



Partnership for South Hampshire

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Response to the MHCLG Consultation 'Planning for the Future' White Paper

About the Partnership for South Hampshire (PfSH)

The Partnership for South Hampshire (PfSH) is a partnership of eleven councils and a national park authority that works with a wide range of other agencies to help deliver sustainable economic growth in South Hampshire. The partnership comprises the following organisations:

- East Hampshire District Council
- Eastleigh Borough Council
- Fareham Borough Council
- Gosport Borough Council
- Havant Borough Council
- Hampshire County Council
- New Forest District Council
- New Forest National Park Authority
- Portsmouth City Council
- Southampton City Council
- Test Valley Borough Council
- Winchester City Council

Formed in 2003, PfSH has a strong record of facilitating strategic planning at the sub-regional level. PfSH plays a pivotal role in policy formulation related to strategic planning, housing and regeneration as well as producing a range of robust evidence base studies. PfSH has agreed a Statement of Common Ground which sets out the issues to be addressed and the process to review and replace the 2016 Spatial Position Statement with a new Joint Strategy.

The PfSH Joint Committee considered a report on the White Paper: Planning for the Future and determined that a response be provided to the consultation. The response only covers those matters directly related to PfSH's strategic planning role and don't necessarily reflect the specific views of each of the individual organisations which will be making separate detailed responses.

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

[Yes / No / Not sure. Please provide supporting statement.]

No, PfSH has a number of concerns which are not addressed in the White Paper:

- The lack of local context and interpretation in the simplified Local Plan will make it harder for the local community, developers and other stakeholders to understand local issues and circumstances.
- There is the potential for a simplified Local Plan to lose the overarching scene setting and strategic place-making role. The proposals could result in a fragmentation of the local plan to a series of links and signposts (to a variety of national policies, data and guidance) and therefore the cohesiveness of a Local Plan would be diminished.
- There would be reduced opportunities for public and developer engagement in the plan-making process and no opportunity for local planning authorities to change the plan in the light of consultation responses.
- Having just three potential area designations would be overly simplistic.
- Further consideration is required on what type of designation constitutes a Growth, Renewal and Protection Area.

Regarding the last point it is noted that White Paper provides some examples of what would be included in each designation. While PfSH considers the three proposed area designations to be a blunt tool and overly simplistic, if the government does progress with this proposal PfSH would comment that national parks would best fit within a 'Protection' Area and conservation areas would be better designated as Renewal Areas.

6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?

[Yes / No / Not sure. Please provide supporting statement.]

No, PfSH considers that there will be a need for sub-regional and local interpretation of national policies contained in the NPPF (which do not currently form part of the statutory 'development plan'). For example, whilst accepting that there is a national policy on the protection of international habitats (in accordance with the Habitats Regulations) there are local circumstances which need to be made clear to potential developers. In South Hampshire this relates to the Bird Aware recreational disturbance mitigation scheme and emerging policies relating to achieving nutrient neutrality. Other localities will have specific issues relating to their particular habitats. The range of considerations covered by this one policy across England would be impossible to encapsulate in a national policy in the NPPF.

This will also be true of numerous other policy matters. There will also be matters that the Government will not necessarily consider for the NPPF but will be important locally. For example, will there be a national policy which protects deep water access for employment uses in order to safeguard key and essential economic assets? This is a very important matter in the Solent area.

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

PfSH does not support the proposed abolition of the Duty to Cooperate and the White Paper is lacking any detail on what arrangements will replace it. While the Duty to Cooperate was an ineffective replacement for regional or sub-regional planning, the White Paper's proposal to abolish it would be a retrograde step and is not supported by any evidence to justify it. It would remove any form of planning or coordination above the district level which could lead to a series of disconnected local plans. This could be rectified by introducing a larger-scale strategic level of planning, which will be more effective in delivering sustainable growth over a wide area. At the very least government should provide for flexibility for local authorities to agree to continue to work together. The government needs to consider the main areas of cooperation between authorities and for South Hampshire these include:

- Unmet housing, employment and other needs.
- Cross boundary and larger scale infrastructure (largely but not exclusively transport).
- Environmental mitigation (including recreational distance and the impact of excessive nutrients on protected habitats).

Although not perfect, the existing Duty to Cooperate has helped to facilitate joint working on strategy and a common evidence base in South Hampshire and it will be important that the government considers the need for on-going collaboration as an integral part of the reforms. The revised standard method for assessing local housing need demonstrates why the duty to cooperate, or another mechanism, is essential to ensure housing delivery in the sub-region as housing needs will need to be considered across local authority boundaries. The revised standard method means that some authorities in South Hampshire will have housing, employment and other needs that they are unable to meet within their area due to physical constraints and the Duty to Cooperate, or some form of replacement, is still needed. It is unclear how a further revised standard method will take account of land constraints or the need for land uses such as employment and open space.

South Hampshire contains a number of interconnected urban areas and whichever way local government boundaries are drawn, there will always be close connections with surrounding areas, for example, in terms of commuting patterns, housing markets, business links and environmental connections. Cross boundary cooperation should still be undertaken on issues of common concern that extend beyond the boundary of individual local planning authorities and for data gathering and evidence base preparation that suitably reflects local circumstances.

Government may wish to seek to replicate the model that PfSH has operated since 2003. PfSH has planned for the sub-region on both a statutory and non-statutory basis, setting out the vision and strategy and a distribution of development and strategic development locations to deliver them. Statutory bodies have welcomed the opportunity to resolve issues through a single conversation at the sub-regional level, rather than eleven separate conversations with eleven different local planning authorities. Appropriate evidence has been secured to inform the sub-regional strategy which has then been implemented through local plans. This ensures that individual authorities can reflect the geographical areas with which local communities identify, whilst working together to achieve broader strategic aims.

PfSH's planning achievements include:

- The commissioning of a robust evidence base across the sub-region to inform a planning strategy for South Hampshire as well as making a vital contribution to the evidence base for each component local plan;

- The development of successive spatial strategies for South Hampshire, providing a non-statutory framework to be used by each local authority for their own local plan;
- Working together to find solutions to difficult environmental issues including matters relating to internationally important habitats (recreational disturbance and nutrient neutrality) and the production of a green infrastructure strategy;
- These actions have enabled local authorities to clearly and robustly demonstrate their Duty to Co-operate (DtC) at respective public examinations and more recently within Statements of Common Ground that support the DtC obligations; and
- Perhaps most importantly it has developed a culture of cooperation amongst councillors and officers which enable solutions to be sought in a highly complex urban area surrounded by two national parks, an area of outstanding natural beauty and a sensitive marine environment.

The PfSH model is semi-formal, voluntary and flexible. It allows for mutual agreement and cooperation between authorities and in some cases has expanded to include authorities beyond the PfSH boundary to deliver strategic environmental mitigation. The preparation of informal strategies and agreed position statements, such as those produced by PfSH, could help individual local planning authorities to make progress on delivering development requirements, in recognition of the cross-boundary nature of housing markets and sub-regional economies. Such documents can inform local plans so they should be supported by the new planning system even in the absence of the Duty to Cooperate and positive support for these documents should be offered through revisions to the PPG and NPPF. Future joint working should be incentivised, but not coercively demanded through an equivalent of the Duty to Cooperate nor be centrally imposed. A 'coalition of the willing' is capable of producing good results, as evidenced by work that PfSH has undertaken over the years. Any new arrangements set out by government should be on a voluntary basis with the acceptance that local authorities will want to work together because it is in their interest to do so.

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

[Yes / No / Not sure. Please provide supporting statement.]

No, PfSH does not believe that it will be possible to produce an algorithm to accurately take into account housing need and constraints to produce a deliverable binding housing requirement for a local authority. Strategic planning requires assessment and balancing of social, economic and environmental considerations and PfSH remains to be convinced that an algorithm can be produced that can replicate the series of nuanced decisions and judgements in considering where development should best be located. PfSH would request that this is balanced with the need for non-residential uses such as employment and open space. It is difficult to envisage how government can make sound judgements as to how much capacity local authority areas have for housing, without compromising quality of life and other strategic priorities/regeneration aims in the sub-region.

PfSH would comment that continued uncertainty over further revisions to the standard method are particularly unhelpful for local authorities trying to progress local plans and the government should aim to resolve this quickly and/or consider extending the time period covered by transitional arrangements. At the current time the government should be trying provide as much certainty as possible particularly to the development industry.

PfSH is also concerned that a standard method for establishing housing requirements will not take into account the opportunities that may influence where development can most sustainably be located. For example, major investment in public transport in the Portsmouth and Southampton city regions has been secured through the Transforming Cities Fund. This would not be reflected in any proposed housing distribution as it could be through a cohesive sub-regional strategy.

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

[Yes / No / Not sure. Please provide supporting statement.]

Not sure, PfSH is concerned that removing the opportunity for scrutiny of a developer's detailed proposal at planning application stage will have the following implications:

- More detailed, and possibly unnecessary, design and technical work being required earlier in the planning process and within a very short time period.
- Requirement for developers/landowners to commit significant resources to provide the detailed proposal before the principle of land allocation has been established.
- More detailed, and possibly unnecessary, community engagement needed prior to local plan allocation.
- Community dissatisfaction as the White Paper promises more engagement in the planning process when opportunities to participate in the detailed design of a proposal will be significantly reduced.
- Significant delay to the process of preparing a local plan that would be fit for purpose to grant outline planning permission and would be unlikely to be achievable within the 30 month time period government envisages it would take to complete a local plan.

10. Do you agree with our proposals to make decision-making faster and more certain?

[Yes / No / Not sure. Please provide supporting statement.]

No, PfSH fundamentally disagrees on proposals to refund fees if determination deadlines are not met, or an appeal is successful, or any deemed permission due to failure to determine an application within the deadline. Local planning authorities are not well resourced, and their finances should not be further diminished through the proper and careful determination of planning applications. Similarly, unacceptable proposals should not be granted planning permission due to a lack of resources. These proposals may lead to more refusals, made within the deadline, where a better outcome would be negotiation so that an application can be amended and a planning permission issued without the need for a further application.

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

[Yes / No / Not sure. Please provide supporting statement.]

No, PfSH considers that the proposed 30-month timescale is wholly unrealistic, particularly taking into account the government's proposals to expand public consultation and produce detailed design codes for *Growth* and *Renewal* areas. It could only be achieved by reducing opportunities for public engagement, contrary to the government's aim for authorities to '*radically and profoundly to reinvent the ambition, depth and breadth with which they engage with local communities*'.

It is completely inappropriate of the consultation to ask consultees about the introduction of a statutory 30 month timescale without also providing a greater understanding of the detailed requirements of the new local plan format, how much evidence will be required, what additional resources will be made available (particularly for design coding work) for local authorities and the Planning Inspectorate, how the new technology works, and how the government will require local authorities to deal with outstanding objections.

The statutory timetable should not be introduced at this early stage of planning reform and could instead be considered at a later date when it can be shown consistently that Local Plans from across the country can realistically be prepared with effective public engagement within the 30 month period. The statutory timetable could reduce the quality of new local plans and undermine the ability of local people to genuinely shape their area (by giving them only a single period of 6 weeks to make representations on a draft Local Plan that has already been submitted for independent Examination). A reformed local plan process needs to be established with the requisite public engagement on design coding, appropriate supporting evidence, an understandable zoning system and the use of functional technology. It is then, once the first round of plans have been prepared by each local authority that consideration could be given to a statutory timetable.

22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

[Yes / No / Not sure. Please provide supporting statement.]

No, PfSH is very concerned about how on-site infrastructure and affordable housing would be provided under the new system and the lack of any detailed proposals for how the new system would work. Infrastructure which forms an essential part of the development such as roads, drainage, open spaces, etc. must continue to be provided alongside development, not funded separately through the new Levy. Otherwise there could be a disconnect between the development being built and essential facilities being provided. The White Paper is completely lacking in detail on instances where a developer contribution will be required to make the site developable but the development does not necessarily reach the required threshold for the proposed Infrastructure Levy or would otherwise be exempt from paying the levy.

The prospect of some development being excluded from paying the levy is extremely concerning, with regard to general infrastructure provision but especially in relation to securing mitigation to prevent harm to protected habitats, as identified through Habitat Regulations Assessments (HRA). The PfSH authorities currently collect developer contributions for all residential developments to provide mitigation in relation to internationally protected habitats and ensure compliance with the habitat regulations. The award-winning mitigation scheme seeks to address the impact of recreational disturbance generated by new residential development on sensitive habitats around the Solent. This scheme, secured by Section 106 and other planning obligation arrangements, has been a cost-effective and widely accepted mitigation scheme that enables much needed new residential development to take place. This mitigation is required for every dwelling, even those that would not necessarily reach the proposed Infrastructure Levy threshold. It should be noted that currently mitigation is purposefully secured by S106 because the Community Infrastructure Levy (CIL) is not appropriate as there is no certainty that funding provided from a development will be used for the purpose of habitat mitigation and there are a number of exemptions from liability to pay. Also, some of the mitigation solutions would not necessarily fall within the definition of infrastructure.

The strategic solutions delivered through the Solent Recreational Mitigation Partnership and emerging solutions to achieve nitrate neutrality could be unachievable without a legal mechanism

to secure mitigation. No provision for such payments has been made in the White Paper proposals, particularly dwellings that would fall below the required Infrastructure Levy threshold or otherwise be exempt from paying the levy.

There is also a concern about whether s106 would still be available to cover essential non-infrastructure matters, such as the phasing of development, travel plans, skills and training plans etc. If S106 is abolished for the provision of infrastructure, then government is requested to consider its retention for other necessary non-infrastructure requirements from development e.g. HRA mitigation, travel plans and skills and training plans.

The PfSH authorities are also very concerned that infrastructure payments are to be required at the point of occupation rather than closer to the beginning of the development process. This could have major implications on the provision of essential infrastructure required to serve the development upon occupation such as transport measures or schools and community facilities. A negotiated arrangement would give developers, the local planning authority and the community a more flexible arrangement which would enable the appropriate infrastructure to be made available at the most suitable time as part of the development.

22(d). Should we allow local authorities to borrow against the Infrastructure Levy, to support infrastructure delivery in their area?

[Yes / No / Not sure. Please provide supporting statement.]

Not sure, the White Paper proposes that in order to support the timely delivery of infrastructure the government would allow local authorities to borrow against the Infrastructure Levy revenues so that they could forward fund infrastructure. This, however, exposes local authorities to significant risk as it assumes that the development will be occupied at the time the developer says that it will. The local authority and the wider community will be taking the risk and the costs of borrowing which should be taken up by the developer who will gain from the profits of the development. It may be appropriate for government, either directly, or through local enterprise partnerships, to undertake the borrowing instead but there is still the risk that developers will not complete on time, go bankrupt or decide to mothball a site. There are consequently very significant implications with this proposal. The risks and costs will be placed on the local planning authority not the developer (or its shareholders). These measures will not provide certainty that infrastructure will be delivered in a timely manner.

This approach also assumes that local planning authorities are responsible for a particular type of infrastructure. In many cases other agencies are responsible for implementing the infrastructure and therefore the LPA will have only limited control over the timing and procurement of new infrastructure but have undertaken the risk of borrowing for a forthcoming development. It seems inappropriate that an organisation, which is neither the developer, nor necessarily the infrastructure provider, is taking the risk and cost of borrowing.

ENDS

Yours faithfully,

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