

**REGENCY SOCIETY OF BRIGHTON AND HOVE RESPONSE TO  
PLANNING FOR THE FUTURE WHITE PAPER AUGUST 2020**

The paper is heavily weighted towards addressing the housing shortage, particularly of affordable provision, with the emphasis on quantity not quality. The availability of development land is just one of several issues. It contains nothing about restricting Permitted Development Rights to avoid creating the "back-to backs" of the future. It does not of course address the underlying causes of the housing shortage.

The removal of VAT on the refurbishment and conversion of existing buildings would be a more sustainable way to address the housing shortage than just encouraging new development. Pound for pound, work to existing buildings provides more employment than new build does.

The paper is fundamentally flawed in seeking to change decision making from a case-based discretionary system to a rule-based "box-ticking" one. The next step will be making planning decisions by flawed algorithms.

While claiming to empower localism it would in practice centralise the system and neuter local planning authorities. The proposed elimination of District Councils would push this further.

The claimed desire to empower localism is exposed as hollow by, for instance, the government's willingness to over-ride legislation and ignore the wishes of communities by imposing dozens of lorry parks in case of no-deal Brexit.

**Question 1.** What three words do you associate most with the planning system in England?  
Under-valued, under-resourced, under-respected

**Question 2(a).** Do you get involved with planning decisions in your local area? **Yes.**

**2(b).** If no, why not?

**Question 3.** Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / **Other: Consultation on Local Plans is generally good. The weekly list of planning applications produced by Brighton and Hove City Council is an effective means of identifying planning applications.**

**Question 4.** What are your top three priorities for planning in your local area? [Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / **The design of new homes and places** / Supporting the high street / Supporting the local economy / More or better local infrastructure / **Protection of existing heritage buildings or areas** / **Other: sustainable transport.**

**Proposal 1:** The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

**Question 5.** Do you agree that Local Plans should be simplified in line with our proposals? **No, the white paper is not simplifying but riding rough-shod over the local authorities' areas of expertise. A national system cannot take adequate account of local planning demands, conservation, local sensitivities and local knowledge built up over many years. The proposals encourage easier and cheaper large-scale development on green-field sites rather than facilitating infill and brown-field development.**

**Proposal 2:** Development management policies established at national scale and an altered role for Local Plans.

**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? **No, see Question 5 above. The local planning arrangements work very adequately. The new proposals would see poor design, slipshod construction and lower space standards because developers would know they had planning permission in certain areas.**

**Proposal 3:** Local Plans should be subject to a single statutory “sustainable development” test, replacing the existing tests of soundness.

**Question 7(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, the tests for sustainable development are already extremely weak and should be strengthened. They should take account of local conditions and knowledge. A balance needs to be struck between private and public transport appropriate to the location: some new developments do not even have dedicated pedestrian routes!**

**7(b).** How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate? **The Duty to Cooperate should be retained for contiguous urban areas.**

**Proposal 4:** A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

**Question 8(a).** Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced? **No, there is no guarantee that a one-size-fits-all standard method will take sufficient account of local constraints and knowledge. The city of Brighton and Hove is sandwiched between the English Channel to the south, the South Downs National Park to the north and east and Shoreham-by-Sea to the west and is particularly rich in conservation areas. The potential brown and greenfield development sites have long been identified. Higher densities can result in excessive height, lower quality homes and lack of public amenity space.**

**8(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, affordability is the consequence of the attractiveness of a location. Brighton is a desirable place to live in, made more**

**so by its good transport links and proximity to London. The reported more than 60% increase in the quantity of housing required by the algorithm is undeliverable and would be unsustainable.**

**Proposal 5:** Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

**Question 9(a).** Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent? **No, the environment of Brighton and Hove is too sensitive to allow such latitude. Rather, outline planning permission should include more detail than is currently required, especially when it is sought for later phases in conjunction with full permission for a first phase.**

**9(b).** Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas? **No, we are opposed to the presumption in favour of development in Renewal areas.**

**9(c).** Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime? **Not relevant to Brighton and Hove.**

**Proposal 6:** Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology.

**Question 10.** Do you agree with our proposals to make decision-making faster and more certain? **Yes, in principle, but there should be deterrence to developers submitting repeated applications without having adequately addressed the reasons for a previous refusal. Applications should not be validated until the information provided is sufficient to allow them to be determined. Heritage assets should have robust heritage appraisals and impact assessments. No development should be allowed to proceed pending approval of all aspects.**

**Proposal 7:** Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template.

**Question 11.** Do you agree with our proposals for accessible, web-based Local Plans? **Yes, in theory, but it depends upon the lay public's ability to read maps and plans, which if anything is in decline.**

**Proposal 8:** Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

**Question 12.** Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans? **Possibly, it would be dependent upon local authorities being given the resources to meet the timetable.**

**Proposal 9:** Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools.

**Question 13(a).** Do you agree that Neighbourhood Plans should be retained in the reformed planning system? **Not sure. Neighbourhood Plans are of lesser value in a large urban community much of which is in conservation areas.**

**13(b).** How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design? **No comment: see Question 13(a).**

**Proposal 10:** A stronger emphasis on build out through planning.

**Question 14.** 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, in theory, but there needs to be strong overall control of multi-builder developments. Any increased rate of market absorption will not be a step-change.**

**Questions 15.** What do you think about the design of new development that has happened recently in your area? [Not sure or indifferent / Beautiful and/or well-designed / **Ugly and/ or poorly-designed** / There hasn't been any / Other – please specify]

**Question 16.** Sustainability is at the heart of our proposals. What is your priority for sustainability in your area? [Less reliance on cars / More green and open spaces / Energy efficiency of new buildings / More trees / **Other – housing of an acceptable standard, not the slums of the future.**

**Proposal 11:** To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement and ensure that codes are more binding on decisions about development.

**Question 17.** Do you agree with our proposals for improving the production and use of design guides and codes? **Not sure, we are unconvinced that in practice design guides and codes enhance the quality of design. Guides and codes may help to prevent the lowest quality of design but they can be a constraint upon the highest. Good design need not cost more and can be a route to enhanced affordability.**

**Proposal 12:** To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

**Question 18.** Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making? **No to establishing yet another body. Yes, to each authority having a chief officer for design and place-making.**

**Proposal 13:** To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

**Question 19.** Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England? **Yes, design quality is not a current Homes England priority.**

**Proposal 14:** We intend to introduce a fast-track for beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

**Question 20.** Do you agree with our proposals for implementing a fast-track for beauty? **Yes, we totally agree that master plans are needed in Growth areas, and in appropriate Renewal areas. No**

**to any extension of permitted development areas. The suggestion that standard 21st century designs would be analogous to 18th century pattern-book architecture is historical illiteracy.**

**Proposal 15:** We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

**Proposal 16:** We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England.

**Proposal 17:** Conserving and enhancing our historic buildings and areas in the 21st century. **“Routine listed building consents” is undefined. Recent applications demonstrate that even experienced and well qualified conservation specialists can make mistakes and may not be immune to making spurious arguments in support of their paymasters' proposals. This would risk going down a similar road to self-certification of compliance with the Building Regulations. Removing VAT on work to historic buildings would do more for their conservation and enhancement than any tweaking of the planning system.**

**Proposal 18:** To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050. **Improving the energy efficiency of historic buildings should not be at the cost of their special interest and significance. There can be alternatives to the inappropriate stock technologies of new construction. Implementation should take into account the whole-life energy consumption of existing buildings on circular economy principles, including the embodied energy of the existing fabric and the theoretically unlimited life of a historic building, against the energy cost of demolition and disposal, new raw materials, manufacturing and transporting components to site and constructing new buildings of limited life.**

**Question 21.** When new development happens in your area, what is your priority for what comes with it? [More affordable housing / More or better infrastructure (such as transport, schools, health provision) / **Design of new buildings** / More shops and/or employment space / Green space / Don't know / Other – please specify]

**Proposal 19:** The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

**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 threshold? **Yes, to a unified system, but the rate should be variable to give preference to more desirable uses.**

**22(b).** Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally? [Nationally at a single rate / Nationally at an area-specific rate / **Locally, at or above area-specific minima.**

**22(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? **More value, the amounts raised by Section 106 agreements are insufficient. Developers need to be discouraged from paying over the odds for sites.**

**22(d).** Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area? **Yes, but only for the value of infrastructure development directly related to the site, only for a percentage of the expected cost, and not before the developer has entered into a contract for the construction.**

**Proposal 20:** The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development rights.

**Question 23.** Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights? **Yes, though we would advocate an end to Permitted Development Rights for change of use.**

**Proposal 21:** The reformed Infrastructure Levy should deliver affordable housing provision.

**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 affordable provision, as at present? **Yes, to aiming to secure at least the same amount of affordable housing but not necessarily as much on-site provision; developing the sites with the highest commercial value for open market housing will increase the amount of Infrastructure Levy available for affordable housing elsewhere, provided “ghettoization” can be avoided.**

**24(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? **Both.**

**24(c).** If an in-kind delivery approach is taken, should we mitigate against local authority overpayment risk? **Yes, the exposure to risk should be contained by a limit on the percentage of the Infrastructure Levy which is secured through in-kind delivery.**

**24(d).** If an in-kind delivery approach is taken, are there additional steps that would need to be taken to support affordable housing quality? **Yes, all housing should be required to conform with national minimum standards, including any with Permitted Development Rights.**

**Proposal 22:** More freedom could be given to local authorities over how they spend the Infrastructure Levy.

**Question 25.** Should local authorities have fewer restrictions over how they spend the Infrastructure Levy? **No, Infrastructure Levy money should be restricted to capital expenditure and not be used to prop up council running costs.**

**25(a).** If yes, should an affordable housing ‘ring-fence’ be developed? [Yes / No / Not sure. Please provide supporting statement.]

**Proposal 23:** As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms. In doing so, we propose this strategy will be developed including the following key elements: **We support the principle that the planning system should be mainly funded by the beneficiaries. We consider that the determination of planning fees and local planning funding should take account of local circumstances to ensure that they are properly resourced. Management-speak such as “a deep dive regulatory review” should have no place in a White Paper.**

**Proposal 24:** We will seek to strengthen enforcement powers and sanctions. **Ignorance of the protected status of a heritage asset should not be a defence against enforcement action. The**

**bimbalance whereby unwitting interference in a bat roost is an arrestable offence while knowing demolition of a listed building without consent is not should be redressed.**

**Question 26.** Do you have any views on the potential impact of the proposals raised in this consultation on people with protected characteristics as defined in section 149 of the Equality Act 2010? **No.**