

LEVELLING-UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY

CONSULTATION RESPONSE

Response from: BusinessLDN, One Oliver's Yard, 55-71 City Road, London EC1Y 1HQ

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INTRODUCTION

1. BusinessLDN is a business membership organisation with the mission to make London the best city in the world to do business, working with and for the whole UK. BusinessLDN works with the support of the capital's major businesses in key sectors such as housing, commercial property, finance, transport, infrastructure, professional services, ICT, and education. We welcome the opportunity to contribute to the Government's consultation on reforms to national planning policy.

OVERVIEW

2. The Government's programme of planning reform has been heavily skewed towards housing delivery, missing the opportunity to undertake reforms to support the wider economy. While we support reforming the planning system to increase housebuilding, this should be done in such a way that acknowledges the interdependent nature of housing and sustainable economic growth. Simultaneously, planning reform must support all sectors of the economy and meet the infrastructure needs of servicing new residents in completed developments. On this basis, the promised review of NPPF Chapter 6, *Building a strong, competitive economy*, should be prioritised.
3. Notwithstanding this, the renewed commitment to deliver 300,000 homes per annum by the mid-2020s is welcomed. Furthermore, the fundamental principles of incentivising LPAs to have an up-to-date local plan in place and retaining the NPPF's presumption in favour of sustainable development are supported.
4. However, a number of changes are proposed to national planning policy that raise serious concerns. It calls into question whether this target of 300,000 new homes per annum can ever realistically be achieved without adequate mechanisms in place in the system to increase, and maintain, delivery. We are concerned that, when taken as a whole, the changes proposed to

national policy will see less homes delivered in many parts of the country who will consequently be unable to meet their population growth. This will have implications for all parts of the country in terms of housing affordability and levels of overcrowding and homelessness. It will make it even more challenging to meet the needs of vulnerable groups and reduce inequality.

5. We also need to be able to properly accommodate the economic workforce in suitably affordable accommodation because failure to do so is detrimental to the economy. Furthermore, there will be implications for the wider economy due to the significant economic footprint of the housebuilding industry. Lower levels of homes being built means less economic activity generated, both directly and indirectly for supply chains, jobs losses, constrained labour mobility and less investment in affordable housing.
6. Frustratingly the recent debate around housing targets, calculating need and maintaining supply have been a disappointing distraction from the wider reform programme. The Government's focus should be on ensuring that Local Planning Authorities (LPAs) are adequately resourced and making the planning process work more efficiently.
7. It is also frustrating that the protracted programme of reform, that was intended to speed up the local plan process, is in fact delaying and stalling local plans across the country. Research by Planning Resource identified 19 local plans as having been stalled as at September 2022¹ and a further 19 plans in the four months to January 2023². This obviously impacts on housing delivery, but it affects all sectors of the economy including commercial developers that are trying to bring forward schemes that would create jobs and support economic growth.
8. On the proposed changes set out in the consultation, our key areas of concern are:
 - (i) The existing mechanisms in place to hold LPAs to account for maintaining an adequate supply of land for housing, and meeting housing need, have been watered down. It is hard to see how these reforms will increase housebuilding across the country or even maintain recent levels.
 - (ii) It is premature to embed the 35% urban uplift for housing targets in the twenty largest towns and cities into the NPPF this Spring. The Government should wait until it has reviewed the implications on the standard method of new household projections data to be completed in 2024.
 - (iii) The messaging in this consultation document about "gentle density" and resistance to "densities significantly out of character with an existing area" pose a significant threat to London's ability to meet its current housing targets, let alone higher targets that factor in the 35% urban uplift. Densification of all types of development brings welcome benefits in many circumstances and should be actively encouraged. Furthermore, if residential densities are not optimised, this places significant pressure on employment land to be released for housing, with consequences for the wider economy.

¹ <https://www.planningresource.co.uk/article/1802582/council-delays-local-plan-work-housing-need-national-policy-uncertainties>

² <https://www.planningresource.co.uk/article/1810777/local-plan-watch-19-authorities-withdrawn-delayed-local-plans-past-four-months>

- (iv) The current consultation document is focused on national planning policy and local policies. Further information and consultation is urgently needed on the implications for spatial strategies.
- (v) The proposal that National Development Management Policies (NDMPs) should have statutory weight and primacy over local policies is not supported. This would risk undermining public trust in the planning system by reducing local democracy and centralising the planning system, which would ultimately undermine public trust in the system. This measure should only apply where an up-to-date plan (be that a local plan or spatial development strategy) is not in place.
- (vi) LPAs and strategic authorities should be entitled to put forward a case to PINS to introduce a local policy that deviates from NDMP where they can provide evidence to demonstrate exceptional circumstances.

RESPONSES TO THE CONSULTATION QUESTIONS

Q.1: Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old?

9. No. We understand the underlying objective to incentivise LPAs to keep their local plans up to date, and to give more weight to the plan-led system, but merely having up-to-date policies in place provides no guarantee of delivery.
10. The 5YHLS requirement has proven to be an important safeguard in maintaining and increasing housing supply. The proposed new system relies upon all LPAs taking responsibility to meet their housing need targets in full but without sufficient accountability against performance. For example, where an LPA has adopted a local plan but fails, over several years, to grant enough planning permissions to maintain a supply pipeline to meet its targets this would take a long time to be highlighted by the LPA's Housing Delivery Test. During this period of underperformance there would be no consequence for the LPA by which time there would be significant ramifications for housing affordability, overcrowding and homelessness in that authority, and neighbouring areas.
11. As currently proposed, there are not enough 'carrots' and 'sticks' in the system to prevent underperformance. The 5YHLS and the Housing Delivery Test were originally introduced because too many LPAs were failing to undertake action to meet their housing need. Watering down the 5YHLS requirements is a huge step backwards and the requirement for LPAs to maintain it should be retained.
12. We also disagree with the timeframe for the presumption in favour of sustainable development being reduced to four years, rather than five, for LPAs with an emerging local plan. For further information about see our response to **Q.16**.

Q.2: Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?

13. No. Buffers must be retained because there will always be a small proportion of planning permissions that, for legitimate reasons, cannot be implemented or are delayed. It is unavoidable that a small number of sites will be stalled for market, land ownership or environmental (amongst other) reasons that may not have been evident at the time of site allocation and, for this reason, any housing supply strategy must always include a buffer to allow for this.

Q.3: Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?

14. Yes. Given the long timeframes involved in the planning process, and especially delivery of larger regeneration projects, it is sensible to take a long-term view where there have been significant fluctuations in housing delivery year on year. An oversupply should be taken into consideration when calculating a 5YHLS later on, provided that undersupply is dealt with in exactly the same way and underperforming LPAs are forced to plan to get back on track.

Q.6: Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

15. We agree that amendments are required, but we do not feel that the proposed changes go far enough.
16. It is right that an emphasis is placed on delivering housing in a sustainable way, but this should be accompanied by wording to reflect the need to also plan positively to drive economic growth, as outlined in our overview on page 1.
17. We propose this further amendment (in red) to revised **Paragraph 1** of the NPPF:

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans can provide for sufficient housing, economic and other development in a sustainable manner. ~~can be produced.~~ Preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective.

18. Furthermore, we propose this further amendment (in red) to **Paragraph 7** of the NPPF:

The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes and other forms of development, including supporting economic growth and infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the- United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.

Q.7: What are your views on the implications these changes may have on plan-making and housing supply?

19. There is a growing case for a review of the methodology used for the standard method for assessing local housing need (the standard method). Notwithstanding this, the principle of widespread use of a standard method has been a positive step forward. It has brought transparency and continuity across the country and negated the tedious debate that used to take place at every local plan examination over bespoke assessment methodologies.
20. A briefing by Turley³ noted that the time between a local plan being submitted and found sound had been reduced by 13% since the standard method was introduced. This was based on monitoring by the Planning Inspectorate, which showed that the twenty sound plans submitted since the standard method was formally introduced in January 2019 took an average of 20 months to be found sound, compared to an average of 23 months for the plans submitted in the preceding year.
21. Even though use of the standard method has not been mandatory, it has been widespread. The wording of the consultation document in paragraph 8 to “*make clearer in the Framework that the outcome of the standard method is an advisory starting-point to inform plan-making*” represents a clear shift in messaging. As a result, alternative methods for assessing local housing needs (alternative methods) will become more commonplace. Any attempt by an LPA to move away from the standard method, and use a lower housing target, must be required to meet strict tests to prove ‘exceptional circumstances’. It is important to avoid reverting back to lengthy debates at examinations about each bespoke methodology and their justification.
22. The Housing Delivery Test has also proven to be a successful tool in incentivising LPAs to ramp up housing delivery in their areas. We do not support lowering the bar for the Test or watering down the consequences for under delivery, especially given the number of local plans that have been paused or abandoned.

³ BRIEFING: Locally derived housing need – considering an alternative to the “standard method” (Turley for the Home Builders Federation (HBF) and the Land Promoters and Developers Federation (LPDF), 2022)

Q.8: Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

23. There has been a number of concerns raised about the standard method by stakeholders and local communities. The aforementioned Turley briefing puts forward options for reforming the standard method to allay some of those concerns, which we endorse as follows.

24. Any alternative should:

- have as its baseline the existing housing stock of an area;
- apply to this baseline a rate by which all areas would be expected to grow their housing stock in line with a national ambition;
- be a starting point from which local assessments would be derived.

25. Factors that indicate that the housing need is *higher* than the baseline would include:

- significant investment in infrastructure that will boost economic growth or drive housing demand;
- evidence of unmet needs for affordable homes, growing housing waiting lists, overcrowding, or homelessness;
- faster than average rises in difference between mean incomes and house prices;
- a need to diversify the housing stock of an area to meet needs for larger or family homes;
- higher than average rates of household formation;
- an imbalance between jobs and homes within a city region, town or community;
- a high proportion of second homes and holiday properties.

26. Factors that indicate a *lower* housing need below the baseline would include:

- higher than average rates of vacant property;
- an imbalance between homes and jobs within a city region, town or community;
- agreement with a neighbouring area to accommodate housing needs;
- significant environmental constraints of national importance (AONB, National Park, or SSSI) which means that full needs cannot be met and agreement cannot be reached with a neighbouring area.

27. An alternative approach that considered these factors could help allay fears of 'top-down targets' being imposed on local communities whilst still ensuring that LPAs plan responsibly to meet their housing need and do not avoid taking difficult decisions for political reasons. However, the crucial objective must be to ensure that this approached in a consistent way, established by national policy, to avoid lengthy debates at examinations across the country about lots of different methodologies.

Q.9: Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

28. With regard to the **Green Belt**, LPAs must maintain the ability to review and alter Green Belt boundaries if they wish, where they can demonstrate that exceptional circumstances exist. Whilst priority must continue to be given to redeveloping and densifying brownfield land, this alone will not meet the full scale of housing need in some parts of the country, such as London and the Southeast.
29. Green Belts were created to prevent urban sprawl; they contain a mix of public open land, which should be preserved and enhanced, with poor quality and inaccessible sites which serve no civic or environmental purpose. The high-quality areas of the Green Belt are separately protected by other designations, for example, as nature reserves or sports fields, whilst poorer quality parts that have good public transport accessibility could provide much-needed new homes and jobs as well as amenity space for the benefit of the wider community. Indeed, in London's Green Belt 42% of non-environmentally protected Green Belt land is within 2km of a rail or tube station. Fourteen London boroughs have more land designated as Green Belt than that which is built on for housing.
30. We support the continued protection of the Green Belt where it serves a public purpose; however, where exceptional circumstances can be demonstrated, green belt should be reviewed and the poor-quality parts which are close to existing or future transport nodes redesignated for residential or commercial development that incorporates truly accessible green space and meets high standards for sustainability and design quality.
31. The proposed new wording of Chapter 13 still allows for this and therefore is supported. However, LPAs that resist a Green Belt review must find alternative sources of supply to meet their housing need and demonstrate they have exhausted alternatives through the examination process. Given the housing pressures some authority areas face in relation to constrained supply and affordability, there may be exceptional circumstances where a borough should review its Green Belt boundary to meet its housing need and prevent employment land being lost to residential development.
32. The issue of **density** is more nuanced and complex. We do not agree with the assertion that building at densities significantly out of character with an existing area could be used to justify housing targets below an area's assessed need. One can imagine the endless hours that will be wasted in plan examinations and planning inquiries contesting the subjectivity of "*densities significantly out of character with an existing area*" and the clear risks to delays in the planning process as a result.
33. Fundamentally, we have a housing crisis in this country and a scarcity of land. Provided there is no material harm arising, densities must be optimised to make the best use of land to meet housing need and support economic growth. Whilst small infill sites must be respectful of their existing urban context, when larger sites become available for development they offer the

opportunity to define their own density and character. This doesn't necessarily mean building tall, but the optimum quantum of development should be extracted wherever possible. If densities are not optimised, this places significant pressure on employment land to be released for housing, with consequences for the wider economy.

34. In many circumstances, densification and a change in character should be actively encouraged as the urban form and lifestyle it facilitates can, in turn, support operational sustainability and carbon savings. Furthermore, densification in low density, suburban areas can increase footfall and support local services, encourage social and physical infrastructure investment, rescue failing high streets, and so on.
35. The messaging on density in this consultation document will have implications for many different types of authority areas across the country, including the twenty urban areas identified as needing to accommodate a 35% uplift in housing need. It will be impossible for those urban areas to achieve such ambitious targets without significant densification of brownfield sites that are developed at higher densities than their existing context. For instance, London's Opportunity Areas would not be compatible with the approach set out in this consultation. These are typically brownfield areas where significant changes in character and density are proposed and the transformative change that they can deliver is essential to optimising London's growth and delivering on its housing and jobs targets.
36. For these reasons, density should not be approached in a broad brush, authority-wide manner and **we strongly oppose** the principle of allowing building at densities significantly out of character with an existing area to be considered in assessing whether housing need can be met.
37. Finally, with regard the issue of taking into account past **over-supply**, this is only acceptable provided that under-supply is dealt with in exactly the same way and underperforming LPAs are forced to plan to get back on track. It should be noted that in this part of the consultation document, the terms 'over-supply' and 'over-delivery' are used interchangeably. This is concerning given they have different meanings.

Q.10: Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?

38. As outlined in response to **Q.9**, this change should not be pursued. As a matter of principle, building at higher densities is not a bad thing; in fact it should be encouraged and planning policy should move away from implying that housing at lower densities is inherently good and that such housing has character that is de facto worth protecting. The Government should focus policy on optimising housing densities and encourage a range of design and placemaking responses to achieve that.

Q.11: Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?

39. The removal of the 'justified' test in paragraph 35 of the NPPF, in its entirety, would be a significant mistake. There must be a reference to evidence within the tests of soundness.
40. The underlying objective of taking a more proportionate approach when examining local plans is welcomed. However, a local plan must be underpinned by evidence. The need to still produce evidence is referenced in paragraph 12 of the consultation document, but is meaningless, and also contradictory, unless a reference to evidence is retained in paragraph 35 of the NPPF.
41. In fact, if the proposed changes to the NPPF contained within this consultation are brought forward, this further strengthens the need for evidence to be referenced. In particular, if there are more LPAs using an alternative method to assess local housing need, this must be supported by robust evidence. A further example relates to the variable quality of evidence across the country in relation to local employment strategies, such as an understanding of the nature of, and need for, logistics development.
42. The 'justified' test should be **retained, but re-worded**. For many LPAs, it is the reference to 'reasonable alternatives' that can be onerous and causes greatest concern. A simpler reference to 'evidence' would allow an Inspector to take a proportionate approach when examining a local plan.
43. Part (b) of paragraph 35 of the NPPF should be partially reinstated (in red and strikethrough) as follows:

Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

- a) **Positively prepared** – providing a strategy which, ~~as a minimum,~~ seeks to meet the area's objectively assessed needs so far as possible, taking into account the policies in this Framework; ~~and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;~~
- b) **Justified** – ~~an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;~~
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

Q.12: Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?

44. Yes. We support the proposed transitional arrangements.

Q.13: Do you agree that we should make a change to the Framework on the application of the urban uplift?

45. No. We do not agree with the arbitrary 35% uplift for the twenty largest towns and cities and do not agree with it being embedded in the NPPF. **New paragraph 62 of the NPPF should be deleted.**

46. Although the urban uplift has already been incorporated into the current standard method, there is clearly uncertainty over the future of the standard method in its current form while we wait for the Government's review of the implications of new household projections data based on the 2021 Census, due to be published in 2024.

47. Until that review has been completed, it is premature to embed the urban uplift into the NPPF wording. Especially given the context of other proposals the Government is trying to bring forward through this consultation and the restrictions they place on densifying urban areas.

48. For example, during the examination of the London Plan 2021, it was acknowledged that London could not physically meet its identified housing need of 66,000 net new homes per annum within its footprint and the housing target was reduced to 52,000 net new homes per annum over ten years. The latest London Planning annual monitoring report⁴ shows that 41,357 new homes were completed in 2019/20.

49. A housing target of 89,100 (66,000 + 35% uplift) would be incredibly challenging to achieve, in delivery terms, in the current policy climate, especially with current Green belt policy. However, the proposals brought forward in this consultation document about "*gentle density*" (Chapter 6 – Asking for beauty) and the resistance to "*densities significantly out of character with an existing area*" (Chapter 4 – Planning for housing) make this even more challenging. As highlighted above, London's Opportunity Areas would not be compatible with this approach as these are typically brownfield areas where significant changes in character and density are needed to achieve London's housing targets and to support necessary infrastructure investment.

50. Furthermore, during the examination of the London Plan 2021 it was also agreed that suburban densification is essential to meeting London's housing need (i.e. its identified need at the time before the urban uplift was introduced). This shows the imperative for densification, particularly of lower density suburbs, and the conflict that will arise in the planning system if it adopts terminology such as "*gentle density*".

⁴ London plan Annual Monitoring Report 17: 2019/20 (Greater London Authority, 2022)

Q.14: What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

51. National planning policy, and associated guidance, must emphasise the compelling need for urban areas to promote the densification and best use of brownfield land, including within suburban areas. Key to this is good planning, design, placemaking and delivery: done well, densification can bring benefits to local areas by creating the critical mass of people needed to support more shops, better local services and improved infrastructure.

Q.15: How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

52. In London (and other city regions), a key benefit of the two-tier system is that the strategic authority can plan for strategic issues and take difficult decisions according to what is best for the region as a whole. It also means that growth can be planned for in parallel with investment decisions on strategic infrastructure. However, the last two London Plan examinations have identified that, despite best efforts from various parties, there is not adequate collaboration between London and the Wider South East. Government intervention is required.

53. In bringing forward its new 'alignment policy' the Government needs to ensure that structured discussions take place between authorities and that there is consistency in joint working. Furthermore, there needs to be a process whereby the Government can step in and mediate where such discussions break down. However, unless there is a legally binding process in place, and this is accompanied by a comprehensive national and regional infrastructure strategy, genuine collaboration is unlikely to occur.

Q.22: Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?

54. Yes. Given the need for genuinely affordable homes across the country, attaching more weight to Social Rent as a housing tenure is a sensible approach. However, the extent of weight should be locally driven in terms of an assessment of local need and setting a policy requirement to reflect that need. A blanket policy approach across the country would be undesirable as the optimum amount, and mix, will vary between housing markets and the key driver must be to address local need characteristics. This is evidenced by the strategic policy approach in the London Plan which already places greater weight on Social Rent than national planning policy.

Q.23: Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?

55. Yes. This type of accommodation is not currently supported by national policy and should be referenced in the NPPF. In addition to meeting a societal need, increasing the supply of specialist older people's housing would help to further diversify overall supply and could also release existing housing stock in both the private and affordable sectors for others in need.

Q.30: Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?

56. There are already tools available to punish developers that have breached planning controls or failed to deliver their legal planning obligations. LPAs can take enforcement action or serve legal injunctions. Fundamentally, it is a lack of resource within LPAs that stops these tools being used more widely. Addressing this root cause would have the greatest impact, rather than complicating matters with new measures. Further clarification is needed from Government as to why a new policy is required.

Q.32: Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?

57. These proposals are not the best use of constrained resources. Fundamentally, it's the slow planning process that is often the underlying driver of schemes not being delivered quickly. In the time it takes from design freeze to process a planning application, negotiate a S106 legal agreement and clear all pre-commencement conditions, the market conditions can significantly change thus making the scheme undeliverable. Such issues are further compounded by the fact that applicants are forced to commit to intricate levels of detail at too early a stage in the process when conditions are markedly different or unknown. A better use of resources would be to analyse, and then tackle, these underlying causes.

58. This past year has demonstrated how sometimes there are macro-economic factors at play that are beyond the control of the planning system. Developers have had to be incredibly flexible and agile to adapt to changing market conditions in terms of finance costs, inflation, sourcing materials, consumer demand, and so on. Sometimes these factors render a scheme unviable on the previously agreed terms. No developer, whether a public or private entity, would proceed if a scheme is not financially viable.

59. Tools such as completion notices and compulsory purchase already exist to deal with genuine problem sites, but they aren't utilised much by LPAs. This suggests that either (i) this is not as big a problem as the consultation document suggests, and no evidence is provided in the consultation to justify that this problem exists; or (ii) LPAs accept there are genuine economic factors at play.

60. The most sensible suggestion is (b) in paragraph 25 of the consultation which discusses increasing the diversity of housing tenures to maximise a development scheme's absorption rate. This was a recommendation of the Letwin Review⁵ which clearly dispelled the myth of land banking and analysed the genuine reasons behind slow build out rates.
61. With regard to (a) in paragraph 25, we do not object to the principle, but it is not the best use of constrained LPA resources and would not make any meaningful difference. There will always be a small proportion of planning permissions that, for a variety of genuine reasons, cannot be implemented or are delayed in implementation. Similarly (c) is tokenistic and would not make any meaningful difference to delivery rates.
62. We have no objection to Development Commencement Notices or the proposal to modernise and streamline powers to serve a completion notice.

Q.33: Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

63. We support the underlying aim to raise design quality. However, terminology like “beauty” and “ugliness” are subjective terms and need careful definition and explanation so that everyone operating in the planning system and using local design codes are aligned.
64. Beauty is already a clear objective of the NPPF. Any further amendments should clarify what this means for types of development other than housing. How is “beauty” defined in the context of a bus depot or logistics warehouse or any other building whose design is driven by very specific practical and operational issues?

Q.34: Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word ‘beautiful’ when referring to ‘well-designed places’, to further encourage well-designed and beautiful development?

65. We do not agree. These are tokenistic, rather than meaningful, changes. The term ‘well designed’ is clearer and easier to define in a technical way than the subjective term ‘beauty’.

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Q.36: Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

66. No. Including the specific reference to 'mansard roofs' is unhelpful. The existing terminology of 'upward extension' is clearly understood and appropriate. A mansard roof is a specific, traditional type of upward, or roof, extension. Using such a specific architectural reference, and encouraging pastiche designs, will stifle design creativity and potentially reduce opportunities for upward extensions that could otherwise help make more efficient use of land and create well designed contemporary architectural additions.
67. For these reasons, the entire proposed insert for **new Paragraph 122 (e)** of the NPPF should not be taken forward and should be **deleted**.

Q.39: What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?

68. Chapter 7 of the consultation document should be more ambitious in seeing the planning system as an important component to the country meeting its net zero target. The proposed tracked changes to the NPPF are superficial and will not make any significant difference to sustainability outcomes.
69. Paragraph 13 of Chapter 7 suggests there could be a broad form of carbon assessment embedded in planning policy to be undertaken as part of the local plan process. This would be challenging to undertake as it would require an analysis of a complex interplay of technical issues, some of which would be hard to measure and quantify at a strategic level. Another challenge would be avoiding double counting in terms of carbon reduction. Detailed consultation will be essential and, if this is taken forward caution would be needed, and any principles embedded in policy should not be overly prescriptive.
70. At a more granular level, further work should be undertaken to expand project-specific carbon assessments to ensure whole life carbon assessments become standard practice. This is already a requirement on major schemes in London and it is vital this is rolled out across the country as standard.

Q.40: Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?

71. In this context we support the proposal for a national policy on green infrastructure that includes a specific reference to allotments. The phased introduction of Biodiversity Net Gain

(depending on the size of a site) is also supported but urgent action is needed to bolster expertise and resource within LPAs to meet the targets that are being introduced.

Q.44: Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?

72. We welcome the inclusion of new paragraph 161 regarding energy performance, but it should not just focus on “*large non-domestic buildings*”. National planning policy needs to be clearer and more ambitious by encouraging energy efficiency improvements to all types and sizes of existing buildings.

73. Longer term changes to the NPPF will be needed to help overcome barriers to rolling out energy efficiency improvements, especially where there are heritage and amenity constraints.

74. We propose the following amendments (in red) to new **paragraph 161** of the NPPF:

~~To support energy efficiency improvements,~~ Significant weight should be given to the need to support energy efficiency improvements through the adaptation of **all** existing buildings, ~~particularly large non-domestic buildings,~~ to improve their energy performance (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Proposals affecting conservation areas and listed buildings should **also be encouraged whilst take-taking** into account the policies set out in chapter 16 of this Framework.

Q.45: Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?

75. The Government should be deeply concerned about the number of local plans in production being delayed, paused, or even abandoned altogether in recent months without any repercussions. Research by Planning Resource identified 19 local plans that have been stalled as of September 2022⁶ and a further 19 plans in the four months to January 2023⁷, and this number continues to grow. This obviously impacts on housing delivery, but it affects every sector including commercial developers that are trying to bring forward schemes that would create jobs and support economic growth.

76. We do not object to the process set out in the consultation document, but we urge the Government to intervene in these 38 affected areas. There must be enough ‘carrots’ and ‘sticks’ in the transitional phase, as well as the long-term phase, to get these plans back on track, incentivise LPAs to have an adopted plan in place and hold authorities to account on delivery against those plans.

⁶ <https://www.planningresource.co.uk/article/1802582/council-delays-local-plan-work-housing-need-national-policy-uncertainties>

⁷ <https://www.planningresource.co.uk/article/1810777/local-plan-watch-19-authorities-withdrawn-delayed-local-plans-past-four-months>

Q.46: Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?

77. The new timeline for producing a local plan seems realistic and appropriate provided LPAs and PINS are adequately resourced. Any delays to plan production are generally caused by lack of community support and subsequent political intervention.
78. A criticism of this consultation document is that it is focused on national planning policy and local policies, whilst strategic planning policy and spatial strategies are overlooked. It is assumed that the 30-month timeframe for a plan will not apply to spatial strategies, such as the London Plan, but the Government must clarify this point.

Q.48: Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?

79. Some LPAs have an extensive range of detailed supplementary planning documents (SPDs). It is difficult to comment on the transitional arrangements without knowing more detail about the Government's proposals for the new 'Supplementary Plans' and how these will take over from SPDs. Vital information is not yet available about the new process for Supplementary Plans and the level of scrutiny they will be subject to.
80. If the Government adopts a similar approach to local plans – i.e. streamlining the end product and the process to produce it – it could be assumed that Supplementary Plans will be lighter touch than SPDs. However, the consultation document states they "*will be afforded the same weight as a local plan or minerals and waste plan*", therefore some form of independent scrutiny will be essential. It is our view that any Supplementary Plans for which there are outstanding objections following public consultation should be subject to an examination by PINS.

Q.49: Do you agree with the suggested scope and principles for guiding National Development Management Policies?

81. The proposed new approach, namely (i) refocusing the NPPF on plan-making; (ii) introducing new National Development Management Policies (NDMPs) to cover generic issues of national importance; (iii) giving those NDMPs the statutory weight of policy; and (iv) slimming down local plans to focus on bespoke local matters, is supported in principle.
82. However, we **strongly object** to the proposed relationship between NDMPs and local plans and the current wording used in the Bill, and this consultation document, about "*primacy*" for NDMPs and taking "*precedence*" over local policies. The measure in the Bill stating that any conflict arising between a local plan and a NDMP must be resolved in favour of the NDMP would risk undermining local democracy and centralise the planning system.
83. The impact of NDMPs having primacy over local policies risks undermining public trust in the planning system and the development process. If local communities do not feel they can

influence new development in their area, it will be more challenging to get their support for new development, thus further dampening supply.

84. While we understand the Government's need to safeguard against plans becoming out-of-date and to bring in to line authorities that are behind on national issues such as sustainability, a consequence of this binary approach will be to stifle innovation and ambition in local and strategic policy making. For example, the Mayor of London's approach to climate change policies which go beyond national requirements.
85. Changes to the NPPF, and subsequent changes to the National Planning Policy Guidance (NPPG), should make it clear that NDMPs will only take precedence over local plan policies where an up-to-date plan is not in place, i.e. if local policies are more than five years old. This will further incentivise LPAs to ensure they have an up-to-date plan, the benefits of which have already been discussed above in relation to housing delivery and economic growth. This measure should also apply to spatial development strategies, but with a revised timeframe of eight years – i.e. two mayoral terms – due to the different process and extent of work involved compared to a local plan.
86. LPAs that are producing a plan, and feel there is reasonable justification for introducing local policy that goes beyond the requirements of NDMP on that issue, should be entitled to set out a case at the new 'gateway' stages during plan preparation, and at the local plan examination. The Planning Inspector conducting the examination will ultimately determine whether adequate evidence has been provided to justify the inclusion of a local policy that deviates from the relevant NDMP. The same process should apply to spatial development strategies as well as local plans.
87. Specifically in relation to the suggested scope for NDMPs set out in paragraphs 1 to 14 of Chapter 10, we agree that the current NPPF provides a good starting point with some further additions that will be subject to full consultation.
88. We strongly agree with the principles included in paragraph 13, that NDMPs should be "*solely addressing planning issues*" and "*not address subjects which are regulated through other legislation, for example the building regulations or acts relating to public health, pollution, and employment*". There is already far too much duplication between planning and related technical regimes, for instance on matters such as fire safety and energy.

Q.50: What other principles, if any, do you believe should inform the scope of National Development Management Policies?

89. Future revisions to the NPPF should make it clear that the NDMPs should set out minimum requirements rather than absolute requirements. Deviating from NDMPs should also be the exception, rather than the norm, and underpinned by commensurate evidence, but the principle of strategic and local authorities being able to take a local approach, where exceptional circumstances justify, should be at the heart of the planning system.

Q.51: Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

90. Yes, provided that these are subject to full public consultation. We have no objection to the three suggestions set out in paragraph 15 of Chapter 10 and look forward to future engagement on the detailed NDMP consultation.

Q.54: How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?

91. Whilst we support the Government's ambition to increase housebuilding, which is important for both social and economic reasons, it is vital that the planning system takes a more holistic, balanced view of what the country needs.

92. In addition to meeting housing need, the planning system must also support economic growth for the long term. Allocating employment land to support jobs growth is as fundamentally important to creating sustainable communities as the delivery of new homes. Furthermore, it is vital that we plan for the demand generated by new homes for goods and services and how this is supported by the logistics sector. Therefore, national policy must provide clear guidance to authorities on maintaining an appropriate land supply for commercial development to maintain employment growth in line with housing growth and ensure the new homes can be adequately serviced.

93. We look forward to engaging in the next stage of NPPF consultation to help strengthen and expand the content in existing Chapter 6 of the NPPF, *Building a strong, competitive economy*.

Q.55: Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

94. Development on previously developed, brownfield land, is already a national planning priority. Most, if not all, local plans also contain policies seeking to maximise development opportunities in city and town centres which provide sustainable development opportunities due to public transport accessibility and access to jobs and services.

95. However, as discussed above in relation to **Q.9, Q.13 and Q.14**, this consultation document represents a step backwards because of the terminology it uses such as "*gentle densification*".

96. If housing need has any chance of being met through brownfield land alone, and the twenty biggest towns and cities can reasonably accommodate the 35% urban uplift expected of them, there will need to be a *significant* step change in the level of densities that new development achieves. Slight increases in density will not maximise the sustainability opportunities presented by accessible sites and make efficient use of brownfield land.

97. Higher densities should be embraced where there is no material harm caused to the amenities of existing residents, heritage assets or other environmental factors. When larger sites become available for development, opportunities should be taken to create a new neighbourhood that defines its own density and character. Furthermore, encouraging higher densities in city and town centres will increase footfall and demand for services, thus ensuring the longer-term health of that centre.

Q.56: Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?

98. Yes, where the planning system is best placed to provide support on this issue, every effort should be made to ensure women, girls and other vulnerable groups in society feel safe in public spaces. More detailed consultation should take place on this particular matter.