAC. The Inspector concluded that a stepped housing requirement would be necessary, with the step-up subject to there being no further harm to the Forest identified during the preparation of a subsequent Site Allocations Development Plan Document (DPD). Modelling impacts such as this is only possible when specific developments (or a small range of development

scenarios) are tested. It would not be possible to model blanket zones as proposed in the White Paper.

It is unclear what opportunities for input to the process would be provided to LPAs themselves, except in response to an already calculated draft figure. Critically, the proposals do not appear to provide any mechanism to challenge the allocated housing requirement figure, even if subsequent local plan work demonstrates that it cannot realistically be delivered or achieved through sustainable planning.

In conclusion, the Strategic Planning Board supports the White Paper's "Alternative Option (para 2.28, i.e. ..." leave the calculation of how much land to include....to local decision"), but only if there is local power over the establishment of all relevant constraints, as set out below in our response "3 Affordability and Planning Constraints".

### **3. Affordability and Planning Constraints**

Q8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated?

The WS&GB Strategic Planning Board does not agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated. We would agree that affordability is an important consideration that should be taken account of in assessing housing needs. However, we do not agree that there is a direct relationship between overall housing numbers and affordability such that increasing overall housing delivery would be an effective way of reducing the affordability gap. In the sub-region housing delivery has not led to improved affordability. A much more targeted approach is needed, which seeks to prioritise the delivery of genuinely affordable housing, including locally agreed tenure splits for local people.

We also have concerns about using the size of existing urban settlements as a basis for distributing the level of future housebuilding. That approach appears to assume a pattern of incremental future growth, which reinforces the existing settlement geography. Along the wider Sussex coast, opportunities for the outward expansion of existing urban areas are restricted by physical and environmental constraints related to flooding and coastal erosion imposed by the sea to the south and a tightly drawn South Downs National Park boundary to the north. For example, following a detailed assessment of development opportunities of Brighton & Hove's urban fringe and taking account of the opportunities for redevelopment and intensification / densification within the urban area, the current adopted City Plan Part One was only able to make provision to meet approximately 44% of the city's total objectively assessed housing need. This was agreed by PINs. Similarly, Adur and Worthing are significantly constrained authorities with a lack of land to deliver their objectively assessed needs being sandwiched between the South Downs National Park and the sea. Adur's adopted Local Plan provides for 54% of its future requirements and Worthing's Regulation 19 Plan, shortly to be submitted, would only deliver 31% of its need despite encouraging very high densities on brownfield sites and releasing 6 out of 9 of its remaining greenfield sites.

Equally there are environmental and landscape constraints on northern WS&GB authorities, which limit their opportunities to deliver housing requirements. Furthermore, these authorities also have to cope with additional growth pressures from south London, Surrey and the Gatwick Diamond. For example, Crawley's small geographic size and constraints such as aircraft noise mean the borough can only accommodate approximately half its objectively assessed housing need, as confirmed by PINS following detailed analysis of land availability within the borough. Any outward growth of Crawley would not fall within the borough boundary.

Should the proposed Standard Method continue (not supported by WSGB), we would recommend that local planning authorities be given the freedom to determine their own fine grain constraints based on a combination of NPPF policies, any new “sustainability test” and local fine grain planning evidence.

#### **4. Regime for bringing forward new settlements**

Q9c Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

The WS&GB Strategic Planning Board is opposed to this proposal and considers that it would be an undemocratic way of progressing the most substantial and sensitive development proposals, which would affect a community. It would completely undermine the plan led system. It would be difficult to plan for any residual development once a decision had been taken on a new settlement and therefore divorcing it from the local plan making system would be illogical and inconsistent with the other proposals in the White Paper.

#### **5. Sufficient Time to Consult on Strategic and Cross Boundary Matters**

Q12. Do you agree with our proposals for a 30-month statutory timescale for the production of Local Plan?

The WS&GB Strategic Planning Board considers that the White Paper is premature to set such a proposed timescale when it has made no comment or calculation on the mechanism, resources or timescale for dealing with critical strategic and cross boundary matters.

It should be noted that the plan making process can be subject to many influences beyond the control of the plan making authority. Clear targets and expectations are important, but a statutory timescale would not be suitable other than for headline targets for having a plan in place. Furthermore, the proposed timetable does not take account of democratic processes within local authorities and the length of time needed to make formal decisions on local plans, including appropriate scrutiny of issues, options and draft proposals. Accordingly, there will be adverse impacts on the actual and perceived democratic process in plan making.

If statutory timescales are set for Local Plans, corresponding timescales are needed to ensure appropriate and timely responses are received from statutory consultees and infrastructure providers. The Local Planning Authority currently has little control over these and as a result, the Local Plan process can be delayed due to factors outside the control of the Local Authority.

#### **6. A stronger emphasis on build out through planning**

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?

The emphasis in the White Paper is ensuring certainty and speeding up delivery of much needed housing. Whilst local planning authorities can ensure that there is a five-year housing land supply of sites, it is the developers who implement the permissions. If the Government is serious about tackling affordability, developers should not be allowed to land bank and this part of the planning system needs to be addressed. Therefore, the proposal to place stronger emphasis on the build out of developments with associated penalties for developers who seek to land bank is strongly supported.

WSGB considers that there should be a system of penalties imposed on landowners/ promoters/ developers to incentivise the implementation of development on their allocated sites (as through the current proposals these will have the benefit of an in-principle permission). Such a penalty

should be applied to all types of development, not just housing. The financial penalty should be transferred to Local Planning Authorities - penalties related to housing schemes could then, for example, be used to bring forward affordable housing, and penalties related to employment proposals could, for example, be used to improve necessary infrastructure that would support employment growth such as digital/sustainable transport measures.

## **7. Climate Change and Biodiversity**

Para 1.12 – General aim to support bio diversity net gain and address climate change

Para 1.18 – Focus on design and sustainability

Proposal 15 – mitigation and adaptation to climate change and maximising environmental benefits

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The WS&GB Strategic Planning Board is deeply concerned that the White Paper has been written without reference to the climate change and biodiversity emergencies. The White Paper and proposed system changes should involve a read across to all related environmental legislation and regulations, and particularly those in train from 2020 onwards, as well as the detailed recommendations of the UK Committee on Climate Change which is monitoring progress on the 2050 target. We are concerned that the Government's drive to "simplify sustainability and environmental assessments tests for development" will compromise two crucial decades (2020-40), when Net Zero Carbon (2050) must at all costs be delivered. Net Zero Carbon and the nature recovery need to be playing an increasingly sophisticated and pervading role in planning

## **8. Possible New Infrastructure Levy**

Q23(a). Replace CIL and S106 with a new Consolidated Infrastructure Levy

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Q25(a) New Levy to capture same level of affordable housing?

Q25 (b/c) New Levy to allow in kind payments and mitigate LA risk?

Q26 New Levy - less restrictions on LPAs?

On balance, the WSGB Strategic Planning Board does not support replacing CIL and S106 with a new Consolidated Infrastructure Levy, and certainly not until the Government has demonstrated that such a proposal is better than the current community benefit mechanisms, which are still bedding in from the last set of national government changes. The White Paper does not present any detailed evidence that its proposed change would deliver the same or more effective support for affordable housing, community infrastructure and development mitigation.

On balance the White Paper seems to be overly interested on making "community benefit" easier for only the development industry, without a commensurate balancing argument for public benefit.

The current planning system is now getting used to S106 focusing on site mitigation, and in addition, delivering affordable homes, particularly in tenures that local evidence and discussion agrees on. In addition, CIL is now bedding down in local land values and is recognised as a normal "up-front cost". These two mechanisms should continue.

Notwithstanding WSGB's view that a new Consolidated Levy should not be developed, WSGB would expect any imposed new Consolidated Levy:

- Not to move payment from "commencement to occupation/completion"
- To be set locally/sub regionally and not nationally
- To deliver the same or more value
- To be capable of being "borrowed against" by LPAs
- To be able to capture value from permitted development
- To particularly be able to capture the same or more levels of affordable housing, and particularly in a mix of tenures set and agreed upon locally and/or sub regionally
- To allow local decisions on whether there were "in kind" payments and
- The use of any Levy should be limited to necessary infrastructure to mitigate the impacts of new development. It should not be available for wider purposes or used to incentivise acceptance of development. If parishes are still to receive a percentage of the Levy, this restriction should also apply to them.

Please do get back to me if you have got any queries on the points that I have raised.

Yours faithfully



**Councillor Claire Vickers (Horsham District Council)**  
**West Sussex & Greater Brighton Strategic Planning Board Chair**