



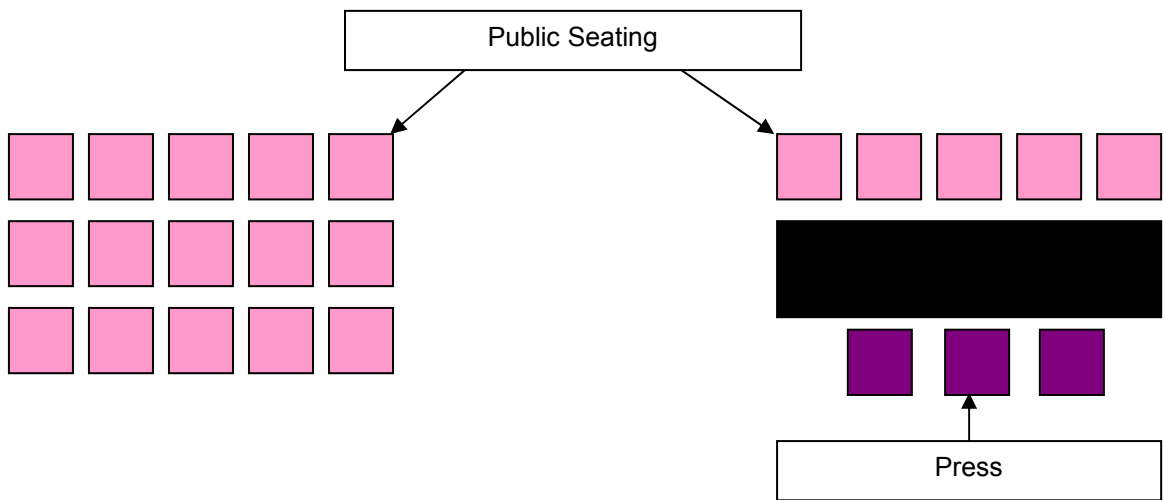
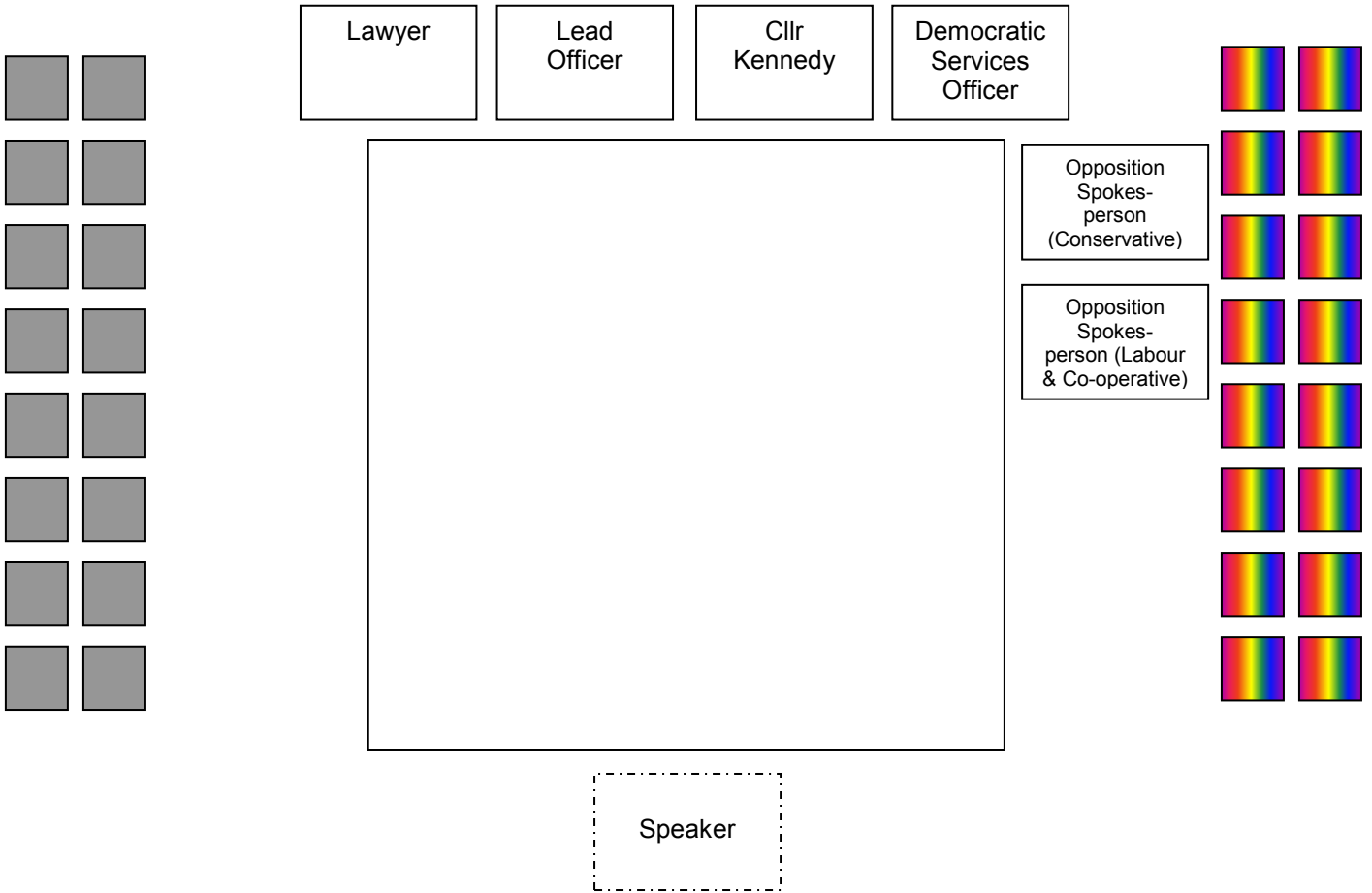
Brighton & Hove  
City Council

# Cabinet Member Meeting

Title:	<b>Planning, Employment, Economy &amp; Regeneration Cabinet Member Meeting</b>
Date:	<b>15 September 2011</b>
Time:	<b>4.00pm</b>
Venue	<b>Council Chamber, Hove Town Hall</b>
Members:	<b>Councillor:</b> Kennedy (Cabinet Member)
Contact:	<b>Tanya Davies</b> Acting Democratic Services Manager 01273 29-1227 tanya.davies@brighton-hove.gov.uk

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# Democratic Services: Meeting Layout



## AGENDA

Part One

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### 22. PROCEDURAL BUSINESS

- (a) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (b) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

*NOTE: Any item appearing in Part 2 of the Agenda states in its heading either that it is confidential or the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.*

*A list and description of the categories of exempt information is available for public inspection at Brighton and Hove Town Halls.*

### 23. MINUTES OF THE PREVIOUS MEETING

1 - 8

Minutes of the meeting held on 7 July 2011 (copy attached).

### 24. MINUTES OF THE SPECIAL MEETING, 3 AUGUST 2011

9 - 12

Minutes of the Special Meeting held on 3 August 2011 (copy attached).

### 25. CABINET MEMBER'S COMMUNICATIONS

### 26. ITEMS RESERVED FOR DISCUSSION

- (a) Items reserved by the Cabinet Member
- (b) Items reserved by the Opposition Spokespersons
- (c) Items reserved by Members, with the agreement of the Cabinet Member.

*NOTE: Public Questions, Written Questions from Councillors, Petitions, Deputations, Letters from Councillors and Notices of Motion will be reserved automatically.*

### 27. PETITIONS

No petitions received by date of publication.

# PLANNING, EMPLOYMENT, ECONOMY & REGENERATION CABINET MEMBER MEETING

## 28. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 8 September 2011)

No public questions received by date of publication.

## 29. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 8 September 2011)

No deputations received by date of publication.

## 30. LETTERS FROM COUNCILLORS

13 - 14

(a) **Investment in Student Accommodation in the City.** Letter from Councillor Morgan (copy attached).

## 31. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received.

## 32. NOTICES OF MOTION

No Notices of Motion have been received by the date of publication.

## PLANNING

## 33. Government Consultations: Local Plan Regulations and National Planning Policy Framework

15 - 72

Report of the Strategic Director, Place (copy attached).

*Contact Officer: Rebecca Fry*

*Tel: 29-3773*

*Ward Affected: All Wards*

## 34. CLG Consultation: How change of use is handled in the planning system

73 - 118

Report of the Strategic Director, Place (copy attached).

*Contact Officer: Katie Rasdall*

*Tel: 29-2361*

*Ward Affected: All Wards*

## 35. Lewes Road (Preston Barracks and University of Brighton) Planning Brief

Report of the Strategic Director, Place (copy circulated separately).

*Contact Officer: Alan Buck*

*Tel: 29-2287*

*Ward Affected: All Wards*

**PLANNING, EMPLOYMENT, ECONOMY & REGENERATION CABINET MEMBER MEETING**

**36. Shoreham Harbour: Interim Planning Guidance (IPG) Update 119 - 160**

Report of the Strategic Director, Place (copy attached).

Contact Officer: Mike Holford Tel: 29-2501

Ward Affected: Hangleton & Knoll;  
South Portslade; Wish

**37. Draft Food Growing on Development Sites Planning Advisory Note 161 - 192**

Report of the Strategic Director, Place (copy attached).

Contact Officer: Francesca Iliffe Tel: 29-0486

Ward Affected: All Wards

**EMPLOYMENT**

**38. Employment Update**

Verbal update from the Economic Development Manager.

**Part Two**

**Page**

**39. PART TWO MINUTES OF THE PREVIOUS MEETING 193 - 194**

Part Two Minutes of the meeting held on 7 July 2011 (copy circulated to Members only).

**40. PART TWO ITEMS**

To consider whether or not any of the above items and the decisions thereon should remain exempt from disclosure to the press and public.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk). Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

For further details and general enquiries about this meeting contact Tanya Davies, (01273 29-1227, email [tanya.davies@brighton-hove.gov.uk](mailto:tanya.davies@brighton-hove.gov.uk)) or email [democratic.services@brighton-hove.gov.uk](mailto:democratic.services@brighton-hove.gov.uk)

Date of Publication - Wednesday, 7 September 2011



**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING, EMPLOYMENT, ECONOMY & REGENERATION CABINET MEMBER  
MEETING**

**4.00pm 7 JULY 2011**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor Kennedy (Cabinet Member)

**Also in attendance:** Councillors Morgan and C. Theobald

**Other Members present:** Councillors Hawtree and MacCafferty

**PART ONE**

**1. PROCEDURAL BUSINESS**

**1(a) Declarations of Interests**

1a.1 There were none.

**1(b) Exclusion of Press and Public**

1b.1 In accordance with section 100A of the Local Government Act 1972 ("the Act"), the Cabinet Member considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(I) of the Act).

1b.2 **RESOLVED** - That the press and public be excluded from the meeting during consideration of Item 17 onwards.

**2. TERMS OF REFERENCE**

2.1 **RESOLVED** – That the Terms of Reference be noted.

**3. CABINET MEMBER'S COMMUNICATIONS**

- 3.1 The Cabinet Member welcomed everyone to the meeting and outlined her vision and aims for the future and the running of the Cabinet Member Meetings for Planning, Employment, Economy & Regeneration (PEER). She hoped that in future the meetings would bring creativity and real energy to attracting investment and planning for regeneration. They would have a different style which reflected the Administration's determination to work in a collaborative and inclusive way to achieve these goals for the benefit of communities across the city.
- 3.2 In line with this administration's priorities, she wanted to see the city building again with the aim to pursue a positive vision for the future which looked forward to a low carbon economy and which maximised the opportunities to create jobs in important sectors including the creative industries and emerging environmental technologies.
- 3.3 In challenging economic times there must be a new emphasis on partnership and the combination of activities within her portfolio would place the city council in a good position to explore new models of development and to work in an imaginative way with its partners to pursue new solutions. She intended to invite speakers from outside the council to future meetings so that they and the council could benefit from their knowledge and ideas.
- 3.4 She believed that drawing planning, economic development and regeneration together provided an excellent opportunity to consider decision making in a more strategic way and to keep a close eye on the overall direction. It also provided the opportunity to look beyond traditional notions of planning as an exclusively regulatory activity and to show how positive planning can be used to deliver successful outcomes in the right places.
- 3.5 Councillor Morgan welcomed the Cabinet Member's commitment to getting the city open for business again and the greater inclusion at future meetings of those groups or people interested in particular issues.

**4. ITEMS RESERVED FOR DISCUSSION**

- 4.1 **RESOLVED** – That all items be reserved for discussion.

**5. PETITIONS**

- 5.1 There were none.

**6. PUBLIC QUESTIONS**

- 6.1 There were none.

**7. DEPUTATIONS**

- 7.1 There were none.



**8. LETTERS FROM COUNCILLORS**

8.1 There were none.

**9. WRITTEN QUESTIONS FROM COUNCILLORS**

9.1 There were none.

**10. NOTICES OF MOTION**

10.1 There were none.

**11. GOVERNMENT CONSULTATION RELAXING PLANNING RULES FOR CHANGE OF USE FROM COMMERCIAL TO RESIDENTIAL**

11.1 The Cabinet Member considered a report of the Strategic Director, Place concerning the council's response to the Government consultation seeking to relax planning rules for change of use from commercial to residential.

11.2 Councillor C. Theobald queried why there had not been an opportunity to consider a proposed response at the previous Environment Cabinet Member Meeting in May and noted that nationally the Property Agency had welcomed the proposed relaxation of the planning rules.

11.3 The Head of Planning Strategy explained that wherever possible officers brought proposed responses to Members, however it did take time to consult with various areas within the council and on this occasion there had not been time to bring a response forward.

11.4 Councillor Kennedy noted the comments and referred to the recommendation.

11.5 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:

- (1) That the council's response to the Government's consultation seeking relaxation of planning rules for change of use from commercial to residential (see Appendix A) be approved and endorsed.

**12. LOCALISM BILL UPDATE**

12.1 The Cabinet Member considered a verbal update from the Principal Policy Advisor from the Local Development Team concerning the aspects of the Localism Bill that were relevant to her portfolio.

12.2 Councillor Morgan noted the information and stated that he would await the further update at the Governance Committee on the Bill. He stated that it would be helpful to have future updates in regard to the planning aspects e.g. in relation to pre-application consultations. He noted the change in relation to the number required for Neighbourhood Groups from 3 to 21 and queried why the figure did not include local councillors.

- 12.3 Councillor C Theobald also welcomed the revised number of 21 people and the proposals relating to the pre-application process. However, she felt that further consideration needed to be given to how prospective developers were informed and made aware of the views of the planning authority.
- 12.4 The Head of Planning & Public Protection stated that the proposals around pre-application stage were welcome and would tie in with the enabling agenda, however more detail was required before the position would become clear.
- 12.5 Councillor Kennedy stated that she shared the concerns about the need to know the detail of the proposals and stated that she hoped that there would be regular updates on the Bill to her Cabinet Member meetings.
- 12.6 **RESOLVED** – That the update be noted.

**13. OIVINGDEAN CONSERVATION AREA REVIEW**

- 13.1 The Cabinet Member welcomed a report of the Strategic Director, Place seeking approval to consult on a character statement for the Ovingdean Conservation Area and on changes to its boundary.
- 13.2 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:
- (1) That the draft Ovingdean Conservation Area character statement and boundary changes be approved for public consultation.

**14. LONDON ROAD CENTRAL MASTERPLAN UPDATE**

- 14.1 The Cabinet Member considered a report of the Strategic Director, Place providing an update on proposals within and around London Road as part of the Masterplan that would help to realise the objectives of creating an attractive and economically successful shopping centre.
- 14.2 The Principal Planning Officer gave a presentation on the development of the London Road Masterplan and the current position in relation to various aspects of the plan and proposed developments.
- 14.3 Councillor Morgan noted that the Environment & Community Safety Overview & Scrutiny Committee had held a workshop on the masterplan and queried whether there would be a role for scrutiny in taking the proposals forward.
- 14.4 Councillor C Theobald thanked the officers for the update and stated that she hoped something could be done in the near future with regard to the empty Co-Op building on London Road.
- 14.5 Councillor Kennedy noted the comments and stated that she hoped to see investment in the area being secured and work with scrutiny to take matters forward.

14.6 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:

(1) That the various emerging proposals be noted.

**15. EMPLOYMENT UPDATE**

15.1 The Cabinet Member considered a verbal update from the Economic Development Manager concerning the latest employment statistics for the city.

15.2 The Economic Development Manager outlined the current position in relation to unemployment figures and those claiming job seekers allowance in the city in comparison to the national situation. She noted that the city had entered the economic downturn a quarter earlier than the country as a whole and had come out two quarters earlier. However, the economic forecast remained uncertain and the City Employment & Skills Plan would be an important factor for the long-term economic benefit of what was a diverse economic base within the city.

15.3 Councillor Morgan welcomed the information and asked if the employment figures referred to could be circulated to Members.

15.4 Councillor Kennedy thanked the Economic Development Manager for the information and stated that she intended to have regular updates to her Cabinet Member Meetings.

15.5 **RESOLVED** – That the update be noted.

**16. HSBC SUPERCITIES REPORT**

16.1 The Cabinet Member considered a report of the Strategic Director, Place concerning the findings of the recent HSBC ‘Supercities’ report and the implications for Brighton & Hove.

16.2 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:

(1) That the proposal to explore the feasibility of an International Exhibition to showcase Brighton & Hove businesses be supported.

**16 .A INTERREG IV A 2 MERS SEAS ZEEEN, GRADUATE & APPRENTICESHIP  
PLACEMENT SCHEME (GAPS) PROJECT & AVANTA WORK PROGRAMME  
CONTRACTS**

16.3 The Cabinet Member considered an urgent report of the Strategic Director, Place concerning the need to enter into a legal agreement, as a sub-contractor, to deliver Job Seeker work placements as part of the government’s Work Programme initiative and to match fund the contract value with INTERREG IV A 2 Mers Seas Zeeen programme funding.

16.4 Councillor Kennedy apologised for the lateness of the paper and gave assurances that wherever possible opposition councillors would be informed of the need for an urgent

report and given copies as early as possible. Unfortunately, in this instance it had not been possible to finalise the report until the day of the meeting and she had wanted to bring it to the meeting to maintain openness.

- 16.5 The City Employment Initiatives Manager introduced the report and explained that an interreg bid had been submitted which required match funding and whilst it had proved difficult to achieve the match funding, the ability to do so via the programme funding detailed in the report had come about. It was a new way of matching the funding for officers and had taken time to finalise the agreements, which had delayed bringing the report to the Cabinet Member. It also required the council to act as a sub-contractor to comply with the contractual elements of the process. Having secured agreement with the various parties involved he was hopeful that, if approved, the Strategic Director would be able to sign-off the contract in the next week.
- 16.6 Councillor Morgan noted the information and queried whether an equalities impact assessment had been completed and whether the council faced any financial liabilities.
- 16.7 The City Employment Initiatives Manager stated that as a sub-contractor the council was not able to undertake the Equalities Impact Assessment and the financial liability was spread across the 6 partners involved, with the council receiving funding in arrears. Should one of the partner agencies fail, their Regional Government would have to meet the liability.
- 16.8 Councillor Kennedy thanked the Initiatives Manager for the information.
- 16.9 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendation:
- (2) That the Cabinet Member for Planning, Employment, Economy & Regeneration authorises the Strategic Director, Place to enter into the INTERREG IV A 2 Mers Seas Zeeen programme agreement and, subject to the final issues set out in section 5.2 being agreed between the Council and Avanta, the AVANTA Work Programme contract.

**PART TWO SUMMARY**

**17. MAJOR PROJECTS UPDATE**

- 17.1 The Cabinet Member considered a verbal update from officers concerning progress on the city's major projects.
- 17.2 **RESOLVED** – That the update be noted.

**18. PART TWO ITEMS**

- 18.1 The Cabinet Member considered whether or not the above item should remain exempt from disclosure to the press and public.
- 18.2 **RESOLVED** – That item 17 contained in Part Two of the Agenda, and the information provided during the closed session, remains exempt from disclosure to the press and public.

The meeting concluded at 6.00pm

Signed

Cabinet Member

Dated this

day of



**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING, EMPLOYMENT, ECONOMY & REGENERATION CABINET MEMBER  
MEETING**

**5.00PM 3 AUGUST 2011**

**COMMITTEE ROOM 1, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor Kennedy (Cabinet Member)

**Also in attendance:** Councillors Morgan (Opposition Spokesperson) and A Norman (Opposition Spokesperson)

**Other Members present:** Councillor K Norman

**PART ONE**

**19. PROCEDURAL BUSINESS**

**19(a) Declarations of Interests**

19a.1 There were none.

**19(b) Exclusion of Press and Public**

19b.1 In accordance with section 100A of the Local Government Act 1972 ("the Act"), the Cabinet Member considered whether the press and public should be excluded from the meeting during an item of business on the grounds that it was likely, in view of the business to be transacted or the nature of the proceedings, that if members of the press and public were present during that item, there would be disclosure to them of confidential information (as defined in section 100A(3) of the Act) or exempt information (as defined in section 100I(l) of the Act).

19b.2 **RESOLVED** - That the press and public be not excluded from the meeting.

**20. CABINET MEMBER'S COMMUNICATIONS**

20.1 The Chair thanked opposition Members for attending and explained that the meeting had been convened to seek agreement to withdraw from negotiation with Avanta in relation to a Work Programme placement contract for 18-24 year old job seekers.

**21. INTERREG IV A 2 MERS SEAS ZEEN PROGRAMME AND AVANTA WORK PROGRAMME CONTRACT**

- 21.1 The Cabinet Member considered a report of the Strategic Director, Place concerning the INTERREG IV A 2 Mers Seas Zeeen, Graduate & Apprenticeship Placement Scheme (GAPS) Project & Avanta Work Programme Contracts.
- 21.2 Councillor A Norman noted that it was unusual to bring a previous decision back for reconsideration so soon. She also noted that the previous decision had been dealt with via an urgent report because the contract had to be signed imminently, but that no contract had yet been signed and that this could have a negative effect on the council's business reputation, as well as being unfortunate for the young people involved.
- 21.3 The Cabinet Member advised that the previous report had been tabled urgently in the spirit of openness and transparency to inform Members of the latest position. The decision was made subject to agreeing a number of final issues between the council and Avanta; however, following further negotiations, it had not been possible to complete the contract due to concerns about the financial risk to the council.
- 21.4 Councillor Morgan welcomed the proposal to withdraw from the Avanta contract and stated that he had noted the financial risk at the previous meeting along with the unacceptable pay conditions for the young people involved. He stated that he was concerned about central Government's drive towards using private companies to provide apprenticeships and requested more information in relation to alternative funding options.
- 21.5 The Cabinet Member stated that Members from all Groups were supportive of apprenticeships, but advised that the council must carefully consider how they were delivered. She explained that Avanta could not answer the council's concerns and that officers were investigating how the council could proceed with the INTERREG part of the contract.
- 21.6 The Strategic Director, Place stated that the reason for bringing the previous report to the CMM had been to ensure that all Members were aware of the potential risks and that the decision had been made subject to finalising a number of issues, which could not be resolved. He explained that any changes made to the funding arrangements would need to be agreed with the governing body for INTERREG. He advised that Mears, the council's housing maintenance and repairs contractors, may be able to help with offering apprenticeships and that discussions were also taking place with City College. He explained that partners would be notified about the decision after the meeting and that alternative funding would need to be found by November.
- 21.7 Councillor A Norman stated that she was not opposed to the decision to withdraw from the contract, but was concerned that the original decision had been made quickly without full understanding of the financial implications and that it should have been delayed until the position was more certain. She noted that alternative match funding had not yet been found.
- 21.8 In response to question from Councillor A Norman, the Strategic Director, Place explained that the INTERREG part of the project could not go ahead without the necessary match



funding and that this was being sought as a matter of urgency. He confirmed that eight posts would be affected by the decision to withdraw and that four members of staff were in those posts.

21.9 The Chair stated that the original decision had been brought to the last CMM in order to be open about the situation and that she felt this had been the correct course of action.

21.10 **RESOLVED** - That, having considered the information and the reasons set out in the report, the Cabinet Member accepted the following recommendations:

- (a) That the Council withdraws from negotiation with Avanta in relation to a Work Programme placement contract for 18-24 year old job seekers in the city for reasons set out in the report;
- (b) That the Strategic Director, Place be requested to enter into urgent discussion with partners to the GAPS Project and the Interreg Delivery initiative as part of the INTERREG IV A 2 Mers Seas Zeeen programme with a view to the Council securing an alternative match funding arrangement or if unsuccessful to put in place alternative arrangements.
- (c) That authority be delegated to the Strategic Director, Place to proceed with the INTERREG Delivery initiative if an alternative match funding arrangement is secured, including entering into the relevant contractual and partnership arrangements.

The meeting concluded at 5.13pm

Signed

Cabinet Member

Dated this

day of



**Councillor Warren Morgan**

Brighton & Hove City Council  
King's House  
Grand Avenue  
Hove BN3 2LS

**Date:** 5 August 2011

**Our Ref:** WM/

**Your Ref:**

Dear Councillor Kennedy

A recent survey by the Higher Education Funding Council for England suggests that many universities expect to see a drop in students from the UK and EU from next year following the rise in tuition fees. Its analysis shows 56 universities are anticipating a drop in the number of full-time undergraduates they take from the UK or the European Union next year. On average, universities expect a 2% fall, but one institution predicts a 20% drop and five others foresee decreases of more than 10%. Just under a quarter – 24% – expect an increase and a fifth anticipate no change.

<http://www.guardian.co.uk/education/2011/aug/04/fewer-students-expected>

<http://www.newstatesman.com/blogs/the-staggers/2011/08/universities-expect-fees>

I am concerned about the potential impact on the city's economy of a fall in student numbers, and the potential impact on planned investment in purpose-built student accommodation.

I would like to ask the Cabinet Member for PEER to request a report to a future CMM regarding the council's strategy with regard to building student accommodation in the city, and whether the city's two universities have factored in the rise in fees with regard to the viability of large scale student developments. The report should also include information on the flexibility of potential developments; namely whether accommodation planned for students could be used for other sectors such as key workers, those in non-secure accommodation, or be offered as social housing.

Yours sincerely



Councillor Warren Morgan  
Labour & Co-operative Member for East Brighton Ward

Tel/Fax: (01273) 294362      Blackberry: 07795 336 324  
Email: warren.morgan@brighton-hove.gov.uk

Visit my web pages at [www.brighton-hove-councillors.org.uk/warrenmorganblog](http://www.brighton-hove-councillors.org.uk/warrenmorganblog)

Labour and Co-Operative Member for East Brighton Ward



<b>Subject:</b>	<b>Government Consultations: Local Plan Regulations and National Planning Policy Framework</b>		
<b>Date of Meeting:</b>	<b>15 September 2011</b>		
<b>Report of:</b>	<b>Strategic Director, Place</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Rebecca Fry</b>	<b>Tel: 29-3773</b>
	<b>Email:</b>	<b>rebecca.fry@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>No</b>		
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE.**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report seeks approval of the council's responses to two recent Government Consultations relating to the Local Plan Regulations and the National Planning Policy Framework (NPPF). The response to the Local Plan Regulations is generally supportive and the details are set out in Appendix 1. The response to the NPPF raises a number of concerns and the details are set out in Appendix 2.

**2. RECOMMENDATIONS:**

- 2.1 That the Cabinet Member for Planning, Employment, Economy & Regeneration approves the council's response to the Government's consultation relating to the Local Plan Regulations (see Appendix 1); and,
- 2.2 That the Cabinet Member for Planning, Employment, Economy & Regeneration approves the council's response to the Government's consultation relating to the draft National Planning Policy Framework (see Appendix 2). The Cabinet Member will be consulted should minor amendments be suggested following officer attendance at a Department for Communities and Local Government NPPF seminar on 28 September.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The Government Department for Communities and Local Government has published a number of consultation papers relating to planning in recent months. A key objective for the Government is to reform the planning system in order to simplify it and to promote sustainable development placing emphasis on housing and economic growth. It also seeks to give neighbourhoods far more ability to determine the shape of the places in which their inhabitants live. This report relates to two of the recent consultations.
- 3.2 **Local Plan Regulations:** This consultation seeks views on the revision of regulations relating to the process of preparing a Local Plan which are subject to

change when the Localism Bill is enacted<sup>1</sup>. The government proposes to consolidate the changes into a single document and to ensure the regulations are as effective and simple as possible. The deadline for consultations responses is **7 October 2011**.

- 3.3 In revising the regulations in response to the Bill, and consolidating changes made since 2004, the basic process of plan preparation is largely unchanged in order to meet European Union (EU) requirements. The process for preparing development plan documents still consists of:
- an engagement stage (preparation of a development plan document) - Regulation 19
  - one formal consultation stage (publication of a development plan document) - Regulation 20
  - Submission to the Secretary of State - Regulation 23
- 3.4 The council's response addresses the following:
- It is supportive of the approach to consolidating the changes made since 2004 and streamlining requirements to reduce repetition. It is considered this will simplify the document and make it easier to understand;
  - Clarification is sought in respect of the potential change to the requirements regarding the role and preparation process of the Statement of Community Involvement;
  - Clarification is sought as to whether a Local Development Scheme or its revisions needs to be formally brought into effect by the council;
  - A query is raised in respect of the removal of the specific reference to design and access objectives in the list of matters a development plan document can contain.
- 3.5 The council's proposed response to the Local Plan Regulations is set out in Appendix 1.
- 3.6 **National Planning Policy Framework:** The Government views this as a key part of its reforms to make the planning system less complex, more accessible, and to promote sustainable growth. The National Planning Policy Framework (NPPF) is intended to replace and consolidate concisely all existing Planning Policy Statements/Guidance (excluding those relating to Waste and some Mineral guidance), two Planning Circulars and some Letters to Chief Planning Officers. It consolidates over 1,000 pages of national planning policy guidance, into one 52 page document The deadline for consultation responses is **17 October 2011**
- 3.7 The NPPF provides guidance on delivering sustainable development, plan making and development management it then sets guidance out within three main themes which are : planning for prosperity; planning for people; and, planning for places.
- 3.8 It introduces a number of changes. Some of the key changes are:

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<sup>1</sup> The process of preparing a local plan is currently set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development) (England) Regulations 2004, as amended in 2008. The Localism Bill is intended to amend the 2004 Act.

- It sets a “presumption in favour of sustainable development” which is seen as a ‘golden thread’ through both plan making and decision taking. At the same time significant weight is to be attached to the benefits of economic and housing growth;
- It sets a pro-growth and development approach. Planning permission is to be granted where a plan is absent, silent, indeterminate or where relevant policies are out of date. There is an expectation that development will be granted unless the Local Planning Authority can prove the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- No necessary contradiction is seen between increased levels of growth and development and protecting and enhancing the natural and built environment. The national target for development on housing on brownfield (previously developed land) sites has been removed;
- It makes provisions for Parishes and Neighbourhood Forums to draw up Neighbourhood Plans for the development and use of land in their local area. A ‘duty to co-operate’ requires public bodies to cooperate on planning issues which cross administrative boundaries;
- Local Plans are to be prepared on the basis that objectively assessed development needs should be met including the full requirements for market and affordable housing within the wider housing market area;
- Community Infrastructure Levy charges should be worked up and tested alongside the Local Plan, and should support and incentivise new development, with a meaningful proportion of the funds raised staying with those neighbourhoods where development takes place;
- The NPPF removes the need for office schemes to show that they could not be located any closer to the town centre.

3.9 The response from the city council supports the aims of the Government to consolidate national planning policy guidance and to promote economic growth and additional homes. However, there are serious concerns over the potential effect of the overall direction of the draft NPPF on the environment (including natural, built and historic) and social factors, as it places priority on economic and housing growth and approval of development. Additionally the draft NPPF is contrary to the stated aims of localism. It sets a strong pro-development framework within which there is little scope for local authorities and neighbourhoods to make local decisions to shape places.

3.10 The council’s response:

- Identifies areas of the draft NPPF where guidance continues to be welcomed, eg retail
- Identifies areas of the draft NPPF where it insufficiently addresses a particular issue eg enforcement, open space etc
- Disagrees with how the draft NPPF interprets the delivery of sustainable development and its failure to fully define sustainable development. Sustainability is widely recognised to comprise of three key pillars: economic, environmental and social. The draft NPPF shifts the balance too far in favour of economic and housing growth so as to undermine genuine sustainable development.
- Identifies instances where previously welcomed government guidance is missing from the draft NPPF eg no reference to the protection of the countryside for its own sake. The draft NPPF appears to make little

distinction between development within the built up area and within the countryside, except in respect of the Green Belt and designated areas such as National Parks.

- Identifies the new policy directions which raise specific concerns for Brighton & Hove eg a) the need for Local Plans to meet the full requirements for market and affordable housing (this would result in a housing target significantly greater than that set in the South East Plan for Brighton & Hove) and, b) there appears to be a weakening in the protection currently offered to open space compared with current national policy documents.
- Raises a concern with the undue emphasis placed on presumption in favour of growth and development. It is considered this undermines the creation of genuine sustainable development, the plan-led system and Neighbourhood Planning.
- Requests greater clarification over the role of good practice guidance. The brevity of the draft NPPF has not been supported with sufficient clarity which is undermining the intended aim of simplifying planning.

3.11 Full details of the proposed comments made in response to the NPPF are set out in Appendix 2.

#### **4. CONSULTATION**

4.1 Internal consultation has been undertaken with key officers in order to ensure the various topics are best addressed.

#### **5. FINANCIAL & OTHER IMPLICATIONS:**

##### Financial Implications:

5.1 The cost of preparing the council's response consists of officers' time and has been met from existing Planning revenue budgets. If the National Planning Policy Framework is approved it could give rise to an increase in planning appeals and costs, which would then also need to be met from the revenue budgets.

*Finance Officer Consulted: Karen Brookshaw Date: 15/08/11*

##### Legal Implications:

5.2 It is possible that these radical proposals could lead to a significant increase in planning appeals and costs, although until such time that the changes are actually made by the government there are no direct legal implications arising from this report.

*Lawyer Consulted: Bob Bruce Date: 26/08/11*

##### Equalities Implications:

5.3 The Government consultation documents and the council's responses seek to take into account equalities issues. A key concern raised in the council's response in respect of the draft NPPF is the shift in the balance between



economic and housing growth versus social and environmental factors. This may lead to additional, currently unidentified, equalities implications.

#### Sustainability Implications:

- 5.4 Sustainability considerations are central to the planning system and form part of the consultation documents and responses respectively. Whilst the NPPF introduces a 'presumption in favour of sustainable development' it also applies a number of 'pro-growth' measures and does not make a distinction between the countryside and the built up area. The 'pro-growth' emphasis may undermine and offer less protection to elements of sustainability.

#### Crime & Disorder Implications:

- 5.5 None identified in respect of the Local Plan Regulations. In respect of the NPPF, the Government consultation document and the council's response take into account crime and disorder issues.

#### Risk and Opportunity Management Implications:

- 5.6 None identified

#### Corporate / Citywide Implications:

- 5.7 In respect of the Local Plan Regulations, whilst there are amendments to the current system they are not considered to have significant corporate or citywide implications. The duty to co-operate will result in the formalisation and enhancement of current processes.
- 5.8 If the NPPF is introduced as drafted there may be corporate and citywide implications. The Council's response indicates the main impacts of the draft NPPF; however it increases the emphasis on producing and adopting a new comprehensive city wide local plan.

### **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 None required. A do nothing approach (not responding to the consultation documents) is not considered appropriate in view of the importance of these documents within the planning system.

### **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To gain formal approval of the council's response to the Government consultation on the Local Plan Regulations prior to the consultation deadline of 7 October 2011. And:
- 7.2 To gain formal approval of a council response to the Government consultation on the draft National Planning Policy Framework prior to the consultation deadline of 17 October 2011. Due to the CMM cycle and the consultation deadline it has not been possible to finalise the response with all key officers. Approval is therefore sought for the submission of a response similar to Appendix 2, with the agreement that the Cabinet Member will be consulted on the final amended response.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Brighton & Hove City Council's response to the Government Consultation on the Local Plan Regulations.
2. Brighton & Hove City Council's draft response to the Government Consultation on the draft National Planning Policy Framework (NPPF). The response includes:  
Appendix 2 Part A: Response to the NPPF Impact Assessment

### **Documents in Members' Rooms**

None

### **Background Documents**

1. Department of Communities and Local Government consultation on the Local Plan Regulations
2. Planning and Compulsory Purchase Act 2004
3. Town and Country Planning (Local Development) (England) Regulations 2004, as amended in 2008
4. Department of Communities and Local Government consultation on the Draft National Planning Policy Framework

### ***Documents to be replaced by the NPPF***

5. Planning Policy Statement 1: Delivering Sustainable Development
6. Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1
7. Planning Policy Guidance 2: Green Belts
8. Planning Policy Statement 3: Housing
9. Planning Policy Statement 4: Planning for Sustainable Economic Growth
10. Planning Policy Statement 5: Planning for the Historic Environment
11. Planning Policy Statement 7: Sustainable Development in Rural Areas
12. Planning Policy Guidance 8: Telecommunications
13. Planning Policy Statement 9: Biodiversity and Geological Conservation
14. Planning Policy Statement 12: Local Spatial Planning
15. Planning Policy Guidance 13: Transport
16. Planning Policy Guidance 14: Development on Unstable Land
17. Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation
18. Planning Policy Guidance 18: Enforcing Planning Control
19. Planning Policy Guidance 19: Outdoor Advertisement Control
20. Planning Policy Guidance 20: Coastal Planning
21. Planning Policy Statement 22: Renewable Energy
22. Planning Policy Statement 23: Planning and Pollution Control
23. Planning Policy Guidance 24: Planning and Noise
24. Planning Policy Statement 25: Development and Flood Risk
25. Planning Policy Statement 25 Supplement: Development and Coastal Change
26. Minerals Policy Statement 1 : Planning Minerals
27. Minerals Policy Statement 2: Controlling and Mitigating the Environmental Effects of Mineral Extraction in England (including Annex 1 and Annex 2)

28. Minerals Planning Guidance 2: Applications, permissions and conditions
29. Minerals Planning Guidance 3: Coal Mining and Colliery Spoil Disposal
30. Minerals Planning Guidance 5: Stability in surface mineral workings and tips
31. Minerals Planning Guidance 7: Reclamation of mineral workings
32. Minerals Planning Guidance 10: Provision of raw material for the cement industry
33. Minerals Planning Guidance 13: Guidelines for peat provision in England
34. Minerals Planning Guidance 15: Provision of silica sand in England
35. Circular 05/2005 : Planning Obligations
36. Government Office London Circular 1/2008 : Strategic Planning in London
37. Letter to Chief Planning Officers : Addition of the Forestry Commission to the List of Non-Statutory Consultees
38. Letter to Chief Planning Officers : Town and Country Planning (Electronic Communications) (England) Order 2003
39. Letter to Chief Planning Officers : Planning Obligations and Planning Registers
40. Letter to Chief Planning Officers : Model Planning Conditions for development on land affected by contamination
41. Letter to Chief Planning Officers : National Policy Statements
42. Letter to Chief Planning Officers : Local authorities' role in new consenting process for nationally significant infrastructure projects
43. Letter to Chief Planning Officers : Planning for Housing and Economic Recovery
44. Letter to Chief Planning Officers : Development and Flood Risk – Update to the Practice Guide to Planning Policy Statement 25
45. Letter to Chief Planning Officers : Implementation of Planning Policy Statement 25 (PPS25) – Development and Flood Risk
46. Letter to Chief Planning Officers : The Planning Bill – delivering well designed homes and high quality places
47. Letter to Chief Planning Officers : Planning and Climate Change – Update
48. Letter to Chief Planning Officers : New powers for local authorities to stop 'garden –grabbing'
49. Letter to Chief Planning Officers : Area Based Grant : Climate Change New Burdens
50. Letter to Chief Planning Officers : The Localism Bill
51. Letter to Chief Planning Officers : Planning policy on residential parking standards, parking charges, and electric vehicle charging infrastructure.

***National Planning Policy Documents that are not being replaced by the NPPF***

52. Planning Policy Statement: eco-towns - A supplement to Planning Policy Statement 1
53. Planning Policy Statement 10: Planning for Sustainable Waste Management
54. Minerals Planning Guidance 4: Revocation, modification, discontinuance, prohibition and suspension orders
55. Minerals Planning Guidance 8: Planning and Compensation Act 1991 - Interim Development Order Permissions (IDOS): Statutory Provisions and Procedures
56. Minerals Planning Guidance 9: Planning and Compensation Act 1991 - Interim development order permissions (IDOS): conditions
57. Minerals Planning Guidance 14: Environment Act 1995 - Review of Mineral Planning Permissions



# Local Planning Regulations

## Consultation questions

We are seeking your views on the following questions on the Government's proposal for new local planning regulations.<sup>1</sup> **If possible, we would be grateful if you could respond by email.** Alternatively, we would be happy to receive responses by post.

Email responses to: [lpregsconsultation@communities.gsi.gov.uk](mailto:lpregsconsultation@communities.gsi.gov.uk)

Written responses to:

Martin Bridgman  
Communities and Local Government  
Zone 1/J1  
Eland House  
Bressenden Place  
London  
SW1E 5DU

### (a) About you

#### (i) Your details

Name:	Helen Gregory
Position:	Principal Policy Advisor
Name of organisation (if applicable):	Brighton & Hove City Council
Address:	Planning Strategy & Projects Hove Town Hall Norton Road Hove BN3 1NH
Email Address:	<a href="mailto:helen.gregory@brighton-hove.gov.uk">helen.gregory@brighton-hove.gov.uk</a>
Telephone number:	01273 208497

**(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?**

Organisational response

Personal views

<sup>1</sup>

See <http://www.communities.gov.uk/planningandbuilding/publications/consultations>

(iii) Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group.

Yes

No

Name of group:

**(iv) Please tick the one box which best describes you or your organisation:**

Private developer or house builder

Housing association or RSL

Land owner

Voluntary sector or charitable organisation

Business, consultant, professional advisor

National representative body

Professional body

Parish council

Local government (i.e. district, borough, county, unitary, etc.)

Other public body (please state)

Other (please state)

**(v) Would you be happy for us to contact you again in relation to this consultation?**

Yes

No

## (b) Consultation questions

1(a) - Do you agree that the revised regulations effectively reflect the changes proposed in the Localism Bill?

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

1(b) If you have any comments please enter these below

Agree with the following caveat. It is recognised that this consultation asks for comments on how the revised regulations have responded to the *proposed* planning reform programme. However these revised regulations may be subject to change if the Localism Bill and National Planning Policy framework change before they are enacted/published.

2(a) Do you agree with the list of bodies included in the duty to cooperate?

- Agree
- Neither agree or Disagree
- Disagree

2(b) If you have any comments please enter these below

Following publication, the Local Planning Regulations may need to be updated to reflect the Government's intention to replace Primary Care Trusts.

3(a) Do you agree the revised regulations effectively consolidate the 2004 regulations with the revisions in 2008 and 2009?

- Strongly agree
- Agree
- Neither agree or Disagree
- Disagree
- Strongly Disagree

3(b) If you have any comments please enter these below

The council supports the approach to consolidating the changes made since 2004 and streamlining requirements to reduce repetition. This will simplify the document and make it easier to understand.

Welcome also the removal of reference to complex Local Development Framework terminology in the regulations. However a few points of clarification are required:

1) With regard to the Local Development Scheme. By removal of the current Regulations 10-11 it is not clear whether there is still a requirement to bring the Local Development Scheme and revisions into effect as set out in the Act.

2) Query the removal of objectives relating to design and access under Regulations Part 3 (7). Given that the Act requires that in complying with the duty for sustainable development, regard should be have to the desirability of achieving good design. Could be presumably still be covered by proposed 7(e) but would welcome that clarification/ confirmation.

3) Further clarification as to the role and status and preparation process of the Statement of Community Involvement is required.

Previous changes to the P&CP Act (Subsection (3)(a)) removed the requirement for the statement of community involvement to be specified in the local development scheme and subsection (4)(c) removes the requirement for an independent examination of the statement of community involvement. Further given the removal of details on public participation' on the SCI (current Regulation 26) it is not clear what the requirements for preparing and revising a SCI are. Further it appears to no longer be a required document (see 30(c) of current regulations) to be submitted to the Secretary of State under proposed regulations 23 unless it is considered that this is covered under 23 (e) 'such supporting documents'.

4(a) Are there any ways in which the regulations should be changed in order to improve the process of preparing local plans, within the powers set out in the Planning and Compulsory Purchase Act 2004 and the Localism Bill?

Yes

No

4(b) If 'Yes', please specify below.

Is there any possibility of clarifying in the Regulations more



clearly the status of documents i.e. what are local development documents and what are development plan documents and how this relates to use of the term Local Plans? It is considered that 37(3) of the Act: 'A development plan document is a local development document which is specified as a development plan document in the Local Development Scheme' is complex LDF terminology which requires a clearer explanation in the Regulations.



**Brighton & Hove City Council's Response to the Draft NPPF**

## Delivering sustainable development

**1a** The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.

Do you: ~~Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree~~

**1b** Do you have comments? (Please begin with relevant paragraph number)

- **Definition of Sustainable Development:** Sustainability is widely recognised to comprise of three main pillars : environment, social and economic. The promotion of sustainable development is supported provided it means all elements of sustainability can be appropriately considered to ensure all needs are suitably balanced and sustainably addressed. However the measures introduced by the draft NPPF to facilitate a pro-growth approach are considered to tip the scales too far in favour of economic and housing growth so as to undermine the management of these elements and other land uses in a manner that appropriately addresses and balances the three pillars of sustainability. Sustainable development should be appropriately defined and reflected throughout the NPPF.
- **Definition/meaning of Sustainable Development with paragraphs referenced:** It is considered the priority set in the NPPF to grant development (para 14, 19 [second bullet] and 53) reduces the ability to refuse and consequently reduces the ability to negotiate sustainable solutions to address any harm created. Para's 129,151, 169 [bullet4] and 184 appear to indicate that harm can be justified by virtue of the benefits of development without clearly setting a requirement for the applicant to demonstrate any harm has been minimised. The draft NPPF only indicates a clear need for justification for: harm to heritage assets (para 183); harm to the Green Belt (142/3); new sites for masts/telecommunication development (para 96 and 98); extraction of coal (para 106); and, where possible minimise impacts on and provide net gains in biodiversity (para 164 and 169). The draft NPPF reduces the onus on a developer to demonstrate a development will minimise and not cause significant harm. It is also unclear what regard and weight is to be given to potential harm to the environment such as water aquifers, flooding, pollution, protected species, land stability etc and whether a lack of evidence to demonstrate these can be addressed can form a reason for refusal. The ability of a Local Planning Authority (LPA) to seek solutions to achieve genuine sustainable development is therefore significantly undermined especially when significant weight is to be given to economic and housing growth (para 54). This sits uneasily with the creation of development that is genuinely sustainable and is likely to lead to delays in decision making as applicants will be less willing to negotiate to include solutions to mitigate harm. In turn this will lead to planning by appeal and a shift

towards a development led approach rather than the stated core planning principle that planning should be genuinely plan-led.

- **Presumption in favour of development:** In addition to this the draft NPPF (by virtue of paragraphs 14, 20, 110 and 165) sets an expectation that development will be approved unless its adverse impacts “would significantly and demonstrably outweigh the benefits, when assessed against the NPPF taken as a whole (which gives significant weight to the benefits of economic and housing growth – para 54, second bullet point). The draft NPPF thus increases the onus on and places the burden of proof with Local Planning Authorities (LPAs), when refusing an application, to demonstrate significant adverse impacts of sufficient scale to outweigh the benefits. As addressed in the bullet point above the draft NPPF does not clearly set a requirement for applicants to minimise harm, address potential harmful impacts or submit justification for a scheme (except as detailed above). The combination of these factors will impact upon the ability to refuse applications where appropriate and the ability to seek improvements. The proposed approach has significant resource implications for those local authorities that deal with thousands of applications every year and are currently facing public sector austerity measures. Such an approach also undermines the provision of genuine sustainable development and undermines the ability of Neighbourhoods to have a real say over what happens in their area and is therefore contrary to localism.
- **The need to protect open space:** If there is an explicit presumption in favour of sustainable development there should be an equally explicit presumption in favour of preserving urban open space. Where development of such finite land is to be considered this should be taken through the plan making process. It is unsustainable to assume a diminishing amount of urban open space can meet the open space needs of a growing population. If the requirement to protect the countryside for its own sake is not to be included in the NPPF then it should be clear that major proposals (10 dwellings or more etc) outside the built up area boundary should be considered through the plan making process. The NPPF should set out a clearer ability to refuse ad hoc proposals within the countryside that are not addressing the needs of the rural community, essential for the rural economy or national infrastructure requirements.
- **Failure to recognise differences in planning context** -The lack of recognition to the variation in factors affecting different areas and regions fails to provide clarity. This impacts upon the ability to meet the expectations in the draft NPPF and is likely to increase the delay in the adoption of local plans. Indeed if the proposed requirement to meet all ‘objectively assessed’ development needs remains together with the proposed requirement to identify 120% of the five year housing requirement at any one time (without windfall) and these are applied rigorously to Brighton & Hove (and other similarly significantly

constrained local authorities particularly in the South), then the city may find it impossible to have a local plan to be tested sound. The lack of understanding in the NPPF to the range of planning issues confronting many local authorities therefore undermines the stated core planning principle that planning should be genuinely plan-led and thus genuinely sustainable.

- **Insufficient guidance:** – the brevity in the guidance is not supported with sufficient clarity which is undermining the intended aim of simplifying planning. The benefits of development are in general readily put forward by developers thus highlighting the need for clarity within national guidance on the benefits of the more vulnerable land uses such as open space and those providing local social community benefits. Without such clarity the achievement of genuine sustainable development will be undermined and likely to result in a planning system based upon appeals and case law.
- **Para 14** – The third bullet should be removed. It undermines the plan-led system and the localism approach/Neighbourhood Plans. It places little requirement on an applicant to justify a development which is at odds with the numerous requirements placed on LPA's when preparing local plans to which all members of the community are invited to participate and is decided upon through a local democratic process. The draft NPPF places approximately 90 requirements on LPAs, including detailed strategic assessments etc , which are in effect to be in place before a Local Plan is found sufficiently sound to give developers and the public certainty about the type of development that will be permitted in a given location. Whilst this council agrees and is seeking to ensure a local plan is adopted at the earliest opportunity, the expectations and requirements set out within the NPPF are unlikely to quicken the process. The inclusion of this bullet fails to encourage developers (especially those with aspirations that conflict with the findings of assessments, evidence and local neighbourhoods) to engage with the plan making system and is likely to lead to pre-emptive development that could prejudice emerging future allocations needed to address wider requirements. If this bullet is to be retained it should include a requirement for applicants/decisions to have regard to the objectives of published documents by public bodies within the area, up to date evidence and emerging local plans and neighbourhood plans.
- **Para 14 and para 19 (second bullet)** – The default position of granting development should be removed for the reasons detailed above. It fails to take into account the need to consider all material considerations including assessments and evidence produced to support emerging local plans this is considered contrary to legislation<sup>1</sup> and good sustainable planning practice. .

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<sup>1</sup> Section 70 (2) of the 1990 Town and Country Planning Act and Section 38 (6) of the Planning and Compulsory Purchase Act 2004 require that a planning application is determined in accordance with the development plan unless material considerations indicate otherwise.

## NPPF Consultation Questions & Responses

- **Para 14** – States “approve all individual proposals wherever possible” this should either be deleted (it is unnecessary in view that the majority of applications are granted) or clarity provided in respect of what is meant in respect of ‘wherever possible’ eg technically, viably and/or sustainably. Without clarity this will undermine the plan-led system and give rise to planning by appeal. .
- **Para 10 and Para 19** – As noted above, the NPPF does not clearly define ‘Sustainable Development’. The planning system has always in effect applied a ‘presumption in favour’ of development within the built up area whilst balancing economic, social and environmental factors (the widely recognised three pillars of sustainability). The ministerial foreword to the draft NPPF introduces a description of sustainable development, defining each word and the overall term - development is simply defined as growth. The draft NPPF does not therefore add clarity but instead creates confusion by stating there is to be a presumption in favour of ‘sustainable’ development which could be argued is more stringent. However, the meaning applied to delivering sustainable development (para 10) is biased towards increasing the provision of housing and is not considered to be a comprehensive and clear definition. The presumption in favour of (sustainable) development is to be applied to both urban and rural areas (para 19, 6<sup>th</sup> bullet) where effective use of land and mixed use development is encouraged. There is no longer a reference to protecting the countryside for its own sake or a target/preference to the use of previously developed land. In view of this, with the application of ‘pro-growth’ measures (in particular para 14, 19 [second bullet], 53 and 54) and no specific requirements on a developer to demonstrate they have had regard to all elements of sustainability it will be hard for a local planning authority to refuse development especially now the NPPF indicates development should not be rendered/considered unviable (para 39).
- **Para 19, third bullet** – Clarification is required regarding the meaning of ‘suitable’ within the statement “Plans should set out a clear strategy for allocating sufficient land which is **suitable** for development in their area.” In some instances it will be clear that some land is unsuitable for development, for example the development of a significantly contaminated site for housing will not be appropriate or viable. In other instances, pressures to meet development needs may endanger sites normally considered unsuitable for development such as urban open space provision such as parks and recreation grounds. Unless a balanced approach can be supported, development will not achieve the creation of sustainable communities and is contrary to the findings of past experience and good planning practice.
- **Para 19 second bullet** – This makes clear the default answer to development proposals is “yes”. As detailed above this makes no reference for a need to have regard to material considerations and is therefore contrary to legislation. .

- **Viability - Para 39:** Placing viability as an underlying planning policy requirement undermines genuine sustainability objectives. Whilst viability can be a material consideration, especially where the appropriateness of a scheme is finely balanced, it is unsustainable for it to overly constrain appropriate policies and obligations. Viability varies over the short, medium and long term and is more significantly influenced by factors beyond the remits of planning. Without a clear plan-led framework regarding what kind of development and where development is sustainably appropriate, full account of the necessary costs will not be factored in at an early stage when working up a development scheme which in turn leads to claims that obligations and policy burdens are unviable (ie. it is a chicken and egg situation). Effective planning has always resulted in the protection of some lower land value uses which are essential for the creation of sustainable communities. Without clear protection of such uses/sites their retention will become unviable as higher land value uses will undermine their retention. It is important planning policies set clear requirements in order to ensure development is genuinely sustainable rather than the most cost effective (eg ten flats with appropriate daylight/sunlight, outdoor amenity space, cycle and refuse storage etc instead of 15 flats offering poor standards of provision). There will always be schemes that push the boundaries of acceptability and it is important that policies and obligations have sufficient bite to ensure the resultant decision is sustainable after considering the individual merits of the scheme.
- **Para 54, second bullet** – ‘Sustainable Development’ is compromised by the need to attach significant weight to the benefits of economic and housing growth (para 54). The draft NPPF does not similarly detail a need to apply similar weight to social or environmental factors. This bullet should be removed.

### Plan-making

**2a** The Framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.

Do you: ~~Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree~~

**2b** Do you have comments? (Please begin with relevant paragraph number)

- **General comment** – Clarification over what is meant by ‘objectively assessed development needs’ would be welcomed.
- **Preparation of Local Plan unlikely to be shortened** In view of the 90 requirements placed on LPAs, which are in effect to be in place for a Local Plan to be found sound it is unlikely the time to adopt a local plan



will be shortened It is essential a pragmatic approach is taken when applying the tests of soundness which should be applied merely to ensure a Local Authority is not taking a clearly perverse approach to development. For example, plans should be 'judged' on what efforts have been made to go as far as they realistically can in terms of meeting local housing requirements, with regard to a need to create sustainable communities and respect local democratic processes. In respect of "effective" there can never be absolute certainty over deliverability due to the complexities and vagaries of the market and funding streams. The quicker it becomes for a local plan to be adopted the quicker it becomes for plans to be reviewed making them more responsive to changes in the market. If a plan led system is genuinely endorsed it is better for a local plan, locally democratically approved, to be in place to offer certainty to developers and the public alike even if it cannot meet the full expectations of the NPPF.

- **Additional test to be considered:** –Potentially an additional overarching test of soundness should be included to consider the impacts of accepting the plan versus not accepting the plan eg if delayed the evidence base will go out of date and the benefits of undertaking the assessments will be lost to the public. Whilst the principle of having extensive up to date evidence is not disputed it needs to be recognised that in practice this may not be possible especially when the public sector is currently subject to significant austerity measures. There is a need to ensure the plan making system is not so burdensome that it is no longer cost effective. The testing of the soundness of a plan should also take into account that it sits within a local democratic process which in accordance with the localism approach should be given full recognition and respect.

### **Detailed Comments on the Planning Making section**

- Para 21 - it is not clear if the government is intending local authorities prepare one single plan document. The guidance does not clarify how/where justification for further plan documents needs to be made – for example should this be through a Local Development Scheme? This council would welcome flexibility for LPAs to decide how many development plan documents are appropriate for their area, rather than having a "one size fits all" limit of one document per authority
- Para 21 – the NPPF seems to propose limiting the role and number of Supplementary Planning Documents (SPD's) which can be prepared but at the same time does not clarify if they can be used to contain policy/ allocation of land or not. We would welcome clarification of the statement that SPD's should not add to financial burdens on development and consequently further clarification on what is to become of Infrastructure Delivery Plans.
- Para 22 – Welcome the clear guidance that local plans should set out the opportunities for development and clear guidance not just for what will be permitted but also what will not be permitted and where. The

## NPPF Consultation Questions & Responses

final sentence of this paragraph should help to ensure there is greater focus within local plans on matters that can be managed through planning. However, the role of spatial planning is unclear. It is also unclear how the local plan is to sit with sustainable community strategies.

- Para 23 - No reference to the role/ importance of spatial planning – paragraph 30 of PPS1 and the role of the plan to make clear spatial choices.
- Para 24 - Language is often not clear as to intent/ meaning or emotive e.g. Para 24 Limit ‘freedom’ to change the use’ or ‘identify land which is genuinely important to protect from development’. ‘Genuinely important’ to whom?
  - Para 25 - No reference to the role and status of the Statement of Community Involvement in achieving early and meaningful engagement and collaboration or ensuring a wide section of the community is proactively engaged.
  - Para 26 - No reference to the role of the Local Development Scheme in ensuring up-to-date Local Plans.
  - Para 26 - ‘It will be open to local planning authorities to seek a certificate of conformity with the Framework’ – is this a requirement? Who will issue the certificate and when in the process? Will there be transitional arrangements? Previously, when it was proposed to move away from regional planning guidance, structure, local, waste, minerals and unitary development plans to one of regional spatial strategies (RSS) and local development documents (LDDs) there was clear guidance issued on how to deal with documents at various stages. If the final NPPF is due to be published in Spring next year then this will fall between our Waste & Minerals Core Strategy being submitted and the Examination commencing. It would be useful to have some reassurance that there will be transitional arrangements. There will be many authorities in similar positions. Without transitional arrangements this will delay the production of emerging local plans and undermine the plan-led system including Neighbourhood Planning.
  - Para 26 - No mention of implementation and monitoring of Local Plan or role of Annual Monitoring Report.
  - Para 27 – Further information would be welcomed on what is meant by “take full account of relevant market and economic signals such as land prices to inform judgements about levels of demand”. Some uses command ‘low land values’ as they produce low revenues however they may still be in high demand eg many community facilities, open space, business start up units etc.

### Requirements

- Para 28 – requires the preparation of two assessments (SHLAA and SHMA). However there is no detail on how these are to be produced. Further, no reference is given to the assessment of the accommodation requirements of other groups such as Gypsies and Travellers. Without clear practice guidance, assessments will be open to significant challenge which could lead to delay in the adoption of local plans.
- Para 30 - states reviews of land available for economic development should be undertaken at the same time as or combined with SHLAA. This should include “where possible” because there are a number of reasons why this may not be possible. It would be inappropriate to delay the assessment of one purely because a joint review is not possible.
- Para 31 - Where is ‘the need for nationally significant infrastructure’ defined? The removal of formal regional governance structures no longer enables a clear and consistent means of considering and prioritising significant regional or sub-regional transport infrastructure which could contribute towards national policy objectives. The frameworks produced in the south-east for this purpose were well-developed and well-supported and provided a positive basis on which to identify and fund regional area needs.
- Para 36 - they should not repeat the assessment of a higher level policy – does this mean the NPPF? Has this been assessed with a Sustainability Appraisal?

### Ensuring viability and deliverability

- Generally the requirement of ‘infrastructure’ and ‘deliverability’ is ambiguous and contradictory (as highlighted in the comments below) and will be subjective, open to interpretation and challenge.
- Para 39 - Further explanation or guidance required for how this is to be balanced with the principals of previous section Delivering Sustainable Development ‘guiding development to sustainable environmental, social, economic solutions’ (Paragraph 10) and how “incentives and relevant (CIL?) charges” and “revenue generated from development will help sustain local services, fund infrastructure and deliver environmental enhancement” (Paragraph 18) as well as delivering the strategic priorities of key infrastructure in the local plan as defined under Paragraph 23
- Para 40 - It is unclear the intention on how CIL is to “incentivise” development and how this is to be balanced with objectives of previous Paragraph 39 where development should “not be subject to such a scale of obligations and policy burdens...” Further guidance is needed on “placing a meaningful proportion of (CIL) funds with neighbourhoods”

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and how this is to be balanced with delivery of 'strategic priorities' and policies to deliver key infrastructure as defined under Paragraph 23 as well as meeting CIL Regulations. ('Incentivise development' is additional to what S106's delivered which sought to address/mitigate the harm created by a development. By virtue of the regard to viability in the draft NPPF it is therefore hard to see how CIL can now encompass 'incentivise development'.)

- Para 41 - As stated above, it is unclear how this is to be balanced with ensuring delivery of 'strategic priorities' for delivering sustainable development and "guiding development to sustainable environmental, social, economic solutions' (Paragraph 10) together with "revenue generated...will help sustain local services, fund infrastructure and deliver environmental enhancement" (Paragraph 18) together with priorities to deliver key infrastructure as defined under Paragraph 23. (S106's were increasingly applied because over the past decade or so Local Authorities have become enablers rather than providers. With public sector efficiency savings and budget cuts greater reliance on the private sector to mitigate and address the demands generated by a development has been necessary. It is therefore hard to see how the expectations in para 39, 40, 41 along with 10, 18, 23 etc can be met unless the Government is requiring the harm from developments not to be mitigated and accept that areas currently with high demand will be degraded eg increased congestion and pollution, lack of school places and open space etc. Which over time, is likely to harm the local economy of the respective areas.)
- Para 41 – states "Local planning authorities...should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, SPDs and policies that support the development plan, when added to nationally required standards". Does this mean instead of an infrastructure delivery plan? Further guidance would be welcomed.
- Para 46 - Clarification is needed how this should be assessed against Paragraph 39 which states "To enable a plan to be deliverable, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened" and previous Paragraph 41
- Para 47- Does producing 'joint infrastructure and investment plans' mean instead of an "infrastructure delivery plan" – as needed to support a Core Strategy?

### Examining Local Plans

- Para 48 - Part of the tests of soundness is the plan is positively prepared – accepted and welcomed but then that it should be based on a strategy which seeks to meet unmet requirements from neighbouring authorities where it is practicable to do so. That is not covered under the core planning principles.

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- Intended status of Inspectors report would be welcomed here.

### Neighbourhood Plans

- Is further detail proposed to be produced to guide local communities for such a new area of plan making?

### Omissions

- No reference here to having regard to community strategies.

### Joint working

2c The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.

Do you: ~~Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree~~

2d Do you have comments? (Please begin with relevant paragraph number)

- Para's 44 to 47 – This section appears to be aimed more at planning issues with relatively local cross-border implications as it refers to neighbouring authorities. Strategic planning also has to deal with issues of regional scale and national scales of significance, where there may not always be 'mutually beneficial' outcomes. Key items of infrastructure, such as power stations or specialist waste treatment facilities may serve much wider areas to meet regional or even national needs. It is unclear how such facilities will be identified – who will prepare the evidence base, monitoring etc? Reference is made to provision of 'necessary infrastructure' but at what scale should this be considered?
- Para 101 - For minerals there is reference to the Aggregates Working Parties (para 101) and this is welcomed as they have an important role in informing decisions on strategic planning.

### Decision taking

3a In the policies on development management, the level of detail is appropriate.

Do you: ~~Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree~~

3b Do you have comments? (Please begin with relevant paragraph number)

- Para 53 – This clearly directs that development management should not hinder or prevent development (which is not the same as 'managing change' and 'not seek its prevention'). This undermines and significantly hinders a planning authority's control/negotiating powers when seeking

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solutions to resolve conflicts with policies and recognised sustainability issues. Without a clear ability to refuse inappropriate development a developer will be less likely to amend a scheme to take into account suggested solutions to resolve conflicts with policy or sustainability issues (catch 22 situation). It is unclear how this is to be read when proposals are submitted to develop important urban open spaces, highlighting the need for a presumption in favour of preserving urban open space (including space in the urban fringe which serves the needs of an urban area).

- Para 54 –specific reference to attaching “significant weight to the benefits of economic and housing growth”. The draft NPPF does not similarly detail a need to give similar weight and consideration to social or environmental factors. This undermines the balance between the three pillars of sustainability and thus the provision of ‘Sustainable Development’. In view of paragraphs 53, 14 and para 19, (second bullet), it is unlikely that sufficient regard will be given to the solutions requested by a LPA to enable the delivery of genuine sustainable development by applicants when negotiating amendments. When read alongside para 20, 110 and 165 it is likely an applicant will take the view that development will only be refused if significant harm can be demonstrated by the Local Planning Authority sufficient to outweigh the benefits of the scheme. Solutions and amendments sought by a LPA to overcome potential harm, improve sustainability and the quality of development and reflect the views of neighbourhoods may not therefore be incorporated.
- Para 54, first bullet – in order to achieve sustainable development the word ‘practical’ should be replaced with ‘sustainable’. The inclusion of the word ‘practical’ in this context is unclear and open to debate (eg does it mean technically practical, viably practical, sustainably practical etc). It does not specifically indicate sustainable development will be the end result.
- Para 62 – Indicates local plans and neighbourhood plans are the starting point for the determination of any planning application, there is no reference to the regard to be had to other material considerations. It is therefore unclear what the ‘end point’ should be especially in view of paragraphs 14, para 19 (second bullet) and 53 which do not indicate proposals contrary to a local/neighbourhood plan should be refused. This is not the same as Section 70 (2) of the 1990 Town and Country Planning Act and Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which requires that a planning application is determined in accordance with the development plan unless material considerations indicate otherwise. Development plans help give developers and the public certainty about the type of development that will be permitted at a given location. This council therefore objects to paragraph 62 along with 14, 19 (second) and 53 as they undermine the stated principle that planning should be genuinely plan-led (as detailed in para 19 [first bullet] and para 62) and are contrary to legislation.
- Para 64 - this appears to be worded in such a manner as to discourage Local Planning Authorities from using Article 4 Directions. This does not fit

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well with the Localism agenda. In Brighton & Hove Article 4 Directions have often been sought by, and supported by, local communities as a means on conserving their areas. Article 4 Directions can therefore be a positive tool in helping to create sustainable communities not simply a negative constraint on development.

- Para 66 – provides a reference to ‘independent examiners’. It would be welcomed if further clarity could be provided on this matter eg who will be an independent examiner (who is to be charged for the examination and examiner).

**4a Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.**

Do you: ~~Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree~~

- In view of the requirements within the draft NPPF for up to date evidence, assessments and a need to objectively assess development needs, it is not considered appropriate for supporting guidance to the NPPF to be light touch. If clear robust guidance is not provided then it will lead to inconsistencies between authority areas and challenges from the development industry that the assessments are not comprehensive and/or up to date.
- Whilst it maybe appropriate for other organisations to assist in the preparation of guidance, for appropriate weight to be applied, the Government would need to endorse the guidance. This would also enable the Government to ensure the intention to of consolidate guidance is not undermined.
- A light touch approach would only be appropriate if the NPPF is amended to genuinely devolve power to Local Authorities to decide what assessments are needed in their area. Any references in the NPPF to assessments should make it clear they are not requirements but could assist in the plan making and decision process.

**4b What should any separate guidance cover and who is best placed to provide it?**

*[unclear which section of the NPPF document this relates to, its ordering in the question sheet suggests it related to the Development Management section but that section doesn't refer to provision of additional guidance]*

- Clear guidance is required on how the various assessments referenced in the NPPF should be undertaken. Without clear guidance these will be open to significant challenge leading to delay in the adoption of local plans and also inconsistencies between authorities prejudicing effective joint working. As an interim measure and to avoid delay in the production of Local Plans the NPPF should retain all such existing

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guidance.

- Existing guidance in many cases is well written e.g. PPS10 companion Guide and PPS25 companion guide. Concern that if guidance is written by bodies with a certain agenda then it may not be balanced. Would we be able to use the 'guidance' as evidence base for our plans or still have to do our own evidence anyway?
- Practice Guide for PPS25 is very useful in including real examples of how to resolve potential policy conflicts in a pragmatic way. Flood adaptation and risk management is changing so it is important to have up to date practice guidance.
- The NPPF makes no mention of local government evidence base and the importance of town centre health checks and indicators (the list of indicators has been removed) apart from in para 76 where it states *'local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites.'* PPS4 and its predecessor PPS6 held detailed information re how to undertake such assessment which is not included within the NPPF. It is also unclear whether the practice guidance would remain. Danger of all studies being undertaken differently raising challenges and a move towards 'planning by appeal'.
- The previous guidance on the production of Strategic Housing Land Availability Assessments and Strategic Housing Market Assessments has proved relatively robust.
- Guidance should be provided on the setting of local open space standards and energy strategies.
- In respect of other guidance it depends what weight the guidance is given in decision-making. This needs to be clarified.

### **Business and economic development**

**5a** The 'planning for business' policies will encourage economic activity and give business the certainty and confidence to invest.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/  
**Disagree/Strongly Disagree**

**5b** Do you have comments? (Please begin with relevant paragraph number)

#### General Points

- Why is there no mention of the role and importance of tourism to local economies, economic growth and the viability and vitality of town centres?



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- It is understood that the specific reason why offices are removed from the need for sequential approach and impact (ie town centre first) is to remove unnecessary burdens, greater flexibility and choice and a belief that other plan policies on ensuring sustainable and accessible locations are sufficient. However this narrows the role/ importance of town centres.
- Some of the proposed policies in the Planning for Prosperity section could have indirect impacts for delivery of waste management facilities: There is a risk that increased office development in out of centre locations (as a result of removing the need for sequential test for office space) will increase the competition for those sites which currently might be favoured by other (lower land value) employment uses. Thus pushing up land values and making other employment developments such as B2 uses including light industry and waste management, potentially less deliverable. This is particularly likely to be a problem in urban areas such as Brighton & Hove where there are relatively few locations suitable for industry.
- Para 75 – avoiding long term protection of employment land is likely to leave employment sites vulnerable to development pressures from other uses and reduce supply of employment land. This could cause problems for ensuring suitable sites for B2 uses including waste management, as explained in the response to the consultation on the Change of Use classes earlier this year.
- Para 75 - Is it a plan-led system or not? If a review has shown that an amount of land needs to be available/ protected for housing, employment/economic growth and other uses over the plan period why then weaken that approach by saying that applications for alternative uses on employment land in particular should be treated on their merits having regard to market signals and the relative need for different land uses?
- Para 75 - The NPPF details that “planning policies should avoid the long term protection of employment land or floorspace and applications for alternative uses of designated land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses”. This statement is ambiguous and seriously undermines para 29 ‘Business Requirements’ in the ‘Plan Making’ section of the NPPF which requires local planning authorities to have a clear understanding of business needs and requires local authorities to compile an evidence base of requirements for land or floorspace for economic development. Such studies are expensive to commission and will be deemed worthless when referred to in planning applications and appeals by this adoption of this NPPF.
- Para 75 - Market signals over what time frame?

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- Para 77 - Need to clarify the definition of leisure uses to which sequential approach to planning and impact assessment apply – does this for example include hotels?
- Para 78 - The NPPF would remove office uses from the existing sequential approach that favours town centre schemes over out-of-town schemes. The supporting impact assessment, states that this would allow developers a "wider choice over where they can seek planning permission for new office space". Brighton & Hove City Council have concerns that this would undermine their emerging Core Strategy policies which seek to ensure that office uses are located in the town centre in the first instance. There are concerns that the location of offices in out of centre locations are less sustainable choices and as such the sequential approach allows the consideration of town centre sites before edge or out of centre site are considered.

### 5c What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?

It is unclear how this would work in plan making since the time to adopt a plan is lengthy and plans are intended to span some 15 years and market signals tend to change more readily. Thus the plan may span a number of economic cycles. In the meantime the local authority has to deal with planning applications which reflect the current economic situation i.e. currently retail instead of office and industrial uses in the context of Brighton & Hove.

### 6a The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.

Do you: ~~Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree~~

### 6b Do you have comments? (Please begin with relevant paragraph number)

#### General points

- No mention of local government evidence base and the importance of town centre health checks and indicators (the list of indicators has been removed) apart from in para 76 where it states '*local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites.*' PPS4 and its predecessor PPS6 held detailed information re how to undertake such assessment which is not included within the NPPF. It is also unclear whether the practice guidance would remain. Danger of all studies being undertaken differently.
- Town centre uses definition removed. No longer consider office use as a town centre use.

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- Para 76 - Emphasis shifted from encouraging residential use above ground floor retail in PPS4 to now setting out policies to encourage residential development on appropriate sites – would be better to say mixed use retail and residential. It should be clear that residential at street level in retail centres is not normally appropriate.
- Para 76 - More explicit mention of retail and leisure needs being met in full and not compromised by limited site availability – this could further undermine town centres where need is identified but sites cannot be easily assembled.
- Para 76 - No longer the requirement for LDFs to “*set out policies for the phasing and release of allocated sites to ensure that those sites in preferred locations within centres are developed ahead of less central locations.*”
- Para 76 - Emphasis has shifted to allocate appropriate edge of centre sites and out of centre sites if town centre sites are not available. Without a need for an applicant to demonstrate the necessary infrastructure is in place this is likely to undermine the creation of sustainable communities.
- Para 77 - Welcome the increased clarity in this para. A sequential approach appears to apply to all sizes of retail and leisure uses not in an existing centre and not in accordance with an up to date development plan. The removal of a threshold is better in the context of Brighton & Hove where we have a lot of smaller units looking for permission in edge of centre locations.
- Para 78 - ‘*prefer applications for retail and leisure uses to be located in the town centre where practical*’ seems to weaken the town centre first approach. Suggest the removal of ‘*where practical*’ as no real definition as to what this means in the NPPF.
- Para 79 - Welcome the continued opportunity for LPA to set a local threshold for an impact assessment.
- Para 80 - The emphasis of the impact assessment appears to be on the local authority. Wording should be altered to make it clear that the onus is on the applicant to make the impact assessment.
- Para 80 - Unclear how planning policies could address the impact? Further explanation required.

### Transport

[7a The policy on planning for transport takes the right approach.](#)

Do you: ~~Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree~~

**7b Do you have comments? (Please begin with relevant paragraph number)**

- General comments - Although it is acknowledged that this is a framework, there is insufficient clarity or definition in many of the statements made. No reference is made to the benefits of improving public realm or improving access to open spaces (including countryside, National Parks etc) through the planning process and decisions, although these can help support/regenerate economies. No reference at all is made to parking provision. No reference is made to motorcycles/powered two wheelers. As stated below, with reference to paragraph 82, intelligent transport systems can also assist in reducing carbon emissions and reducing congestion, but no reference is made to technology etc here.
- Para 82 - This paragraph does not really make any clear/specific point and is a combination of general statements. Each is worthy of fuller/summary description. Technologies can also assist in more efficient or better-informed travel (e.g. intelligent traffic signals or real-time bus information or smart cards) as well as less travel i.e. internet, video conferencing etc.
- Para 82 Weakened stance c.f. PPG13 which stated 'reduce the need to travel especially by private car'. Why say 'where reasonable' to do so support a pattern of development that facilitates the use of sustainable modes of transport?
- Para 83 - This paragraph should be strengthened or made less ambiguous. 'Where practical' - means what? Technically possible or affordable? Solutions should also be future-proofed to ensure they do not become obsolete and can also be maintained. 'Encouragement' – of whom? Developers and/or local authorities. 'Greenhouse gas emissions' are not necessarily the same as those emissions that are harmful to health, but the latter should still be prioritised and reduced.
- Para 84 - These headline bullet points make no reference to integration or safety in terms of transport policy. Having adopted the 5 national transport goals, and encouraged local authorities to develop their Local Transport Plans around them, these goals have not now been given similar or sufficient weight in this framework. Transport provision and general movement and levels of accessibility are fundamental to the delivery of all other policy objectives. Emphasis should also be made to providing accessibility, not just its promotion
- Para 85 - 'Viable' means what? Affordable or delivers benefits? Viable to whom? Transport services or routes e.g buses, are just as important as 'infrastructure' in supporting sustainable economic growth. Additional transport services can deliver greater choice and increase economic activity. The city suffers from a reduced weekend train service as a result of engineering works which reduces choice and can deter visitors from coming to the city and can therefore increase car

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use and congestion, which affects economic growth. References to roadside facilities seem to be overemphasised here, especially under an 'economic growth' heading, when their primary function is referred to as 'safety and welfare'.

- Para 86 - The use of the term 'significant', when not defined, can lead to levels of ambiguity. For example, a significant impact could result from an 'insignificant amount' or low level of movement if it occurs in a sensitive location or environment. Alternatively, the cumulative effects of a number of developments with an 'insignificant amount' or low level of movement could become significant. This paragraph refers to local criteria. There are no formalised/adopted/agreed local (B&H) criteria to define 'significant'. However, the city council would intend to continue to refer to development thresholds/criteria that would require a TA or TS based on the DfT's current (2007) guidance.
- Para 86 – Define and clarify role of Transport Statement or Transport Assessment.
- Para 88 - Surely this should say minimise the distance travelled or reduce the number of (separate) journeys that need to be made. How can a development's location minimise the need to travel? If based on previous PPG13/town centre-focused/no out of town-based policies, it seems to have lost its definition or clarity. Use of words like 'integrated' or 'linked' for journeys or travel would be more helpful here. The use of sustainable transport can also be maximised by providing appropriate and additional services, facilities and routes.
- Para 89 - 2<sup>nd</sup> bullet - pedestrian and cycling facilities should also be integral to development design, as well as movement, as should public transport services as well as facilities. 3<sup>rd</sup> bullet – all conflicts should be minimised, but especially between traffic and vulnerable road users. Cyclist and pedestrian conflicts should be avoided through well-designed layouts.
- Para 90 - The requirement for Travel Plans is welcomed, but should not necessarily be restricted to developments generating significant movement. For example, a small extension of a large development may present the opportunity to introduce a Travel Plan for the whole development, and could help to manage the effects of the overall movement that it generates and therefore contribute towards the government's prioritised transport objectives.
- Para 90 - Define and clarify role of Travel Plan.
- Para 91 - See comments on paragraph 88 re: journey lengths. The principle here is the same as is inferred in paragraph 88, but is poorly worded there.

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- Para 92 - 'Larger scale' means what? 'Walking distance' means what? This will vary for different age groups of school children. It will also require the provision of appropriate standards of, and convenient and attractive, routes.
- Para 93 - If this is a reference to parking standards, that word is missing. 'Residential and non-residential' = why not say all development? What is the inference here? 1<sup>st</sup> bullet – accessibility of the development to what? 3<sup>rd</sup> bullet - assuming this is about parking, why/how should existing levels of car ownership be taken into account when setting standards. 4<sup>th</sup> bullet - assuming this is about parking, how does parking provision i.e a space, have any bearing on the emission level of a vehicle that may use it?
- Para 93 - removes the maximum non-residential car parking standards for major developments, local standards can be set with regards to local circumstances and communities. Presumably this could mean that a neighbourhood plan could decide to take a more pro-car parking stance than the local plan? High-emission vehicles – does this mean cars?

### Communications infrastructure

**8a** Policy on communications infrastructure is adequate to allow effective communications development and technological advances.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/  
Disagree/Strongly Disagree

**8b** Do you have comments? (Please begin with relevant paragraph number)

No comments

### Minerals

**9a** The policies on minerals planning adopt the right approach.

Do you: Strongly Agree/Agree/**Neither Agree or Disagree**/  
Disagree/Strongly Disagree

**9b** Do you have comments? (Please begin with relevant paragraph number)

- Brighton & Hove is an urban authority so there is no mineral extraction within the city boundary. However the council has an adopted Minerals Local Plan jointly with East Sussex County Council and is preparing a Waste and Minerals Core Strategy jointly with East Sussex County Council and the South Downs National Park Authority so the proposed policies are significant to the city on that basis.

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- Para 101 - The change in approach regarding land banks is likely to give less certainty for the industry. In terms of finances 10 years is not very long for them. This may result in reduced supply of land-won aggregates and certainty about future supplies to support major growth.
- Para 102 - Refers to planning 'as far as is practical' outside of National Parks and AONB. This could be significant in meeting local needs for construction and infrastructure because much of the land-won reserves in East Sussex are within areas designated either as SDNP or AONB.

### Housing

**10a** The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.

Do you: ~~Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree~~

**10b** Do you have comments? (Please begin with relevant paragraph number)

- Paras 107-109 – The proposed requirement to plan to meet housing requirements in full is a strong and unprecedented national policy requirement. National policy (PPS3) did not contain such an explicit requirement. Previously, the Regional Spatial Strategies provided targets for individual councils that were only partly reflective of their level of local demand/need. RSS targets began with national and regional population and housing projections, which were then converted into local council targets with reference to a local consideration of infrastructure and environmental constraints and opportunities as well as levels of housing need and demand.

As a result, the provision for some councils fell well below their actual needs (e.g. Brighton and Hove), whereas some other councils may have had to accommodate more growth than their indigenous needs required. This new requirement will pose a major sustainability challenge to those local authorities with significant development constraints (e.g. in terms of infrastructure and/or significant environmental constraints). Where such constraints affect the whole or majority of the housing market area (which is likely in parts of the South East region) it is not clear how plans will be dealt with.

By making the goal of meeting demand/need an explicit policy requirement on all councils, the likely expectation is a net increase in the level of housing growth nationally. At a local authority level other factors (e.g. infrastructure or environmental factors possibly only of a national policy significance) may continue to moderate what is provided if genuine sustainable development is to be achieved.

If this policy stance remains unchanged in the final framework, then it is most likely that plans will be 'judged' on what efforts have been made

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to go as far as they realistically can in terms of meeting local housing requirements. If not and plans are found unsound this will undermine the core planning principle for planning to be genuinely plan led.

The approach set out in the draft NPPF is contrary to the 'localism approach' which indicates it is for local authorities in conjunction with neighbourhoods to determine how to set and decide upon local housing targets.

Para 109 bullet point 2 - PPS3 also requires a rolling five year supply of deliverable sites. The proposed new framework will require an additional 20% of deliverable sites to be demonstrated. At present, BHCC only has a 2.8 year supply of sites against SE Plan targets – largely because the market is not bringing forward otherwise available and suitable sites for development (due to factors such as availability of funding for development and availability of mortgages etc). Not having a five year supply of deliverable sites counts against the council at planning appeals. The new draft framework states that planning permission should be granted where the LPA cannot demonstrate a five year supply of sites; with no qualifications to this statement (as in PPS3). The additional 20% is an even more onerous requirement on local authorities and, unless the financial and development markets are ready to bring forward such land, sites will not necessarily be delivered. The guidance fails to recognise that housing delivery is as much a function of the market as it is of planning identifying suitable sites. The five year supply requirement is adequate in 'normal' economic conditions and there is no need for the additional 20% requirement.

- Para 109 bullet point 2 – Clarification is required in terms of calculating the additional 20%. Would this be 20% of the 5 year supply or a further 20% of the annual requirement multiplied by 5?
- Para 109 bullet point 3 - The current PPS3 requires specific sites for years 6-11 and, where possible for years 11-15. Broad locations were an option only for years 11-15 in PPS3. The proposed Framework is less restrictive in this respect which should make plan-making more flexible for the longer term aspects of the Plan and this is welcomed. However, this has to be balanced with the much more stringent requirements for the first 5 years (the additional 20% requirement which essentially means more potentially deliverable sites to be demonstrated throughout the plan period).
- Para 109 bullet point 4 - This is essentially the same as guidance in PPS3. It is not clear, however what 'compelling evidence' means.
- Para 109 bullet point 5 - The housing trajectory was also a requirement of PPS3. However, there is a contradiction in requiring a Housing Implementation Strategy to demonstrate only how market housing will meet targets. Housing targets are set to be met from



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both the requirements for market and affordable housing development.

- Para 109 bullet point 7 – the reference to ‘*Where appropriate acquire properties under compulsory purchase powers*’. This is entirely unrealistic in the light of government cuts in public sector resources and spending.
- Para 111 - The proposals in the NPPF in relation to planning for a suitable housing mix are generally less restrictive than those in PPS3. The framework removes the need to set a plan wide target for affordable housing; removes site size thresholds for affordable housing; removes the national target for development of housing on previously developed land (which used to be 60% of housing to be on pdl) and, would appear to endorse (by implication) plans identifying and allocating sites for particular types of housing.
- General Points
  - There is no longer reference to targets for development on ‘previously developed land’ which is likely to give more flexibility on where new housing development could take place;
  - Little guidance on planning for affordable housing or other specific needs housing;
  - Practice guidance – will there be any to accompany this e.g. how to undertake studies regarding Local Housing Requirements and SHLAA’s etc to ensure consistency between local authorities.

### Planning for schools

**11a** The policy on planning for schools takes the right approach.

Do you: ~~Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree~~

**11b** Do you have comments? (Please begin with relevant paragraph number)

### Design

**12a** The policy on planning and design is appropriate and useful.

Do you: ~~Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree~~

**12b** Do you have comments or suggestions? (Please begin with relevant paragraph number)

- General Comments: It is noted that accessible design issues are covered in paragraph 125 of the Sustainable Communities section rather than under Design. It is felt that this issue has been inadequately addressed in

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comparison with the more useful policy currently in PPS1.

- Paragraph 118 – it is disappointing that the reference in PPS1 to ‘promoting local distinctiveness’ has been omitted from this paragraph (and indeed from the section on Design as a whole) as this is a succinct, positive and well understood phrase. It also means that without it this paragraph comes across as unduly negative in its wording.
- Paras 116, 118, 121 - In addition there is unnecessary repetition of reference to innovation in design in paragraphs 116, 118 and 121 but limited mention of local context, thus unduly emphasising innovation at the expense of good contextual design. Not all sites demand a bold, innovative approach. Successful place-making often depends upon design that modestly and seamlessly completes gaps in the existing urban form.
- Para 123 – in the case of out door advertisements current PPG19 gives useful guidance on what is meant by “amenity” and “public safety” and in the absence of such guidance in the NPPF it is not clear how these terms are to be consistently interpreted and applied.

### Green Belt

**13a** The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.

Do you: ~~Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree~~

**13b** Have you comments to add? (Please begin with relevant paragraph number)

- This section continues existing policy. In view that other countryside is no longer to be protected for its own sake it is suggested the whole approach be reconsidered to consider on a National basis where the best agricultural land lies to serve the nation in case of emergencies, where the most diverse areas lie etc. The Green Belt was part of a wider policy which included the development of new and expanded towns outside the Green Belt to relieve development pressure inside it (and to limit the continuous spread/urban sprawl of large Metropolitan cities). In view of the housing needs a national approach with full involvement from Local Planning Authorities may be required to consider the general disparities between the north and the south, the potential for additional ‘new’ towns etc. Without a renewed approach, the lack of protection in the draft NPPF of the countryside for its own sake (which maybe of higher agricultural grade than land within the Green Belt) is likely to lead to the same issues arising eg urban sprawl, corridor development, towns merging to form conurbations and conurbations merging into one.

### Climate change, flooding and coastal change

**14a** The policy relating to climate change takes the right approach.

Do you: ~~Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree~~

**14b** Do you have comments? (Please begin with relevant paragraph number)

- General comment - This policy is too carbon-centric and not flexible enough to accommodate the complexities of tackling climate change in development (NB there are other gases linked to climate change). It should be amended to include important, long-term resource efficiency issues in buildings such as water and materials rather than just focusing almost exclusively on the production of renewable energy. If this is not amended then it should be clear that local plans are able to take a broader view and apply policies and targets as appropriate.
- Para 148 - equates climate change to something that can be tackled via the 'transition to a low carbon economy'. While this is certainly an important aspect of tackling climate change it is unclear why there should be such a bias towards the role of the production of renewable energy in the light of the limitations of what seems like a 'Merton Rule' approach which have been criticised by experts and local authorities alike as not effective enough in delivering sustainable buildings. It is now widely accepted that fabric-efficient buildings are the most cost-effective, sustainable long-term option. Priority setting, or at least a more qualified reference to how much support for production of renewable energy is expected within a hierarchy, would be helpful in this instance. Furthermore, in previous policy documents developers have consistently requested flexibility when it comes to combining sustainability features within a development. Undue bias towards renewable energy can compromise such flexibility.
- Para 150 - fails to consider wider, critical, long-term resource efficiency issues in new development such as water and materials as well as food growing and other innovative ways of reducing emissions. One can only assume that as part of the current text these would come under the broad reference made to 'local requirement for a building's sustainability' (second bullet point). It would perhaps be useful to highlight these issues more clearly as being addressed via local requirements for sustainable buildings.
- Para 151 - there is an inherent contradiction in the wording of this paragraph. If a building is 'well-designed' it cannot at the same time be 'incompatible with an existing townscape'. As the Framework itself makes clear in the section on 'Design' (notably paragraphs 116 and 121), good design should respond positively to its local context.
- General point - The Practice Guide for PPS25 is very useful in including real examples of how to resolve potential policy conflicts in a pragmatic

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way. Flood adaptation and risk management is changing so it is important to have up to date practice guidance.

**14c** The policy on renewable energy will support the delivery of renewable and low carbon energy.

Do you: ~~Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree~~

**14d** Do you have comments? (Please begin with relevant paragraph number)

- Para 152 – The resource implications of this on LPAs should be taken into account in view of the current public sector cuts. Consideration should be given to the preparation of a detailed national energy study which can set out the best locations for different types of renewable and low-carbon sources in ensure cost effective research.
- Para 153 – States that authorities should not require demonstration of need for renewable or low-carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. Would this also apply to energy from waste proposals, such as CHP which is fuelled by waste products? There could be a conflict between local planning policies requiring demonstration of need for waste management capacity versus not-needing to demonstrate need for energy production.

**14e** The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy, including the test for developments proposed outside of opportunity areas identified by local authorities

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

**14f** Do you have comments? (Please begin with relevant paragraph number)

**14g** The policy on flooding and coastal change provides the right level of protection.

Do you: Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree

**14h** Do you have comments? (Please begin with relevant paragraph number)

- Para 159 - would it not also be useful to reference Shoreline Management Plans not just marine plans and to include the section from the PPS25 Supplement around coastal change and development outside CCMAAs:

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The Government's aim is to ensure that our coastal communities continue to prosper and adapt to coastal change. This means planning should:

- ensure that policies and decisions in coastal areas are based on an understanding of coastal change over time
  - prevent new development from being put at risk from coastal change by:
    - (i) avoiding inappropriate development in areas that are vulnerable to coastal change or any development that adds to the impacts of physical changes to the coast, and
    - (ii) directing development away from areas vulnerable to coastal change
  - ensure that the risk to development which is, exceptionally, necessary in coastal change areas because it requires a coastal location and provides substantial economic and social benefits to communities, is managed over its planned lifetime, and
  - ensure that plans are in place to secure the long term sustainability of coastal areas.
- Para 60 - Should this section therefore clarify that Shoreline Management Plans provide the starting point for evidence for considering if an area is likely to be affected by physical changes to the coast that require particular identification as a Coastal Change Management Area.

### Natural and local environment

**15a** Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

Do you: ~~Strongly Agree/Agree/Neither Agree or Disagree/Disagree~~**Strongly Disagree**

**15b** Do you have comments? (Please begin with relevant paragraph number)

The questionnaire does not invite comment in respect of the "Sustainable communities" section which includes the paragraphs relating to open space. For this reason the comments detailed here also include those made in respect of open space and also sport and recreational facilities.

- General comment - it is important the NPPF clearly states what it means by "Leisure", "Sport" and "Recreational" developments/facilities. For example do hotels fall within the category of "Leisure" (if not how are they addressed in NPPF) and do bingo halls etc fall within the category of "Recreational" (if they do then how does this relate to open space and sport). When undertaking this regard will need to be given to the proposed amendments to the use classes order.

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- This council strongly urges the adoption of a ‘presumption in favour of protecting urban open space’. It is unsustainable to assume a decreasing supply of urban open space can meet the needs of an increasing population. This applies to both public and private open space, in view that there is no statutory duty requiring a local authority to provide open space (except cemeteries and allotments) and the increasing reliance on the private sector due to the public sector austerity measures. The NPPF should make it clear development of urban open space and also major countryside sites should only be considered through the plan making process (either Local Plan or Neighbourhood Plan). Such an approach will be consistent with the core planning principle of ensuring planning is genuinely plan led and takes into account localism by ensuring Neighbourhoods have genuine power to decide over the future of their open space, and prevents unsustainable urban sprawl.
- Para 19 - fourth bullet: This council welcomes the reference to not just existing but also ‘potential’ (environmental) quality regardless of its previous or existing use’ when considering the future use of land. In view of the demand for housing and other forms of development the pressure to lose land not currently built upon is significant. Whilst such loss may on balance be necessary it is essential the open space offer of the space is assessed first. However paragraphs 128 to 132 do not support this with sufficient measures to offer appropriate protection. Where loss of open space/natural environment is required this should be taken through the plan led system so that the land with the lowest open space and environmental offer is lost in preference to that with a higher offer. Approval of individual planning applications outside of such a planned approach will result in ad hoc decisions unless an applicant is required to undertake an independent assessment.
- Para 128 - This paragraph suffers from being condensed too far. There is insufficient recognition of the benefits to be obtained from open space (facilitates exercise, supports social inclusion and educational attainment, helps reduce crime, improves health and well being/reduces stress and depression, they act as heat sinks etc). This is more important in view of the emphasis on the provision of housing thus if the benefits of open space are down played their value may not be fully appreciated leading to their loss. The word “can” should be removed from the first sentence because in respect of the types of open space and facilities referenced they will make an important contribution. It is unclear what is meant by “where activities are made easier” it is recommended this be amended to read “where the opportunities to take part in a range of outdoor and sporting activities are made easier”.

The paragraph requires planning policies to identify specific needs and deficits or surpluses in quantity and quality of open space and facilities. It then makes an assumption that this “assessment” can be used to set locally derived standards. Whilst it is welcomed that the NPPF does

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not place a requirement on the local planning authority to undertake an assessment, guidance should be provided to advise both the local authority and developers on what would form a robust assessment. Clear guidance should also be provided on producing robust locally derived standards for the provision of open space, sports and recreational facilities in order to avoid challenges and delay in the plan making and decision making process.

It is important to recognise the main influence planning has over open space relates to quantity and that it has little influence over the quality of open space (planning permission is not required for changes in the quality of open space).

It is not clear what is meant by planning policies should not only protect but also enhance rights of way and access especially when included in this section rather than the transport section. The designation of rights of way in relation fall within separate legislation and not directly controlled by planning. Whilst planning can be expected to give due regard to protecting these elements and seek enhancements when appropriate it is debatable whether planning policies have the necessary power to protect and enhance rights of way and access.

- Para 129, first sentence - In view of the difficulties in finding level open space of an appropriate size it is recommended the wording “including” should be replaced with “especially”.
- Para 129 - Weakens the current position and therefore protection by virtue of “or” at the end of the first bullet and then the addition of the second bullet. This council raises an objection and recommends the deletion of the second bullet or as a minimum the replacement of “or” with “and”. In view of the additional weight applied by the NPPF to economic and housing growth and a need not to prevent development, the inclusion of “or” before this bullet will lead to the loss of essential urban open space. This is clearly unsustainable when not only existing open space but additional open space will be required to meet the needs of the increasing population.
- Para 130 - the ability to designate land as “Local Green Space” is welcomed subject to clarification on its status versus other types of open space including that which is essential to meeting standards including public parks etc which may form “extensive tracts of land”. It is unclear how this sits with the provisions in para 129 and whether it should only comprise land considered “surplus to requirements” to avoid confusion over the status of respective open space. Alternatively, in view of the need for respective policy to be consistent with policy for Green Belt it should be clearer if the designation is only to be applied to land outside the built up area.
- Compared to PPS 9 the draft NPPF is equivocal on biodiversity enhancement – e.g. “providing net gains in biodiversity, where

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possible” (para 164) “opportunities to incorporate biodiversity in and around developments should be encouraged” (para 169 3<sup>rd</sup> bullet point)

- this phrasing is weaker than e.g. PPS 9 para 14

- To expand on this, Paragraph 1 (ii) of PPS9 says “Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests”. In the new draft NPPF, this underlying objective is replaced by paragraph 164 (and its second bullet): “the planning system should aim to conserve and enhance the natural and local environment by... minimising impacts on biodiversity and providing net gains in biodiversity where possible” From “*maintain and enhance, restore or add to*” to “*minimise impacts and provide net gains where possible*” seems a backward step.
- Para 167 and 168 - Welcome the intention to plan positively for “the creation, protection, enhancement and management of networks of biodiversity and green infrastructure” (para 167) and to “identify and map components of the local ecological networks, including: international, national and local sites of importance for biodiversity, and areas identified by local partnerships for habitat restoration or creation” (para 168)
- Para 168, 3<sup>rd</sup> bullet point - Welcome the integration of national and local Biodiversity Action Plan targets.
- Para 171 to 175 – Whilst the heading to these paragraphs includes ‘land stability’ this is not referenced within these paragraphs neither is link provided to para 120, 6<sup>th</sup> bullet point, which details ‘tip or quarry slope stability nor para 164, 3<sup>rd</sup> bullet point, which refers to avoiding unacceptable risks from land instability. In view that the NPPF is to replace PPG 14 “Development on Unstable Land” which is a 28 page document it is felt the proposed guidance will fail to address land instability adequately. PPG14 para’s 21 to 23, 34, 35, 37, 40 to 42, 45 to 48 and its Appendix 2 para A2 provided clear guidance to the extent of regard that should be given to land instability by the planning system.

### Historic environment

**16a** This policy provides the right level of protection for heritage assets.

Do you: ~~Strongly Agree/Agree/Neither Agree or Disagree/Disagree/Strongly Disagree~~

**16b** Do you have comments? (Please begin with relevant paragraph number)

- General Comments - The draft does not recognise the positive role that the historic environment plays in contributing to the NPPF’s aim of sustainable development. Historic areas themselves are often inherently



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sustainable communities with a good mix of uses and the re-use of buildings.

- General Comments - The draft wholly fails to address the issue of heritage assets and climate change, as currently dealt with by policy HE1 of PPS5. The inherent sustainability of keeping heritage assets in use is a crucial and fundamental issue that has been overlooked (except that in broad terms paragraph 19 on Core Planning Principles refers very generally to the conversion of existing buildings). The PPS5 guidance on adapting historic assets to mitigate climate change while conserving their significance (which is proving increasingly useful) has been omitted entirely. It is noted that the Impact Assessment states that part of policy HE1 is incorporated elsewhere in the Framework but the only related reference appears to be in paragraph 151 of the section on Climate Change, flooding and Coastal Change. However this paragraph is very vaguely worded compared to HE1 and makes no mention of the concept of significance. It is not even clear from the wording whether this policy could be applied to retrofitting of renewable energy measures.
- General Comments - The draft also fails to emphasise the importance of finding viable new uses for vacant and/or neglected heritage assets.
- General Comments - The section, and indeed the Framework as a whole, fails to address the whole subject of conservation through regeneration. The crucial link between historic places and tourism receives no mention at all.
- General Comments - The important role of the historic environment in place-making has not been adequately covered.
- General Comments - There is an absence of specific policy on how to deal with proposals where moderate or minor harm to heritage assets would arise (as per current policy HE9.4 of PPS5).
- General Comments - It is noted that the Impact Assessment states that policy HE4 is incorporated elsewhere in the Framework but the only related reference appears to be in paragraph 64 of the section on Development Management. However this paragraph makes no specific mention of conservation of the historic environment as a potential justification for removing permitted development rights and appears to be worded in such a manner as to discourage LPAs from using Article 4 Directions. This does not fit well with the Localism agenda. In Brighton & Hove Article 4 Directions have often been sought by, and supported by, local communities as a means on conserving their historic areas. Article 4 Directions can therefore be a positive tool in helping to create sustainable communities.
- Para 178 – the status of a document that would be “a strategy for the conservation and enjoyment of the historic environment” is unclear. How would it relate to the Local Plan?

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- Para 179 – this is wholly unnecessary and very negative. The reasoning behind this is best left in the existing and up-to-date English Heritage guidance on Conservation Area designation.
- Para 182 - is in the wrong place. It should follow paragraph 184.
- Para 183 - greatly devalues the Government's commitment to the historic environment. The 'presumption in favour' of the conservation (or previously preservation) of heritage assets has been a long-standing principle in historic environment policy through Circular 8/87, PPG15 and latterly PPS5. To drop this presumption now and instead to simply require "considerable importance and weight" to be given to their conservation would undoubtedly seriously weaken the level of protection available to all such assets. This surely cannot be the Government's intention.
- Para 184 - has lost the additional and very useful supporting wording that is currently in policy HE9.3 of PPS5. This makes clear that the onus is on the developer to make the case for loss of the historic asset.
- Para 185 - is bland and unhelpful and does not give any indication of what weight should be applied to the various considerations. The policy lacks the nuance of PPS5.
- Para 187 – the clarification of this, which was omitted from PPS5 itself, is very welcome.
- Para 190 - is also bland and unhelpful without the accompanying policy criteria currently set out in policy HE11 of PPS5.

### **Impact Assessment**

**17a** Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework? (OR – answer questionnaire B: Impact assessment questions)

**See Appendix A**

### **Gypsy and Travellers – Additional question emailed from CLG**

Do you have views on the consistency of the draft Framework with the draft planning policy for traveller sites, or any other comments about the Government's plans to incorporate planning policy on traveller sites into the final National Planning Policy Framework?

As the intention is to streamline guidance and incorporate all guidance currently in PPS's into one framework then it makes sense to incorporate the new PPS on Traveller Sites into the final version of the NPPF.

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However, in terms of 'consistency', the proposed policy framework for Gypsies and Travellers is much more 'in depth' and detailed in terms of setting out guidance and specific policies (Policies A-H) in relation to Evidence Base, Plan Making, Development Management and Determining Planning Applications compared to the broader brush format used in relation to the topics dealt with under the draft NPPF.

In this respect, the two are not consistent.

### **Additional Topics not covered by consultation questions**

#### **Sustainable Communities**

- Para 126 - What about health facilities being mentioned in reference to community facilities.
- Para 129 - the guidance should say more about the playing fields directive and the importance of safeguarding them in view of a playing fields size and contour requirements.
- Should include definition of open space; current and projected demand requirements and all the functions that open space can perform should be included in this section as well as replacement of 'or' with 'and'?
- Should include regard to the need to replace open space to be lost.

#### **Planning for Places**

- Para 150 – this does not provide sufficient clarity as to whether justified local circumstances allows a local authority to go beyond Government policy and nationally described standards.
- The draft NPPF fails to say sufficient in terms of importance of sustainable building design - reducing ecological footprint etc.

#### **Waste policies**

- Para 7 - The draft NPPF proposes to address waste policy separately, for the time being retaining national policy as set out in PPS10 and publishing revised policy alongside the National Waste Management Plan for England [anticipated in Spring 2012]. It is unclear what the National Waste Management Plan will look like, it could potentially include a portfolio of documents including the NPPF, Waste Strategy 2007 (as reviewed), any relevant National Policy Statements (for example the energy ones), all Waste Development Frameworks in the country, plus some policies from the Environment Agency which will still be needed to fill the remaining gaps. This seems contradictory to the emphasis on having a streamlined approach to national policies.

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There are pros and cons of this approach. It is assumed that the general policies in the NPPF will also apply to waste management developments and supersede PPS10 on general issues like design.

- There is merit in incorporating minerals policy and waste policy into the NPPF alongside more mainstream planning policies, particularly because the issues related to waste and minerals planning are increasingly inter-related with other issues such as energy production and economic growth. Having waste policies in the same document as those topics will help to realise opportunities for a more joined up and sustainable approach. Nonetheless PPS10 is a robust document (albeit with some obsolete sections which refer to the RSS) and its retention for the time being is welcomed.
- Also in the section Planning for Prosperity some of the proposed policies could have indirect impacts for delivery of waste management facilities
- There is a risk that increased office development in out of centre locations (as a result of removing the need for sequential test for office space) will increase the competition for those sites which currently might be favoured by other (lower land value) employment uses. Thus pushing up land values and making other employment developments such as B2 uses including light industry and waste management, potentially less deliverable. This is particularly likely to be a problem in urban areas such as Brighton & Hove where there are relatively few locations suitable for industry.
- Para 75 – avoiding long term protection of employment land is likely to leave employment sites vulnerable to development pressures from other uses and reduce supply of employment land. This could cause problems for ensuring suitable sites for B2 uses including waste management, as explained in the response to the consultation on the Change of Use classes earlier this year.

### **Enforcement**

- The Development Management section (para's 53-70) contains no reference to enforcement. In view that the NPPF will replace Planning Policy Guidance 18 which relates entirely to 'Enforcing Planning Control' and enforcement serves a positive function within the planning system it is considered the NPPF should be amended to appropriately reflect the enforcement of planning legislation.

### **Other issues**

- It is important to clarify whether the national planning document entitled "The Planning System: General Principles" is to be retained. If it is not then it is recommended clarity be provided in respect of private interests, material considerations and the need for development to

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protect the public interest.

- In view that the NPPF will replace PPG 23 and 24 it is considered greater guidance and clarity should be provided in respect of noise and pollution. It is important regard is given to these elements early in the design stages and appropriately taken into account through planning, In addition to this the NPPF fails to reflect all elements of pollution and nuisance such as radiation, vibration, light, dirt, heat or reflect that they include noise.



**Response to the NPPF Impact Assessment**

## Response to Consultation Questions on draft National Planning Policy Framework Impact Assessment

### Consultation Question

#### 17a Impact Assessment

The Framework is also accompanied by an impact assessment. There are more detailed questions on the assessment that you may wish to answer to help us collect further evidence to inform our final assessment. If you do not wish to answer the detailed questions, you may provide general comments on the assessment in response to the following question:

Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework?

See responses below.

### B: Impact assessment questions

QA1 We welcome views on this Impact Assessment and the assumptions/ estimates contained within it about the impact of the National Planning Policy Framework on economic, environmental and social outcomes. More detailed questions follow throughout the document.

See responses below.

QA2 Are there any broad categories of costs or benefits that have not been included here and which may arise from the consolidation brought about by the National Planning Policy Framework?

The time taken for policy development/writing has not been considered. There will be additional costs for local planning authorities which do not have an adopted DPD in place, but which have already spent considerable time/money in preparing their DPD. E.g draft Core Strategies will need to be amended to ensure they are in conformity with new National Planning Policy Framework, possibly resulting in need for additional consultation and additional new supporting evidence to be commissioned.

Planning Authorities which do have an adopted DPD may need to produce a new DPD to be in conformity with the NPPF, again at considerable expense in terms of officer time and for study updates.

QA3 Are the assumptions and estimates regarding wage rates and time spent familiarising with the National Planning Policy Framework reasonable? Can you provide evidence of the number of agents affected?

Assumption on wage rates for Town Planner seems reasonable. Equivalent to gross actual annual income of £31,188.

Unable to comment on wage rates for developers.



Estimate for time taken to read and understand the NPPF does not appear reasonable and has been under-estimated. Does not take into account full understanding which can only be achieved through additional reading of Practice Guidance (and Case Law).

### QA4 Can you provide further evidence to inform our assumptions regarding wage rates and likely time savings from consolidated national policy?

Wage rates: given the current financial circumstances, it seems unlikely that wage rates for town planners will increase by 2% per year over next 10 years.

Time savings: 40 hours does not seem an accurate estimate of time taken to assess a major planning application. This time has been under-estimated.

### QA5 What behavioral impact do you expect on the number of applications and appeals?

Both the consolidation of policy and the presumption in favour of sustainable development will result in an increase in appeals. The consolidation because there will be different interpretations of such brief policies. This may only be temporary until up-to-date Local Plans and Neighbourhood Plans are in place but it will be years before there is comprehensive local policy in place. The presumption in favour is likely to lead to more appeals because a developer's interpretation of what is sustainable development will not necessarily be the LPA's view or indeed the local community's view.

### QA6 What do you think the impact will be on the above costs to applicants?

Costs to small householder developments may reduce, possibly due to reduced need to employ experts to complete planning applications. However, householders are still likely to need to pay for items such as architectural/technical drawings of the build even if not using a planning agent to submit the application.

Unlikely that the NPPF will reduce the costs of submitting a planning application for minor or major applicants as they will still need to provide the range of supporting documentation required, which will involve the time/hiring of professionals. The information and plans required for a planning application would also be required by a developer in order to assess viability and for the build.

### QA7 Do you have views on any other risks or wider benefits of the proposal to consolidate national policy?

There is a risk that the consolidation in national policy could delay adoption of DPDs for authorities which have already carried out considerable work on developing their DPD, due to need to change policy in order to be in conformity with national policy. There is a risk the brevity fails to provide sufficient clarity which could result in delay and undermines effective planning and the plan led system.

Other risks outlined in response to questions below.

QB1.1 What impact do you think the presumption will have on:

- i. the number of planning applications;
- ii. the approval rate; and
- iii. the speed of decision-making?

i) The presumption may result in an increase in applications – e.g. in the case where there is no adopted local plan or an out of date local plan, the more opportunist developers may see this as an opportunity to gain planning permission more easily or gain planning permission on appeal.

ii) It may result in an increase in the approval rate, e.g. if applications accord with the statutory plan then it should be approved, however may also lead to an increase in appeals, as discussed below.

iii) Applications will still need to be processed and go through the relevant approval processes. The presumption in favour is likely to lead to more appeals because a developer's interpretation of what is sustainable development will not necessarily be the LPA's view or indeed the local community's view. This will reduce the speed of decision making.

QB1.2 What impact, if any, do you think the presumption will have on:

- i. the overall costs of plan production incurred by local planning authorities?
- ii. engagement by business?
- iii. the number and type of neighbourhood plans produced?

i) Local planning authorities still need to produce a plan. Costs may be increased through changes that need to be made to existing plans, or plans which are currently being drafted.

ii) Unsure what impact on engagement by business will be.

iii) Don't believe that the opportunity/ability to create a neighbourhood plan will actually result in local neighbourhoods wanting to create one.

QB1.3 What impact do you think the presumption in favour of sustainable development will have on the balance between economic, environmental and social outcomes?

Although the definition of sustainable development has not changed and still encompasses economic, social and environmental components which the NPPF states should be pursued in an integrated way, the presumption does seem to focus on supporting sustainable economic growth and that significant weight should be placed on the need to support economic growth.

If significant weight is placed on economic growth, it seems likely that more importance will be placed on ensuring positive economic outcomes are achieved, and may be achieved regardless of the social or environmental impact. Social and environmental outcomes may become secondary importance. If a proposal will provide significantly positive economic development gains, but would be at significant environmental and social cost, would this really be sustainable development?

QB1.4 What impact, if any, do you think the presumption will have on the number of planning appeals?

Likely to be an increase as the balance to be given to the economic, social and environmental roles of sustainable development could be tested through appeals until case law is established.

QB2.1 Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change? (Policy change referred to is removing office development from “town centre first” policy)

In addition to the environmental/transportation risks outlined in the impact assessment, there is also the risk that the role of the town centre could be undermined by this policy change. Location of office development in out of town locations may impact on vitality and viability of town centres, e.g. the number of office workers that use the various functions of the town centre, shopping etc, would be reduced, potentially having an adverse impact on the local economy as well as local communities.

There is a risk that provision of office space out of town centres will be competing for sites with other (lower land value) employment uses. Thus pushing up land values and making other employment developments such as B2 uses including light industry and waste management, potentially less deliverable. This is particularly likely to be a problem in urban areas such as Brighton & Hove where there are relatively few locations suitable for industry.

Agree that the change would provide greater flexibility and choice for developers seeking to build new office space and may result in an increase in applications.

QB2.2 Is 10 years the right time horizon for assessing impacts?

Agree with the approach of increasing the time horizon to assess impacts of out of town or edge of centre developments on vitality and viability of town centres to 10 years. This would provide a longer period of time to fully assess the impacts. Costs and benefits outlined in the assessment appear reasonable.

QB2.3 How much resource would it cost to develop an evidence base and adopt a local parking standards policy?

Insufficient data to comment at this stage

QB2.4 As a local council, at what level will you set your local parking standards, compared with the current national standards?

Insufficient data to comment at this stage

Do you think the impact assessment presents a fair representation of the costs and benefits of this policy change?

Agree that developers would benefit from increased flexibility regarding the amount of parking they wish to provide and also agree that developers are only likely to pursue greater parking provision if it is profitable to them.

Agree that an increase in non-residential parking provision is unlikely to have any impact on levels of private car ownership, however strongly disagree with the conclusion of the environmental impact assessment of this change in policy that states “there should be no overall increase in car traffic”. If the change in policy results in an increase in parking availability, then travelling by car to that location will be more easy/desirable and therefore will result in an increase in car traffic.

In addition, the impact assessment states that “the adverse impacts of this policy will not be significant at a national level”, however they may be significant at a local level, e.g. through increased noise, reduced air quality and the associated impacts on the health of communities.

### QB2.5 Do you think the impact assessment presents a fair representation of the costs and benefits of the policy changes on minerals?

Brighton & Hove is an urban authority so there is no mineral extraction within the city boundary. However the council has an adopted Minerals Local Plan jointly with East Sussex County Council and is preparing a Waste and Minerals Core Strategy jointly with East Sussex County Council and the South Downs National Park Authority. There is no peat extraction within the area covered by the joint Core Strategy but there are minerals that could be affected by the proposed change in policy about landbanks – mostly clay sites. The amount of land allocated by the councils is unlikely to change significantly as a result of the change in policy however the change is likely to cause concern to the minerals industry because reducing it to ten years gives them less certainty for investment.

### QB3.1 What impact do you think removing the national target for brownfield development will have on the housing land supply in your area? Are you minded to change your approach?

The majority of development has been on previously developed land within the existing built up area of the City. The removal of the national target is unlikely to have a significant impact. However, the policy requirement to meet development needs in full could mean that the development of Greenfield sites may see an increase.

Disagree with the theory under the heading ‘risks’ that derelict sites could be left undeveloped for greenfield sites with lower remedial costs and could be developed for other uses instead. If site remediation is not viable for residential uses then it is unlikely to be viable for lower value uses such as industry and community uses.

### QB3.2 Will the requirement to identify 20% additional land for housing be

achievable? And what additional resources will be incurred to identify it? Will this requirement help the delivery of homes?

The requirement to identify 20% additional land for housing may prove problematic in Brighton and Hove given the significant development constraints and competition between land uses for scarce sites. Identifying additional sites does not necessarily mean housing delivery will be increased; this will depend upon market factors bringing identified sites forward. Brighton & Hove has experienced a significant drop in housing delivery over the last two years despite sufficient sites being identified through a SHLAA.

QB3.3 Will you change your local affordable housing threshold in the light of the changes proposed? How?

The adopted Local Plan (2005) policy for affordable housing had a site size threshold below that in PPS3. This was justified through the Local Plan adoption process.

QB3.4 Will you change your approach to the delivery of affordable housing in rural areas in light of the proposed changes?

Brighton & Hove is an urban authority.

QB3.5 How much resource would it cost local councils to develop an evidence base and adopt a community facilities policy?

Insufficient data to comment at this stage

QB3.6 How much resource would it cost developers to develop an evidence base to justify loss of the building or development previously used by community facilities?

Insufficient data to comment at this stage

QB3.7 Do you think the impact assessment presents a fair representation of the costs and benefits of the Green Belt policies set out in the Framework?

Yes, the impact assessment presents a fair representation of the costs and benefits of the Green Belt policies.

QB4.1 What are the resource implications of the new approach to green infrastructure?

This Authority is working towards a green infrastructure network however the establishment of this is largely reliant on developer contributions. It is likely it will no longer be fully established due to the onus within the NPPF on ensuring obligations and policy burdens do not threaten development viability. The proposed move towards CIL and related issues over the impact of such a blanket levy/tax on the viability of some schemes is unlikely to provide contributions of a scale to meet commensurate infrastructure delivery costs.

In addition to this the public sector austerity measures is resulting in an inability for a LA to make up the shortfall and deliver the necessary infrastructure. The provision of open space and a green infrastructure is not a statutory requirement. It is likely the element of the CIL potentially for green infrastructure will be redirected to other areas such as transport (new bus stops, drop kerbs and on-street disabled parking bays etc) to ensure at least some infrastructure requirements can be met.

QB4.2 What impact will the Local Green Space designation policy have, and is the policy's intention sufficiently clearly defined?

Clarification of what distinguishes statutory Local Nature Reserves from the proposed local green space designation would be helpful

QB4.3 Are there resource implications from the clarification that wildlife sites should be given the same protection as European sites?

None.

QB4.4 How will your approach to decentralised energy change as a result of this policy change? And QB4.5 Will your approach to renewable energy change as a result of this policy?

Our approach to decentralised energy and renewable energy will not change as a result of this policy change, as this is the city council's approach. However, the proposed approach has identified a need to carry out an energy study to identify opportunities, and this will inform future site allocations documents.

QB4.6 Will your approach to monitoring the impact of planning and development on the historic environment change as a result of the removal of this policy?

No. We are likely to continue to monitor the impacts of planning and development on the historic environment in any case, in order to ensure that our own resources are being used most effectively and in response to the expectations of local communities and national and local interest groups.

<b>Subject:</b>	<b>CLG consultation: ‘How change of use is handled in the planning system – tell us what you think.’</b>		
<b>Date of Meeting:</b>	<b>15 September 2011</b>		
<b>Report of:</b>	<b>Strategic Director, Place</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Katie Rasdall</b>	<b>Tel: 29-2263/2361</b>
	<b>Email:</b>	<b>katie.rasdall@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>No</b>		
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report seeks approval of the council’s response to the recent Government Issues Paper seeking views on revisions to improve and reform how changes of use is handled within the planning system, which includes reviewing how the current Use Classes Order (UCO) is structured and possible changes to the General Permitted Development Order (GPDO). This review is part of central government’s range of proposed reforms of the planning system. The consultation response expresses a range of concerns should the UCO be abolished, articulates the benefits of the change of use process and suggests ways the system could be made more flexible and efficient. Formal consultation on proposed changes will take place at a later date.
- 1.2 The response was sent on 31<sup>st</sup> August 2011 in order to meet the consultation deadline of 1<sup>st</sup> September 2011 but this was subject to the approval and endorsement at this Cabinet Member Meeting.

**2. RECOMMENDATIONS:**

- 2.1 That the Cabinet Member for Planning, Employment, Economy & Regeneration approves and endorses the council’s response to the Government’s consultation regarding the reform and further deregulatory role of the change of use process and GPDO (see Appendix 1).

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

- 3.1 The Government Department for Communities and Local Government has published an Issues Paper entitled ‘How change of use is handled in the planning system – tell us what you think’. The consultation seeks views on how the process of considering applications for change of use could be made less burdensome.

- 3.2 Current legislation allows change of use without needing planning permission where both the existing and proposed uses fall within the same Use Class. These are formally defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Planning permission is normally needed for change of use between the defined use classes. However, under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (the GPDO) some changes between use classes are allowed without needing planning permission.
- 3.3 At present the UCO and the GDPO are considered the two deregulatory tools to removing the necessity for submitting a planning application. The purpose of the review is to ascertain if either tool can be reformed to further their deregulatory scope and to remove what central government considers unnecessary burdens to the efficiency of the change of use application process.
- 3.4 The government is already considering removing the need to apply for planning permission through the introduction of Neighbourhood Development Orders (NDO) which will allow certain types and volume of development within a defined neighbourhood. The underlying rationale behind the proposed reforms is to remove unnecessary barriers so that businesses can succeed, homes can be provided and jobs created in order to bring prosperity. The aim is also to ensure that consideration is given to the balance between supporting growth and ensuring communities have the opportunity to influence their environment.
- 3.5 Brighton & Hove City Council supports the review of the Use Classes Order and proposals to expedite the planning process in promoting economic growth, the provision of additional homes and creation of jobs that are appropriate to meet the sustainable development objectives of the Localism Bill and the current and projected economic forecasts. However, it is considered the consultation should be seen in the context of the broader policy changes proposed by government including the enactment of the Localism Bill and the adoption of the National Planning Policy Framework (NPPF).
- 3.6 The city council is not in favour of the complete revocation of the Use Classes Order in favour of enhanced Permitted Development rights and the council is concerned that its revocation will result in unintended impacts derailing economic recovery, resulting in unsustainable practices, creating undue significant impacts on amenity and equality and prohibiting the level of planning certainty currently enjoyed by businesses, both small and large. The following is a summary of this council's response which is expanded upon in Appendix 1:
- Whilst it is recognised that there is scope for improving and/or reforming the UCO, the change of use process allows Local Planning Authorities, who have an important function in place making, to influence at a local level how certain areas are shaped, without bypassing democratic processes.
  - The city council strongly urges the government not to abolish or completely liberalise the UCO because of the detrimental impact on both local and national economic recovery in addition to the negative effect on the physical, social and economic environment. One of the main concerns is the loss of both land and premises for employment and housing particularly where housing land and the space for small to medium sized enterprises is constrained and demand is high.



- The city council is concerned that if the UCO is collapsed entirely as part of central government's planning reforms, that a market led system will deny local authorities the ability to assess the impact of a change of use, particularly where large or intense changes occur. This is unsustainable, most notably in areas where speculative developers may lock away land and premises awaiting uplift in value. Brighton & Hove has a proliferation of small businesses and a lack of affordable business space will have unintended consequences such as out commuting and drawing investment away from the city.
- The UCO provides an element of certainty, especially for businesses, where their business models may rely on the availability of and proximity to certain uses, both on a local and national scale. Unmonitored movement between classes will undermine the plan-led system which allows the council to make provision for locations for different types of uses over the plan period, particularly where there are pressures on land. The change of use process also ensures that adjacent properties do not result in unpleasant development and that they are neighbourly in their appearance, impact and function. The short term gains need to be balanced against the longer term impacts.
- A total abolition of the UCO appears to be contradictory to the Decentralisation and Localism Bill as it would not represent sustainable development, is likely to impede economic recovery and may have the unintended effect of removing the ability for decision making to shape and influence at the local level. The current evolution of neighbourhood planning will rely on the presence of the UCO to define sustainable development at a local level, particularly if its classification continues to be impact based. Residential, community groups and businesses alike will have a say in the kind of development in their neighbourhoods, based on the impact proposed development will have on their interests.
- Applications for change of use allow planning authorities to obtain developer contributions to mitigate the harmful impacts of development and provide necessary infrastructure. Unregulated movement between classes will push the burden of infrastructure provision on to local authorities at a time when funding and resources have to be significantly scaled back.

3.7 Suggested alternatives: For the reasons detailed above and in Appendix 1, possible proposals for the abolition or significant liberalisation of the UCO is not supported. However, if the government is minded to make changes, the council supports alterations to the UCO as listed below and a review of the change of use process to expedite applications and support economic growth whilst protecting the physical and social environment. Brighton & Hove City Council suggests the following amendments to the deregulatory approach to managing change of use which is considered consistent with the Localism agenda:

- There may be scope to simplify the planning application process for changes of use. The prior approval process (Town and Country Planning General Permitted Development Order 1995 Schedule 2, part 24) used for proposals mostly relates to telecommunication development and does not require determination by the local planning authority. The application would be made on the presumption that the principle of the development is acceptable and the Local Planning Authority (LPA) has a specified time period in which to object. Criteria for objection, for example no external changes, and development thresholds would accompany this process. A full planning

application would be the default position if change fell outside the accompanying criteria. As the prior approval process currently attracts no fee, the government is advised to consider revising the current fee structure to sufficiently resource the management of this process.

- Brighton & Hove City Council suggests the adoption of a legislative framework and the NPPF before further consultation on the reform of the current deregulatory tools takes place. This will give local authorities a better opportunity to fully articulate the advantages and disadvantages of the current deregulatory tools within the context of the range of reforms that the government is proposing whilst maintain consistency of public service expected and to fully support their local communities.
- In order to support businesses and encourage the use of empty commercial premises, Brighton & Hove City Council proposes that a system similar to discontinuance powers used to control advertisements could be applied (The Town and Country Planning (Control of Advertisements) (England) Regulations 2007). Evidence of any detrimental impact on the amenity of neighbouring properties would be resolved with a visit to assist with overcoming problems and as a last resort the possible issue of a discontinuance notice. Evidence and compliance will require specialist disciplines such as Environmental Health and Planning Enforcement.
- Alternative to discontinuance powers, Section 61 in the Town and Country Planning Act 1990 (as amended) allows Local Authorities to make Local Development Orders (LDO). An LDO gives Permitted Development Rights to a specified area or site for particular development provided the LDO complies with the provisions in the adopted Local Plan. An LDO can be revoked at any time therefore it can be adopted with a time limit in place as a temporary provision to aid recovery/expansion in certain areas over a shorter time span than the plan period.
- The UCO is a useful deregulatory tool which allows local authorities to plan positively for economic growth, jobs, housing and better social equality. However, it is acknowledged that the impact of some uses differ considerably. There is scope to redefine the General Permitted Development Order and allow greater interchange between selected uses where their impacts are similar.
- Increase the Permitted Development floor space thresholds for selected uses, accompanied by conditions, to allow expansion of businesses without the need to apply for planning permission. Similarly, floor space thresholds for a change of use between restricted uses could also negate the need for a change of use application.
- Central government is advised to consider a range of measures to aid economic recovery and to assess the relative importance that the planning system makes to the UK economy, on the basis of sound evidence, in comparison with other mechanisms for example exchange rates and rates of tax.

#### **4. COMMUNITY ENGAGEMENT AND CONSULTATION**

- 4.1 Internal consultation has been undertaken and the response was prepared by Planning Strategy. The draft consultation response was circulated internally for further comment before submission to the CLG.

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 5.1 The cost of preparing the council's response consists of officers' time and has been met from existing Planning revenue budgets. In 2010-11 there were 113 applications relating to change of use, which realised income of £37,855; if the government does introduce measures reducing the number of change of use applications, this may affect this level of income for the future

*Finance Officer Consulted: Karen Brookshaw Date: 16/08/11*

### Legal Implications:

- 5.2 The legislative background to the Report is set out in paragraph 3.2 and 3.8 (points 1 and 3) above. It is not considered that any human rights implications arise from the Report.
- 5.3 The Review is being jointly undertaken by DCLG and BIS and any proposal for changes to legislation will be subject to further consultation. If such changes are enacted in addition to the impact on the city's planning system the council would need to consider its model forms of draft property documents and the impact on its property portfolio.

*Lawyer Consulted: Bob Bruce Date: 26/08/11*

### Equalities Implications:

- 5.4 The Government consultation document and the council's response take into account equalities issues. A key concern is that the abolition or wholesale liberalisation of the Use Classes Order will undermine plan making for sufficient land for both affordable housing and jobs. Concern also arises that if the Use Class Order is abolished, unregulated interchangeable uses will by-pass the democratic decision making process and raise significant amenity issues.

### Sustainability Implications:

- 5.5 Sustainability considerations are central to the planning system and form part of the response. Concerns arise over poor funding for necessary infrastructure such as transport provision and affordable housing. Deviation from the plan-led system could lead to concentrations of uses in inappropriate locations giving rise to an increase in road traffic. Where the change of use application process is bypassed, land banking is likely to allow for uplift in value. Consequently, sites for housing and business will be in short supply resulting in out commuting and inequality in housing choice and small to medium sized commercial space. In addition, the cycle of fitting out and refurbishing as premises perpetually change from use to use is environmentally unsustainable and can have an amenity impact on neighbouring uses.

Crime & Disorder Implications:

- 5.6 Transient businesses are likely to experience some of the same effects as a population in residential areas and lead to the physical degradation of high streets and business estates as businesses refrain from investing in structures and infrastructure due to the continual turnover of premises. There will be fewer mechanisms to gain Secure by Design practices.

Risk and Opportunity Management Implications:

- 5.7 None identified

Public Health Implications:

- 5.8 None identified

Corporate / Citywide Implications:

- 5.9 If national amendments are introduced to the change of use system there will be corporate and citywide implications. The details of which will depend on what amendments are introduced and the conditions/mitigation measures put in place. The Council's response highlights the main impacts of any further proposals made as a result of the consultation outcomes.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 None required.

**7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To gain formal approval and endorsement of the council's response to the Government consultation seeking views on how change of use is handled in the planning system. Whilst the response has been sent in order to meet the consultation deadline of 1<sup>st</sup> September 2011, this was on the understanding it was to be subject to approval and endorsement at Cabinet Members Meeting.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Expanded response
2. Extract from RTPI News relating to deregulating permitted development July 2011
3. Extract from Meanwhile Space ([www.meanwhitespace.com](http://www.meanwhitespace.com)) regarding the use of empty buildings
4. Policy Exchange research note March 2011 relating to reform of the Use Classes Order

### **Documents in Members' Rooms**

None

### **Background Documents**

1. CLG consultation Issues paper. How change of use is handled in the planning system – tell us what you think
2. Town and Country Planning (Use Classes) Order 1987 (as amended)
3. Town and Country Planning (General Permitted Development) Order 1995 (as amended)





**Brighton & Hove  
City Council**

**Planning & Public Protection**

Hove Town Hall  
Norton Road  
Hove BN3 3BQ

Mr David Wilkes  
UCO Review Team  
Planning Development Management  
Division  
Department for Communities & Local  
Government  
1/E2 Eland House  
Bressenden Place  
London  
SW1E 5DU

Date: 31<sup>st</sup> August 2011  
Ref:: CLG – COU review  
Phone: (01273) 292361/2263  
e-mail: katie.rasdall@brighton-hove.gov.uk

Dear Mr Wilkes,

**Response to Issues Paper: How change of use is handled in the planning system – tell us what you think.**

Please find enclosed the response from Brighton & Hove City Council to the issues paper regarding how change of use is handled in the planning system. The enclosed response has also been sent via email therefore I would be grateful if you could confirm receipt.

The city council's response comprises a table in Appendix 1 listing the questions in the issues paper, accompanied by the relevant response. The table also encompasses other issues relevant to the issues paper and to this authority although not part of the formal list of questions.

The attached response is going to this council's Planning, Employment, Economy & Regeneration Cabinet Members Meeting on the 15<sup>th</sup> September for approval. This may result in amendments being submitted. This response is therefore being submitted in anticipation that it will be acceptable to the CLG. I will confirm this council's response after the meeting on 15<sup>th</sup> September.

Please do not hesitate to contact me if there are any queries.

Yours sincerely,

Katie Rasdall  
Planning Projects Officer  
Brighton & Hove City Council

BHCC response

How change of use is handled in the planning system – tell us what you think

Telephone: 01273 290000

[www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

August 2011

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**Planning & Public Protection**

Hove Town Hall  
Norton Road  
Hove BN3 3BQ

Communities and Local Government

How change of use is handled in the planning system – tell us what you think  
Issues Paper

Summary Statement

BHCC supports the review of the change of use process to enhance economic growth, ensure sufficient infrastructure is provided, promote sustainable development and support the aims of the Localism agenda. In general this council is supportive of retaining the four main use classes but notes that a thorough review to streamline the UCO would be a valuable exercise in rationalising the change of use system. Suggestions for alternative approaches are covered in the response to question 2.

Brighton & Hove City Council consider it important to recognise that many local authority services have a role to play in creating sustainable communities and carrying the shift in emphasis to a more localised approach of governance. The planning system is the lynch pin in drawing the objectives and deliverability of the services within local government together. The Plan-led system, Planners and Local Planning Authorities make significant contributions to shaping and making places that are successful, vibrant, cohesive, sustainable and attractive. Planning is about place-making and the Use Classes Order is one tool in ensuring that quality places are created for people to live and work.

BHCC response

How change of use is handled in the planning system – tell us what you think

August 2011



## APPENDIX 1

## Detailed responses from Brighton &amp; Hove City Council

No.	Question	Response
1	Should material change of use continue to be considered as 'development' and handled through the planning system? If not, what alternative approach might be used?	<p>In answer to the question, material change of use should continue to be considered development. The current Use Classes Order is based upon the impact that each type of use generates. It is sensible and efficient to continue to consider the number of change of use applications for the following reasons:</p> <ol style="list-style-type: none"> <li>1. <b>Imbalance of use classes.</b> The change of use system allows local planning authorities like Brighton &amp; Hove, where land is at a premium, to ensure there is a balance of land uses maintained in the context of economic cycles. This helps to maintain a mix of uses and create balanced places where people don't need to travel so far to work. This also helps to create sustainable communities and reduces the need to travel.</li> <li>2. <b>Undermining economic recovery.</b> Removal of the UCO and change of use system will undermine the economy and its recovery. Changes of use application is not only a tool to protect the economy and businesses, but to ensure local amenity as part of local authorities' role in shaping cohesive, balanced, safe, stable and community oriented places. It allows the protection of employment uses that have a lower value than residential use.</li> <li>3. <b>Harmful affect on amenity.</b> allows local planning authorities to assess the impact of the proposals that can be equal to those of full scale redevelopment proposals, for example, change of use to hot food takeaway.</li> <li>4. <b>Certainty and security.</b> wealth is not only generated by a degree of flexibility in the planning system to support businesses, but is also generated through an element of certainty and security which the planning system offers, particularly considering the planning system is so effective in securing contributions for infrastructure and to mitigate potentially harmful effects of development. The UCO allows Local Planning Authorities to regulate land supply, assess impacts, allocate resources for communities and manage infrastructure provision</li> <li>5. <b>Protection of D1 uses.</b> Change of use applications allows local authorities to either secure or protect D1 community uses. These uses have lower land values and are therefore susceptible to succumbing to other uses</li> </ol>

No.	Question	Response
		<p>6. <b>Control of harmful impacts.</b> Due to the potential impacts of a change of use, some harmful, change of use should remain part of the definition of development as defined in Section 55 of the Town and Country Planning Act (1990) (as amended)</p> <p>7. <b>Impediment to business.</b> Removal of change of use is likely to result in an inappropriate mix of uses. Residential uses becoming employment uses will result in a conflict between uses and make it harder for businesses to operate efficiently and where necessary operate 24 hours.</p> <p>Concerns:</p> <ul style="list-style-type: none"> <li>• <b>Undermine Localism Agenda.</b> The abolition of change of use controls will undermine the aims of the Localism agenda, for example by removing control over securing local community facilities, loss of local shopping parades and local business units.</li> <li>• <b>Weaken LDO.</b> Local Development Orders would be undermined without the UCO, resulting in local communities unable to decide which kind of development would be acceptable in their area. As such this would undermine aims of the Localism agenda to allow communities to become more involved.</li> <li>• <b>Loss of employment land.</b> In Brighton &amp; Hove where there are significant physical constraints (topography, sea and SDNP) and land is at a premium, loss of employment land and business premises would devastate the local economy. If, for example, large amounts of land and buildings were converted to residential use, this would have the effect of considerable out-commuting which in itself is unsustainable and is contradictory to the Localism agenda.</li> <li>• <b>Inequality.</b> The change of use system also ensures that there is sufficient, balanced and appropriate spatial allocation of land uses. Complete liberalisation of the UCO and the removal of the change of use system are likely to result in concentrations of land uses where land values for particular uses are high. This can lead to inequality where the less mobile and footloose uses are unable to adapt as quickly, usually smaller businesses who do not have the same capability to terminate leases or make capital investments to new premises.</li> <li>• <b>Long term provision and short term gains.</b> There is also the concern that a honey pot effect will create further inequality between areas or render such organisations as Local Economic Partnerships redundant if they are unable to influence the spatial provision of land uses and realise their long term regenerative aspirations for Enterprise Zones, rather than just experiencing the instant effect of attracting fast growing businesses.</li> <li>• <b>Rationalisation.</b> The cost implications for redefining the provisions in the UCO should be considered and be evidenced against the efficiency of the current system and other economic</li> </ul>

No.	Question	Response
		factors, particularly in this era of fiscal austerity, that contribute to or stifle current growth.
2a	Is the Use Classes Order an effective deregulatory tool to simplify the approach to managing change of use nationally in the planning system?	<p>Yes, although a review of the UCO and allowing it to be adapted to local circumstances is a timely and welcome approach.</p> <p>The UCO is seen as an effective deregulatory tool in managing change of use both nationally and locally for the following reasons:</p> <ul style="list-style-type: none"> <li>• <b>Impacts.</b> Broadly based on impact which is the simplest methodology for assessment and also makes it easier for the public to articulate their concerns on the basis of impact when COU application is submitted. The change of use system does not hinder the movement and therefore the expansion of businesses and other uses, but it enables a systematic change of use so as to holistically consider the impacts locally</li> <li>• <b>Land supply.</b> The UCO allows Local Planning Authorities to regulate land supply, assess impacts, allocate resources for communities and manage infrastructure provision</li> <li>• <b>Certainty.</b> It provides certainty for businesses, occupiers of business units and landlords</li> <li>• <b>Autonomy.</b> The UCO is a useful deregulatory tool which allows local authorities to plan positively for economic growth, jobs, housing and better social equality. However, it is acknowledged that the impact of some uses differs in some areas. Therefore, the UCO may benefit from introducing a hierarchy framework giving some areas greater autonomy for flexibility such as town and city centres, where detrimental impacts may be to a lesser degree. This could be integrated with LDO which allow locally permitted development rights.</li> </ul> <p>Concerns regarding a removal of the UCO:</p> <ul style="list-style-type: none"> <li>• <b>Less investment.</b> Without the UCO, investors have the potential to swing between uses attracting the highest land value</li> <li>• <b>Undermining the plan-led system.</b> Risk of 'land banking' a variety of uses to realise the highest land value, undermining the plan-led system and its responsibility to make provision for all types of uses. This will result in the inequality over the provision of sufficient land/premises for affordable housing or community uses as a result of land banking is also a serious concern. This council questions where those in housing need will live if the scope to consider change of use applications is not subject to the current assessment criteria</li> <li>• <b>Physical degradation.</b> It is well documented that transient residential populations hinder</li> </ul>

No.	Question	Response
		<p>community cohesion and a sense of ownership over their environment. Transient businesses are likely to have the same effect and lead to the physical degradation of high streets and business estates as businesses are deterred from investing in structures and infrastructure, particularly if leases are short</p> <ul style="list-style-type: none"> <li>• <b>Affordable housing.</b> The planning system including the change of use system is an important mechanism to secure affordable housing. A significant proportion of affordable housing is secured through windfall sites as a result of change of use applications over 10 units. Given government cuts including grant funding, affordable housing at a time when it is needed most, needs to be secured through as many transparent means as possible. There is concern about delay and reduction in the delivery of affordable housing due to withdrawal of grant funding.</li> </ul>
2b	If not, do you have views on what an alternative deregulatory approach to managing change of use might look like?	<p>The UCO is an effective tool and does need some minor amendments rather than an alternative system. Where local circumstances arise, a specific approach to managing change of use can be adopted. Below are a list of suggestions which provide scope for review and reform of the current system.</p> <ul style="list-style-type: none"> <li>• There may be scope to simplify though the prior approval process used for proposals mostly related to telecommunications development. The application would be made on the presumption that the principle of the development would be acceptable and the LPA has a specified time period in which to object. Criteria for objection, such as no external changes, and thresholds would accompany this process. A full planning application would be the default position if change fell outside the accompanying criteria. The implications are increased work for officers and the need for more resources.</li> <li>• In order to support businesses and encourage the use of empty commercial premises, Brighton &amp; Hove City Council proposes that a system similar to discontinuance powers used to control advertisements could be applied if the UCO was removed altogether. This would allow local authorities to continue to mitigate detrimental impacts. Evidence of any detrimental impact on the amenity of neighbouring properties would trigger a discontinuance notice. Compliance with the notice and evidence of nuisance will require specialist involvement from disciplines such as Environmental Health and Planning Enforcement. The implications of this would be increased levels of nuisance, conflict, increased resources for managing compliance through enforcement notices. This would not be a welcome measure.</li> <li>• Enhance the role of pre-application meetings. Enshrine a pre-application protocol in national policy for development over a certain threshold. Many developers complain that the planning system is a</li> </ul>

No.	Question	Response
		<p>barrier. Whilst there are requirements that need to be met through the planning application process. The planning system acts as the link between all the factors that make a place sustainable, cohesive and pleasant to live and work in. Brighton &amp; Hove City Council offers pre-application advice service to build effective, open and communicative working relationships with developers, commercial and private. This secures the best outcomes and a more efficient and effective transition between concept through to submission of a planning application to decision to implementation.</p> <ul style="list-style-type: none"> <li>• Enable councils to develop a more pro-active approach. The city council works in a pro-active way to engage with agents and developers, amongst other key stakeholders involved in planning processes, to ensure they are aware of the services available, have the opportunity to attend seminars and have the tools to engage effectively when it comes to development proposals.</li> <li>• Brighton &amp; Hove City Council concurs with Planning Minister Greg Clarke comments that, “Empty properties can drain the life away from town centres...” (News item in Meanwhile Spaces, 25.06.2011). Interim uses and meanwhile spaces are welcome and actively sought by Brighton &amp; Hove City council through their economic development services working in partnership with Development Management and Local Interest groups. “Removing bureaucratic barriers in the planning system...” will of course be welcomed by professionals and the public alike. However, barriers to change, be they short term or long term, come in two forms; process barriers and policy barriers. The planning system is keen to avoid empty premises, although short terms gains of filling an empty space should be weighed against the long term benefits of ensuring a balance of uses.</li> <li>• Brighton &amp; Hove City Council suggests the adoption of a legislative framework and the National Planning Policy Framework after which further consultation on the reform of the current deregulatory tools should take place. This will give local authorities a better opportunity to fully articulate the advantages and disadvantages of the current deregulatory tools within the context of the range of reforms that the government is proposing. As the prior approval process currently attracts no fee, the government could consider revising the current fee structure to ensure local authorities have sufficient income to resource operational changes in the planning system.</li> </ul>
3	The UCO and PD rights allow changes without	Local Development Orders are an excellent idea in the context of Localism and to promote local flexibility. The take-up of LDO’s needs to be promoted. LDO’s are considered a positive tool for planning, enhancing

No.	Question	Response
	<p>planning applications nationally. However, they can be extended locally to meet local needs through LDOs (and soon through NDOs). Is this model effective and is it sufficiently flexible to meet most circumstances?</p>	<p>permitted development rights rather than restricting them. Once established an LDO should create sufficient flexibility to carry out development in a way that meets local needs. In addition, an LDO should provide a degree of certainty with regard to development types and thresholds, which is attractive to investors.</p> <p>The Local Development Order is more refined tool to support neighbourhood planning as it allows local communities to decide and acceptable level and type of development. As mentioned earlier, it also allows local authorities to take account of the spatial impacts.</p> <p>Brighton &amp; Hove City Council has not implemented an LDO as yet therefore is unable to provide an opinion on whether LDO's are an effective model. However, it is envisaged the LDO would be a useful tool relating predominantly to business, commercial and community premises within defined areas, neighbourhoods or sites and perhaps relate to a specific outcome such as renewable energy.</p> <p>LDO's can be used to enable a number or single changes through PD rights, can be revoked or given a specific timeframe and can be area or site specific. It allows Local Planning Authorities to maintain governance over the impacts by restricting it to a single or small number of changes and is consulted upon widely therefore community groups and interested parties have an opportunity to engage and influence the outcome. Also it gives community groups the opportunity to access premises that otherwise might lie vacant.</p> <p>In the appropriate circumstances and locations, a LDO is a positive, flexible and responsive tool which extends permitted development rights rather than restricting them and has the potential to be time limited, particularly if the rate of economic progress fluctuates or declines over the plan period. There is scope for a Local Development Order to be informed by existing background documents that have undergone consultation, such as design guides.</p> <p>However, whilst there are advantages to the LDO route, this mechanism does not attract a fee given that planning applications will be reduced. An LDO like any other piece of policy will need monitoring and possible enforcement and income from planning application fees allow Local Authorities to deploy sufficient and appropriate resources to encourage and implement development, including temporary uses.</p> <p>Local Development Orders can be made to assist with community objectives such as sporting facilities or</p>

No.	Question	Response
		<p>renewable technologies. A LDO appears to be more responsive, particularly if neighbourhood demographics and aspirations change or businesses undergo rapid evolution. An LDO's flexibility can be realised in a site specific or area wide document encompassing just a single use or a range of uses. NDO's endorse democratic processes currently enshrined within the planning system and will also enable local communities to enable particular uses based on the needs and characteristics of the community. It enables local government to work closely to identify community needs and ensure NDO's comply with Local Plans. Clarification over how LDO's will work in tandem with NDO's or how they would add benefit to a LDO will be welcome.</p> <p>There is concern that an NDO may disadvantage some residents or businesses through the majority referendum process. An NDO relies on the formation of a neighbourhood forum; therefore there is some risk of social exclusion of minorities unable to engage effectively. Local Economic Partnerships work across authorities and their ability to work co-operatively with each authority and businesses may be frustrated through localised inconsistencies over land use where a NDO has been driven by a neighbourhood forum and subsequently implemented.</p> <p>Care needs to be taken with the extension to Permitted Development rights through, for example, a LDO and in cases where extended PD rights include not only existing buildings and brownfield sites, but also agricultural land, which has the potential to be contaminated.</p>
4	Do you think that the current classes of use in the UCO are still appropriate?	<p>Yes, the current four broad classes of use in the UCO are still appropriate but need to be updated in response to changes in modern business practices. As the current classes of use in the UCO are separated broadly on the basis of impact, the separation of the classes is appropriate in order to seek consent for change of use where the impacts are significantly different. The classes within the UCO in conjunction with PD rights provide certainty for both commercial developers and householders.</p> <p>As mentioned above some uses should be evaluated given evolving changes in the way those uses operate or levels of intensity due to technological changes or working practices such as, B1, B2 and B8 use categories that have been blurred.</p> <p>The UCO is still an appropriate tool to divide uses according to their impact and restrict movement to between some in order to take account of their impacts. There is more flexibility for movement between business uses than there is between residential and commercial uses.</p>

No.	Question	Response
		<p>BHCC welcomes being consulted on proposals to modernise and streamline the categories within the UCO. More flexibility between selected class should be explored as part of a comprehensive review of the UCO which may involve integrating some classes. Some uses that are designated 'sui generis' such as petrol filling stations, most of which have significant amounts of retail and long opening hours, could be reviewed and based on their impact and incorporated into one or other of the use classes. Indeed, as all sui generis uses require planning permission, an opportunity exists to incorporate sui generis uses into appropriate classes.</p>
5	<p>The current regime seeks to secure a balance between deregulation and protecting the citizen. Has the right balance been struck or should there be more deregulation than is currently allowed through the UCO and PD rights?</p>	<p>Yes, the right balance has been struck subject to some adjustment and modernisation of the UCO and the GDPO. Introduction of further flexibility and deregulation of the UCO and PD rights will facilitate more control at a local level to respond to changing commercial practices and economic cycles.</p> <p>There is further scope for deregulation provided Local Planning Authorities can continue to assess impact. Change of use that results in a negative impact is unsustainable. The city council considers that the current system is useful in protecting business and householders alike and is optimistic that it will work with LDO's, NDO's and the emerging NPPF.</p> <p>It is considered that the current system works and the benefits of LDO's can be realised within the current system which further deregulates the UCO at a local level which supports the aims of the Localism agenda.</p> <p>In a plan-led system many local authorities resist the loss of business premises unless assessed to be genuinely redundant, particularly small businesses, not because local authorities are resistant to change, but due to their responsibility to create balance between making sufficient land available for all uses over the plan period for the future. In the current economic climate, there is pressure on local authorities to allow land uses to change to the highest value land use. Local authorities are duty bound to balance short term gains against the long term requirements for all uses over the plan period whilst managing changing circumstances and incorporating sufficient flexibility in local plan policies to support change and growth.</p>
6	<p>Does the current</p>	<p>Yes, subject to the updating of the UCO. It is more appropriate for central government to influence barriers to growth through national policy and local policy making rather than by removing the UCO. This would</p>



No.	Question	Response
	<p>operation of the UCO go far enough to remove inappropriate barriers to growth and allow for potential for changes of use that boost growth?</p>	<p>induce the implementation of LDO's and NDO's.</p> <p>The UCO in itself provides certainty to the development industry and affords the protection of certain uses such as offices, light industrial, creative industry and D1 community uses as such growth as a result of the UCO is implied. There are many barriers to growth including financial barriers, which is why BHCC is keen to enable even small and incremental growth where the current poor economic performance and a shrink in lending has curbed growth.</p> <p>As mentioned above there is potential for further flexibility to be enshrined in policy for enactment at a local level. BHCC welcomes a review of all processes and sectors, including planning, that are a factor in the UK's slow growth and low productivity, particularly where this is evidence based thus enabling a balanced quantification of in appropriate barriers to growth.</p>
<p>7</p>	<p>How should ancillary uses be treated within the UCO?</p>	<p>The current use classes order will benefit from incorporating guidance on the provision or evolution of ancillary uses for each category and it should form part of the overall review. The way modern businesses operate should be considered as part of the review of the UCO. Businesses and A type uses don't always sit comfortably or neatly into the categories within the UCO. As mentioned above, the UCO should be reviewed and simplified.</p> <p>It is acknowledged that businesses evolve and the way they operate may change significantly. It is only when an ancillary use grows to such an extent that it changes the nature of the permitted use or become an amenity issue, that ancillary uses can become problematic. The LPA should be able to continue to ensure that ancillary uses do not have a negative impact on the adjacent physical, economic and social environment.</p> <p>Through discussion, the issue of ancillary uses was identified as presenting some difficulties in ascertaining the proportion of ancillary use, particularly in mixed use premises. In this respect, the UCO would benefit from some refining. For example, anecdotal evidence suggests that a business which proposes a mix of A1, A3 and A5 uses often finds difficulty allocating a proportion for each use through their business models as this is dependant on the behaviour of their patrons, seasonality, weather and other factors affecting the fluctuation of each use. This may be particularly true of café businesses where the premises may be divided into seating, take away counter and retail element (mixed A3, A5 and A1 use).</p>

No.	Question	Response
8	Are the current PD rights relating to the temporary use still appropriate? If not, how do you think they should be amended?	<p>The PD rights for temporary uses relates to the use of land only and does not extend to the temporary use of buildings. BHCC considers it appropriate to extend temporary uses to buildings.</p> <p>Temporary change of use for creative industries to occupy smaller business units is already proactively pursued by BHCC and it would be useful to adjust legislation to catch up with current practices.</p> <p>Some screening criteria should be applied to temporary uses of buildings such as ensuring the unit is completely vacant, a checklist to avoid amenity and impact issues and a threshold for how long the temporary use would occupy the premises.</p>
9	Should change of use of buildings be allowed on a 'temporary' basis without the need for a planning application?	<p>Yes, there is potential to consider extending the 28 day rule to buildings for certain uses. Temporary uses should be subject to separate restrictions where listed buildings are concerned in order to preserve the nation's built heritage. Screening criteria should also be applied to temporary uses of buildings such as ensuring the unit is completely vacant, a checklist to avoid amenity and impact issues and a threshold for how long the temporary use would occupy the premises. The Local Planning Authority should be informed of the change.</p> <p>It is considered that the extension of temporary uses for buildings would work between businesses rather than between businesses and residential uses. Developers are unlikely to change the use of offices on a temporary basis to housing due to the costs in conversion. However, it could be used to prevent blight in vacant shop units that sit within A classes. Equally, employment uses could lend themselves to adaption for creative industries and community uses.</p> <p>B&amp;HCC are keen to ensure businesses obtain as much assistance as possible to adapt to the changes in economic circumstances and already much work is done with Local Enterprise Partnerships, Economic Forums and the business community to enable businesses to find space that they need through mechanisms such as business properties databases.</p> <p>Given that the NPPF is in draft, the Decentralisation and Localism Bill has not been enacted and that B&amp;HCC is still preparing its Core Strategy in the context of many changes, it is envisaged that an expedient route to allowing temporary uses in buildings to meet local needs will be set within the national</p>

No.	Question	Response
		policy framework, supported by changes in the current legislative provisions.
	Other issues	Observations
10	Building Control	There is scope for other regulators within local authorities such as Building Control or Environmental Health to assess the impacts of change if some of the classes within the UCO are amalgamated.
11	Localism Bill	There are concerns that the removal of the UCO will undermine the aims of localism and its emphasis to support communities, enabling them to participate.
12	Recent consultations - Proposed permitted change between B uses and C3 uses	<p>Policy Exchange produced a research note in March 2011 entitled “More homes: Fewer empty buildings” indicating the rationale for a reform of the Use Classes Order. Page 8 of this document dedicates two paragraphs to the likely disruption of allowing B uses to transfer to C3 uses. It states, “Reform of the UCO would not involve the release of any more land for building.”</p> <p>However, on page 7 it states that “the planning system will hopefully be able to respond by providing further land for commercial purposes” when the market recovers. In an authority like Brighton &amp; Hove with significant physical constraints, there will be no scope to find in the future employment uses lost from this measure, considering much of it would have naturally been developed for the highest land values; predominantly housing. The supposition that there is likely to be few problems regarding amenity or traffic for “undeveloped land that has already been zoned for non-residential development” is not supported with evidence and in the experience of this council, is largely irrelevant.</p> <p>An article published on Conservative Home (<a href="http://www.conservativehome.co.uk">www.conservativehome.co.uk</a>) by Policy Exchange advocates a one size fits all approach to change of use. The proposal to extend permitted development rights to allow change of use from B1 to C3 goes against the localism agenda by imposing a nationally based system to replace the existing one. The proposal for change from office to residential does not allow flexibility or local authorities to exercise choice to respond to local circumstances.</p>

No.	Question	Response
13	Land values	<p>The UCO and planning through regulation of supply of land uses. Where land is restricted and there are significant physical constraints, the balance of uses can be compromised by unrealistic land values. BHCC does not have sufficient land to 'play' with and spiralling land costs will render investment in development projects financially unviable. Cheaper land elsewhere will attract investors and therefore jobs, resulting in unsustainable patterns of commuting and possibly the formation of 'dormitory suburbs'. Local authorities have a duty to protect certain land uses that attract much lower values, such as community uses or educational uses which are vital to a sense of community and sustainably development.</p>
14	National Park	<p>BHCC is bounded by the sea and the newly designated South Downs National Park (SDNP), which extends around its borders eastwards, northwards and westwards. BHCC and the SDNP share planning jurisdiction in some areas of BHCC where boundaries cross over therefore expansion of the city is constrained and land availability for all types of uses is restricted due to the impacts on the SDNP.</p>
15	Any other issues	<p>The underlying tone of this paper suggests that the planning system hinders economic growth. It is important that in reviewing a range of reforms to stimulate economic growth that evidence is provided to support this view and that a range of measures working in tandem are considered. The performance of the planning system and its relative importance in the UK economy should be evidence based and compared with the performance of other fiscal measures such as taxation, public subsidy of banks, exchange rates, business rate relief etc. There is concern there is insufficient evidence to make a case that planning is solely responsible for vacancy rates in commercial premises, although it is acknowledged that planning has a key role to play in ensuring amendments to an inherited set of policies and legislation are effective and meet local requirements.</p>





## THE DANGERS OF DEREGULATING PERMITTED DEVELOPMENT IN ENGLAND

**COALITION PROPOSALS WOULD REMOVE SOME LOCAL CONTROL OVER PLANNING DECISIONS AS WELL AS HINDER ECONOMIC GROWTH, ARGUES ADAM SHEPPARD**

Planning's regulatory framework provides mechanisms to enable the effective management of the built and natural environment. One such tool is permitted development rights, which are intended to make sure that the management of development is proportionate and that controls are only applied where consideration of potential impact is necessary, ensuring that practitioners are not swamped with unnecessary detail.

The permitted development system's approach has changed little since its introduction. Instead it has evolved and grown to meet changing social and economic needs. Its focus on impact has also remained.

Although permitted development is nationally prescribed, article 4 directions can be used to boost local control by removing permitted development rights and requiring a planning application to be made, while local development orders can be used to increase local flexibility by specifying types of development that do not need planning permission.

The Department for Communities and Local Government (DCLG) is consulting on potential changes to permitted development rights in England through an issues paper called *How Change of Use is Handled in the Planning System*. The document says: "Where there are no significant adverse impacts of change of use or development, the Government believes that it should be possible to proceed without the need for a planning application."

This appears to suggest an impact-orientated strategy, and therefore



**Use change: recession-busting commercial premises or flats? The choice isn't yours**

a continuation of the historical approach to permitted development. But the Government has also recently consulted on a proposal that could see the removal of the need for express planning permission for changes from class B1 business to class C3 residential, within which impacts are far less certain.

The Royal Town Planning Institute's response to the DCLG identifies concerns, particularly the risk of using the permitted development system where potential impacts vary so much.

The system does not allow for the management of impacts through mitigation or infrastructure provision. Local plans and planning application processes are intended to address such factors. The associated suggestion that impact management

Many of the commercial buildings that are likely to be available for conversion will be in areas such as business parks where residential location, amenity and infrastructure factors. While use class B1 is defined as being appropriate in a residential area, many B1 premises are in areas that are unsuitable for living in.

If this proposal is implemented, councils would have no control over the mix or location of housing. Without section 106 planning gain agreements and the Community Infrastructure Levy, they would lack a mechanism to provide or improve infrastructure, affordable housing or other community services.

While the proposal only gives permitted development rights for changes of use that do not involve physical alterations, it is inevitable that planning applications for subsequent physical alterations to buildings will follow. To retain control, councils will be forced to use resource-intensive article 4 directions to protect areas from inappropriate change.

This proposal goes against localism: it is a centrally imposed change to regulations that might not be acceptable to the communities it affects. The shortage of housing and the underuse of commercial premises are problems that need to be dealt with, but this should be done through local planning policy and development management, not deregulation.

It may not be perfect, but the planning system exists to ensure that proposals that may cause harm are managed and any unacceptable proposal is resisted or improved. This principle is under threat and with it the planning system's ability to effectively manage space and place.

Adam Sheppard is a senior lecturer in the department of planning and architecture at the University of the West of England, Bristol, and a member of the RTPI's development management network.





<http://www.meanwhitespace.com/news/greg-clark-signals-boost-for-meanwhile-uses-of-empty-buildings>

**PRESS RELEASE**

**Published 25 June 2011**

**Planning Minister Greg Clark today said the Government could scrap red tape in order to encourage 'meanwhile uses' of empty buildings, transforming them into new shops, business start-ups, and community projects.**

Empty properties can lead to a spiral of decline, spoil high streets, and act as a magnet for anti-social behaviour. Meanwhile uses are a way of putting a vacant space back into good use for the benefit of the whole community while a permanent solution is found.

In London's Exmouth Market, for example, a shop lying empty for two years has been transformed by social enterprise Meanwhile Space into a hub offering space to business start-ups and community-focused projects. Shop space has already been booked by a furniture business and a vintage wares store eager to try out their business idea.

Mr Clark believes that it should be easier for businesses and communities to arrange meanwhile uses for empty buildings without having to jump through unnecessary hoops in the planning system.

The Minister today signalled that the Government could scrap rules requiring costly and time consuming planning permission in order to temporarily change the use of empty buildings, as part of a future wider review on deregulating the used class orders system.

This could help reinvigorate local high streets, encourage community enterprises; support entrepreneurs to start-up, contribute to economic growth; and help build stronger, more vibrant communities.

Mr Clark said:

"Empty properties can drain the life away from town centres and are a waste of a valuable social and economic resource.

"We want to make it easier for businesses and community enterprises to reanimate vacant spaces, helping to revive struggling high streets and kick-start local growth.

"Removing bureaucratic barriers in the planning system could play a major part in encouraging meanwhile uses of empty buildings, transforming them into new shops, business start-ups and community projects."

Eddie Bridgeman from Meanwhile Space, a social enterprise which brings empty spaces back into use, said:

"We welcome the fact that the Government is considering getting rid of the need for planning permission for the temporary use of buildings.

"This could give a big boost to getting business and community enterprises into empty premises."

Removing the need for planning permission to temporarily change the use of empty buildings could be a key part of a future Government consultation on deregulating the use class order system. The Government wants to hear similar ideas and views on how the 'change of use' part of the planning system can be improved.

The Government is already working to cut down planning bureaucracy and has announced a full review of national planning policy by 2012. For example it is already consulting on allowing commercial property to be changed into residential property without needing planning permission. This could create 70,000 new homes over 10 years.

The Plan for Growth, published alongside the Budget in March, set out a radical plan of reform to help deliver strong, balanced and sustainable growth in the long term. Reform of the planning system is a key element of that, and today's announcement is another step to creating the right conditions for businesses, to start up, invest and grow.

#### **Notes to editors**

1. The Use Class Order review is being undertaken jointly by DCLG and BIS.
2. The outcomes of this review on how change of use is handled in the planning system through the Use Class Order, and permitted development rights will be announced later this year. Any proposals for changes to legislation will then be subject to formal public consultation.
3. Anyone interested in contributing proposals to drive the scope of the consultation can submit their ideas to [ucoreview@communities.gsi.gov.uk](mailto:ucoreview@communities.gsi.gov.uk). Further information on the Call for Evidence can be found at [www.communities.gov.uk/publications/planningandbuilding/changeuseis...](http://www.communities.gov.uk/publications/planningandbuilding/changeuseis...)
4. The Plan for Growth, published alongside the Budget in March, set out a detailed plan of action for the first part of the Growth Review. The Plan can be found at [www.hm-treasury.gov.uk/ukecon\\_growth\\_index.htm](http://www.hm-treasury.gov.uk/ukecon_growth_index.htm)
5. The Growth Review invites business to take part in a fundamental assessment of what each part of Government is doing to create the best conditions for private sector growth. It is a rolling programme that will last the lifetime of this Parliament. More information about the Review can be found at [www.bis.gov.uk/growth](http://www.bis.gov.uk/growth)
6. Meanwhile Space launched its pop-up shop on Exmouth Market with the support of New Deal of the Mind, a charity which creates access to jobs and self-employment in the arts.





# More Homes: Fewer Empty Buildings

## Reform of the Use Classes Order

Alex Morton and Richard Ehrman

### Executive Summary

This paper proposes that, as part of a strategy for growth, the government should reform the Use Classes Order to make it much easier to move buildings and land from Use Classes A (retail) and B (employment) to C3 (dwelling houses). Such a step would be part of a wider programme of planning reform for which Policy Exchange has been arguing since 2005, the aim of which is to move away from the current top-down 'plan-led' system towards a collaborative and flexible model that delivers both more and better development.

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The Use Classes Order (UCO) is the mechanism by which the planning system in the UK designates land and buildings for particular purposes or uses. These uses fall under broad categories which are then further subdivided, with the most common use class being C3, which covers most domestic housing. In order to move a building from one use class to another (so from employment to residential use), and in most cases from one subdivision to another, planning permission is needed.

The relationship between the different use classes is therefore key to the operation of the overall planning system. The UCO exists for a good reason. No-one wants the house next door suddenly to become a pub without some kind of accountability. The difficulty is that the system has not always kept up with changing times and circumstances when it comes to allowing conversion from one class to another, even when a designated use is no longer viable.

At the moment, the greatest challenge facing the planning system is generally acknowledged to be an acute shortage of housing. British – and particularly English – local authorities have an appalling track record in delivering new homes. Household formation is currently reckoned to be running at around 250,000 a year. Yet despite house prices more than doubling, the 2000-2009 period saw on average just over 160,000 homes built each year in England – the lowest rate since at least the Second World War – and toward the end of the decade almost half of these homes were small one and two bedroom flats.<sup>1</sup>

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<sup>1</sup> For references for the figures in the Executive Summary please see the main document.

Last year 102,000 new homes were completed in England, barely enough to keep up with household formation arising from net migration alone. Meanwhile, many buildings in the retail and also the employment class (which covers industrial and office space) are vacant and no longer well suited for their designated purpose. But too often councils fail to acknowledge as much, and refuse to allow them to become housing. As a result, empty space that could be used for homes remains unused, even in the midst of a housing crisis. We accept vacancy rates for employment and retail space of around 17%, while worrying about a vacancy rate of 3% in the housing sector.

This paper will argue that there is a case for relaxing the Use Classes Order to allow vacant retail, industrial and office space to be converted into housing, without having to obtain planning permission for change of use. We also propose potential safeguards to deal with possible objections to this policy. Relaxing the Use Class Order in this way would encourage growth, reduce urban blight, support the construction industry, and increase the number of new homes being made available. There is also a case for the ‘true cost’ of our planning system being revealed. At present, we create higher housing costs and lower costs for offices and industrial property because our planning system is reluctant to allow change of use. This is shown by, for example, the typical gap in the price of residential and commercially zoned land. But high housing costs increase pressure on wages, meaning the system simply increases costs for business in a different (and hidden) fashion, whilst simultaneously increasing the number of empty buildings and thus adding to inefficiency throughout the economy.

### **The Use Classes System, Why it Exists, and Why Problems Occur**

The Use Classes Order classifies most buildings and development land into four main categories: each of which is itself subdivided. A schedule of its main provisions is attached at Annex A. Broadly, Class A covers shops and other retail premises such as restaurants and bank branches; Class B covers offices, workshops, factories and warehouses; Class C covers homes and other residential uses including hotels; Class D covers non-residential institutions such as schools, halls, churches and cinemas. The UCO does not cover agricultural uses.

The problem with the Use Classes Order is how it interacts with the wider planning system. Under the system as it currently functions, local development plans and local development frameworks, prepared every decade or so by local authorities, allocate land for different uses and set out what the local authority wants their area to look like. On top of this is central government planning guidance. Planning applications, including changes to the use of a property, are therefore judged not only on their individual merits but also on whether they fit in with the local plan and often what the national guidance says as well. The local plan sets broad goals and standards that subsequent planning decisions refer back to.

Because of this wider planning role, councils do not just use the UCO to ensure that a change of use does not impact unfairly on neighbours (e.g. blocking a house converting to a chip shop). They can also

use it to try to second guess the market by forcing buildings to remain designated for purposes which are no longer viable – usually employment and retail purposes. This usually occurs when worthy aims such as ‘maintaining a town centre’ or ‘promoting economic regeneration’ are interpreted in an over rigid fashion.

Much as they might like to, local authorities cannot change economic reality with a sweep of the pen. Councils cannot force shops, factories and offices to keep open, or make them operate at a loss in their current use, but they often act as if refusing to allow a change of use will have this effect. In practice, this merely hinders others from redeveloping redundant premises and utilising underused development land for projects for which there is demand. Not only can this result in derelict buildings and urban blight, exacerbating the problems of struggling high streets and run down neighbourhoods, but the tendency to approve certain categories of land use relative to others distorts prices, leading to a hidden transfer of wealth and allocative inefficiency which impinges on the economy as a whole.

### The Current Situation

In theory the planning system should be able to deal with such problems; the planners, after all, are meant to plan for what is needed. But often this does not happen. At the moment, we have high and rising rates of vacant commercial property of all sorts, and many of these properties are becoming increasingly run down and blighting the areas they stand in. Yet at the same time we have a shortage of housing, which in many places is acute. Conversion from one use to another could both reduce the housing problem and help tackle urban blight. But even where this is permitted, the process can be lengthy and bureaucratic.

The Coalition has repeatedly said that it wants to see more homes built, and that it has radical proposals to reshape the planning system. Policy Exchange is a strong supporter of this move and has proposed key elements of government plans such as the New Homes Bonus, local referendums and sharing planning uplift with local communities. Such a system will lead to better and more homes over time. When the Coalition took power it was clear that the previous approach was failing, with household formation of 250,000,<sup>2</sup> (driven by both internal change and migration), running well ahead of the 160,000 new homes being built annually between 2000-9,<sup>3</sup> while in 2008-9 half of this supply was one or two bedroom flats.<sup>4</sup>

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<sup>2</sup> *Household Projections to 2031, England*, Department for Communities and Local Government, (DCLG), 2009, available:

<http://www.communities.gov.uk/publications/corporate/statistics/2031households0309>

<sup>3</sup> From *Table 244 House Building, Permanent Dwellings Completed*, DCLG, available:

<http://www.communities.gov.uk/housing/housingresearch/housingstatistics/housingstatisticsby/housebuilding/livatables/>

<sup>4</sup> *Recent developments in the UK Housing Market*, Office for National Statistics, August 2009, available: [http://www.statistics.gov.uk/elmr/08\\_09/downloads/ELMR\\_Aug09\\_Chamberlin.pdf](http://www.statistics.gov.uk/elmr/08_09/downloads/ELMR_Aug09_Chamberlin.pdf)

However, at present the planning system is in a state of flux. Key parts of the old set up, including Labour's Regional Spatial Strategies and Density Targets, have effectively been suspended. Meanwhile, the new system is still in embryonic form and it will be several years before it can be fully implemented.

The result is a planning 'hiatus', as local authorities apply the brakes while they wait to see what the new system entails. Research for the National Housing Federation calculates that, following the announced abolition of Regional Spatial Strategies after the election, councils have reduced the number of planned new homes by 215,000.<sup>5</sup> The vast majority of these reductions have been made by councils in the South West, South East and Eastern regions where the housing shortage is worst.

In 2010 the numbers of completed new homes fell to just 102,570 in England.<sup>6</sup> Faced with the planning system getting even worse (from their point of view) before it gets better, some house builders are criticising the Coalition, arguing that its plans are in effect a cloak for Nimbyism. The construction industry's problems were illustrated with the release of the 2010 fourth quarter GDP figures showing that the sector's output fell by 2.5%.<sup>7</sup> This was partly due to weather, but it must be worrying that construction fell so steeply in this period. The government clearly needs to ensure that, while cutting the deficit, private sector activity is expanding and growing.

Looking further ahead, any reduction now in new homes being built or the level of planning consents for the future can only exacerbate the next destabilising house price boom when growth and credit return a few years hence. If there are opportunities to expand the numbers of new homes and at the same time help the construction industry maintain output over the next year or so, the government should look favourably at such proposals.

### **Too Many Shops in the Wrong Places and of the Wrong Type**

Just as the construction of new homes is slowing an increasing number of retail properties of all types are becoming empty, and many are becoming dilapidated as well. These properties are blighting the areas in which they stand. But while many could be converted to housing, planning policy often prevents them being granted change of use, even though residential use may be the only viable future for them.

The average high street vacancy rate was 16.5% by 2010, and had been steadily rising even in periods when GDP grew.<sup>8</sup> Nor is this just a problem in poorer regions – London, the East, and South East all currently have vacancy rates around 14%.<sup>9</sup> It is important to emphasise that the rising level of retail

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<sup>5</sup> National Housing Federation, *Evidence to Communities and Local Government Select Committee*, forthcoming.

<sup>6</sup> See *Table 244 House Building, Permanent Dwellings Completed*, DCLG, available: <http://www.communities.gov.uk/housing/housingresearch/housingstatistics/housingstatisticsby/housebuilding/livatables/>

<sup>7</sup> *GDP Growth Contracts by 0.6% in Q4 2010*, Office for National Statistics, February 25<sup>th</sup> 2011, available: <http://www.statistics.gov.uk/cci/nugget.asp?id=192>

<sup>8</sup> *Terminal Illness or Gradual Decline: A Review of GB Shop Vacancy in 2010*, Local Data Company, 2011

<sup>9</sup> *Ibid.*



vacancy is not just a result of the recession. The growth in internet shopping, for example, has sharply changed the way that Britons shop. In 2000 internet shopping was barely heard of, but by 2010 10.6% of all shopping was done online, according to the Office for National Statistics.<sup>10</sup>

Most predictions expect this share to at least double over the next ten years. This is on top of other changes in the way that we shop – such as our increasing preference toward mini-supermarkets or out of town shopping centres. Mini-supermarkets are particularly efficient in using space – recent McKinsey research found that a Tesco Express store had a sales volume (in terms of £ per square foot) three times that of smaller food stores.<sup>11</sup>

Developments like this mean that there has been a shift in the amount, location and type of retail space that our economy needs. Even in better off areas, many older or poorly located shops will probably never be used again, not least because they lack the modern facilities, such as loading bays and customer parking, that companies with multiple stores require.

The argument about ‘preserving town centres’ is often invoked as a reason not to allow derelict retail properties to change use. While there are sensible things that councils can do to preserve town centres (e.g. provide free or cheap parking), keeping empty shops empty is not one of them. Derelict housing has a huge impact on the value of surrounding properties – and it is likely that a similarly large effect exists with shops. A 2003 survey by HomeTrack found that a derelict house pulls down the value of a neighbouring property by a staggering 20%.<sup>12</sup> In the same way having half the units empty or boarded up is unlikely to encourage shoppers to come to a high street – it is more likely to drive customers away, especially higher spending ones. By forcing ugly, derelict shops to remain on a high street, planners can actually make a bad situation even worse.

Yet few local authorities have done much about this growing problem, even though conversion away from outdated designations could act as a spur for growth – a point recently made by the economist Roger Bootle. Writing in the Daily Telegraph he observed that, “in the current environment, many high-street shops will fall vacant. Permission for redevelopment for residential use will be difficult to get. Pure waste.”<sup>13</sup>

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<sup>10</sup> *Record fall in sales hits Christmas Shopping*, Office for National Statistics, 21<sup>st</sup> January 2011, available: <http://www.statistics.gov.uk/pdffdir/rsnr0111.pdf>

<sup>11</sup> *From Austerity to Prosperity: Seven Priorities for the Long Term in the United Kingdom*, McKinsey, November 2010, available: [http://www.mckinsey.com/mgi/publications/UK\\_report/pdfs/MGI\\_UK\\_growth\\_and\\_renewal\\_full\\_report.pdf](http://www.mckinsey.com/mgi/publications/UK_report/pdfs/MGI_UK_growth_and_renewal_full_report.pdf)

<sup>12</sup> *The Blight Guide on Where Not to Live*, The Times, June 10<sup>th</sup> 2003, available:

[http://property.timesonline.co.uk/tol/life\\_and\\_style/property/article1140930.ece](http://property.timesonline.co.uk/tol/life_and_style/property/article1140930.ece)

<sup>13</sup> *It is time for imaginative solutions to boost confidence*, The Daily Telegraph, 12<sup>th</sup> September 2010, available: <http://www.telegraph.co.uk/finance/comment/rogerbootle/7997962/It-is-time-for-imaginative-solutions-to-boost-confidence.html>

## Distortions in Land Allocated for Employment Use

The B class, covering employment use, has been particularly prone to distortion. Many authorities, especially in the South East, have over provided for employment space while tightly restricting new homes. Over time this has had a significant effect on housing costs.

This over-provision has been partly for political reasons. Local authorities want the revenues and jobs extra businesses create, recent top-down guidance tended to create undesirable housing developments, and the government did not effectively allow money to come with new residents, putting a strain on public services for existing voters.

In addition to this, planners have also been slow to recognise the impact of technology on the demand for employment space; digital storage take up less space than filing cabinets, hot desking requires fewer desks, and laptops and mobiles mean fewer people in the office at all. Working from home may not have reached the levels often predicted, but by 2008 around 24% of firms offered employees the chance to regularly work from home.<sup>14</sup> All of this has had an effect on the amount of employment space required.

Perhaps more importantly, the need to accommodate new technology has also rendered many older office and industrial buildings obsolete, even though they are still structurally sound. Modern offices need raised floors to accommodate computer cabling and suspended ceilings to take air conditioning, features that are not often found in buildings more than 25 years old. Economic change has played a part as well; large factories are rarer than they were even 20 years ago, while many call centre and back office jobs have been outsourced abroad.

Even the South East, the strongest regional economy outside of London, has office vacancy rates at around 17% according to research by Colliers International.<sup>15</sup> The latest vacancy figure for business parks in the UK is the highest since records began at nearly 18%,<sup>16</sup> while the construction of new buildings on them is the lowest it has been since at least 1996.<sup>17</sup> By contrast, the national vacancy rate for housing is just 3%.<sup>18</sup>

Yet many planners are still reluctant to allow redundant B class buildings or unused B class land to be changed to housing, just as they are with empty shops. In 2008, change of use provided just 16,600 new

<sup>14</sup> *Flexible Working: Working for families, working for business*, DWP, 2010, available: <http://www.dwp.gov.uk/docs/family-friendly-task-force-report.pdf>

<sup>15</sup> *South East Office Snapshot*, Colliers International, February 2011, available: [http://www.colliers.com/Markets/UK/content/MarketReports/OfficesReports/South\\_East\\_Offices\\_Snap\\_shot\\_February2011.pdf](http://www.colliers.com/Markets/UK/content/MarketReports/OfficesReports/South_East_Offices_Snap_shot_February2011.pdf)

<sup>16</sup> *Research Report: Business Parks Review: Summer 2010*, GVA Grimley, 2010, available: [http://www.gvagrimley.co.uk/Documents/publications/research/offices/06998%20Offices%20Business%20Parks%20Report%20Summer%202010\\_12PG.pdf](http://www.gvagrimley.co.uk/Documents/publications/research/offices/06998%20Offices%20Business%20Parks%20Report%20Summer%202010_12PG.pdf)

<sup>17</sup> *Ibid.*

<sup>18</sup> *Table S048 Dwelling type and accommodation type by household space type*, Office for National Statistics, available: <http://www.statistics.gov.uk/STATBASE/ssdataset.asp?vlnk=7508>

homes, which coincidentally was exactly the same number as was lost through demolition, and compares with a total of 142,680 new dwellings in 2008 overall.<sup>19</sup>

Often planning authorities refuse even to consider change of use unless a commercial property has been empty for at least several years, with the result that many owners have demolished empty premises rather than pay full rates when it is unlikely they will ever be viable again in their current use. According to the Institute of Commercial and Business Agents, the then Labour government's own statistics suggest that up to 8,900 buildings were demolished between March 2007 and the end of 2009<sup>20</sup> as businesses chose not to pay the empty property tax required.

Given the high level of commercial vacancy rates, there is also a good argument for allowing at least some of the land currently zoned for commercial development to change to housing. Letting this happen without years of delay in the planning process would make particular sense given the current difficulty in securing funding to develop it for commercial use. By the time demand picks up a new, more flexible planning system will hopefully be able to respond by providing further land for commercial purposes, when and where it is required.

### The Scope for Reform

Scrapping the Use Classes Order outright before a new neighbourhood planning system is in place would not be wise. Broadly speaking, neither do the classes themselves need altering – as designations they are useful. It is the lack of flexibility between them that is the problem. At present the scope for changing use without permission is extremely limited. Permission always has to be obtained to switch from one use class to another. Even within the C class permission has to be obtained for a change to C3 housing, unless it is from C4 which covers houses in multiple occupation.

Yet, it is clear that many vacant or underused employment and retail premises could be changed to residential. Indeed, this would be worth doing even if housing was not in such short supply, to prevent empty shops, offices and warehouses blighting their surroundings. The effect of such a reform on housing supply is difficult to estimate, but all the indications are that it could be substantial. As far back as 2003, long before the recession struck, a report from the Office of the Deputy Prime Minister estimated that there were 5,000 hectares, equating to over 500 million square feet, of floor space in commercial properties across England that had been empty for over a year.<sup>21</sup>

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<sup>19</sup> Table 244 House Building, Permanent Dwellings Completed, DCLG, available: <http://www.communities.gov.uk/housing/housingresearch/housingstatistics/housingstatisticsby/housebuilding/livatables/>

<sup>20</sup> ICBA – Business Rates are Holding Up Recovery, Institution of Commercial & Business Agents (ICBA), 22 March 2010, available: [http://www.icba.uk.com/news/news\\_details.aspx?id=420](http://www.icba.uk.com/news/news_details.aspx?id=420)

<sup>21</sup> Empty Property: Unlocking the Potential, a Case for Action, Office of the Deputy Prime Minister, 2003, available: <http://www.communities.gov.uk/archived/publications/housing/emptypropertyunlocking>

More recently, over 16% of all non-domestic rateable hereditaments (taxable units of property) were listed as empty in March 2010, a total of 266,000 units.<sup>22</sup> These hereditaments are often large and could provide multiple dwellings. Further, this figure of 266,000 empty units compares unfavourably with the earlier figure of 16,600 new homes being created through conversions in 2008. Nor is the problem of empty commercial property confined to poorer areas or regions. In London, where housing is in especially short supply, Kensington and Chelsea, the City of London and Westminster were all listed as having more than 1,000 vacant commercial hereditaments each.<sup>23</sup>

### Would Safeguards be Needed?

All the available evidence suggests that the case for allowing freer conversion of what is at the moment effectively a large amount of wasted space into much need housing is a strong one. Any reform of the planning system, however, will only work politically if it is introduced sensitively, so as to protect as far as possible the interests of those who might otherwise be adversely affected by changes to the current set up. What are the potential sensitivities and possible problems that need to be addressed before the UCO is reformed?

### Minimal Disruption

In political terms, one advantage of creating more housing by allowing existing commercial buildings and land to be changed to residential use is that only existing buildings or land that has already been approved for commercial building would be affected. Reform of the UCO would not involve the release of any more land for building.

It should also be emphasised that reform of the UCO would only affect the use of a property. Any alteration, enlargement, development etc. not currently allowed as permitted development would still need planning permission, just as at present. Given this, few people are likely to be worried when the use of an existing building changes to housing, rather than from housing to something else, and nor are there likely to be many problems about amenity or traffic. The same will usually be true of undeveloped land that has already been zoned for non-residential development.

### Protecting the Village Shop and Pub

Where retail space is concerned, there is already a perceived problem with 'shutting the village shop', and the Coalition has brought forward proposals for a Community Right to Buy, which will come into play once the Decentralisation and Localism Bill becomes law. Yet having a vacant or derelict shop or

<sup>22</sup> *National non-domestic rates collected by local authorities in England 2009-10*, DCLG, 2010, available: <http://www.communities.gov.uk/publications/corporate/statistics/nondomesticrates200910>

<sup>23</sup> *National non-domestic rates collected by local authorities in England 2009-10 (Revised)*; Table 8: *Estimated number of empty hereditaments as at 31 March 2010*, DCLG, available: <http://www.communities.gov.uk/documents/statistics/xls/1710195.xls>

building is unattractive, lowers residents' quality of life, and damages local economies. Until the introduction of the Community Right to Buy, one way round the village problem might be to allow free change of use for any shop, pub or post office, provided there was another one operating within, say, a mile. This would address concerns over the closure of local amenities (where no other provision exists), while helping to deal with urban areas where a parade of shops or town centre is being blighted by a string of unattractive and derelict properties. It could be that this safeguard should operate with a 'sunset clause' so that once the Community Right to Buy is operating this provision drops out.

### The Hidden Subsidy of Employment Uses

The average land value for a hectare of land with residential planning permission was recently recorded at £1.85 million,<sup>24</sup> while planning permission for industrial use of B2 was around £600,000 and for employment use B1 was £710,000.<sup>25</sup> The imbalance in the provision of employment and housing under the present planning system, which these figures reflect, distorts prices and could be seen as a 'hidden subsidy' from private housing to business. In Guildford, for example, Valuation Office Agency figures show house prices rose by around 40% between April 2003 and the peak of the boom in January 2008, and the price of residential land rose by 60%.<sup>26</sup> Yet rents for good quality offices in Guildford actually dipped slightly over the same period, and the price of land for offices flat-lined.<sup>27</sup>

If this does represent a subsidy for business, however, it is largely illusory. As every employer knows, the higher costs of housing are one of the main factors that push up employment costs. Wages in the South and London are higher in large part because they need to be to meet higher housing costs. Higher housing costs in turn lead to higher government expenditure on housing benefit and social housing, and so higher taxes.

This is not to say that companies will always be able to secure the property they need, in the place that they want, at an economical price. But the problem of redundant shops, factories and offices which reform of the UCO would address is a separate issue. Because modern, efficient, well located commercial premises may not always be easy to come by, it does not follow that we should prevent old, inefficient, badly located ones for which little demand exists from being reused for housing.

<sup>24</sup> *Property Market Report July 2009*, Valuation Office Agency, 2009, available:

[http://www.voa.gov.uk/publications/property\\_market\\_report/pmr-jul-09/index.htm](http://www.voa.gov.uk/publications/property_market_report/pmr-jul-09/index.htm)

<sup>25</sup> Ibid.

<sup>26</sup> See *Property Market Report (Housing) Spring 2003* and *Property Market Report (Housing) January 2008*, published by the Valuation Office Agency, available at:

[http://www.voa.gov.uk/publications/property\\_market\\_report/PDF-spring-2003/4\\_housing\\_market.pdf](http://www.voa.gov.uk/publications/property_market_report/PDF-spring-2003/4_housing_market.pdf)

and [http://www.voa.gov.uk/publications/property\\_market\\_report/pmr\\_jan\\_08/housing.htm](http://www.voa.gov.uk/publications/property_market_report/pmr_jan_08/housing.htm)

respectively.

<sup>27</sup> See *Property Market Report (Residential Land) January 2003* and *Property Market Report (Residential Land) Spring 2008*, and *Property Market Report (Offices) Jan 2003* and *Property Market Report (Offices) January 2008*, all published by the Valuation Office Agency. The 2003 reports are available at:

[http://www.voa.gov.uk/publications/property\\_market\\_report/pmr\\_spring\\_2003.htm](http://www.voa.gov.uk/publications/property_market_report/pmr_spring_2003.htm). The 2008 reports are available at: [http://www.voa.gov.uk/publications/property\\_market\\_report/pmr\\_jan\\_08/index.htm](http://www.voa.gov.uk/publications/property_market_report/pmr_jan_08/index.htm)

Many vacant commercial properties will only remain so temporarily. But many others that are outdated or in poor locations will struggle to find any business that wants to occupy them, even at a bargain price. Furthermore efficient, well located commercial premises are likely to remain in their current use, not only because it is profitable but also because they are usually unsuitable for residential use. Modern offices, factories and shopping centres are not configured for easy conversion to housing, and especially not at an economic cost, whereas the older buildings which they have superseded often are.

But even though the vast majority of businesses are likely to be unaffected by a relaxation of the UCO, for some – mainly small ones in cheaper, older premises – it could be a problem. To reassure them two safeguards could be incorporated in a new UCO:

- The right to convert A or B class buildings to C3 housing should only apply when that building has been vacant for at least a year.
- If an A or B class building has been vacant for less than a year, then the right to convert it to residential should be limited to 50% of the total floor space in any five year period.

The rationale for the first is simple; a building that cannot find a user within a year is clearly struggling. It is also expensive to keep a commercial building vacant for a long period. Not only is there no rent coming in but the owner also has to bear (in most cases) full business rates and other costs, including insurance, which is high for empty properties. Putting a limit of a year on the time the owner of an empty building has to bear these costs before having the right to change to another use would seem fair. And if landlords are tempted to game the new system, having to pay these outgoings for a year, on top of the costs of conversion to housing and the taxes and contributions discussed below, will be a substantial disincentive.

As for part vacant buildings, these can also be difficult and expensive to maintain, and many become run down. Redeveloping empty space within them into homes will require investment from which the businesses that remain can hopefully benefit as well. With these safeguards in place, and given the high level of secondary offices and industrial buildings lying vacant, few businesses should have much to fear from a relaxation of the UCO.

### **Local Authorities and the Question of Windfall Gains**

Just as no business wants to lose a subsidy, even a hidden one, so no bureaucracy wants to lose one of its powers. On that basis alone, local authorities can be expected to be wary of any relaxation of the UCO. In political terms, it is important that they too should be able to gain from a new system. Relaxing the UCO may also produce windfall gains for the owners of commercial buildings or sites that convert to housing, which raises the question – again political – of how much, if any, of this gain should be captured for the public benefit?

That some of the gain should accrue to the public seems reasonable. If it can be done in a way that helps local authorities and communities, then two birds will have been killed with one stone. On the other hand if the Exchequer or local authorities try to extract too much, conversion to housing could in some cases be rendered unviable. There could also be difficulty in establishing what the gain actually is in widely varying situations.

Once again, it is a question of striking an equitable balance. To that end, any system to capture a share of gains arising on conversion from commercial to residential use should be set at a reasonable level, and be simple. It would also be best if it could operate through established mechanisms, rather than having to invent new ones.

Any profit will anyway be subject to tax, normally either corporation tax for companies or capital gains tax for individuals. In addition the government is about to introduce the New Homes Bonus payable directly to councils. Conversions should be eligible for this, which in itself would give councils a financial benefit from a reformed UCO. Finally, the government is also about to introduce a Community Infrastructure Levy (CIL), to be paid by developers of new homes.

Any land zoned for commercial use that is developed as residential following relaxation of the UCO will presumably have to pay this. But any building that is converted to housing, or part converted, should also contribute to a CIL. The simplest way might be to charge a flat rate per converted housing unit, fixed at the same level as the New Homes Bonus. A system on these lines would be a clear and fair way of capturing some of the gains of relaxing the UCO for the public benefit, while at the same time giving local authorities and local people a direct stake in the success of the new system.

### A New Order

An effective reform of the Use Classes Order should have three objectives: to boost the supply of badly needed new housing, to spur growth and economic activity, particularly in the construction sector while a new planning system beds in, and finally to reduce the problem of urban blight and empty buildings. At the same time, reform has to be introduced sensitively, particularly where existing business interests are concerned.

To achieve this, as a minimum a reformed UCO should incorporate the following points:

- Any A or B class building or land that has been vacant for more than a year should be allowed to change to C3 housing without the need for planning permission.
- If an A or B class building has been vacant for less than a year, up to 50% of the overall floor space should be allowed to convert to C3 in any five year period without the need for planning permission.

- However, for A class buildings both provisions would only apply to shops, pubs or post offices provided there is another one operating within one mile until the Community Right to Buy has been introduced.

### Conclusion

At the moment the country suffers from an acute property mismatch. We have a significant housing shortage at the same time that a large number of commercial properties are vacant or partly so. Not only is this a prime cause of urban blight, but the shortage of housing, combined with the current low rate of new house building, places a huge and potentially unsustainable burden on young people and family life. Relaxing the rules to facilitate the conversion of vacant and redundant commercial property to residential use will not solve the problem, but it could make a significant contribution.

Provided that reform of the Use Classes Order concentrates on boosting housing and not other uses, and it is introduced with adequate safeguards, then the benefits to the economy, the built environment and those in search of an affordable home should greatly outweigh any potential downside. As part of its wider programme for growth the government should consult on the details of how this could be achieved as soon as possible.



## ANNEX A: SCHEDULE OF USE CLASSES

### The Current Use Classes Order

(The Town and Country Planning (Use Classes) Order 1987 incorporating the amendments of 2005, 2006 and 2010 orders)

Class	Use	Permitted Change
A1: <b>Shops</b>	Shops, Post Offices, Travel Agencies & Ticket Agencies, Hairdressers, Funeral Directors & Undertakers, Retail Warehouses, Domestic Hire Shops, Dry Cleaners, Internet Cafés, Pet Shops, Showrooms, Sandwich Bars.	None
A2: <b>Financial &amp; Professional Services</b>	Financial Services: Banks, Building Societies & Bureau de Change. Professional Services: Estate Agents, Employment Agencies and Betting Shops. Excludes Health or Medical Services	A1 (If there is a ground floor display window)
A3: <b>Restaurants &amp; Cafés</b>	Where food and drink is sold to be consumed on the premises.	A1 or A2
A4: <b>Drinking Establishments</b>	Public House, Wine Bar or other Drinking Establishments. Excludes Nightclubs.	A1, A2 or A3
A5: <b>Hot Food Take-Away</b>	Where hot food is sold for consumption off the premises.	A1, A2 or A3
B1: <b>Business</b>	a) Offices, other than a use within Class A2 b) Research and development of products or processes c) Light industry.	B8 (where no more than 235 sq.m.)
B2: <b>General Industrial</b>	General Industry: use for the carrying out of an industrial process other than a use within Class B1. Excludes incineration purposes, chemical treatment, landfill or hazardous waste.	B1 or B8 (B8 limited to 235 sq.m.)
B8: <b>Storage &amp; Distribution</b>	Storage or Distribution centre, including open air storage.	B1 (where no more than 235 sq.m.)
C1: <b>Hotels</b>	Hotel, Boarding House or Guesthouse, where no significant element of care is provided. Excludes Hostels.	None
C2: <b>Residential Institutions</b>	Hospital, Nursing Home, Boarding School, Residential Care Home, Residential College or Training Centre where there is a provision of residential accommodation and care to people in need of care other than a use within Class C3.	None
C2A: <b>Secure Residential Institution</b>	Prison, Young Offender's Institution. Detention Centre, Secure Training Centre, Custody Centre, Short Term Holding Centre, Secure Hospital, Secure Local Authority Accommodation or Military Barracks.	None
C3: <b>Dwelling Houses</b> <b>C3(a)</b>	Forms three parts:  by a single person or people living together as a family; an employer and domestic assistant (such as au pair, nanny, nurse, chauffeur, personal assistant, servant, gardener, secretary), a carer and a care user or a foster parent and foster child.	None
<b>C3(b)</b>	by not more than six residents living together as a single household and receiving care, such as supported	None

	housing schemes for people with learning abilities or mental illness.	
<b>C3(c)</b>	by more than six residents other than a use within Class C4, who live together as a single household, such as a religious community or homeowner and a lodger.	<b>None</b>
<b>C4: Houses in multiple occupation.</b>	Small shared dwelling houses occupied by between three and six unrelated individuals as their or only or main residence, who share basic amenities such as a kitchen or bathroom.	<b>None</b>
<b>D1: Non-Residential Institutions</b>	Clinics & Health Centres, Crèches, Day Nurseries & Day Centres, Museums, Public Libraries, Art Galleries & Exhibition Halls, Law Court, Non-Residential Education & Training Centres. Places of Worship, Religious Instruction & Church Halls.	<b>None</b>
<b>D2: Assembly &amp; Leisure</b>	Cinema, Concert Hall, Bingo Hall, Dance Hall, Swimming Bath, Skating Rink, Gymnasium, or area for indoor or outdoor sports or recreations, not involving motor vehicles or firearms.	<b>None</b>
<b>Sui – Generis</b>	Certain uses that do not fall within any other Class and any change of use will require planning permission. Includes, Theatres, Nightclubs, Retail Warehouse Clubs, Amusement Arcades, Launderettes, Scrap yards, Petrol Filling Stations and Motor Car Showrooms (non-exhaustive list).	<b>None</b>
	Casinos - following declassification planning permission is needed for any premises, including D2 premises, to undergo a material change of use to a casino.	<b>D2</b>



### About the Authors

Alex Morton was Secretary to the Conservative Globalisation and Global Poverty Policy Review 2005-2007. Following a period in the civil service, he joined Policy Exchange in 2010 as a Senior Research Fellow on Housing and Planning issues, and wrote *Making Housing Affordable*, Prospect's 2010 Think Tank Publication of the Year.

Richard Ehrman was a Government Special Adviser in the 1980s and subsequently Chief Leader Writer of the Daily Telegraph. He is the Deputy Chairman of Policy Exchange and has interests in commercial property.

### The work of the Economics Unit at Policy Exchange

For more information on the work of the Economics Unit, please contact Matthew Oakley, Head of Enterprise, Growth and Social Policy, at [matthew.oakley@policyexchange.org.uk](mailto:matthew.oakley@policyexchange.org.uk)

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<b>Subject:</b>	<b>Shoreham Harbour: Interim Planning Guidance (IPG) Update</b>		
<b>Date of Meeting:</b>	<b>15 September 2011</b>		
<b>Report of:</b>	<b>Strategic Director, Place</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Mike Holford</b>	<b>Tel: 29-2501</b>
	<b>Email:</b>	<b>mike.holford@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>No</b>		
<b>Ward(s) affected:</b>	<b>South Portslade; Wish; Hangleton &amp; Knoll</b>		

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

1.1 The report seeks approval to adopt an update of Interim Planning Guidance (IPG) for Shoreham Harbour. Prior to the production of more formal planning policies to guide the regeneration of Shoreham Harbour, Interim Planning Guidance has been jointly produced with Adur District Council and West Sussex County Council and adopted by all three Councils in January 2009. The IPG has now been updated to reflect factual changes since then. Cabinet Member approval for public consultation on a draft updated IPG was given in May 2011. Amendments have been made to the IPG following consultation in July 2011 and approval is now sought to adopt the updated IPG. Adur District and West Sussex County Councils will also be adopting the IPG. A copy of the updated IPG is attached as appendix 1.

**2. RECOMMENDATIONS:**

2.1 That the Cabinet Member agrees to adopt the Shoreham Harbour: Interim Planning Guidance update, subject to any minor grammatical and non-material text and illustrative alterations agreed by the Strategic Director Place in consultation with the Cabinet Member for Planning, Employment, Economic Development and Regeneration, and agreed by Adur District Council and West Sussex County Council.

**3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:**

3.1 For some time there has been an aspiration to regenerate the Shoreham Harbour Area, and this is an objective that Brighton & Hove City Council (BHCC), Adur District Council (ADC), and West Sussex County Council (WSCC), the three responsible authorities, have supported and continue to support. The objectives of regeneration are reflected in previous and emerging planning policy documents for the area, notably the BHCC saved local plan policies, and the emerging BHCC (and ADC) core strategies. At a national level, this has been recognised by the project receiving funding under growth point and eco town programmes.

- 3.2 The purpose of the Interim Planning Guidance (IPG) is to provide those interested in the regeneration of the Harbour with a), a summary of the existing planning policy framework for the Harbour, namely the relevant policies as contained in the BHCC Local Plan and emerging BHCC and ADC core strategies, and b), an overview of the future development priorities for the Shoreham Harbour regeneration area during the interim period (2011-2012).
- 3.3 The IPG does not establish new planning policy but, through setting out the background and context to the regeneration plans, aims to help encourage the type of development that is in keeping with the future vision for the Harbour, whilst planning policies are being prepared in the respective core strategies. The IPG has now been updated to reflect a number of factual changes. Consultation on these proposed changes took place between 13 June and 22 July 2011. Further amendments have been made to the IPG as a result of consultation. A schedule of the responses and how the IPG has been changed as a result is set out in appendix 2. In summary the responses covered:
- The need to include specific reference to the 'West Hove Lagoon Area' in reflection of how the community describes that part of the harbour.
  - The need for clearer differentiation between areas within Portslade and areas within Hove which are geographically distinct.
  - A comment that the project may have the effect of 'squeezing out' local businesses in favour of 'mixed use gentrification'. A recognition by the local community of the current role of the harbour as providing space for enterprises that do not easily sit alongside residential areas and that the project could reduce the opportunities for these types of businesses to flourish in the future, impacting on the local economy.
  - Southern Water commented that sufficient site capacity for future waste water treatment works (current site is in Adur) should be allocated for and protected.
  - The environmental impacts of temporary uses in the interim period.
  - The importance of positively highlighting the need to protect and enhance local nature designations, biodiversity, green infrastructure and access to the waterfront. The need for greater recognition of the potential impact of development on water quality and marine habitats.
  - The need to be clear about the planning weight of this document and its relationship with the Core Strategies and any future policy documents for the harbour.
- 3.4 The IPG does not constitute a formal Supplementary Planning Document (SPD) as part of the Local Development Framework but the policies it contains are material planning considerations in the determination of any planning application to which those policies apply.

#### 4. CONSULTATION

- 4.1 The contents of this report have been discussed and agreed in advance with Adur District Council and West Sussex County Council.

#### 5. FINANCIAL & OTHER IMPLICATIONS:

##### Financial Implications:

- 5.1 The only direct financial implication for Brighton and Hove City Council relates to a small element of officer time. The consultation referred to was funded via Adur District Council.

*Finance Officer Consulted: Karen Brookshaw*

*Date: 05/08/11*

##### Legal Implications:

- 5.2 As stated in paragraph 3.4 of the report the Interim Planning Guidance does not have any formal status under the Local Development Framework. However, insofar as the Interim Planning Guidance contains saved Brighton & Hove Local Plan policies and planning policies as contained in Brighton and Hove City Council and Adur District Council's emerging core strategies those policies are themselves material planning considerations to be taken into account in the determination of relevant planning applications. No adverse human rights implications have been identified as arising from the report.

*Lawyer Consulted: Bob Bruce*

*Date: 26/08/11*

##### Equalities Implications:

- 5.3 None directly arising through the IPG.

##### Sustainability Implications:

- 5.4 The IPG aims to prevent piece-meal development in the short-term that would hinder the long term sustainable regeneration of the Shoreham Harbour area.

##### Crime & Disorder Implications:

- 5.5 None identified.

##### Risk and Opportunity Management Implications:

- 5.6 See below.

##### Corporate / Citywide Implications:

- 5.7 The intention of the IPG is to minimise the risk of inappropriate piecemeal development. Shoreham Harbour is a potentially significant employment area and strategic development site for the city. Careful management of development in this area is a city-wide priority.

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The alternative was not to produce Interim Planning Guidance in which case the potential for development to prejudice the long-term aims for the area would remain. Another option would be to produce a formal Supplementary Planning Document (SPD). This option has been discounted due to the time and costs involved in preparing an SPD.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 To provide informal planning guidance in the short-term for the wider Shoreham Harbour area pending the preparation of Core Strategies.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Shoreham Harbour : Interim Planning Guidance Update
2. Responses to Interim Planning Guidance Consultation Draft

### **Documents in Members' Rooms**

None

### **Background Documents**

1. Shoreham Harbour: Interim Planning Guidance Update



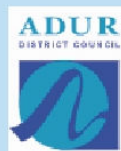


# Shoreham Harbour

August 2011



## Interim Planning Guidance



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## 1. Introduction

### Purpose and status of this guidance

- 1.1 The purpose of this Interim Planning Guidance (IPG) is to provide prospective applicants with a summary of the existing planning policy framework for the Harbour and to provide an overview of the future development priorities for the Shoreham Harbour regeneration area during the interim period (2011-2013), whilst detailed policies are being prepared and adopted.
- 1.2 This IPG does not establish new planning policy but, through setting out the background and context to the regeneration plans, aims to help encourage the type of development that is in keeping with the future vision for the Harbour.
- 1.3 This IPG does not constitute a Supplementary Planning Document (SPD) as part of the Local Development Framework (LDF). It has however been subject to consultation by project partners and a range of local stakeholders prior to adoption by the three authorities. It is underpinned by the Government's Growth Point and Eco Town programmes and the associated investment to date. **As such the IPG will be considered a material planning consideration when determining planning applications.**
- 1.4 Refer to [www.shorehamharbour.com](http://www.shorehamharbour.com) for further information on background and context, timeline to date, funding sources, partners and stakeholders, latest news and business opportunities.

### Relationship with Core Strategies and emerging Shoreham Harbour policies

- 1.5 **At the heart of the regeneration programme is the commitment to prepare and adopt a comprehensive planning framework relating specifically to the regeneration area. It is likely that this will be in the form of a Joint Area Action Plan (JAAP) Development Plan Document (DPD) that will be adopted by Adur District Council (ADC), Brighton & Hove City Council (BHCC) and West Sussex County Council (WSSCC) as part of the Councils' Local Development Frameworks (LDF). This document will sit underneath 'Broad Location' policies for Shoreham Harbour within ADC and BHCC Core Strategies and will be used to determine future planning applications within the Harbour area, alongside relevant national policies.<sup>1</sup>**
- 1.6 The Shoreham Harbour policies will be subject to stakeholder and public consultation during 2011/2012 and will then be reviewed and taken forward to public examination.

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<sup>1</sup> **The National Planning Policy Framework is currently out for consultation** and as such the appropriate local policy mechanisms will be reviewed and adjusted accordingly in line with government guidance.

## 2 Shoreham Harbour in Context

- 2.1 Shoreham Harbour is located on the south coast of England, five miles west of Brighton and five miles east of Worthing. The Harbour stretches for three miles and is bounded to the north by the A259 south coast road and the adjacent coastal communities (from west to east) of Shoreham-by-Sea, Kingston-by-Sea, Southwick, Fishersgate, South Portslade and Hove.
- 2.2 The Harbour area comprises important environmental characteristics including the River Adur (linking the Harbour with the South Downs), the coastline, a Site of Nature Conservation Importance at Shoreham Fort and also borders a Site of Special Scientific Interest in the Adur Estuary.
- 2.3 The Harbour area straddles the local authority boundaries of Adur District Council and West Sussex County Council in the west, with a smaller section of the Harbour falling within Brighton & Hove City Council to the east. Refer to Appendix 1.
- 2.4 The Shoreham Harbour regeneration area contains the entirety of the working trust Port of Shoreham operated by the Shoreham Port Authority (SPA). The ownerships within the Port are a mixture of privately owned sites, sites leased from SPA, SPA owned and operated sites and a small amount of local authority owned land such as part of Southwick Beach, Kingston Beach and several car parks. SPA owned and operated sites are largely concentrated in the eastern arm and canal including Lady Bee Marina and operational infrastructure such as the terminals, wharves, dry dock and moorings. Refer to [www.shoreham-port.co.uk/Masterplan](http://www.shoreham-port.co.uk/Masterplan) for site locations.
- 2.5 The regeneration area also takes in a number of sites outside the Port's jurisdiction including immediately adjacent residential and employment areas as well as vacant and underused sites between the A259 and the railway line to the north.
- 2.6 The precise boundary of the Shoreham Harbour regeneration area is still to be determined subject through further consultation.

### Background to the regeneration plans

- 2.7 There has been a long standing aspiration to maximise the potential of Shoreham Harbour and to revitalise the area for the benefit of local communities and the wider sub-region. The three local planning authorities BHCC, ADC and West Sussex County Council (WSSCC) continue to support the regeneration of the area and are working jointly together to progress a viable, locally-supported, strategic long-term vision.

- 2.8 The three authorities are working in partnership with SPA, South East England Development Agency (SEEDA)<sup>2</sup>, the Homes and Communities Agency (HCA). The Government Office for the South East (GOSE)<sup>3</sup> and the Environment Agency (EA) also work closely with the partnership.

### **Regional Spatial Strategy – The South East Plan**

- 2.9 The aspirations for Shoreham Harbour were originally identified in the Regional Spatial Strategy (RSS) for the South East (May 2009). The RSS states that “Shoreham Harbour has scope to provide for a significant level of mixed use development to achieve significant social and economic objectives through regeneration, comprising employment, housing and other uses”.<sup>4</sup>

### **Regional Economic Strategy (2006-2016)**

- 2.10 The Regional Economic Strategy (RES) produced by SEEDA states the following:
- Priority 6: To invest in the long-term sustainable growth of key ports and to explore future prospects for smaller ports such as Shoreham.

### **Growth Point and Eco-Town status**

- 2.11 Central Government has demonstrated its commitment to regenerating Shoreham Harbour through designating the area as a new Growth Point as part of the Growth Points programme<sup>5</sup> and have provided significant funding to progress plans for the area.
- 2.12 In March 2010 Shoreham Harbour received further funding as part of the Government’s Eco-Towns programme. The funding agreement required that further technical assessment be undertaken to test the extent to which new development at the Harbour could meet with the Eco-Town standards as set out in the Eco-Towns Supplement to Planning Policy Statement 1<sup>6</sup>.
- 2.13 These designations, their associated conditions and the level of Government investment in the project to date will be taken into account when considering development applications within the regeneration area.

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<sup>2</sup> The Government has announced that all RDAs including SEEDA will close by April 2012.

<sup>3</sup> The 2010 Comprehensive Spending Review confirmed the closure of the **Government Offices** for the Regions in March 2011

<sup>4</sup> In May 2010, the Government announced the intention to formally revoke the RSS. This intention is currently a material consideration for planning decision-makers to take into account.

<sup>5</sup> Further information at <http://www.communities.gov.uk/publications/housing/partnershipsforgrowth>

<sup>6</sup> Download at <http://www.communities.gov.uk/publications/planningandbuilding/pps-ecotowns>

## Coast to Capital Local Enterprise Partnership (LEP)

2.14 The 'Coast to Capital' LEP covers the whole of West Sussex, Brighton and Hove, the Gatwick Diamond and the London Borough of Croydon. The Board was formally established in May 2011 and includes business and public sector representatives from across the area. The original LEP bid outlined the potential to create 100,000 jobs in the private sector over the next 25 years. Shoreham Harbour was identified in the original LEP bid document as an opportunity area for employment and business growth. To download a copy of the LEP bid, refer to [www.westsussex.gov.uk/LEP](http://www.westsussex.gov.uk/LEP). Coast to Capital has two key priorities:

- **Enterprise and entrepreneurship** – tackling low levels of enterprise and business formation so that the longer term competitive health of the area is secured.
- **International trade** – 60% of UK productivity gain is driven by businesses that are internationalised. The area has some slight competitive advantage in this, but the proposal is to significantly increase the numbers of firms who trade internationally.

## Shoreham Port Authority and Port Masterplan

2.15 Shoreham Port Authority has recently produced a Port Masterplan.<sup>7</sup> Although not a statutory planning policy document, the plan is reflective of the Port's future aspirations. The Masterplan has been subject to public and stakeholder consultation and should be taken into account when considering any new development in the vicinity of Shoreham Port. The Port Master Plan can be viewed at [www.shoreham-port.co.uk/Masterplan](http://www.shoreham-port.co.uk/Masterplan)

2.16 SPA is supportive of exploring the potential for an eco-town at the Harbour because it compliments the Port's own sustainability objectives. Examples of current sustainable development activities at the Port include:

- Supporting renewable energy generation including exploring plans for wind and solar power generation
- Protection of wildlife habitats and heritage sites including an adjacent Site of Special Scientific Interest, Local Nature Reserve, Scheduled Ancient Monument and Village Green
- Recently undertaking an environmental audit under the Eco Ports Initiative and working towards gaining certification under the Port Environmental Review System
- Implementing measures to improve water quality and preventing water pollution
- Working with the Environment Agency and Adur District Council to undertake ongoing improvements to the flood defence system
- Ongoing monitoring and regulation of air quality and emissions from port-related traffic

<sup>7</sup> As recommended by the Department for Transport in its interim report on the Ports Policy Review (July 2007).

- 2.17 Through physical consolidation and improving commercial viability, the development plans for the Harbour will help to ensure that Shoreham Port continues to play an important role in the local economy. The priority for the Port Masterplan is to provide a clear strategy of land use that maximises:
- Availability of operational land
  - Economic use of non-operational land and financial return from it
- 2.18 It is advisable to consult with the Port Authority as part of any pre-application discussions related to developments that fall within, or adjacent to, the Port Authority's jurisdiction.
- 2.19 Under Section 6 of the Port Masterplan, proposals for specific areas are set out as follows:

**Port Masterplan: Area Proposals**

- **South Quayside** (together with the outer layby berths) is the main operational area of the Port. The focus will be on continuing to improve operational efficiencies, develop new port trade, and accommodate the relocation of existing port operators. With the exception of the existing Power Station, and the Waste Water Treatment Plant, non-port operations would be resisted in this area.
- **Aldrington Basin** is the area with significant potential for change. It is mostly non-port uses. The area could be developed for either port-related activities or new employment (non-port related) development.
- **North Quayside** area has a mix of vacant land, port operators and other businesses, but with the relocation of certain non-port related uses, together with limited land reclamation and a new access road, it has the potential to develop as a new port operational area.
- **Southwick Waterfront** has the potential to be redeveloped for commercial and leisure purposes including increased marina berths with associated facilities, a new 'public hub', extra parking and improved public access to the waterfront. It is also an important Conservation Area.
- **Lock Gates / Dry Dock** area is a key functional part of the port, where the locks, port control and pumping station are located. It is identified as the main new engineering base together with a renovated dry dock and associated facilities. It is also an important Public Right of Way.
- **Harbour Mouth / Outer Lay-by** is the sea entrance to the Port with important tidal berths, new RNLi station, amenity areas and historic sites (Shoreham Fort, Lighthouse). Kingston Beach and the Fort have the potential to be improved as local community amenity areas.
- **Western Arm / River Adur** area has the potential for significant change with the relocation of port-related activities to other areas of the Port, the possible relocation of other uses and in the longer term redevelopment for residential,

leisure and employment uses.

- **Public Beaches:** Southwick and Portslade beaches are important to local residents and watersport participants and there are opportunities for upgrading / enhancing them as valued local amenity areas.

Source: [www.shoreham-port.co.uk/Masterplan](http://www.shoreham-port.co.uk/Masterplan)



### 3 Strategic Vision and Priorities

- 3.1 As stated in the original Growth Point Programme of Development (submitted to Government in October 2008), the long term aim is to create a high-quality exemplar sustainable development at Shoreham Harbour potentially comprising a mix of residential, employment, community, education, leisure and ancillary retail development; to support the regeneration objectives of increasing housing and employment opportunities and skills in the area, whilst also raising environmental quality.
- 3.2 The key priorities underpinning the vision are set out below. These were identified through a consultation process with local Councillors and stakeholders and will be further explored during forthcoming consultation phases.

#### Key Priorities:

- Reducing inequalities by improving housing for local people and providing new homes in a range of sizes, tenures and types of accommodation to complement the existing housing stock and to meet identified needs, including affordable and family homes.
- Improving the area's economy by investing in the business environment and providing a range of premises for business and commerce to support and complement the wider economy of the Brighton and Hove diamond of growth and the long-term needs of the community; including promotion of high-value sectors.
- Reducing inequalities by equipping the area's residents and workers for the jobs of the future by providing facilities to enable them to acquire the education, training and skills they will need.
- **Enabling Shoreham Port to continue to play an important role in the local and wider economy.<sup>8</sup>**
- Ensuring that development at Shoreham Harbour provides opportunities for people to live and work within easy reach, and that it is served by high quality integrated transport systems including walking, cycling and public transport routes and interchanges, reducing existing and new demand for travel by private car.
- Reducing the risks from flooding and coastal erosion in the area, in particular Shoreham Town Centre and the Canal area, and ensuring that risks are not increased elsewhere.
- Creating places that enable healthy and enjoyable living by improving existing and providing new: multi-functional open / green spaces; recreation and sports facilities; and making it easier to get to the waterfront, coast and beaches, to the Adur Valley and other local facilities, and to the Downs.

<sup>8</sup> Note: Land reclamation (in relation to the testing of 10,000 new homes at Shoreham Harbour) is now not being pursued following viability testing and assessment of impact on coastal processes.

- Protecting and enhancing the area's historic, environmental and other important assets including Shoreham Fort; Kingston Village Green and the Lighthouse; the Riverside Conservation area (Southwick); the Adur Estuary and the vegetated shingle beaches, and providing better opportunities for them to be experienced and understood.
- Making the most of the area's coastal and waterfront location, including designing new development so that it complements the existing built environments of Shoreham town centre, Southwick, Fishersgate, Portslade and **West Hove**; enhances the appearance of and access to river and canal-side waterfronts and beaches, and is appropriate to its setting within the largest urban area in Sussex.
- Improving Shoreham and Southwick town centres, improving the **Station Road / Boundary Road centre**, and creating a new neighbourhood centre for Fishersgate.
- Enhancing community services and facilities, including providing new schools, to serve the existing and future population.
- Ensuring that the area is a leading example of sustainable living, including one that mitigates and adapts to climate change, where the natural environment is enhanced, natural resources are used wisely, and environmental issues are considered in a joined up way. New development will be designed, built and laid out in ways which reduce reliance on the private car; use energy and water efficiently; minimise waste; and keep the carbon-footprint as low as possible.

Source: Adapted from Shoreham Harbour Members Steering Group 28/04/09

- 3.3 Technical studies currently being prepared as part of developing the Core Strategies and the Shoreham Harbour policies will further establish the spatial and viability implications of achieving these aspirations. These studies relate to capacity and viability, flood risk, transport, economic development, water resources, waste water treatment and sustainability.

## 4 Planning Policy Framework

- 4.1 The aim of this section is to outline the main considerations for planning applications in the interim period whilst the Shoreham Harbour policies are being prepared.
- 4.2 ADC and BHCC are the local planning authorities for Shoreham Harbour, responsible for preparing local planning documents and determining the majority of planning applications. For sites within the ADC part of the Harbour WSCC determines planning applications for minerals and waste as well as for other 'County matters' (e.g. schools, libraries) and is the highway authority for roads and transportation within the County. BHCC is the highways authority for areas of the Harbour that fall within its Council boundaries.
- 4.3 Set out below is an overview of key documents and policies that should be taken account of in preparing planning applications for sites within the Harbour area. There are a number of significant changes currently taking place more widely within the planning system and these changes will be taken account of accordingly as they emerge. Other relevant national planning policy and legislation should also be taken into account, in particular, relating to development within ports and Harbours.
- 4.4 In the interim period applications for changes of use and for new developments that promote the regeneration objectives (as set out at 3.2) and are in clear conformity with the future vision for the area (as set out in this IPG and Port Masterplan) will continue to be encouraged. All applications will be assessed against relevant national and local planning policies as set out in Section 4.
- 4.5 Development that is inconsistent with the regeneration objectives but could reasonably be permitted temporarily (without prejudicing the longer term vision) may be granted time-limited permissions of up to 5 years where appropriate.

### Port Authority Permitted Development Rights

- 4.6 The Shoreham Port Authority has permitted development rights for certain types of development within the Harbour area meaning that planning permission from the local planning authority is not required. These rights are set out within the Shoreham Harbour Acts and also reflected within the General Permitted Development Order (GPDO) 1995; Part 17, Development By Statutory Undertakers, Class B (Dock, Pier, Harbours, Water transport, canal or inland navigation undertakings) as set out below:

**Class B Dock, pier, harbour, water transport, canal or inland navigation undertakings**

**Permitted development**

B. Development on operational land by statutory undertakers or their lessees in respect of dock, pier, harbour, water transport, or canal or inland navigation undertakings, required -

(a) for the purposes of shipping, or

(b) in connection with the embarking, disembarking, loading, discharging or transport of passengers, livestock or goods at a dock, pier or harbour, or with the movement of traffic by canal or inland navigation or by any railway forming part of the undertaking.

**Development not permitted**

B.1 Development is not permitted by Class B if it consists of or includes –

(a) the construction or erection of a hotel, or of a bridge or other building not required in connection with the handling of traffic,

(b) the construction or erection otherwise than wholly within the limits of a dock, pier or harbour of –

(i) an educational building, or

(ii) a car park, shop, restaurant, garage, petrol filling station or other building provided under transport legislation.

**Interpretation of Class B**

B.2 For the purposes of Class B, references to the construction or erection of any building or structure include references to the reconstruction or alteration of a building or structure where its design or external appearance would be materially affected, and the reference to operational land includes land designated by an order made under section 14 or 16 of the Harbours Act 1964(7) (orders for securing harbour efficiency etc., and orders conferring powers for improvement, construction etc. of harbours), and which has come into force, whether or not the order was subject to the provisions of the Statutory Orders (Special Procedure) Act 1945(8).

## Interim policy guidance

4.7 The area that this IPG applies to is identified on the map within Appendix 1.

### Interim Policy Guidance

- Development within the Shoreham Harbour IPG area will be encouraged if it is consistent with the vision and regeneration objectives as outlined in section 3 above, with the Port Masterplan and with relevant national and local planning policies.
- Development may not be supported if it is considered likely to prejudice the emerging Shoreham Harbour policies and regeneration objectives set out in section 3 and/or is inconsistent with the Port Masterplan and relevant national and local planning policies.

The following considerations apply to respective forms of development:

i) The following uses may be supported within the Harbour area in locations which are appropriate for the respective use, in accordance with national and local planning policies, and should not conflict with port operations and port-related uses: residential, B1 business uses, tourism, ancillary retail, leisure / recreation related uses and non-residential community uses.

ii) New development, extensions and changes of uses relating to port operational and port-related uses may be supported in the eastern arm and canal of the port, particularly on the south side.

iii) B2 (General Industrial) and B8 (Storage & Distribution) development, that does not require a port-side location, will not normally be supported in locations identified in the Port Masterplan for future mixed-use (where it includes residential). Planning permissions may be granted for a temporary period so as not to conflict with future development plans.

## Key planning considerations

4.8 In line with relevant national and local policies, key factors in considering new development and changes of use in the Harbour area are likely to include:

- **Consistency with Regeneration Vision and Priorities:** Pre-application discussions with ADC or BHCC are advisable to further discuss alignment with regeneration plans as set out at 3.2.
- **Consistency with Sustainable Development standards:** Shoreham Harbour is currently exploring its potential to meet Eco-Town standards as outlined above. A Sustainability Statement setting out the extent to which these standards have been taken into account will be expected as

part of planning applications. Refer to Appendix 2 for guidance on how to meet sustainable development standards.

- **Impact on Shoreham Port operations:** Consultation with Shoreham Port Authority is advisable at an early stage and a statement demonstrating how the Port Masterplan has been taken into account will be expected as part of all planning applications.
- **Impact on Minerals and Waste:** The impact of development on safeguarded wharves and existing waste facilities and the extent to which the development contributes to meeting future needs for minerals imports and waste management will be taken into account. Waste water treatment infrastructure and the potential need for additional capacity will be taken in to account.<sup>9</sup> Further detail is set out within the objectives and policies of the emerging Minerals and Waste Core Strategies.
- **Impacts on Flood Risk and Coastal Processes:** The impacts of development on flood risk and on coastal processes will be considered. The approach to development in flood risk areas (as set out in PPS25: Development and Flood Risk) must be adhered to. The Strategic Flood Risk Assessments (SFRA) for Adur and Worthing and for Brighton & Hove identified the majority of Shoreham Harbour as being located within Flood Zones 2 and 3. These SFRA's are now being updated as more detailed flood risk information has become available. Contact Planning Policy section of either ADC or BHCC for the latest information.
- **Environmental Impacts:** The impacts of development, including temporary uses, on the local environment including noise, vibration, air quality, streetscene and visual amenity will be relevant considerations. Depending on the nature of the development a traffic impact assessment and travel plans may be required. The impact on Air Quality Management Areas at Shoreham High Street, Old Shoreham Road in Southwick and South Portslade/Hove will also be considered.
- **Proximity to Health and Safety Executive (HSE) Consultation Zones:** Limited parts of the Harbour area are subject to development constraints due to their proximity to hazardous installations. ADC, BHCC and Shoreham Port can provide further detail of affected areas and implications on request.
- **Contaminated Land:** A site investigation and remediation strategy may be required to accompany planning applications for development on contaminated land. Further investigations are currently underway to establish the extent and nature of contamination on sites within the harbour area.

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<sup>9</sup> Waste water treatment infrastructure will be considered in further detail in a future policy document for the harbour in the context of future demand and impending changes to environmental regulation requirements which may have implications for future land take requirements.

- **Impact on water quality, marine habitats and biodiversity:** For developments likely to impact on the marine environment, the Environment Agency, Marine Management Organisation and Natural England should be consulted at an early stage. New development should seek to enhance and protect biodiversity as set out in PPS9.

**Brighton & Hove City Council – Adopted Local Plan (2005) saved policies<sup>10</sup>**

- 4.9 The majority of the Local Plan policies have been saved. Of particular relevance to Shoreham Harbour are the following:
- 4.10 Policy EM12 makes provision for interim development control in the context of earlier regeneration policies for the Harbour, anticipating that these would be superseded by a more detailed policy document in the future.

**Policy EM12: Shoreham Harbour – mixed uses**

Planning permission will be granted for Port related activities prior to the construction of a transport link, provided they do not add to the environmental disadvantages suffered as a result of HGV traffic passing along the roads used for port access and provided they do not generate unreasonable levels of noise dust, fumes and other forms of pollution.

Planning permission for redevelopment of the site for employment, housing, leisure, specialist marine and small scale retail uses, hotel accommodation and public open space will be granted in accordance with a future development brief for the area, provided the proposals do not add to the environmental disadvantages suffered as a result of HGV traffic along the existing roads used for Port access and provided they do not generate unreasonable levels of noise, dust, fumes and other forms of pollution. The proposed mix of uses: location details; design; landscaping and access arrangements; will be expected to comply with a future development brief. Planning permission will not be granted for permanent extensions to existing Port related activities, industrial buildings or new industrial development within the area.

Planning permission will be granted for temporary Port related development and temporary buildings for existing industrial users prior to the construction of a transport link provided they do not add to the environmental disadvantages suffered as a result of HGV traffic passing along the roads used for Port access and provided they do not generate unreasonable levels of noise, dust, fumes and other forms of pollution. Redevelopment of the site will be phased to allow for the completion of transport infrastructure improvements and the relocation of the existing industrial and commercial uses to land proposed for reclamation<sup>11</sup>

<sup>10</sup> [http://www.brightonhove.gov.uk/downloads/bhcc/local\\_plan\\_2005/adopted\\_local\\_plan-saved\\_policies\\_july\\_08\\_Chapter05.pdf](http://www.brightonhove.gov.uk/downloads/bhcc/local_plan_2005/adopted_local_plan-saved_policies_july_08_Chapter05.pdf)

<sup>11</sup> Since adoption of the Local Plan, land reclamation proposals have been found to not be viable or implementable in the foreseeable future.

in Adur District.
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## Brighton & Hove City Council - Local Development Framework

### *Core Strategy Proposed Submission Document (February 2010)*

- 4.11 Information about the current status of the BHCC Core Strategy can be found by visiting the Local Development Framework page on [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk).
- 4.12 The submitted Core Strategy contains a specific Policy DA7 for the Harbour area. Technical Background Papers were also submitted about the status of the Shoreham Harbour regeneration strategy.
- 4.13 **Policy DA7 – Shoreham Harbour and South Portslade<sup>12</sup>**: Shoreham Harbour and South Portslade are identified as a Development Area. Policy DA7 sets out the City Council's priorities for the area and the aim to create a highly sustainable neighbourhood adhering to the latest standards for sustainable development including, amongst other things, new and higher quality jobs, new homes with a mixture of tenure and housing types, new retail, leisure and community facilities with a high quality network of public open space, and modernised and consolidated port activity.
- 4.14 **Shoreham Harbour Area Background Papers 1 & 2<sup>13</sup>** : A Technical Background Paper and a Statement of Common Ground accompanied the Core Strategy Submission document to provide clarity on the joint working arrangements with ADC and the other partners.

### **Sustainable Building Design – Supplementary Planning Document (June 2008)**

- 4.15 Brighton and Hove's adopted Sustainable Building Design Supplementary Planning Document (SPD) (2008) sets out recommendations for minimum standards of sustainable design in new development within the City. These standards are set out in full in Appendix 2.

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<sup>12</sup> Download at: [http://www.brighton-hove.gov.uk/downloads/bhcc/ldf/REg\\_27Core\\_Strategy\\_Proposed\\_Submission\\_February\\_2010v2.pdf](http://www.brighton-hove.gov.uk/downloads/bhcc/ldf/REg_27Core_Strategy_Proposed_Submission_February_2010v2.pdf)

<sup>13</sup> Download at: [http://www.brighton-hove.gov.uk/downloads/bhcc/ldf/CS\\_Sub-Shoreham\\_background1\\_2.pdf](http://www.brighton-hove.gov.uk/downloads/bhcc/ldf/CS_Sub-Shoreham_background1_2.pdf)



**Adur District Council – Adopted Local Plan (1996) saved policies<sup>14</sup>**

- 4.16 Within Part 10, Business, Industry and Warehousing of the Local Plan, key saved policies relating to the Harbour include:

**Policy AE7: Shoreham Harbour**

The District Planning Authority recognises the primary function of Shoreham Harbour as a commercial Port. Development will be approved within the area of the Port covered by Inset Plan 3 if it does not affect the operation of the Port or prejudice its economic viability and subject to Policies AT3 and AT4.

- 4.17 Policy AE7 protects the ongoing viability of Shoreham Port and recognises its primary function as a commercial port and its integral role in the local economy. Land subject to Policy AE8 allows for non-port related uses where port-related use is impracticable or where wider benefits may be secured as a result.

**Policy AE8: Shoreham Harbour**

On land shown subject to this policy on the Proposals Map, permanent development unrelated to the commercial Port of Shoreham-by-Sea will be permitted where port-related uses is impracticable without unacceptable impact or where wider benefits may be secured as a result. All development proposed under this policy will be assessed in relation to Policy AT3 or Policy AT4 as applicable.

- 4.18 The use of the Harbour area for water-based leisure and recreation is acknowledged within Part 13, Recreation, Leisure and Tourism. Key policies for consideration include AR13, AR14 as well as AR15, AR16 and AR17.

**Policy AR13: Shoreham Harbour**

The District Planning Authority will normally permit the development of facilities for active or passive recreation at Shoreham Harbour (in the areas covered by Inset Plan 3) subject to:-

- (a) no conflict with the operation and natural expansion of the Harbour's commercial activities;
- (b) no conflict with nature conservation;
- (c) local environmental considerations; including effect on the residential amenity of nearby dwellings, and
- (d) on-site car parking arrangements and access to the public highway being acceptable under Policy AT12

<sup>14</sup> Download full list of Saved Local Plan policies: <http://www.adur.gov.uk/docs/planning/ldf/amr-saved-policies-2009-2010.pdf>

**Policy AR16: Public Hards**

In any proposals for the comprehensive development or redevelopment of land adjacent to any public hard within the Local Plan area, developers will be required to provide improvements to the hard, including access to it, and conveniently sited parking for cars and trailers.

This policy shall not be taken to preclude the re-siting of a public hard (subject to the necessary legal procedures) if this is necessary to produce a satisfactory development or redevelopment, providing the standard and effectiveness of use of the facility remains the same or is improved.

- 4.19 The Local Plan also includes a number of other saved policies that may be considered relevant to development at the Harbour depending on the nature of the proposal. These may be found at:  
<http://adc/intranet/planning/ldf/annual-monitoring-report.htm>

**Adur District Council – Local Development Framework**

*Emerging revised Core Strategy*

- 4.20 The Adur Core Strategy is currently being drafted and first round public consultation on the district-wide housing and employment land targets will take place in July/August 2011. For information on the current status of the Core Strategy refer to [www.adur.gov.uk/planning/ldf/core-strategy.htm](http://www.adur.gov.uk/planning/ldf/core-strategy.htm).
- 4.21 The emerging Core Strategy policies have not yet been subject to consultation and are therefore not stated in this IPG.

**Minerals and Waste Policy Framework**

- 4.22 Development impacting upon waste and minerals in the Harbour area is currently subject to the policies of the following plans. These policies aim to safeguard specific sites for the importation of minerals (e.g. landing crushed rock and marine-dredged aggregate) and management of waste (e.g. exporting metal for recycling):

*West Sussex Minerals Local Plan (2003)*

- 4.23 Until the emerging Core Strategy is adopted, a number of policies from the adopted Minerals Local Plan have been saved.<sup>15</sup> Of key relevance Saved Policy 40 aims to safeguard and improve wharves in West Sussex and

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<sup>15</sup> Download at  
[http://www.westsussex.gov.uk/your\\_council/strategies\\_and\\_policies/policies/mineral\\_and\\_waste\\_policy/local\\_plans.aspx](http://www.westsussex.gov.uk/your_council/strategies_and_policies/policies/mineral_and_waste_policy/local_plans.aspx)

specifically safeguards five areas within Shoreham Harbour as minerals wharves. Please refer to Appendix 3 of this IPG for a map of these sites.

**Policy 40: Safeguarded Wharves**

Wharves with current or potential mineral use will be safeguarded from inappropriate development. The improvement, modernisation and increase in capacity of aggregate wharves will be encouraged provided that such operations would not have an unacceptable impact on the environment and would not cause a significant increase in disturbance due to factors including increases in noise, dust and traffic.

*East Sussex and Brighton & Hove Minerals Local Plan (1999)*

- 4.24 All of the policies within the East Sussex and Brighton & Hove Minerals Local Plan have been saved.<sup>16</sup> Of key relevance, Policy 8 highlights the importance of retaining aggregates facilities at the Port and limiting further effects of increased traffic.

**Policy 8: Aggregates**

The mineral planning authority supports the retention of the existing facilities for receiving and processing sea-borne imported aggregates at the Port of Shoreham. Planning permission for new or improved facilities will normally be granted where it can be shown that the effects of the traffic generated would be acceptable and would not give rise to significant environmental problems in Hove. Proposals should accord with agreed port development policies for Shoreham.

*West Sussex Waste Local Plan Revised Deposit Draft (2004)*

- 4.25 Although not part of the statutory development plan, the West Sussex Waste Local Plan Revised Deposit Draft (2004) was approved by the County Council for development control purposes in December 2005. Work undertaken on the plan is being fed into the preparation of the Minerals and Waste Core Strategy.
- 4.26 Policy A1A of the Draft Waste Local Plan safeguards existing waste management sites from development that would prevent or prejudice their use. Existing sites safeguarded under this policy within the regeneration area are:
- Shoreham-Brighton Road - Household Waste Recycling site (Ref:AD65)

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<sup>16</sup>

<http://www.eastsussex.gov.uk/environment/planning/development/mineralsandwaste/mineralslocalplan.htm>

- Shoreham Waste Water Treatment Works, Basin Road, Southwick (Ref:AD66)

**Policy A1A: Existing Waste Management Sites**

Development that would prevent or prejudice the use of the following sites for waste management uses will not be permitted unless sufficient operational capacity remains within the County to meet identified waste management needs or a replacement site has been identified and permitted:

- (a) the existing permanent waste management sites listed at the end of the Plan; and
- (b) the sites allocated in Policy A1 as shown on the Proposals Map; and
- (c) new sites permitted and developed for waste management uses during the plan period.

Proposals for new built facilities for the collection, sorting, transfer, treatment or recovery of waste will be acceptable in principle at existing permanent waste management sites safeguarded under this policy, provided that they can be accommodated without conflict with other development plan policies.

*East Sussex County Council and Brighton & Hove City Council Waste Local Plan (2006)*

4.27 The East Sussex and Brighton & Hove Waste Local Plan was adopted in 2006 and its policies are saved until the emerging Core Strategy is adopted.<sup>17</sup> The plan has a similar policy to safeguarding existing waste sites under policy WLP5 and deals with changes to existing facilities under policy WLP6. Existing waste facilities listed in the plan that fall within the regeneration area include:

- Skip It, Basin Road, South Portslade - Skip It Containers (Plan Ref 10)

**WLP5: Safeguarding Sites**

Development proposals which would prevent or prejudice the use of the following sites for waste management uses will be resisted:

- a) the preferred sites and areas of search identified in this plan for strategic waste development;
- b) existing waste management sites with permanent planning permission.

<sup>17</sup> Download at <http://www.eastsussex.gov.uk/environment/planning/development/mineralsandwaste/wastelocalplan.htm>

**WLP6: Expansions or Alterations to Existing Facilities**

Proposals for expansion or alterations to existing waste management facilities will be permitted, subject to other policies of the plan where relevant, where it is demonstrated that:

- a) the development is required to meet current environmental standards; or
- b) the development is required to improve the operational efficiency of the facility; or
- c) the development would contribute towards achieving net self sufficiency of the Plan area in waste management facilities

*Emerging Waste and Minerals Core Strategy for East Sussex and Brighton & Hove*

- 4.28 The second key stage of consultation on the Preferred Strategy took place in early 2010.<sup>18</sup> The (yet to be adopted) strategy includes a proposed policy CS10b on safeguarding wharves that enables provision of wharfage capacity within West Sussex to be taken account of:

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<sup>18</sup> Further information at:

<http://www.eastsussex.gov.uk/environment/planning/development/mineralsandwaste/consultation2009.htm>

**CS10b: Safeguarding of wharf and rail facilities**

The Councils will safeguard rail and wharf facilities in order to contribute towards meeting the regional apportionment set out within the South East Plan and to support modal shift in the transport of minerals.

Capacity for landing and processing of minerals at the following wharves will be safeguarded unless alternative provision is made elsewhere within that port such that there is no net loss of capacity for handling minerals:

- Berths 1 to 5 at North Quay, Newhaven Port
- **Halls Aggregate Wharf, Shoreham Port**
- **Britannia Wharf, Shoreham Port**
- **Ferry Wharf, Shoreham Port**
- Rye Wharf, Rye Port
- Rye Marine Wharf (Rastrums Wharf), Rye Port

Further research in relation to any necessary Appropriate Assessment under the Habitats Regulations is currently taking place and due to be completed by the end of 2009 and will be taken into account for the submission document.

The Councils acknowledge because Shoreham Port is partly within West Sussex, that landings at wharves in the West Sussex part may also help meet demand in Brighton & Hove and the western part of East Sussex. So on that basis alternative provision of equivalent capacity of wharfage within either part of Shoreham Port may be acceptable.

*Emerging Waste and Minerals Core Strategy for West Sussex*

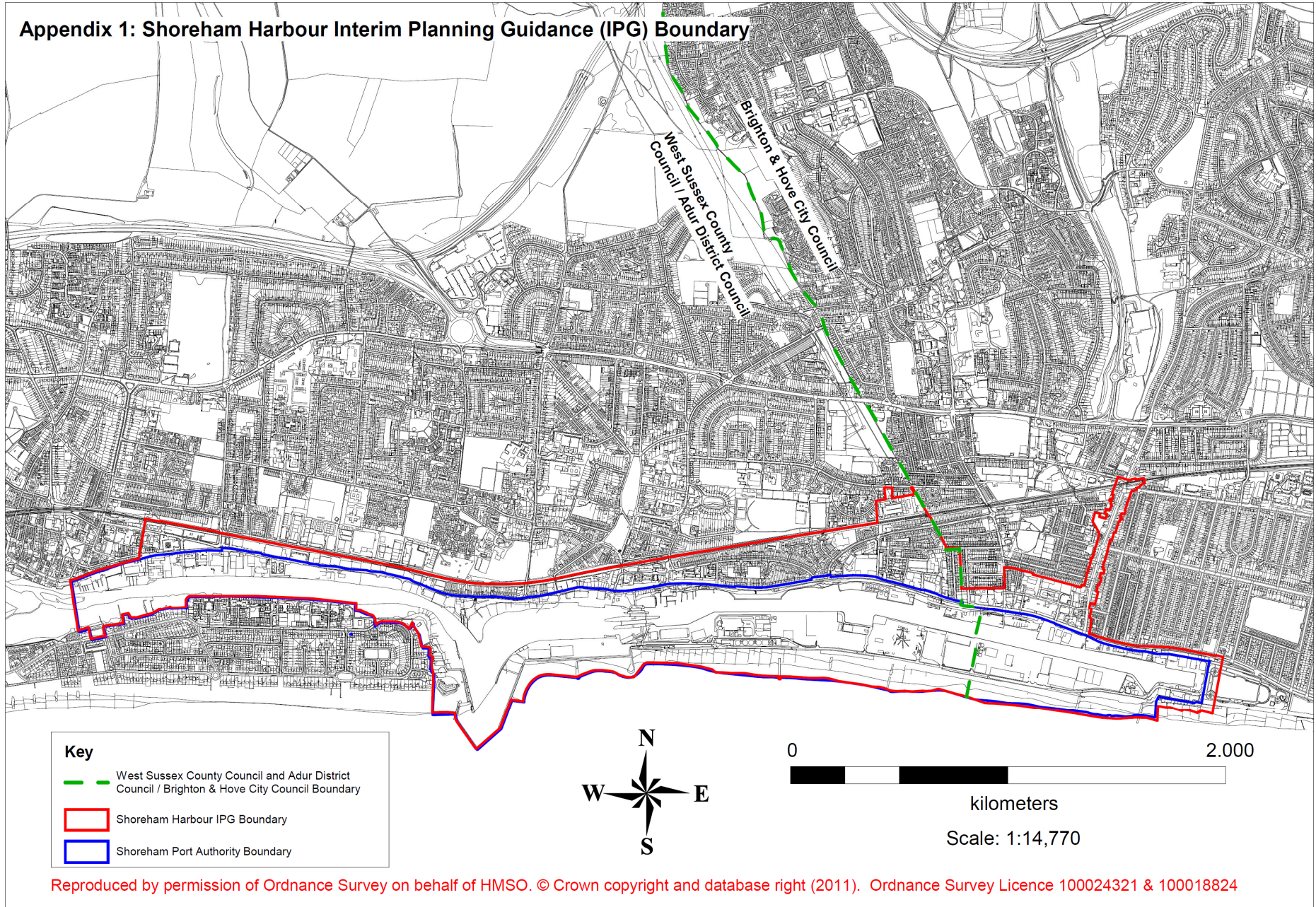
- 4.29 The first draft of the Core Strategy, the 'Preferred Option' was subject to public consultation during 2007. Work on the Preferred Options document was discontinued but it will be used to inform the preparation of the current Minerals and Waste Core Strategy. Policy CSM6 – Wharves and Railheads safeguards wharves and railheads with current or potential mineral use and permits the improvement and modernisation of existing wharves and railheads. Policy CW2 relates to the safeguarding of existing waste management sites. Further information can be found at [www.westsussex.gov.uk/mwdf](http://www.westsussex.gov.uk/mwdf).
- 4.30 WSCC commissioned a study to look at its existing wharves and railheads<sup>19</sup>. This provides evidence of the current imports and future potential capacity of existing and safeguarded facilities and makes recommendations for their safeguarding. The Wharves and Railheads Study (2008) has informed the options presented in Background Paper 4: Transportation of Minerals and Waste, Version 2 (December, 2009), background evidence for the latest Minerals and Waste Core Strategy. Informal stakeholder engagement on the options presented in Background

<sup>19</sup> Land and Mineral management (2008). West Sussex Wharves and Railheads Study.

Paper 4 took place between December 2009 and February 2010. For more information please refer to the website at [www.westsussex.gov.uk/mwdf](http://www.westsussex.gov.uk/mwdf).

- 4.31 An appropriate policy approach that reflects the studies will be incorporated into the emerging Minerals and Waste Core Strategies and the Shoreham Harbour policies in due course. In the interim, proposed development will need to reflect the objectives and policies of the Minerals Local Plans and Waste Local Plans or in cases affecting wharf capacity be subject to a Planning Obligation to secure equivalent wharfage capacity elsewhere within the Harbour.

Appendix 1: Shoreham Harbour Interim Planning Guidance (IPG) Boundary



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## **Appendix 2: Guidance on meeting Sustainable Development standards at Shoreham Harbour**

### **A.1 Planning Application Requirements**

For planning applications within Brighton & Hove City Council area:

- Brighton & Hove City Council have adopted guidance in place (detailed at A.3 below) and all development proposals in the Brighton & Hove part of the harbour will be expected to adhere to this guidance.

For planning applications within Adur District Council area:

- Adur District Council is in the process of drafting Supplementary Planning Guidance on Climate Change which will set out the sustainability standards that will be applied to different types of development proposals across the district, including the Harbour.
- In the interim period whilst Adur Council's guidance is prepared, the Brighton Sustainability checklist along with the Eco-Town PPS1 guidance may be used as guidelines as to the standards expected of new developments.
- A Sustainability Statement will be expected to accompany all planning applications for residential, mixed use and other types of significant development proposals outlining the extent to which these standards have been adhered to.
- It is advisable to discuss with Development Management services at pre-application stage.

### **A.2 Brighton & Hove Standards: Sustainable Building Design Supplementary Planning Document (SPD) (2008)**

- Brighton and Hove's adopted Sustainable Building Design Supplementary Planning Document (SPD) (2008) sets out recommendations for minimum standards of sustainable design in new development within the City.
- The minimum standards recommended to developers in this SPD vary depending on the type of development (e.g. residential or commercial), its size (e.g. from individual homeowners to major development) and its location (e.g. Greenfield or Brownfield). The recommended standards include meeting certain code levels on the Code for Sustainable Homes and meeting certain BREEAM standards.
- The SPD also recommends that for certain new developments, developers should complete Sustainability Checklists, Energy Reports as well as demonstrate various sustainability improvements that will be achieved through the development. Visit: <http://brighton-hove.sustainabilitychecklist.co.uk/> for further information.

### A.3 Eco-town Standards

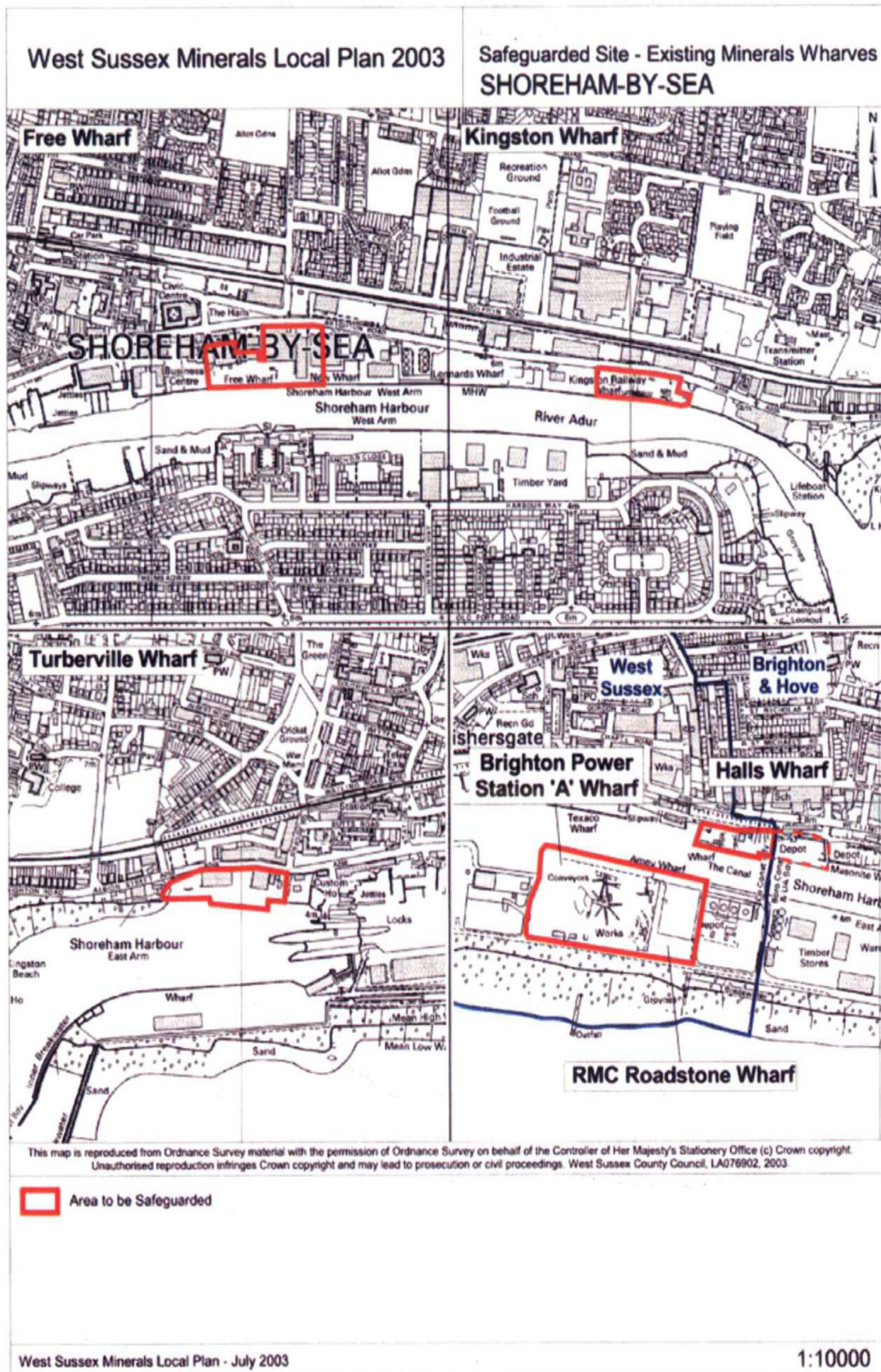
- The potential for an 'Eco-town' or 'Eco-Quarter' at the Harbour is currently being investigated. All new development proposals in the IPG area should be aware of and aspire to meeting the standards as outlined in 'Planning Policy Statement: Eco-towns – a supplement to Planning Policy Statement wherever possible. The standards outlined in the PPS are wide ranging.

As a guide, a summary of the key standards set out in the PPS are as follows:

- **Zero carbon in eco-towns:** The definition of zero carbon in eco-towns means that over a year the net carbon dioxide emissions from all energy use within the buildings on the eco-town development as a whole are zero or below.
- **Climate Change adaptation:** Future eco-towns should be Sustainable communities that are resilient to and appropriate for the changing climate. Eco-towns should deliver a high quality local environment and meet the standards on water, flooding, green infrastructure and biodiversity set out in this PPS, taking into account a changing climate for these, as well incorporating wider best practice on tackling overheating and impacts of a changing climate for the natural and built environment.
- **Homes standards** include:
  - Building for Life Silver Standard
  - Code 4 of the Code for Sustainable Homes (minimum)
  - Lifetime homes standards and space standards
  - Inclusion of real time energy monitoring systems, public transport information and high speed broadband access
  - Provision of at least 30 per cent affordable housing
  - High levels of energy efficiency in the fabric of the building (having regard to changes in building regulations and definition of zero carbon)
  - Achieve at least 70 per cent carbon reductions relative to current Building Regulations (Part L 2006) on the site of the housing development itself (Eco-towns as a whole must be zero carbon – see above)
- **Healthy lifestyles:** development should be well designed contributing to promoting and supporting healthier and more active living and reducing health inequalities.
- **Green infrastructure:** Forty per cent of the eco-town's total area should be allocated to green space, of which at least half should be public – particular attention should be made to provision of local production of food from community, allotment and/or commercial gardens.
- **Biodiversity:** Eco-towns must deliver a net gain in biodiversity.
- **Water:** Eco-towns in areas of serious water stress should aspire to water neutrality, ie achieving development without increasing overall water use across a wider area. New development should:

- be designed and delivered to limit the impact on water use
  - meet the water consumption requirement of Level 5 of the Code for Sustainable Homes or similar high standards of water efficiency (for non-domestic development).
  - Incorporate measures to improve water quality and manage surface water, groundwater and water courses to prevent flooding
  - Incorporate Sustainable Drainage Systems (SuDS)
- **Flood risk management:** Development should:
    - aim to reduce and avoid flood risk wherever practicable
    - not increase the risk of flooding elsewhere
    - ideally be located in flood zone 1
- **Waste:** New development should produce a sustainable waste resources plan setting out:
    - targets for waste and recycling should be substantially more ambitious than the 2007 national Waste Strategy targets for 2020
    - how buildings will be designed to facilitate achievement of these targets, including the provision of waste storage arrangements
    - evidence that consideration has been given to the use of locally generated waste as a fuel source for combined heat and power (CHP) generation
    - how no construction, demolition and excavation waste is sent to landfill

# Appendix 3: Map of Safeguarded Wharves





6/09/2011



**Shoreham Harbour Regeneration:  
Responses to Interim Planning Guidance Consultation Draft**

- A consultation draft of the updated Interim Planning Guidance was circulated for review by selected stakeholders during July 2011.
- Limited responses were received and overall the guidance appears to have been well received as a useful document contributing to working towards a future vision for the harbour area. Comments received were mainly additional detail and minor amendments as opposed to recommendations for significant changes.
- A wider consultation and engagement process will commence shortly during the pre-Issues and Options stage for the Joint Area Action Plan (JAAP) before the subsequent formal consultation stages on the emerging JAAP over the next couple of years.
- Out of the stakeholders sent the IPG, responses were received from the following:
  - 1) Adur Resident
  - 2) Environment Agency
  - 3) Kingsway and West Hove Residents Association
  - 4) Natural England
  - 5) Southern Water
- The full versions of their representations are attached below.

**Key issues of note include:**

- The need to amend some of the references to specific areas of the harbour and the need for clearer differentiation between areas within Portslade and areas within Hove.
- A concern from parts of the local community that the project needs to ensure an appropriate balance of land uses including protecting local employment opportunities and port-related businesses.
- Concern raised by Southern Water that sufficient site capacity for future waste water treatment works need to be allocated for in a future planning document.
- The importance of positively highlighting the need to protect and enhance local nature designations, biodiversity, green infrastructure and access to the waterfront.
- The need for greater recognition of the potential impact of development on water quality, coastal processes and marine habitats.
- The need to be clear about the planning weight of this document and its relationship with the Core Strategies and any future policy documents for the harbour.

Stakeholder	Representation (summarised where appropriate)	Response/Action
<b>1) Adur Resident</b>	<p>Couple of suggestions to ensure the Interim Planning Guidance is as clear as it possibly could be:</p> <ul style="list-style-type: none"> <li>• Within the introduction it is strongly recommended that it stipulates that the guidance will be a 'material consideration' in planning applications (presumable applications in and around Shoreham Harbor).</li> <li>• Secondly, it may be helpful to explain what relationship this guidance will have with the forthcoming Joint Area Action Plan (JAAP) with Brighton &amp; Hove City Council. Will the JAAP replace this guidance? Is the JAPP proposed to still be part of the development plan?</li> </ul>	<p>Added further text at para 1.3.</p> <p>Added further text at para 1.5.</p>
<b>2) Environment Agency</b>	<p>Thank you for the opportunity to comment on the refreshed Interim Planning Guidance. We have no comments to make</p>	<p>No action required</p>
<b>3) Kingsway and West Hove Residents Association</b>	<p><b>Background to this representation:</b></p> <ol style="list-style-type: none"> <li>1. The Kingsway and West Hove Residents Association (KAWHRA) represents the community in Hove living on the edge of Shoreham Harbour in the area bordered by Kingsway, Boundary Road, New Church Road, and Roman Road.</li> <li>2. The area is mostly two storey housing built in the 1920s and 30s along pleasant tree-lined streets. The area was developed at the same time as Hove Lagoon, and links were created to the Lagoon, Hove seafront and the Aldrington Basin area of Shoreham Harbour. Therefore life in the area has long been linked with the Aldrington Basin / Lagoon / Seafront area for a variety of purposes including recreation, employment, business, and of course buying fresh fish from the quayside. Many homes in the area enjoy an outlook over the harbour and sea from their upper floors. This area and the harbour area are therefore closely interrelated.</li> <li>3. The difference in levels between the harbour and the homes in the area has enabled the two adjoining land uses to co-exist separately and happily for 80 years, with the effects of goods traffic generated onto Kingsway from Wharf Road as the main concern of residents.</li> </ol>	<p>Noted</p>



Stakeholder	Representation (summarised where appropriate)	Response/Action
	<p>4. KAWHRA therefore is interested in being involved in consultations on planning for the future of Shoreham Harbour.</p> <p>5. This representation has been written by KAWHRA committee member Sue Moffatt BA, MRTPI (ret'd), who until 2008 was Assistant Director of Planning for Lewes District Council, responsible for many years for policy and regeneration at Newhaven Harbour. There are many common issues between the two harbours, and therefore this representation relates to the KAWHRA area, and also to broader concerns based on that experience.</p> <p><b>COMMENTS</b></p> <p><b>General</b></p> <p>6. The guidance remains a valuable tool for co-ordinating the overall vision for Shoreham Harbour's future in the period pending the production of the formal Shoreham Harbour policies. However there are two principle concerns:</p> <ul style="list-style-type: none"> <li>- the omission of references to the Kingsway and West Hove area which adjoins the edge of the harbour area</li> <li>- a need to make adjustments to better reflect the post credit crunch world</li> </ul> <p><b>Key Priorities (paragraph 3.2)</b></p> <p>7. In view of the abandonment of infilling for the good reasons of viability and coastal processes referred to in footnote 7, the wording (copied below) needs to be amended by removal of the words in italics for the avoidance of doubt about future intentions:</p> <p>Enabling Shoreham Port to continue to play an important role in the local and wider economy <del>including consolidating it on land reclaimed from the sea to the east of the Harbour mouth.</del><sup>7</sup></p> <p>8. The western end of Hove Lagoon and west Hove Seafront is included in the IPG area. The interface between the Lagoon, the important western access to the seafront, and the Aldrington basin area will need careful handling in its regeneration. There will be an exciting opportunity for sensitive regeneration to enhance the area. Therefore we suggest <b>adding the words in bold</b> as shown below:</p>	<p>Reference removed. Explanatory footnote left in.</p> <p>Notwithstanding the importance of this location, the addition is</p>

Stakeholder	Representation (summarised where appropriate)	Response/Action
	<p>Protecting and enhancing the area’s historic, environmental and other important assets including Shoreham Fort; Kingston Village Green and the Lighthouse; the Riverside Conservation area (Southwick); the Adur Estuary; <b>western Hove Lagoon area</b>, and the vegetated shingle beaches, and providing better opportunities for them to be experienced and understood</p> <p>9. There appears to be a misunderstanding in the document of what area is in Portslade, and what is in Hove. The boundary between the two towns runs up the middle of the road confusing called Station Road on its <b>WEST</b> (Portslade) side and Boundary Road on its <b>EAST</b> ( Hove ) side. In this first instance the document needs to include a reference to the area of Hove that adjoins the Harbour by <b>adding the words in bold</b> as shown below:</p> <p>Making the most of the area’s coastal and waterfront location, including designing new development so that it complements the existing built environments of Shoreham town centre, Southwick, Fishersgate, <del>and</del> Portslade, <b>and west Hove</b>; enhances the appearance of and access to river and canal-side waterfronts and beaches, and is appropriate to its setting within the largest urban area in Sussex.</p> <p>The importance of amending this statement is demonstrated by the current controversy over the PortZED planning application, which has its feet in the harbour and its face in west Hove.</p> <p>10. Presumably the statement below refers to Station Road/Boundary Road, as described in 9 above. People in Portslade might see it as Portslade town centre, but people in Hove always refer to ‘Boundary Road Hove’. To avoid confusion the following rewording would help clarify:</p> <p>Improving Shoreham <b>and</b> Southwick <del>and Portslade</del> town centres, <b>improving the Station Road / Boundary Road centre</b>, and creating a new neighbourhood centre for Fishersgate.</p> <p><b>Interim Policy Guidance (paragraph 4.7)</b></p> <p>11. The work on Shoreham Harbour has evolved through a period of significant change in the national economy and in government policy, and some fine tuning is justified to reflect the</p>	<p>inappropriate in this paragraph which lists sites with specific heritage and environmental designations. Regeneration needs to be handled sensitively in all parts of the harbour area.</p> <p>Reference amended accordingly</p> <p>Reference amended accordingly</p>

Stakeholder	Representation (summarised where appropriate)	Response/Action
	<p>needs of the post credit crunch world. The guidance recognises the importance of Shoreham Harbour as a centre for enterprise and international trade. Space for enterprise in the Brighton &amp; Hove /Adur conurbation has long been a diminishing resource. Throughout the conurbation the house price boom resulted in the loss of business sites and premises to housing, and now population pressure is threatening to resume such site losses when finance becomes available for housbuilding. For a long time Shoreham Harbour has provided a resource for a wide variety of enterprises based in or serving the conurbation, particularly those which are not B1 class uses.</p> <p>12. The nature of business is changing with the development of high-tech, media and computing based enterprises needing new kinds of sites and premises, which usually can operate in mixed use areas. However this may not be so for new recycling industries, and there will still be a need to accommodate enterprises which should not be close to housing because of hours of operation, noise etc. By their nature harbour areas have accommodated such enterprises in the past. In the long term future the opportunities for such enterprises within the conurbation will become less as housing intensifies. Shoreham Harbour therefore could become a main hub for the growth of all types of enterprise in the conurbation.</p> <p>13. However the wording of these following sections quoted below from the IPG does seem to imply a future of mixed use gentrification, with port uses under sufferance, and general business squeezed out;-</p> <p>The following considerations apply to respective forms of development:</p> <p>i) The following uses may be supported within the Harbour area in locations which are appropriate for the respective use, in accordance with national and local planning policies, and should not conflict with port operations and port-related uses: residential, B1 business uses, tourism, retail, leisure / recreation related uses and non-residential community uses.</p> <p>ii) New development, extensions and changes of uses relating to port operational and port-related uses may be supported in the eastern arm and canal of the port, particularly on the south side.</p> <p>iii) B2 (General Industrial) and B8 (Storage &amp; Distribution) development, that does not require a port-side location, will not normally be supported in locations identified in the</p>	<p>Noted</p> <p>For clarification, the policy states that it is <i>only the areas</i> identified within the port masterplan for future mixed-uses where B2 and B8 the proposals for new development will not generally be encouraged.</p> <p>The majority of the existing operational port</p>

Stakeholder	Representation (summarised where appropriate)	Response/Action
	<p>Port Masterplan for future mixed-use (where it includes residential). planning permissions may be granted for a temporary period so as not to conflict with future development plans.</p> <p>14. It is suggested that the wording is reviewed to set out the policy towards all types of enterprise more positively and to clarify the balance between provision for residential and non - B1 and similar business uses.</p>	<p>area will continue to be available to house the types of uses referred to in the comments.</p> <p>The detail of the balance of uses will be further explored in the JAAP through consultation.</p>
<p><b>4) Natural England</b></p>	<p>Overall Natural England is satisfied with the IPG for Shoreham Harbour, and would like to make the following comments which we hope you find helpful:</p> <p><b>The Context</b>  This section of the document could describe more positively the environmental assets of the area, including the designated sites, the coast line and the link to the South Downs via the Adur. It could also raise some environmental challenges to any proposed development such as the effect of coastal process on the coastal habitats, flood defence and development. Other opportunities include the delivery of accessible natural 'green space' (including the beach) within and around the development both for people and nature to help address deficiencies in the area. With regard to green space standards we are pleased to see that the Eco-towns standards are incorporated within this document.</p> <p><b>The Strategic Vision and Key Priorities</b>  This section of the document identifies/recognises most of Natural England's concerns given its remit however, we would like to highlight the following:</p> <p>i) Designated national and local nature sites (Adur Estuary SSSI, Shoreham Beach's two Wildlife Sites (Site of Nature Conservation Importance and Local Nature Reserve) in the area should be viewed more positively. These sites not only have their own intrinsic value for which they need to be protected from the adverse impacts of the development but they also enhance the area for the community and provide local distinctiveness, a sense of place and attractiveness and other benefits.</p>	<p>Further text added at 2.2</p> <p>Further text added at 4.8</p>

Stakeholder	Representation (summarised where appropriate)	Response/Action
	<p>ii) The role of existing and future accessible green space (or green infrastructure) should be viewed as multifunctional providing, in addition to recreation (which is stated in the IPG) areas to help enhance existing natural sites, buffer these areas and deliver biodiversity gain. This approach provides opportunities for nature and for people to have regular contact with the natural environment and the associated well being effects this provides. As well as the need for green spaces, green infrastructure can take the form of urban greening of walls and roofs and in addition to the above mentioned benefits delivers others services to the site increasing the liveability of the development (e.g. climate amelioration).</p> <p><b>Planning Policy Framework</b>            In the planning policy framework, Natural England would like to see more specific references to biodiversity and green infrastructure. These references could include the need to protect and enhance biodiversity on the site in accordance with national planning policy statement 9, and the duty on Public Authorities under Section 40 of the Natural Environment and Rural Communities Act (2006) which states that <i>'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'</i>. Also, the planning policy framework could cite the relevant local policies for biodiversity and green infrastructure.</p> <p>Natural England recognises the positive statement within the key planning considerations regarding the <b><i>'Impact on water quality and marine habitats: For developments likely to impact on the marine environment, the Environment Agency, Marine Management Organisation and Natural England should be consulted at an early stage.'</i></b></p> <p>In addition it would seem appropriate to also mention the Shoreline Management Plan or Coastal Defence Strategy within this framework so that these can also be considered during a proposed new development.</p> <p>Finally we welcome the use of both the Brighton Sustainability checklist for the development within this Local Authority's area (Brighton and Hove) and for the development in Adur we welcome the interim use of the same check list alongside the Eco-Town PPS1 guidance, to show the standards expected of new development.</p>	<p>Further text added at 3.2</p> <p>Further text added at 4.8</p> <p>These are cross-referenced elsewhere, such as in the SFRAs.</p> <p>Noted.</p>
<b>5) Southern Water</b>	Thank you for the opportunity to comment on the Shoreham Harbour Interim Planning Guidance. Southern Water supplies water and provides wastewater services to Shoreham Harbour.	

Stakeholder	Representation (summarised where appropriate)	Response/Action
	<p>I note that the purpose of the IPG is not to establish new planning policy but to summarise the existing planning policy framework for the harbour. We have previously responded to documents that constitute this framework, including the Shoreham Harbour Masterplan.</p> <p>We support reference to technical studies in paragraph 3.3 of the IPG. As you know the study relating to wastewater treatment has now concluded. The land-take required to provide necessary capacity for a range of scenarios has been quantified.</p> <p>The IPG should ensure that development that is likely to prejudice the future expansion of the works is not permitted. We believe this principle is covered by the second bullet point of the Interim Policy Guidance in paragraph 4.7. However, this is dependent on the planning authorities' interpretation, and there is no text which specifically flags up the issue. We therefore propose additional text to paragraph 4.8, under "<b>Impact on Minerals and Waste</b>" (new text underlined):</p> <p><b><i>Impact on Minerals and Waste: The impact of development on safeguarded wharves and existing waste facilities and the extent to which the development contributes to meeting future needs for minerals imports and waste management will be taken into account. Further detail is set out within the objectives and policies of the emerging Minerals and Waste Core Strategies. Furthermore, a study commissioned by Southern Water has identified land required to provide additional wastewater treatment capacity.</i></b></p> <p>We have assumed that the need to co-ordinate development with provision of utility infrastructure such as water supplies and wastewater treatment capacity is covered by other planning policy documents such as the Adur and Brighton &amp; Hove adopted Local Plan saved policies. If this is not the case, additional guidance is required in the IPG to ensure that such co-ordination is achieved.</p>	<p>Text and footnote has been added at 4.8. Ongoing co-ordination will occur as part of infrastructure planning process for ADC Core Strategy and the Core Strategies and/or JAAP will include more detailed policy on this issue.</p>

<b>Subject:</b>	<b>Food Growing and Development Planning Advice Note</b>		
<b>Date of Meeting:</b>	<b>15 September 2011</b>		
<b>Report of:</b>	<b>Strategic Director, Place</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Francesca Iliffe</b>	<b>Tel: 29-0486</b>
	<b>Email:</b>	<b>francesca.iliffe@brighton-hove.gov.uk</b>	
<b>Key Decision:</b>	<b>Yes</b>	<b>Forward Plan No: PEERCMM23890</b>	
<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE**

**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 This report seeks endorsement of the draft 'Food Growing and Development' Planning Advice Note. Planning Advice Notes (PANs) are prepared by the Council to provide technical advice and information on certain policy areas. This particular PAN provides technical guidance on the delivery of food growing opportunities and facilities as part of development schemes.
- 1.2 The PAN is intended as helpful technical advice for those preparing planning applications. It does not introduce new requirements or administrative burden for planning applicants.
- 1.3 The PAN accords with Brighton and Hove Local Plan 2005 as provision of food growing areas can support and meet the following policies: SU2 Efficiency of development; QD15 Landscape Design; QD17 Protection and integration of nature conservation features; QD20 Urban open space; HO6 Provision of outdoor recreation in housing schemes; QD2 Key principles for neighbourhoods; and QD21 Allotments.
- 1.4 The delivery of greater local food production and consumption is an objective of emerging local planning policy and is a strategic aim of: the Sustainable Community Strategy; the Sustainability Strategy; and the City Food Strategy ("Spade to Spoon").
- 1.4 The draft National Planning Policy Framework sees the delivery of multiple and effective uses of land ('such as food production') as a Core Principle of planning.

**2. RECOMMENDATIONS:**

- 2.1 That the Cabinet Member for Planning, Employment, Economy & Regeneration approves the draft 'Food Growing and Development' document as a Planning Advice Note to provide information and guidance for use by Development Control, Planning Policy officers, applicants and their agents.

### **3. RELEVANT BACKGROUND INFORMATION:**

- 3.1 A Planning Advice Note provides technical advice and information to applicants (or their agents) seeking planning permission. It does not introduce new requirements but seeks to encourage good practice. It will clarify and expand on local planning policies as adopted in the Brighton & Hove Local Plan (2005), and emerging planning policy (in the draft Core Strategy Proposed Submission (2010)). Although the latter document is to be withdrawn for technical reasons, it still provides the most recent expression of intent with regard to a wide range of council planning policies.
- 3.2 The PAN itself is split into 3 parts:
- Section 1 deals with the policy framework: national and local;
  - Section 2 looks at technical, planning and design issues; and
  - The final section contains Appendices with examples of potential approaches, case studies and resources.
- 3.3 The PAN is the first of its kind nationally. It is designed to be an innovative model that other Local Planning Authorities might adopt. Brighton & Hove has been at the forefront of food policy nationally since the creation of Brighton & Hove Food Partnership in 2003, the publication of the “Spade to Spoon” Food Strategy in 2006, and the inception of the Harvest project in 2008 (see paragraph 3.15).
- 3.4 Impacts from the food system are recognised in ecological foot printing analyses such as the draft One Planet Living Plan to be responsible for one quarter of the total environmental impact of a Brighton & Hove resident. This is as a result of the cultivation, packaging, transportation, processing and disposal of food. Brighton & Hove Food Strategy recognises that the current food system is unsustainable and seeks to reduce these impacts across all sectors.
- 3.5 Planning has the potential to play an important role in delivering a more sustainable food system. The development of this PAN is one of the initial steps towards delivering this.
- 3.6 Several strategic Brighton & Hove policy documents include the aim to increase local food production. These cover the aim to increase allotment provision; develop further community food growing projects; increase the production and consumption of local food; and to increase access to local food. These policies are referenced in the PAN and cited here at paragraph 1.3 and 1.4.
- 3.7 The Sustainable Community Strategy aims to:
- ‘increase the amount of food grown and consumed within the city and reduce food miles and emissions from production, transportation, packaging and disposal’; and
  - ‘increase the amount of land available within the city on which to grow food, extending allotments, growing in schools, around estates, and other available land within the city’.
- 3.8 The PAN will be complemented by the revised online Sustainability Checklist for Planning (launched July 2011). This includes questions on whether food growing elements are being included in development proposals. The submission of a



completed checklist is a validation requirement for applications for residential new build developments and conversions.

- 3.9 Recently the Local Planning Authority has seen a proliferation of major application approvals with a food growing element. These include: One Brighton; Sackville Estate; Falmer Academy; Varley Halls; NEQ Greenway. This reflects the growing movement and technological developments supporting growing opportunities in small spaces in the urban environment.
- 3.10 The incorporation of food growing areas is recognised as good practice by national organisations such as CABI, Natural England, DEFRA and the RTPI.
- 3.11 There is no expectation that the PAN will deliver large scale urban agriculture or a profound increase in food grown in the city. Results may be small scale: the provision of allotment space within residential developments; landscaping with edible plants; planting fruit trees in place of non productive varieties.
- 3.12 Rather, the intention is to encourage food growing into the mainstream so that more residents, visitors, and those who work in Brighton & Hove become familiar with how food is grown, and have the opportunity to develop food growing skills. As an example, the 'Demonstration Garden' at Preston Park implemented by the Food Partnership has had great success in engaging the public with food growing in a confined area.
- 3.13 Public food growing projects offer multiple benefits to those involved. These include: community cohesion; the potential to enhance biodiversity; health benefits associated with outdoor activity and consumption of fresh fruit and vegetables; improving life skills; making productive use of land; and reducing the negative impacts of the food system.
- 3.14 The PAN has been developed on behalf of the council by [Food Matters](#) with support from the council. It is an initiative forming part of [Harvest Brighton and Hove](#). Food Matters is a local organisation operating nationally and internationally on food policy issues.
- 3.15 **Harvest Brighton & Hove**  
*Harvest* is a 'beacon project' funded by the Big Lottery Fund (Local Food Grants) and co-ordinates a city wide, integrated approach to increase the amount of and access to food grown within the City. Harvest is lead by the [Brighton & Hove Food Partnership](#) and Food Matters.

#### 4. CONSULTATION

- 4.1 There is no statutory requirement for specific consultation processes to be implemented when developing PANs. Nevertheless, consultation has been widely conducted. The document has been strongly welcomed by respondents. Where comments were received all strongly endorsed the PAN.
- 4.2 Internal consultation has incorporated: Allotments; Ecology; Arboriculture Team; Environmental Health; Healthy Urban Environment Group; Housing Development; and Economic Development.

- 4.3 External consultation has included: City Sustainability Partnership; Housing Delivery Partnership; Brighton & Hove Food Partnership; Sustain (Alliance of Food and Farming); Health Protection Agency; Environmental Protection UK; Brighton University; and planning agents on the Brighton & Hove Planning Agents Forum. Endorsement has in particular been given by the three city Partnerships consulted.

## 5. FINANCIAL & OTHER IMPLICATIONS:

### Financial Implications:

- 5.1 There have been no direct financial costs associated with the production of this Planning Advice Note other than the use of officer time, as the project has been funded by *Harvest*, which is a 'beacon project' funded by the Big Lottery Fund

*Finance Officer Consulted: Karen Brookshaw Date: 05/08/11*

### Legal Implications:

- 5.2 The PAN is not a statutory planning document and has limited weight as a material planning consideration. However, as stated in the body of the Report, the purpose of the PAN is to encourage food growing in the city and in so doing the PAN supports the adopted planning policies to which it refers and which are themselves material planning considerations in the determination of relevant planning applications.

*Lawyer Consulted: Hilary Woodward Date: 08/11/11*

### Equalities Implications:

- 5.3 An Equalities Impact assessment has not been carried out. The strategic aim of this work is to incentivise the delivery of food growing generally across the city in order that access to these projects is increased for all members of the community.

### Sustainability Implications:

- 5.4 Sustainability objectives to increase land used for local food production and to reduce negative impacts of the food system are the key driver for this Note.

### Crime & Disorder Implications:

- 5.5 Food Projects which are well set up and managed offer the opportunity for community cohesion, and can enhance the sense of ownership that local people have over the land used, increasing surveillance and potentially reducing crime.

### Risk and Opportunity Management Implications:

- 5.6 Whilst a Risk Management Plan has not been undertaken, the risks with endorsement and publication of this Planning Advice Note are not considered to be significant. The Note offers the opportunity for Brighton & Hove to be at the forefront of delivering policy in this area, strengthening its reputation as a leading authority on this agenda.

### Public Health Implications:

- 5.7 The intention of creating positive health impacts through the planning system has been an important consideration in this policy approach. The PAN has been endorsed by Health Protection Agency, and Primary Care Trust colleagues. Engagement by residents in food growing projects encourages outdoor activity, mental wellbeing, social interaction and cohesion, and greater consumption of fresh fruit and vegetables.

### Corporate / Citywide Implications:

- 5.8 Increase in local food production is an aim within the Sustainable Community Strategy and submission version of the Core Strategy and other policy and Local Development Framework documents.

## **6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The alternative option would be not to develop and adopt a PAN on the subject of food growing. The opportunity to benefit from the offer by Food Matters to draft this note for use by the city council was considered beneficial to the local planning authority in supporting the delivery of policy objectives.

## **7. REASONS FOR REPORT RECOMMENDATIONS**

- 7.1 The PAN will offer technical advice to developers on how to deliver good quality food growing areas within development sites. It is an innovative document intended to draw together good practice and further the duty for the local planning authority to deliver sustainable development through the planning system.

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Draft Food Growing and Development Planning Advice Note.

### **Documents in Members' Rooms**

None

### **Background Documents**

1. Brighton and Hove Submission version of the Draft Core Strategy (2010)  
<http://www.brighton-hove.gov.uk/index.cfm?request=c1148443>
2. Brighton & Hove Local Plan (1995)
3. Brighton & Hove Sustainable Community Strategy  
<http://www.bandhsp.co.uk/index.cfm?request=b1158724>
4. Spade to Spoon; A Food Strategy and Action Plan for Brighton and Hove (2006)  
[http://www.brighton-ove.gov.uk/downloads/bhcc/sustainability/food\\_strategy/SpadeToSpoon-WEB\\_FINAL\\_SEPT06.pdf](http://www.brighton-ove.gov.uk/downloads/bhcc/sustainability/food_strategy/SpadeToSpoon-WEB_FINAL_SEPT06.pdf)



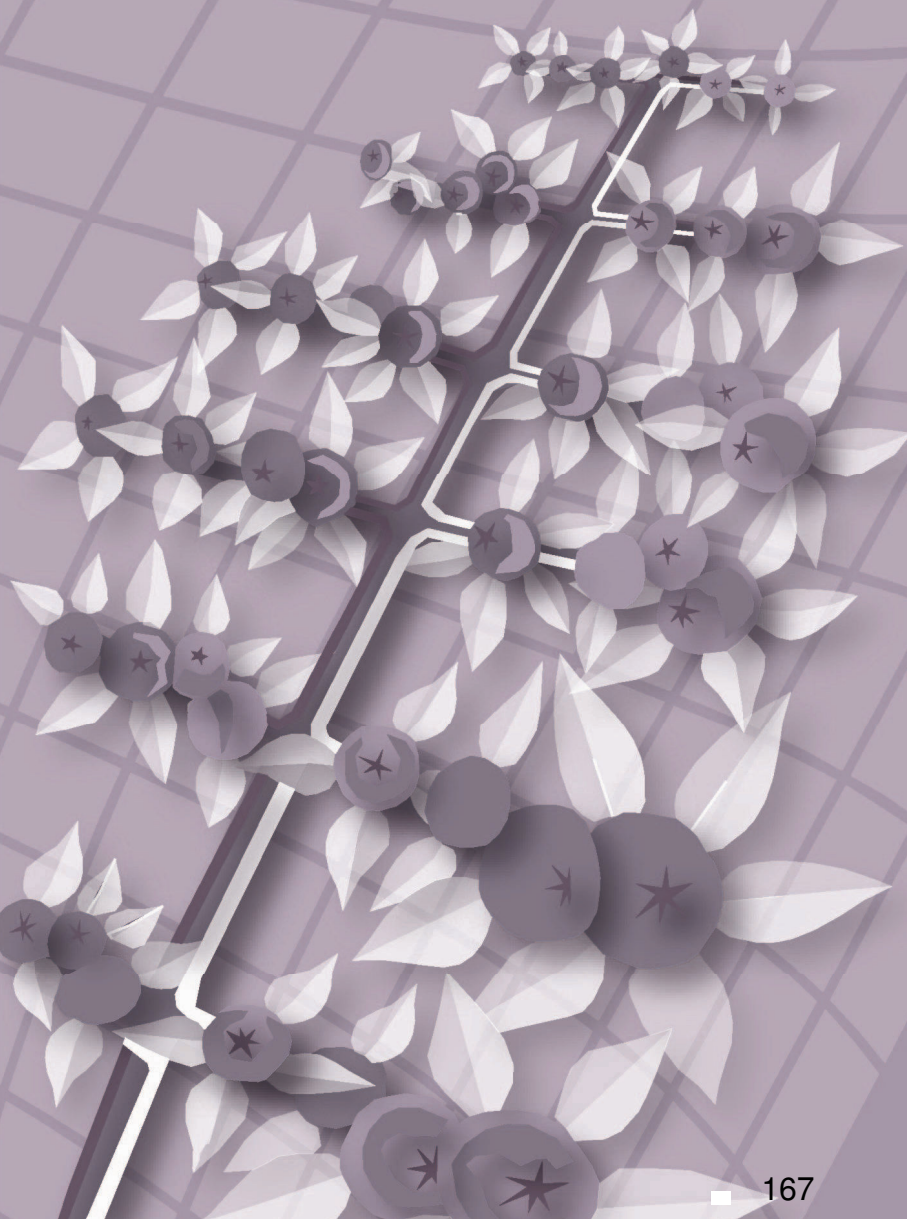
# PAN 06

## Food Growing and Development

September 2011

*Brighton & Hove City Council's Local Development Framework*

Planning Advice Note



# Food Growing and Development

September 2011

This Planning Advice Note has been written by Food Matters, as part of Harvest Brighton & Hove, with support from Brighton & Hove City Council.

**food  
matters**

creating sustainable, equitable food systems



[www.foodmatters.org](http://www.foodmatters.org)

Tel: 01273 431707

[www.harvest-bh.org.uk](http://www.harvest-bh.org.uk)

Tel: 01273 431700

# Food Growing and Development

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# Food Growing and Development

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## **Introduction**

The purpose of this Planning Advice Note is to provide some basic technical considerations, as well as offer inspiration, on how food growing can be incorporated into proposals for new developments. Brighton & Hove City Council supports the provision of food growing opportunities within the city as part of its commitment to sustainable development.

The Brighton & Hove Open Space Study Update (2011) makes recommendations for provision of allotments space because of recognised need for this land use. Allotment provision can be challenging in high density situations and new developments present the opportunity to think more creatively about incorporating food growing opportunities in their design.

Urban food growing is an international movement now being taken seriously by both policy makers and planners as a way of achieving a range of diverse benefits. The inclusion of food growing areas in new developments extends beyond the conventional provision of gardens and allotments in that it might include the creative use of roofs, walls and balconies where external space is limited. It might also include landscaping with edible plants rather than ornamental trees and shrubs. This is particularly relevant in high density developments in cities such as Brighton & Hove where land may not be readily available.

There are many benefits associated with food growing, including improving the physical and mental health of residents, increasing bio-diversity in cities, reducing carbon emissions associated with long distance food distribution, and greening the urban landscape. It is also well evidenced that green walls and roofs can improve the performance of buildings by regulating temperature and contributing to energy savings and reduced carbon emissions. The application of green walls and roofs to include productive plants is a developing technology with innovations emerging all the time.

Provision of food growing in any new developments will need to be considered and integrated with other uses for outside space, for example provision of sport and play facilities and access to open space.



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This Planning Advice Note applies to new build commercial, residential and mixed use developments, and if applicable, to conversions. It is intended to be used by developers and planning officers and interested members of the public as a guide to what might be achievable depending on the specific context of the development.

# Food Growing and Development

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## Section One: Policy Framework

### National Policy

The recent resurgence of food growing and 'grow your own' is driven by a variety of factors – an interest in healthy eating and physical activity, environmental concerns, and a desire to know where our food is coming from and how it has been produced. Food growing is supported by policy at both a national and local level. Growing food as close to the point of consumption as possible contributes to climate change targets by reducing emissions associated with the food supply chain, increases access to fresh food and provides physical activity opportunities, leading to improved health outcomes.

**Planning Policy Guidance 17: Planning for open space, sport and recreation (2002)** sets out standards and recommendations for provision of open space including allotments and community gardens. This takes into account the multiple benefits delivered through the various functions of open space including: strategic functions; urban quality; promoting health and well-being; havens and habitats for flora and fauna; as a community resource; and as a visual amenity.

**Food 2030** (2010), The Department for Environment, Food and Rural Affairs (DEFRA) food strategy, refers to the benefits growing food can have for individual health and for community cohesion and praises the positive impact small-scale food projects can have on the local community. A recent DEFRA Fruit and Vegetable Task Force also acknowledged the benefits people and communities experience through growing their own food: ***'food growing can repair connections between people and food; help people understand food's origin and seasonality; promote healthy eating; be mentally and physically beneficial; protect and enhance biodiversity; build up social bonds; support school curricula and develop young people's skills'***. It also explicitly recommends that ***'an increased amount of land, and infrastructure such as soil quality, is allocated for fruit and vegetable production in planning proposals'***.

# Food Growing and Development

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## Other national policy:

The recently published ***Natural Environment White Paper (Defra 2011)*** recognises the value of our natural environment and the need to create and protect green spaces, particularly within urban settings, and the need to reconnect people and communities to nature.

The public health White paper, ***Healthy Lives, Healthy People (Department of Health 2010)***, recognizes the impact of access to green and open spaces and nature on influencing the health and well being of the local population.

## Local Planning Policy

The benefit of providing opportunities for individual and communal food growing is supported in various planning policies and strategies, in particular:

- Local Development Framework
- The Local Plan
- Sustainable Community Strategy

## Local Development Framework

### **Brighton & Hove City Council Open Space Study Update 2011**

This study sets standards for access to allotments and urban farms (i.e. food growing). It identifies that access to allotments varies with some significant gaps in parts of the City. It acknowledges the aspiration for allotment provision of at least 0.23 hectares for every 1000 residents, within a maximum distance of 15 minutes walk. On new developments there is the potential to think creatively about this provision even where there is a limited amount of outdoor space. For example including rooftop allotments and /or raised beds.

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## Brighton & Hove Draft Core Strategy Proposed Submission 2010

The Brighton & Hove Core Strategy Proposed Submission which was intended to provide the overall strategic and spatial vision for the future of Brighton & Hove for the next 25 years, refers directly to the importance of including urban food growing in planning:

- Recognise, safeguard and encourage the role of allotments; garden plots within developments;
- Food growing opportunities provide people directly with fresh, healthy food, increase education and awareness about good food and healthy eating. The light physical exercise involved in gardening is in line with the recurring aim to promote 'healthier lifestyles' and 'active living'. (*CP4 Healthy City*)

Other requirements within the strategy can also be met by considering the provision of food growing opportunities:

- **CP1 Sustainable Buildings:** New developments to incorporate features that contribute towards a reduction in the city's ecological footprint. Among other things these should include: water efficiency; effective use of land; protecting occupant health; reducing 'heat-island' effect; reducing water runoff; enhancing biodiversity; facilitating composting; reducing air and water pollution; encouraging environmentally intelligent behaviour.
- **CP5 Biodiversity:** The importance of enhancing biodiversity and creating an urban green network is also emphasised. Food growing projects can provide wildlife habitats, particularly in high density areas.
- **CP6 Open Space:** Food-growing can contribute to several aims within this policy –enhancing the range and quality of existing spaces and in particular creating fresh open space in new developments. The Council's Open Space Sport and Recreation Study acknowledged the health and community benefits that allotments and community gardens can have. As detailed above, a key objective of the standard for allotments is to ensure there is provision of space for food growing that can be protected for future occupiers. In view of the constraints on the city the standard will take appropriate account of all types of food growing space and opportunities. In high density developments use of rooftops / balconies for gardens can provide access to open space which may otherwise be impossible where no land is available.

# Food Growing and Development

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## Supplementary Planning Documents and Guidance:

- **Trees and Development Sites SPD06.** Provides guidance and statutory controls on the preservation and planting of trees on development sites.
- **Nature Conservation and Development SPD11.** Explains the applications and interpretations of Brighton & Hove city council's statutory duty to conserve biodiversity through the planning system. This SPD can provide important guidance on incorporating biodiversity into designated food growing areas.
- **Sustainable Building Design SPD08.** Sets standards of sustainability expected for development by size, type and site.
- **Brighton & Hove Sustainability Checklist for Planning:** recognises the importance of food growing on development sites and includes questions on this.
- **SPGBH9: Ancillary Update Document – Updated Open Space Contributions Calculator:** this is a calculator to assist in working out the generated demand for open space by a development. It applies the locally devised open space standards including the one for allotments.

## Developer Contributions – Interim Technical Guidance on the main types of contribution

This document sets out the main types of contributions expected from developments. It includes the local open space standards and encourages on-site open space provision in favour of a financial contribution. The local standard for allotments is 0.23 hectares per 1,000 population (2.3 m<sup>2</sup> per person) within a 15 minute walk time (720 metres). It indicates a minimum size threshold of 0.05 hectares, however, if appropriate smaller provision can be created on-site this may be taken into account. As detailed above, in view of the constraints on the city, 'allotments' may be innovatively interpreted provided there is a mechanism that protects the allotment/food growing space for current and future occupiers.

# Food Growing and Development

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## Local Plan

The Local Plan is the adopted development plan for Brighton & Hove. It sets out requirements which can be supported and met by the provision of food growing:

- **QD15: Landscape Design.** All proposals for development must submit details to show that:
  - a). adequate consideration has been given to landscape design, including all the spaces between and around buildings, at an early stage in the design process;
  - b). the proposal includes suitable open space provision;
  - c). high quality plant materials and high quality landscaping materials have been selected, which are appropriate to the site and its proposed use;
  - e). where appropriate, existing nature conservation features have been retained and new suitable ones created.
- **QD17: Protection and integration of nature conservation features.** New development can also create a variety of opportunities to integrate new nature conservation features for the benefit of local people. Larger development proposals can integrate new habitats into imaginative landscaping schemes and even small developments can incorporate ponds, native plants, bird and bat boxes within roof spaces, 'green roofs' and similar 'greening' ideas.
- **QD20: Urban open space.** Planning permission will not be granted for proposals that would result in the loss of areas of public or private open space that are important to people because of their recreational, community, historical, conservation, economic, wildlife, social or amenity value. Enhancements to these areas of open space will be sought and the preservation of character, appearance, layout and features of importance. For the purposes of this policy 'open space' does not just relate to parks and gardens: it also includes... areas that provide a valuable feeling of space and / or seating within the urban area, areas of grass important as an informal area of play, recreational areas, allotments and areas of amenity value that are visible but not necessarily accessible to the public.
- **HO6: Provision of outdoor recreation in housing schemes.** New residential development will not be permitted unless the requirement for outdoor recreation space, generated by the development, is suitably provided.

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The applicable local open space standards include a standard for 'allotments'. A key objective of the standard for allotments is to ensure there is provision of space for food growing that can be protected for future occupiers. In view of the constraints on the city the standard will take appropriate account of all types of food growing space and opportunities.

- **QD2: Key principles for neighbourhoods.** All new developments should be designed to emphasise and enhance the positive qualities of the local neighbourhood.
- **QD21: Allotments.** Whilst this policy refers to protection of allotments it reflects the importance of allotments to healthy neighbourhoods.

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## **Brighton & Hove Sustainable Community Strategy**

The city's Sustainable Community Strategy aims ***'to increase the amount of food grown and consumed within the city and reduce food miles and emissions from production, transportation, packaging and disposal. To increase the amount of land available within the city on which to grow food, extending allotments, growing in schools, around estates, and other available land within the city'***.

### **Spade to Spoon: Making the Connections, a Food Strategy and Action Plan for Brighton & Hove (2006)**

Supports a sustainable food system within the City and encourages increased food production.



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## Section Two: Planning, Technical and Design Issues

How food growing can be incorporated into new developments will be subject to a range of variables dependent on the purpose, scale and location of the development. Some developments may have no land available but could consider utilising rooftops, walls or balconies as growing spaces. Some developments may have limited access to land in which case landscaping could include productive plants such as herbs or fruit trees as a minimum. Land that is considered unsuitable for buildings i.e. land susceptible to subsidence or awkward pockets could be considered for food growing. Residential developments will present a different scenario to commercial or mixed use development, as there is immediately an obvious group of people to grow the food (i.e. residents). In other situations thought will need to be given to the on-going management of the growing space and who will harvest the produce.

### Planning Considerations

As highlighted above new developments should take into account the local open space standards. A standard has been set for 'allotment' provision, however, it is recognised innovative solutions will need to be found to meet the city's open space requirements. When applying the 'allotment' standard regard will therefore be given to other types of food growing provision provided it can be protected for current and future residents/occupiers.

### Technical and practical considerations

The following technical issues must be taken into consideration as the starting point for food growing whatever the scale or circumstances or features being considered:

- **Land:** how much external land, if any, is available on the site, or can be made available through the design process?
- **Use of building:** is there potential to incorporate growing spaces within, around and on the building?
- **Aspect and light:** Ideally growing spaces should be south facing. Food plants require exposure to direct sunlight during the growing period. If this is limited it may not prohibit food growing but it may restrict the choice of plants to those which require less light.

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- **Water:** Any food growing will need a reliable water supply. Incorporating rain water collection into any design is desirable, but easy access to mains water may also be necessary. Consideration should also be given to water delivery and storage systems to ensure risk of Legionella is controlled.
- **Wind:** Exposure to salty sea wind can damage plants and hinder their growth. Adequate protection needs to be planned into any growing space to allow crops to thrive.
- **Soil/growing medium:** An essential component for growing food which will vary according to the setting. Rooftop or container growing may require a more lightweight growing medium.
- **Compost:** All food growing requires on-going inputs to maintain the fertility of the growing medium. Provision of on-site composting should be designed in from the outset to provide this and will also help manage organic 'waste' generated within the development.
- **Contaminated Land:** Soil in urban settings may need to be checked for contamination and quality<sup>1</sup>. Any site must be made safe for its existing use. The suitability of the land for growing food should be assessed as previous or current land use could have created contamination of the soil. It is the developer's responsibility to ensure any risks posed are appropriately managed. Depending on the circumstances, soil contamination can be overcome by use of containers or raised beds.
- **Access:** Depending on who the site will be used by (elderly people, children, etc.) adequate access must be planned for. In addition, heavyweight materials such as compost and tools may need to be taken to the site – a particular issue for rooftop or balcony growing.
- **Storage:** Adequate provision for the storage of tools and associated equipment will need to be integrated into the design.
- **Management:** Who will be growing the food and will there be a need to provide on-going management of the growing areas by a caretaker or external contractor?

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<sup>1</sup> Environmental Protection UK have developed a leaflet on addressing land contamination when growing edible crops: [http://www.environmental-protection.org.uk/assets/library/documents/Growing\\_Edible\\_Crops\\_Leaflet\\_June09.pdf](http://www.environmental-protection.org.uk/assets/library/documents/Growing_Edible_Crops_Leaflet_June09.pdf)

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## Design Options

Depending on the answers to the above questions and consideration of the above requirements for food growing, several design options can be considered:

- **Rooftops**

Green roofs can be categorised as extensive or intensive. Extensive green roofs tend to consist of non-productive plants e.g. sedums and are designed for energy efficiency or water management. They tend not to be generally accessible. Intensive green roofs are designed to be accessible for either food growing or other recreational activities. Intensive green roofs will require deeper soil levels to support shrubs, perennials and even trees. Beds for growing can be incorporated into the roof at the time of design/construction or they can be added as containers after completion or in conversion projects. Loading capacity for green roofs should be addressed at the design stage.

- **Balconies**

Design of balconies can provide small spaces for individuals to grow a limited selection of plants and are particularly suited to high density residential developments. It is critical to consider aspect. North facing balconies overshadowed by other high density buildings are unlikely to be suitable for food growing. Planting containers / window boxes can be incorporated into balcony design. Railings and structures joining neighbouring balconies can also be designed to support climbing / espaliered plants. Loading capacity for containers should be addressed at the design stage.

- **Walls**

Vertical growing on external and internal walls, the latter usually in atriums or courtyards, can be adapted for food production. As with green roofs, green walls are now routinely used in building design to increase build performance, and in such cases tend to be planted with non productive climbing plants. Green walls require technical considerations such as maintaining the plant and the growing medium in place, and supplying irrigation. There are various systems now on the market for achieving this and some modular planting systems are now starting to include productive plants in their design, in

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particular salads and herbs. Maintenance of productive green walls is high, as they will require harvesting and seasonal replanting, and therefore will need to be accessible. They will also have a dormant period during the winter when no plants will grow and allowance will need to be made for the appearance of the walls at this time. Walls can also be utilised for training espaliered and climbing plants which require less technical considerations.

- **Internal Atriums/courtyards**

Designing buildings with atriums or courtyards with adequate exposure to sunlight can create deliberate opportunities for food growing. Such situations will often create micro-climates allowing high value tender plants such as tomatoes and citrus fruits to be cultivated. Ground level beds or planters can be used, as well as living walls. Care must be given in internal spaces to providing irrigation systems and allowing for water run-off.

- **External Landscaping and integrating ornamental with edible planting**

Depending on the land available around the building or on the site various options are available. Cropping can be integrated within areas of soft landscaping with a minimum cost outlay. Traditional gardening styles of cottage and potager<sup>2</sup> gardening, as well as permaculture<sup>3</sup>, embrace this mixed approach. Low maintenance productive landscaping can include the planting of fruit, nut trees and vines, both freestanding and espaliered against walls. Beds can include perennial edible shrubs such as artichoke, currants, herbs, rhubarb and fruit alongside ornamental plants. Similarly planters or containers can be used if no soil is available or in hard landscaping designs. Walls can be used for espaliered fruit and nut plants. At this level, planting requires minimal attention. Larger areas of external space can be used for beds or even allotments and / or communal gardens, which will require more maintenance by either residents or contractors.

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<sup>2</sup> Potager is a French term for an ornamental vegetable or kitchen garden.

<sup>3</sup> The word 'Permaculture' is derived from the two phrases 'permanent agriculture' and 'permanent culture'.

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- **Raised Beds**

Reasons for building raised beds might include presence of contaminated, compacted or thin soil, or providing growing space where there is hard-standing or on rooftops. It is suggested that beds should be: up to 2 feet tall for wheelchair access; 3 foot wide where there is only going to be access on one side; 4 foot wide for a bed with access on both sides.

## Management of Growing Spaces

Edible plants tend to require more maintenance than ornamental plants, and ideally need to be harvested and the resulting produce used. Vegetables tend to be annuals and need replanting every year. It is possible to plant low maintenance edible trees and shrubs as indicated above. These plantings will require the same on-going management, usually undertaken by external contractors, as normal landscaping. This approach is the most useful in situations where there is no obvious group who will undertake the growing, for example in commercial or industrial situations.

Residential developments have an obvious group of people able to undertake the food growing in a variety of different ways:

- Residents manage their own gardens / balconies / rooftop allotments:
- Residents organise themselves as Residents Association and grow collectively in community garden/allotment/rooftop garden etc.

Public spaces and communal areas in residential or commercial /mixed developments may require management by a 'green' caretaker, facilities manager or external contractor.

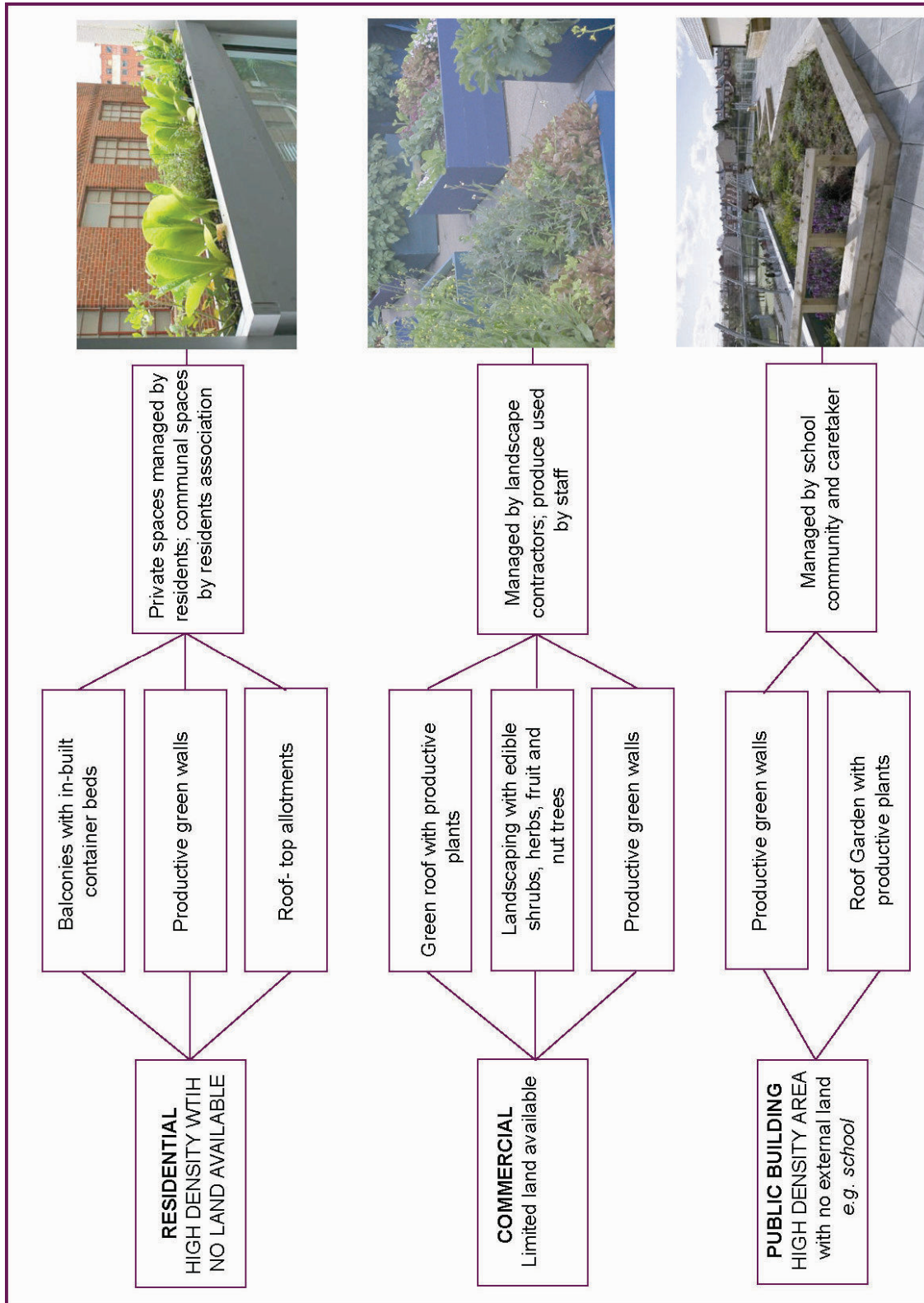
Public buildings such as schools and hospitals have communities – staff, pupils and other users of the buildings who will organise together to grow food – and may be supported and joined by others in their wider surrounding community. Involving these people at the start of the design process will be advantageous.

It is undesirable to create growing spaces which cannot be managed and become unsightly and unattractive. Therefore consideration of the on-going management of the site is critical.

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## Appendix 1: Examples of Potential Approaches in Particular Settings



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## Appendix 2: Case Studies

### One Brighton - Rooftop Allotments



The One Brighton development in central Brighton has a rooftop allotment site, consisting of 28 mini-allotments, which are rented out to residents who manage their individual plots at their own leisure (although the caretaker oversees to some extent the running of the site). The space brings residents together around a common interest and helps build a sense of community. The only real problem is the small number

of plots compared to the number of residents and given how many were immediately keen to rent one.

Good use has been made of roof space, especially as there was no available space at ground level for such a project. Well integrated water butts collect rain and satisfy most of residents' watering needs, and each mini-allotment has its own tool box neatly built onto it. The organic waste from gardening is composted in the building's macerator which also processes kitchen waste from the apartments, and the resulting compost is then used back on the allotments.



[www.onebrighton.co.uk/life\\_at\\_one\\_brighton.aspx](http://www.onebrighton.co.uk/life_at_one_brighton.aspx)

[www.fcbstudios.com/projects.asp?s=7&ss=4&proj=1211&r=2&i=1](http://www.fcbstudios.com/projects.asp?s=7&ss=4&proj=1211&r=2&i=1)

[www.bioregional-quintain.com/](http://www.bioregional-quintain.com/)

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## Reading International Solidarity Centre – Rooftop Forest Garden



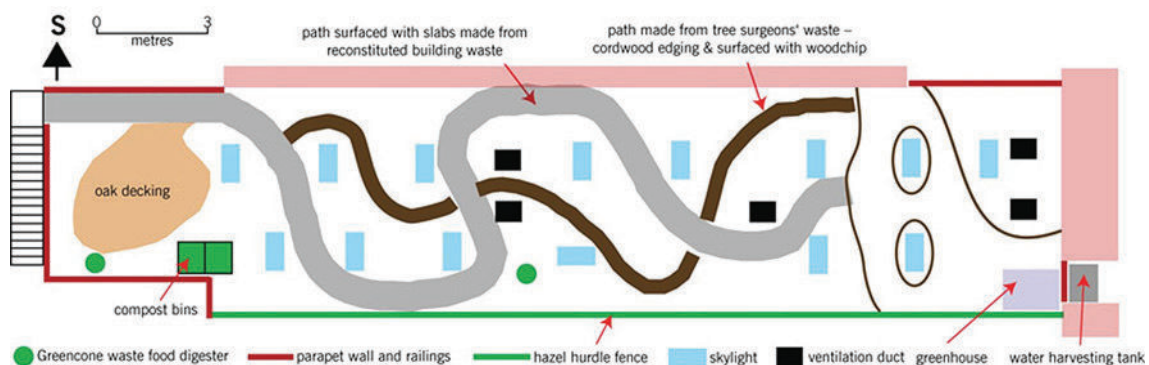
The Rooftop Forest Garden at RISC is primarily an educational space for local schools and community groups, and is run by staff and volunteers from the centre. The design mimics a woodland ecosystem through a careful combination of different types and layers of vegetation, resulting in a highly productive garden needing relatively little labour. Herbs, flowers and salad leaves from the garden go to the

café at ground level, which in turn composts its organic waste to feed the plants on

the roof. This pioneering project has been extremely successful. The originally sparse looking planting has, over time, grown and matured into a dense and impressive natural environment. The forest garden design, as opposed to conventional allotment plots, leads to a great diversity of plant species and provides habitat for a large variety of wildlife, contributing to biodiversity protection and enhancement.



Although not part of a new development, this impressive refurbishment shows what is possible on an ageing roof space, and hints at the even more ambitious potential to incorporate into new builds. It was fortunate that the existing roof was structurally strong enough for their project. On a new design, this can easily be planned for.



[www.risc.org.uk/gardens](http://www.risc.org.uk/gardens) [www.eco-garden.co.uk](http://www.eco-garden.co.uk)



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## Waterhouse Restaurant, Shoreditch – Growing wall

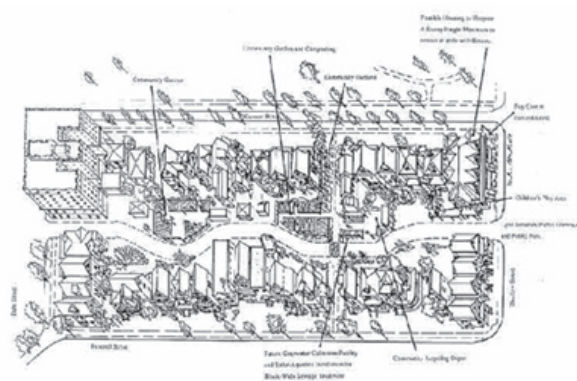
This restaurant has incorporated a professionally designed 3m X 3m hydroponic wall for growing seasonal herbs and salads into its entrance courtyard. Thus some of the highest value crops are grown and served on site. Installation costs were minimal as this element was integrated within a wider regeneration scheme, rather than added onto a finished project. Maintenance costs are insignificant as the wall needs very little tending to, and this is done by the restaurant staff.

The growing wall links into the restaurant's provision of only seasonal food, and although annual crops are grown currently (some aesthetic appeal being lost in the winter months), perennial crops could easily be incorporated into similar projects to be harvested throughout the year.

[www.waterhouserestaurant.co.uk](http://www.waterhouserestaurant.co.uk)

[www.biotope.uk.com](http://www.biotope.uk.com)

## Mole Hill Community Housing, Vancouver, Canada



This urban housing regeneration project combined heritage building restoration with affordable housing creation, built along sound environmental guidelines. The development combines an intelligent use of innovative technologies and thorough planning for healthy communal living to produce an exemplar of sustainable urbanization.

Integrating biodiversity links and open space, the pedestrian-priority “living-lane” running through the development is lined with communal food-growing plots that are shared between the estate's residents and those of the wider area.

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## **Alara Factory, Kings Cross, London**

Alara, a wholefoods company in London, have created a forest garden on a disused strip of land down the side of their factory. The garden is used and maintained by staff members and local community members, in particular youth groups who utilise the space for educational activities. The garden has created links between the local community and local businesses creating better neighbourly relationships.



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## Appendix 3: Resources

### National Policy Documents:

***Planning Policy Guidance 17: Planning for open space, sport and recreation (DCLG 2002)***

<http://www.communities.gov.uk/publications/planningandbuilding/planningpolicyguidance17>

***Food 2030*** (2010), Department for Environment, Food and Rural Affairs (Defra)

<http://sd.defra.gov.uk/2010/01/food-2030/>

***Natural Environment White Paper (Defra 2011)***

<http://www.defra.gov.uk/environment/natural/whitepaper/>

***Healthy Lives, Healthy People (Department of Health 2010)***,

<http://www.dh.gov.uk/en/PublicHealth/Healthyliveshealthypeople/index.htm>

### Local Policy Documents:

***Brighton & Hove Local Plan 2005***,

<http://www.brighton-hove.gov.uk/index.cfm?request=b1000164>

***Brighton and Hove Draft Core Strategy Proposed Submission 2010***

<http://www.brighton-hove.gov.uk/index.cfm?request=c1148443>

***Sustainable Community Strategy***

<http://www.bandhsp.co.uk/index.cfm?request=b1158724>

***Spade to Spoon: Making the Connections, a Food Strategy and Action Plan for Brighton & Hove (2006)***

[http://www.brighton-hove.gov.uk/downloads/bhcc/sustainability/food\\_strategy/SpadeToSpoon-WEB\\_FINAL\\_SEPT06.pdf](http://www.brighton-hove.gov.uk/downloads/bhcc/sustainability/food_strategy/SpadeToSpoon-WEB_FINAL_SEPT06.pdf)

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***Developer Contributions: Interim Technical Guidance on the main types of contributions (including open space) (BHCC 2011)***

[http://www.brighton-hove.gov.uk/downloads/bhcc/planning\\_strategy/Developer\\_Contributions\\_Interim\\_Technical\\_Guidance.pdf](http://www.brighton-hove.gov.uk/downloads/bhcc/planning_strategy/Developer_Contributions_Interim_Technical_Guidance.pdf)

***SPGBH9: Ancillary Update Document – Updated Open Space Contributions Calculator following approval at Cabinet (17/02/2011)***

[http://www.brighton-hove.gov.uk/downloads/bhcc/ldf/New\\_Standards\\_ready\\_reckoner\\_Feb\\_2011.xls](http://www.brighton-hove.gov.uk/downloads/bhcc/ldf/New_Standards_ready_reckoner_Feb_2011.xls)

***BHCC Open Space Study Update 2011,***

[http://www.brighton-hove.gov.uk/downloads/bhcc/ldf/Open\\_Space\\_Study\\_Update\\_Main\\_Report\\_11\\_04.pdf](http://www.brighton-hove.gov.uk/downloads/bhcc/ldf/Open_Space_Study_Update_Main_Report_11_04.pdf)

***Further background documents to the BHCC Open Space Study:***

<http://www.brighton-hove.gov.uk/index.cfm?request=c1187994>

**Websites:**

For information on Brighton & Hove Food Partnership, food and food growing in Brighton & Hove: [www.bhfood.org.uk](http://www.bhfood.org.uk)

Examples of technical information on urban food growing:

<http://vancouver.ca/commsvcs/southeast/documents/pdf/designingUA.pdf>

An extensive list of companies specialising in Green Roof construction:

<http://livingroofs.org/20100310102/green-roof-industry/industryintro.html>

The RISC website garden section contains information about its design principles and technical issues:

<http://www.risc.org.uk/gardens/?PHPSESSID=3ebcf2892fcaf1e3a0d6a1ce51ec1f74>

BioTecture pioneered the productive green wall at the Waterhouse Restaurant in Shoreditch: <http://www.biotecture.uk.com/>

Carrot City explores the potential for urban food growing through case studies of real and exploratory projects: <http://www.ryerson.ca/carrotcity/>

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Some examples of composting solutions for high-density developments:

<http://www.bighanna.com/> <http://www.tidyplanet.co.uk/product-guide>

## **Documents:**

Cultivating the Capital, a report exploring food production and the planning system for London, has a section dedicated to the potential for new growing sites in the city (section 5, p. 36):

<http://www.london.gov.uk/archive/assembly/reports/plansd/growing-food.pdf>

DEFRA Fruit and Vegetables Task Force's report emphasises the benefits of creating opportunities for communities to grow their own food:

<http://www.defra.gov.uk/foodfarm/food/policy/partnership/fvtf/documents/briefing-fv-grow-own.pdf>

Natural England's Green Infrastructure guidance advocates the incorporation of food growing spaces within a more comprehensive ecological context (p. 35):

<http://naturalengland.etraderstores.com/NaturalEnglandShop/NE176>

Sustain have developed guidance: *'Good Planning for good food. How the planning system in England can support healthy and sustainable food'* January 2011:

<http://www.sustainweb.org/publications/?id=192>

Environmental Protection UK has developed a leaflet on addressing land contamination when growing edible crops:

[http://www.environmental-protection.org.uk/assets/library/documents/Growing\\_Edible\\_Crops\\_Leaflet\\_June09.pdf](http://www.environmental-protection.org.uk/assets/library/documents/Growing_Edible_Crops_Leaflet_June09.pdf)

**For further information contact:**

The Local Development Team, Planning Strategy & Projects,  
Brighton & Hove City Council, Hove Town Hall, Norton Road,  
Hove BN3 3BQ.

☎ 01273 - 292505

**Email:** [ldf@brighton-hove.gov.uk](mailto:ldf@brighton-hove.gov.uk) or visit our

**LDF website at:** [www.brighton-hove.gov.uk](http://www.brighton-hove.gov.uk)

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