

<b>Subject:</b>	<b>Health Impact Assessment – Local Validation Requirement</b>		
<b>Date of Meeting:</b>	<b>16<sup>th</sup> September 2021</b>		
<b>Report of:</b>	<b>Executive Director - Economy Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Simon Barrett/Helen Pennington</b>	<b>Tel: 07394 414 472</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE.**

**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The committee is asked to agree the guidance and to approve an amendment to the “local list” validation requirements for planning applications over a specified size to be accompanied by a Health Impact Assessment (HIA) or health statement. This will apply to all new, qualifying applications submitted after 26<sup>th</sup> September 2021.
- 1.2 To note the arrangements to undertake a full review of the “local list” and update of the national list during 2022, aligned to the adoption of City Plan Part Two.

**2. RECOMMENDATIONS:**

- 2.1 That the committee agrees the guidance for applicants on the structure and items to be covered in an HIA or health statement (as included as appendix 1) subject to any minor alterations (grammatical, spelling or for clarity) to be agreed by the Head of Planning in consultation with the Chair of TECC Committee.
- 2.2 That the committee notes responses to consultation on the proposed amendment to the “local list” validation requirements.
- 2.3 That the committee approves adding the requirement to submit an HIA or health statement to the “local list” of validation requirements for qualifying applications (as outlined in this report.)
- 2.4 If agreed, the requirement will take effect for all new, qualifying planning applications submitted after 26<sup>th</sup> September 2021
- 2.5 To note the review and republication of the local list and to receive a further report in 2022 with recommendations to revise and update the validation lists following a comprehensive review of all the requirements, changes to the

national list by central government and new requirements from the adopted City Plan Part Two.

### **3. CONTEXT/ BACKGROUND INFORMATION**

- 3.1 Local planning authorities are required to publish a list of information they require to “validate” the planning applications they receive. This validation list forms two components:
  - the national requirements, including the application form, the fee, certificates etc; and
  - secondly, specific local validation requirements known as the “Local List”.
- 3.2 The Government recommends local planning authorities to review the “local list” every two years.
- 3.3 As part of the current process, the existing list has been reviewed by officers and there are no other amendments to the existing list currently required to the existing list, aside from the inclusion of HIA/health statements recommended in this report.
- 3.4 The next review will take place later in 2022 to dovetail with the programme to adopt City Plan Part Two now anticipated for spring 2022. This timeframe will also ensure that the significant number of changes to planning legislation proposed can include policy and guidance changes which are being made by central government.
- 3.5 In 2019, the Planning Policy team worked in collaboration with the Public Health team to prepare technical guidance on the preparation and submission of a Health Impact Assessment (HIA) for certain planning proposals. The guidance supports the implementation of City Plan Part One policy CP18 - A Healthy City. Just prior to the country going into lockdown, preparations were being completed to issue the guidance (see para 3.9 below).
- 3.6 With major development starting to be planned in the city again as lockdown is eased, it is recommended that it is in the interests of residents to implement this guidance in advance of the main list review in 2022.
- 3.7 It will also align with the approach taken on very large schemes (e.g., Toads Hole Valley, the Gasworks). Applicants for these schemes already must consider population and human health impacts as part of the overall Environmental Impact Assessment process in their planning application.
- 3.8 An HIA is undertaken to indicate the health implications on a population of implementing a project, such as a new development proposal, policy, or programme. It is a tool that can be used to assess the positive aspects of a proposal (e.g., creation of new jobs) and the negative effects (e.g., pollution) on different population groups. It is particularly focused on looking at how disadvantaged groups may be affected, to minimise the risks of widening inequalities.

- 3.9 HIAs give valuable information not only about potential effects on health, but also how to manage them. It therefore provides the opportunity to amend the design of a proposed development to protect and improve health. Changing a proposal because of a HIA means that not only is its implementation more likely to promote health, but it is also less likely to cause ill-health in the community, with the consequential benefits for individuals and the wider economy.
- 3.10 City Plan Part 1 Policy CP18 sets out the requirements relating to HIA as follows:
- CP18.2 Requires HIA on all strategic developments in the city
  - CP18.3 Requires larger developments to demonstrate how they minimise negative impacts and maximise positive impacts on health within the development or in adjoining areas
- 3.11 The HIA guidance further clarifies the meaning of both strategic developments and larger developments and sets out the requirements for each.
- 3.12 Strategic developments will be required to submit a full HIA either as a stand-alone document or as part of an Environmental Impact Assessment where required. Strategic developments are defined in policy CP18 as those which are covered by Development Area proposals within the City Plan; those on an equivalent size; or those that require Environmental Impact Assessment. The guidance lists all strategic developments in the city, as identified in City Plan Parts One and Two.
- 3.13 Larger developments will be required to submit a lighter-touch health statement using the checklist provided in the HIA Guidance. Larger developments are considered as those that provide:
- 100 or more dwellings (this includes bedspaces provided in student accommodation)
  - Other development providing more than 1,000 sqm floorspace
- 3.14 The thresholds for larger developments were identified through analysis of the number of planning applications submitted over a three-year period at a variety of thresholds, whilst also considering the potential for impacts upon Public Health workloads and the need for requirements for applicants to be reasonable and proportionate. Over the 2017/18 to 2019/20 three-year period, an average of 11 applications per year would have been subject to this requirement at this threshold.

#### **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 The alternative option is to defer making this a requirement until the “local list” is reviewed later in 2022.
- 4.2 This further delay is considered unnecessary as the change is relatively simple to implement and the intention to move to a development regime that included Health Impact Assessments for strategic sites and larger schemes was originally identified as part of City Plan Part One in 2016.

- 4.3 HIAs are in use by some of our peer unitary authorities. They have been requirements for several years in the following authorities – Bristol (2013), Thurrock (2019), Bath and North East Somerset (2020), Southend and Torbay (2018.)

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 A residents and community engagement consultation ran for a period of 6 weeks from 26<sup>th</sup> July 2021 using the council’s engagement portal. The consultation was publicised to the local Planning Agents Forum for their members to comment upon.
- 5.2 The member working group of the Planning Committee received a briefing and were invited to make any comments.

There were 3 responses to the consultation:

- 2 from private individuals relating to the validation requirement covering 5G mobile phone masts
- 1 from the Kingsway & West Hove Residents Association relating to clarifying links to the Shoreham Harbour Joint Area Action Plan (JAAP)

The requirement does not apply to new mobile phone masts (as they are not major planning applications) and the comments in relation to the JAAP will be incorporated into the final document.

## **6. CONCLUSION**

- 6.1 Implementing this requirement for all new strategic or larger applications (that are starting to be submitted as the city emerges from the pandemic) will ensure that more communities benefit from this process as soon as possible.
- 6.2 The improvements in design achieved will contribute to the city achieving several key objectives in the City Plan and Corporate Plan 2020-23, especially in relation to health, sustainability, and housing.

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

### Financial Implications:

- 7.1 The recommendations to add Health Impact Assessments to the “local list” of validation requirements for qualifying applications would see additional officers time in reviewing HIAs. However only a small volume of applications would meet this threshold requiring the additional officer time based on the average of 11 applications per year from the 2017/18 to 2019/20 three-year period. The additional responsibilities as part of the planning process will be contained within existing Development Planning Budgets.

*Finance Officer Consulted: John Lack*

*Date: 12/08/2021*

### Legal Implications:

Section 62 (3) of the Town and Country Planning Act 1990 provides that a local planning authority (LPA) may require that an application for planning permission must include such particulars and evidence in support of anything in, or relating to, the application as they think necessary. However, the legislation further provides that such requirement “(a) must be reasonable having regard, in particular, to the nature and scale of the proposed development; and (b) may require particulars of, or evidence about, a matter only if it is reasonable to think that the matter will be a material consideration in the determination of the application.”

Article 34 (6) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 provides that a local list of validation requirements must be published on the LPA’s website.

*Lawyer Consulted:*                      *Name Hilary Woodward*                      *Date: 6/9/21*

### Equalities Implications:

7.2 Equalities issues relevant to this guidance have been considered during the Health & Equalities Impact Assessment (HEQIA) undertaken on City Plan Part 1, particularly those identified for policy CP18 – A Healthy City. The assessment did not find any sensitive groups that were affected by this policy. Undertaking an HIA also requires identifying adverse or positive impacts on the local population; this includes relevant sub-population groups, including those of protected characteristics. The process should therefore result in harmful effects on equalities groups being minimised.

### 7.3 Any Other Significant Implications

None.

### 7.4 Public Health Implications

The built and natural environment can have a major influence on health. Development across the city is expected to support sustainable and healthy lifestyles. The implementation of this guidance will help ensure developments support deliver healthy, sustainable, and mixed-use communities across the city. The ways in which well-designed development can facilitate healthy housing, active lifestyles, a healthy environment, and safe and vibrant neighbourhoods are being promoted through the application of this guidance.

### Corporate / Citywide Implications

7.5 The infrastructure and development that will be constructed through planning applications which have been required to undertake an HIA will help deliver the following objectives in the corporate plan:

- A city to call home – Improved housing
- A city working for all – Sustainable economy and affordable housing
- A sustainable city – Active & sustainable travel and promotion of biodiversity

- A healthy and caring city - Increase healthy life expectancy and reduce health inequalities

## **SUPPORTING DOCUMENTATION**

### **Appendices:**

1. Health Impact Assessment Guidance ( <https://www.brighton-hove.gov.uk/sites/default/files/articles/2020-09/Final%20HIA%20Guidance%20Aug20.pdf> )

### **Background Documents**

1. City Plan Part One