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| Subject: | Review Assessment for City Plan Part One | | |
| Date of Meeting: | 11 March 2021 | | |
| Report of: | Executive Director, Economy, Environment and Culture | | |
| Contact Officer: | Name: | Steve Tremlett | Tel: 01273 29(2108) |
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| Ward(s) affected: | All | | |

FOR GENERAL RELEASE

1. PURPOSE OF REPORT AND POLICY CONTEXT

- 1.1 Local planning authorities are required to undertake an assessment review of local plans at least once every five years to ensure that policies remain relevant and effective. City Plan Part One (CPP1) was adopted five years ago in March 2016 and a review assessment of its policies is therefore required.
- 1.2 This report sets out the outcome of the required assessment process to determine whether policies in the CPP1 require updating. It also provides commentary on recent government planning reforms and changes. This includes changes to planning for housing needs and a review of what will affect the preparation of the review and expected timescale for the updating of the Plan.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the conclusions of the City Plan Part One review assessment as set out in Appendix 1 to the report.
- 2.2 That the Committee agrees that officers commence work on a full review of City Plan Part One in accordance with the timetable set out in the Local Development Scheme approved at the November 2020 meeting of Tourism, Equalities, Communities & Culture Committee (as set out in paragraph 3.12 of this report).

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 CPP1 forms a key part of the adopted development plan for the city. It was adopted in March 2016 and sets out the long-term vision, strategic objectives and a strategic planning policy framework to guide the new development required across the city to 2030¹.
- 3.2 CPP1 has successfully supported the delivery of a number of key regeneration development schemes in the city (e.g. Circus Street, Preston Barracks, Valley Gardens), as well as ensuring that key priorities such as the delivery of

¹ The City Plan Part Two which is currently at a late stage of preparation sets out detailed Development Management policies and additional site allocations to support the implementation and delivery of CPP1.

affordable housing and employment floorspace have been delivered through planning applications. It has also provided a policy framework to support a more sustainable approach to development in the city, for example through the sustainable buildings and biodiversity requirements set out in Policies CP8 and CP10 respectively.

3.3 Under regulation 10A of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), and as further provided by the National Planning Policy Framework (NPPF)², local planning authorities are required to review their local plans at least once every five years to ensure that policies remain relevant and effectively address the needs of the local community. Such assessments should be completed no later than five years from the adoption date of a plan and policies should then be updated as necessary. A review of the policies in CPP1 has been undertaken to coincide with the fifth anniversary of the adoption of the Plan's adoption on 24th March 2016, and the results are described in this report.

3.4 The NPPF indicates that the review assessment should take into account changing circumstances affecting the area and any relevant changes in national policy and further guidance is provided in Planning Practice Guidance. The guidance explains that reviews should be proportionate and sets out the matters which authorities may consider when determining whether a plan or policies within a plan should be updated. The council's review has been undertaken in accordance with legislation, policy and guidance as well as considering changes to local circumstances and current council priorities. Each policy within CPP1 was considered against the issues listed below:

- Whether a policy is still required. This may be relevant where a site has been delivered or is in the process of being delivered (applies particularly to some strategic site allocations in Development Areas, for example Circus Street in Policy DA5.
- Compliance with the revised 2019 National Planning Policy Framework;
- Compliance with other government policy changes or expected changes (see below);
- The need for amendments to reflect changes or expected changes to the Use Classes Order and Permitted Development Rights;
- The ability to support the delivery of the Council Plan and other corporate objectives;
- The ability to support the delivery of the Council's climate change and zero carbon agenda;
- The ability to support delivery of other current or emerging Council plans or strategies (e.g. the Local Transport Plan, Housing Strategy, etc);
- Whether the evidence base supporting the policy is still current;
- Whether there any changed circumstances which may require the policy to be revised, to include whether the policies will help support Covid19 recovery;
- Whether the policy or supporting text can be streamlined;
- Consideration of any opportunities to consolidate policies with policies in City Plan Part Two to facilitate a more coherent approach to an issue;
- Consideration of the effectiveness of application of the Policy.

² Paragraphs 31- 33

- 3.5 The broad scope of these issues has allowed for consideration of not only technical planning reasons for reviewing CPP1, but also the ability of a revised CPP1 to positively reflect the new wider corporate priorities of the City Council, such as the zero-carbon agenda and other elements of the recently published Corporate Plan, as well as other updated Council plans and strategies.
- 3.6 The outcome of this process has been summarised for each policy and the results are presented in Appendix 1. The process has concluded that a comprehensive review of CPP1 is the preferred way to take the project forward. Whilst the policies remain generally in compliance with the updated NPPF and relevant for decision making, the recommendation is that a review of the Plan should be initiated to ensure that the strategic policy framework for the city can continue to help deliver the objectives set out in the Corporate Plan and remains a sound basis for decision-making in the future.
- 3.7 There is also a need to update the evidence base supporting some policies, to respond to and reflect government changes to the planning system (e.g. the changes to the Use Classes Order) and the change to the standard method for assessing housing need - see below) and prepare for further changes likely to be introduced to the planning system.

Government Changes to Planning System and Implications for an Update of CPP1

Planning for Housing Needs

- 3.8 Under the government's planning rules introduced through the 2019 revision to the NPPF, CPP1's Policy CP1 'Housing Delivery', which sets the minimum housing target for 660 homes per annum, will be deemed out of date for the purposes of assessing the five-year housing land supply position once the Plan is five years from the date of adoption (March 24th 2021). From this date the Plan's housing requirement will increase to 924 dwellings p.a. as set by government using their standard method for calculating housing need³. The most immediate impact of this change is likely to be on the council's ability to demonstrate an up to date five-year supply and satisfy the government's annual housing delivery test. This could have implications for appeal decisions
- 3.9 In December 2020 the Government announced a change to this standard method approach through the introduction of a new 'cities and urban centres uplift'. This will add 35% to the housing need figure as derived under the existing standard method for England's 20 biggest cities and towns, effective from June 21st 2021. As Brighton & Hove is included in that list as the 20th biggest urban centre, the city's housing need figure will increase from 924 homes per year to 1250 homes per year from this date. This provides a further incentive for the council to progress the update to City Plan Part One as soon as possible
- 3.10 In terms of taking forward a review and update of CPP1, the housing need figure is the starting point for considering the amount of planned housing delivery and the city's physical, environmental and heritage constraints will need to be factored against this, as was the case when the CPP1 was first prepared. With

³ The standard method uses a formula to identify the minimum number of homes expected to be planned for by local planning authorities.

the 2016 Plan, detailed consideration of these issues in the examination process led to the adopted plan setting a minimum requirement of 13,200 new homes which represented 44% of the objectively assessed housing need (which was 30,000 at that point).

Planning reforms

- 3.11 The 'Planning for the Future' White Paper proposes significant changes to the plan-making process and was subject to consultation in autumn 2020. Any proposals taken forward will not be implemented until primary and secondary legislation has passed through Parliament and updates made to the National Planning Policy Framework. The outcome of this process may affect the timetable, process and scope for the review of City Plan Part One but is not considered a reason to delay the review.

Timetable

- 3.12 The production of a revised CPP1 was included in the Local Development Scheme (LDS) 2020-23 which was approved at the November meeting of TECC. The LDS sets out an indicative timetable as follows:

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| • Assessment of Scope of Review | March 2021 |
| • Early evidence gathering phase | Late 2021-22 |
| • Early engagement and scoping | 2022-23 |
| • Preferred Strategy Consultation (Reg 18) | Winter 2023-24 |
| • Pre-Submission Consultation (Reg 19) | tbc |
| • Submission of Plan to Government | tbc |
| • Adoption | tbc |

- 3.13 The timing of the commencement of substantive work on City Plan Part One Review may be impacted by the nature of the forthcoming changes to the planning system stemming from the 'Planning for the Future' White Paper published in August 2020 as noted above. It may also be impacted by the progress of the City Plan Part Two Examination process. The LDS will be updated accordingly to provide clarity as the process moves forward.

- 3.14 The process detailed above has included consideration of any opportunities to consolidate CPP1 policies with policies in City Plan Part Two. Consideration will therefore be given to the benefits of consolidating the future planning policy framework for the city into a single document.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The alternative option is a more focussed update of CPP1 specifically addressing those policies which are clearly out-of-date due to changes in national policy or legislation. It is considered that this would represent a missed opportunity to bring forward a revised policy framework that better reflects current council priorities particularly around issues such as addressing climate change.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 The process of preparing an updated City Plan Part One would follow the statutory process for preparing a Development Plan Document which currently involves a minimum of two stages of public consultation. The consultation processes will be undertaken in line with the council's adopted Statement of Community Involvement.

6. CONCLUSION

- 6.1 The City Plan Part One will reach five years since adoption in March 2021 and in line with legislation and current national planning policy an assessment of the need to review to the Plan has been completed. The assessment has concluded that a comprehensive review should be undertaken.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 There are no direct financial implications arising from the recommendations of this report.
- 7.2 It is assumed that the full review of City Plan One, recommended in paragraph 2.2, will be contained within existing service resources. This will be reviewed and confirmed as part of monthly budget monitoring and reporting.

Finance Officer Consulted: Name: Jess Laing Date: 25/02/2021

Legal Implications:

- 7.3 As noted in the body of the report, the Town and Country Planning (Local Planning) (England) Regulations 2012 require that a LPA must complete a review of its local plan every five years, starting from the date of adoption of the plan.
- 7.4 A revision of a local plan follows the same statutory procedure as the preparation of the plan, including consultation, publication and examination by an inspector.

Lawyer Consulted: Name Hilary Woodward Date: 15/2/21

Equalities Implications:

- 7.5 A HEQIA assessment would be carried out to inform an updated City Plan Part One to ensure that the policies are co-ordinated to address health and well-being outcomes throughout the city.

Sustainability Implications:

- 7.6 The proposed update to City Plan Part One would enable revised policies which will contribute towards achieving the key sustainability areas of action set out in the Corporate Plan, including becoming a carbon neutral city by 2030

Brexit Implications:

7.7 None directly related to this report.

Any Other Significant Implications:

7.7 None directly related to this report

Corporate / Citywide Implications:

7.8 Policies in an updated City Plan Part One will contribute to delivering the Corporate Plan, Plans and Strategies across the city council directorates and the Sustainable Community Strategy.

SUPPORTING DOCUMENTATION

Appendices:

1. Summary of Review Assessments of City Plan Part One Policies.

Background Documents

1. City Plan Part One.
2. Proposed Submission City Plan Part Two.