BHCLT DRAFT Response to Planning White Paper

Consultation closed on Thursday 29th October 2020

Q5. Do you agree that Local Plans should be simplified in line with our proposals?

No

The paper seems to champion 'streamlining' and reducing 'red tape' in the planning system which are popular intentions but usually mask a deregulation which benefits large developers and big business; those with power and ready money. We are very concerned about whether the new plan-making process as set out in the Planning White Paper provides for meaningful community involvement, especially when it is combined with Proposal 8 which provides a very limited timeframe for plan-shaping.

However, we welcome the proposal to allow sub-areas to be created specifically for self and custom-build homes and community-led housing developments, although the policy should allow for sub-areas to be specifically for community led housing and/or affordable community led housing. If the sub-areas are only for a catch-all including self and custom build the danger is that these sites will be valued in such a way as to make affordable community led schemes less viable, and so the policy will not achieve its objective. We would advise that the Government works along side the National Community Land Trust Network (NCLTN) when developing this proposal.

We also support the NCLTN proposal that the Government consider allowing a fast track for permissions for community led housing with demonstrable community support. This would provide the equivalent 'permission in principle' (as the White Paper provides in Growth areas) to community led housing groups in Renewal Areas and Protected Areas. It would be granted when certain criteria are met. These might follow examples such as Rural Exception Sites, where homes must be affordable, meet local need and prioritise local people

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

We think that local policy making is crucial to involving local communities in the development and protection of their area. No one understands the local context and conditions better than the Local Authority and local people. The alternative option stated in the proposal ie "*Another alternative would be to allow local authorities a similar level of flexibility to set development management policies as under the current Local Plans system, with the exception that policies which duplicate the National Planning Policy Framework would not be allowed"* seems reasonable.

Q7(a). 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?

No

Our concern here is that the consideration of environmental impact would get 'watered down' in this proposal. Along with this, "*the more streamlined plans, should mean fewer requirements for*

assessments" could also lead to deregulation and a loosening of environmental standards for development.

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

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

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?

No.

We are concerned that having regard to land constraints when determining the housing requirements in an area and the resulting land supply will mean some areas will be unable to grow to meet changing needs. As the White Paper points out, in many National Parks, AONBs and other areas with land constraints, including Brighton and Hove housing is unaffordable to local people (also due to high levels of second homes and holiday lets). Constraining the supply of affordable housing in these areas, including low cost home ownership, threatens the ongoing sustainability of those places and forces local people to move out. To ensure the social component of sustainable development is met through the planning system we urge that any National Guidance includes a continuing requirement that LPAs assess the housing requirements for specific groups, including the need for affordable housing. We also urge that LPAs have the ability to develop policies that ensure that these requirements are met as part of delivering the overall housing numbers.

Q9(a): Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

Q9(b): Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

No

As stated above, we are concerned that the streamlined development management system will not deliver the social, economic and environmental benefits of sustainable development. Firstly, the proposal will mean the only opportunity for local democratic input will be at the plan-making stage. The current proposals do not allow for sufficient time for meaningful community involvement in plan-shaping. There should be a requirement for Local Plans to include a more robust Statement of Community Involvement, demonstrating how they have reached and involved a significant proportion of the local population. Secondly, the proposed use of Planning Permission in Principle and Permitted Development Rights will confine consideration of affordable housing to technical matters. By this stage the developer will have already negotiated the land price which may be at a level that squeezes out the possibility of delivering affordable housing, even under the proposed Infrastructure Levy. From a CLT perspective the failure to depress land value by leaving the decision on the amount and type of affordable housing until technical matters is likely to mean they are unable to compete for sites. We would propose that Local Plans should continue to include policies, not just text, that sets % of affordable housing that should be delivered in their area; these should

be determined and incorporated into the zoning process; the Infrastructure Levy should be determined locally, with a proportion ring-fenced for affordable housing to meet the Local Plan's requirement for its delivery. Thirdly, whilst we agree that national policy and the Local Plan should require, and guide, high quality development, we consider that this is best achieved where there is also the opportunity for early discussion and negotiation with Development Management planners. This is particularly important for CLT and community led housing schemes where viability is often tight, in part because of the high standards they want to achieve and the sometimes small and constrained nature of their sites. Negotiation and drawing on the expertise of Development Management planners means that often creative solutions can be found that deliver viable, high quality schemes, designed to be sensitive to local circumstances.

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

No.

Our chief concern is that only 6 months is to be made available for stage 1, the plan-shaping stage, which is glaringly inadequate if it is to allow for meaningful engagement by all parts of the community and not just be the 'usual suspects'. In our view the default practice at present is woefully inadequate and will need to be significantly improved if the aim is to meaningfully 'bring democracy forward'. While there has been exemplary practice in the recent past, this tends to work best when well resourced, with imaginative ways to organise and develop the capacity of the local community to engage. It is not just a matter of producing digital tools (and we note above that many people are currently digitally excluded, especially in deprived and rural areas). These methods also require considerably more than 6 months. The Government should consider how it can raise the game of Local Planning Authorities. We therefore support the proposal by NCLTN: 1. Adequate funding to Local Planning Authorities to conduct meaningful engagement activities that reach all sectors of their community; 2. At least 1 year for this process, particularly the work required to organise and build capacity in the community to first engage; 3. A requirement for Local Plans to include a more robust Statement of Community Involvement, demonstrating how they have reached and involved a significant proportion of the local population, and how they have changed their proposals in the light of consultation and community input, as is currently required for Neighbourhood Plans.

Q13(a): Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

Yes

Neighbourhood Plans (NPs) have been a significant success and are excellent examples of the sort of positive and genuine community involvement that should now be seen in the Local Plan process. NPs are more than design guides. Their success is that they engage the community in discussions on the nature and scale of development that is then reflected in the policies and site allocations included in NPs. As Locality points out in their consultation response, the main reason many communities get involved in neighbourhood planning is the ability to bring forward development, including housing. As part of that, many have become important springboards for community led housing, allocating sites for community led housing and putting in place enabling policies. This is because many communities that have NPs want to ensure that the housing developed is done so in the way they envisaged in their plan. It is vital that NPs continue to provide the opportunity to bring forward development.

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.

We support the proposal that sites prepared for substantial development should include a variety of development types by different suppliers, as supported by evidence from the Letwin review. CLTs and other forms of community led housing organisations are themselves SMEs and so will welcome this opportunity. They are also important customers of SMEs, working with local builders and, where CLTs do self-build, working with specialist trades and suppliers, so Government support for community led housing will translate to important local support for SMEs across the country. However it is vital that there are measures to ensure that the wider substantial development takes place in a timely manner, including the provision of infrastructure that then allows the development by SMEs or community led housing organisations to proceed. To also support faster build outs we propose that the Government consider allowing a fast track for community led housing development with demonstrable community support.

Q15. What do you think about the design of new development that has happened recently in your area?

The design of new development in Brighton and Hove is of mixed quality. There are some poor examples eg. the massive student housing developments in Lewes Road in Brighton by ULiving and iQ. These buildings dwarf the nearby buildings and still use outdated glass facades and seemingly little thought given to sustainability and energy use, relying on air conditioning through out. In addition, the resulting student rooms will be unaffordable for most students. There are some good examples though; a small ex garage infill site has recently been developed into two affordable family homes by local Community Led group – Bunker. This disused brownfield site was transformed into two beautiful homes built of timber and to almost Passivhaus standards of sustainability and energy use. The CLH process and resulting affordable homes form an exemplar for development.

Q16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

Less reliance on cars / More connected green and open spaces / Energy efficiency of new buildings / More trees / more emphasis on ecology / developing greenfield sites to be restricted to provide 100% affordable housing and zero carbon buildings.

The targets for reducing energy and CO2 emissions from buildings don't go far enough. The target is that by 2025, this white paper expect new homes to produce 75-80 per cent lower CO2 emissions compared to current levels. The changes to the Building Regulations which support this don't go far enough fast enough. We need much stronger targets much quicker if we are to achieve net zero emissions in new builds by 2030.

Q17: Do you agree with our proposals for improving the production and use of design guides and codes?

No

We support the proposal to ensure that the development of local design guidance and codes involves members of the community. Some CLTs are already leading on such initiatives. It will be important however to set out what the Government means by community involvement in design guidance and codes, including best practice examples, as not doing so risks poor levels of

involvement in practice. It is also not clear whether local design guidance and codes will be limited to purely aesthetics matters; design codes should also cover matters such as space standards, accessibility, transport, energy and ecology, if these are not adequately covered in Local Plan policies. Local acceptance or support for new development is not purely driven by whether the homes are aesthetically pleasing. For example, a poll by YouGov in September 2020 found that building more social/council housing was rated as the second highest local priority by respondents. Local opposition to new development is often motivated by a perception (or reality) that the homes are unlikely to be affordable to local people, particularly those who most need a better home. We have found that CLTs are able to mobilise popular support for new homes amongst communities as well as landowners, conservationists, environmentalists and employers because they are led by the community, are trusted by the community, and because they are providing homes that meet the needs of local people. Recent research we commissioned by Capital Economics found that in 10% of cases community groups have developed sites which local opposition had previously prevented. We therefore urge that national guidance on local design guidance and codes includes the option to encourage particular ownership models for housing including CLTs. Of course, building to certain standards can involve higher build costs. Where these standards are required for the development of affordable housing there may be a need for funding/subsidy to enable groups to meet the higher standards. Combining this with the Infrastructure Levy proposals could reduce the number of affordable homes that can be built. As set out in answer to Questions 22 onwards, affordable housing developments should be made exempt from the Infrastructure Levy.

Q20. Do you agree with our proposals for implementing a fast-track for beauty?

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Beauty is in the eye of the beholder….? Who decides what is beautiful? Hopefully not Prince Charles?!

"There is a long history – in this country and elsewhere – of 'pattern books' being used to articulate standard building types, options and associated rules (such as heights and set-backs). They have helped to deliver some of our most popular and successful places, and in a way which makes it relatively easy for smaller development companies to enter the market. We want to revive this tradition, in areas suitable for development (Renewal areas), by allowing the pre-approval of popular and replicable designs through permitted development."

Q21. When new development happens in your area, what is your priority for what comes with it?

Brighton and Hove desperately needs more affordable housing, not just housing for affordable rent (Council housing) but also affordable across the tenures. Also designed and built with the spaces between the buildings being seen as important. Developments must consider the communities that the buildings create. They must also consider the ecology and green spaces as important as the buildings.

Q22(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 threshold?

No.

We fully agree that there are problems with the current system of Section 106 planning obligations - that they are subject to negotiation and therefore uncertain and can cause delays - and that we need a new more effective system with standardised procedures to address these issues. However

our strong concern is the potential impact on the delivery of affordable housing (AH). The proposals are very vague about how AH levels will be maintained and in fact there is the suggestion that no IL would be applied during a downturn to reduce the risk for developers. The 'temporary' measures that have been proposed include lifting the small sites threshold, below which developers do not need to contribute to affordable housing, to up to 40 or 50 units. There is a real danger that this measure will push up land values even further and dramatically reduce the amount of AH produced.

We also urge that the new IL exempts affordable housing and any housing on community led housing or rural exception sites where the market sale homes are cross subsidising the scheme to make it viable. Our other concern with removing Section 106 is that Section 106 delivers more than just affordable housing. It secures the perpetuity and local occupancy of affordable homes which, because they are legal obligations that go with the land, are stronger than planning conditions.

We are interested in the alternative mentioned on page 63 of capturing more land value but are unclear of the detail and how it would work.

Q22(b): Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

The levy rates should be set locally as land values vary significantly across the country with some areas being able to sustain far higher contributions than other parts of the country.

Q22(c): 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?

The IL should aim to capture more value on average across the country, but as noted the amount will vary from one part of the country to the next.

Q24(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 affordable provision, as at present?

Yes.

It is vital that the new proposals secure at least the same amount of affordable housing under the IL and at least the current levels of on-site delivery. However, there is no supporting evidence that demonstrates that the proposed approach will achieve that. There is no requirement that residential developments provide affordable homes and no requirement for local authorities to set a target for the number of affordable homes to be delivered or the tenure mix of those affordable homes. These should be set locally based on strategic housing market assessments or similar. The proposal to flip homes during a downturn back to market housing in the event that levy liabilities are insufficient to cover the value secured through the in-kind units could impact negatively on SMEs - that is precisely the time when affordable housing can support the cash flow for SMEs. Furthermore, if cash payments are taken instead of buying the poor quality affordable housing then there are risks that it won't result in the delivery of affordable housing.

Q24(b): 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?

No.

It should be provided in-kind and on site. Our chief concern with the Right to Purchase is that the developer could choose which homes to sell to the local authority or registered provider, which could undermine the ability of the local authority to meet local needs.

Q25: Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

No.

The permitted uses of the IL should remain focused on infrastructure and affordable housing as there is a major risk that, should it be broadened, it will impact on the delivery of affordable housing that is chronically needed in many areas. We fully support the proposal to retain the Neighbourhood Share. One way to enhance community support for development is for the NPPF to positively encourage that the share is invested in community-led housing developments that bring about affordable housing. This would ensure that the funding remains in the community and benefits local people - a key reason why CLTs are able to mobilise popular support for development.

Q25(a). If yes, should an affordable housing 'ring-fence' be developed?

Yes.

It is critical that current levels of affordable housing provision are at least maintained and not reduced at the expense of competing infrastructure priorities

Brighton & Hove Community Land Trust

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