



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

## **Response to DLUHC consultation by Smart Growth UK**

**March 2023**

### **Chapter 1 – Introduction**

*No consultation questions asked.*

### **Chapter 2 – Policy Objectives**

*No consultation questions asked.*

### **Chapter 3 – Providing Certainty through Local & Neighbourhood Plans**

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

Yes.

The distance the world (and more especially the UK) economy and environment have travelled since 2018 and how far they will have changed further by the time land allocated for housing or indeed other development actually might have something built on it demonstrates that “5-year supplies” are inevitably awry and potentially highly misleading.

Of course, that doesn’t mean local plans shouldn’t plan for housing, but it needs to be very much more flexible and reactive to genuine need than the current system allows.

***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)?***

Yes.

Buffers were always a (potential or actual) punitive measure bearing no relation to planning. Paragraph 5 of the consultation paper sets out some of their other shortcomings. They should never have been imposed.

**3. Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on?**

Yes. See response to Question 1.

**4. What should any planning guidance dealing with oversupply and undersupply say?**

Current guidance certainly does “leave room for different interpretations”. The whole current system is open to abuse by the development lobby and needs fundamental reform. If you have to retain the concept of supply as some fixed, calculable sum, then certainly local authorities should be able to cite historic “oversupply”.

The so-called “presumption in favour of sustainable development” does indeed result in allocation of land not in line with local policies, and not only thanks to issues of supply. Paragraph 11(d) should never have been put in the *NPPF* and should be scrapped with immediate effect.

**5. Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?**

We support any changes that weaken the malign effects of the 11(d) “presumption”. But given that 14(b) would still apply, the benefits of the proposed changes would be limited. In effect this would just isolate the existing allocations from the presumption.

## **Chapter 4 – Planning for Housing**

**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?**

No.

All versions of the *Framework* since it was first published in 2012 have worked hard to suggest that the principal purpose of the planning system is to secure land for building homes. That planning might contribute to sustainable development, the economy, employment, place-making, protection of human health, well-being, food and water supply, education, nature, heritage, landscape, net-zero etc. often seems like an afterthought. The proposed changes to paragraph 1 actually exacerbate this. Indeed, the Introduction has always been a strange mixture of overall objectives and detailed administrative requirements.

The proposed changes actually exacerbate the disproportionate emphasis on housing, with the revised *NPPF* paragraph 7 introducing housing where no such mention is appropriate. It also uses the odd phrase “homes and other forms of development”, as if

other forms are less important. It actually subordinates the UN Sustainable Development Goals to provision of homes.

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

Do you mean housing supply, supply of new homes, supply of land allocated for new homes, supply of homes to meet actual need or what? They are different and simply conflating “housing supply” with the number of new market homes allocated land for, given planning consent or actually built is completely unhelpful.

The battles of the past 11 years and the hostility to planning from both proponents and opponents of developments show that the dial needs to be turned down. At the moment the planning system is seen by many as a means to undermine the environment and the securing of the homes we actually need, as opposed to those which make the most commercial return. Plan-making often comes a very poor last.

While the minor changes proposed are mostly welcome, a whole root-and-branch review of the way we assess how many homes of what tenure and density and in what locations we actually need is long overdue. Essentially the whole system exposes local authorities to “speculative development”; trust in the planning system to protect our environment and ensure the homes we need are built in the right places has already been undermined.

***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?***

It is plain, and the Government tacitly shares this view, that the current Standard Method is inappropriate for judging housing need. In some ways it judges housing demand, in the sense of demand from commercial developers, builders and property interests though, as these can never be satisfied, it doesn’t satisfy them. The truth is there are so many “exceptional circumstances” they are not really exceptions.

***Are there other issues we should consider alongside those set out above?***

A glaringly obvious issue is proximity to rail-based public transit networks – or lack of it (not just a single railway station). But in reality, there are many “exceptions” and to describe them as such suggests planning can be simplified to the vanishing point some commercial interests wish for.

***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?***

Yes.

Green belt policy has been undermined by making “exceptional” circumstances pretty much routine in many parts of the country. It is clear now we need a whole new

approach to the issue of green belts and other ways of protecting undeveloped land. But, as things stand, it should certainly be made clear that boundaries do not need to be reviewed.

We have, for 100 years, been building homes at densities far below those which reflect the character of existing areas. Homes in cities, towns and villages were, until 1914, built at far higher densities than those which followed the “garden suburb” type developments since 1919. There is even greater pressure for low-density housing on greenfield sites (which most green belt sites are).

In all but very exceptional circumstances, we should avoid squandering our scarce building land and, instead, build homes at the sort of densities prevalent until 1914 – i.e. (basically) medium density. Thus, we should avoid the ultra-low densities builders tend to find most profitable on greenfield sites or the very high densities (with tower-blocks) they prefer in cities.

Generally, a range of net densities in the 50-100dph range (sometimes called “appropriate density” or “gentle density”) are most appropriate, even on edge of settlement developments. It is still possible to provide outdoor amenity space at such densities in individual or communal gardens. These densities were commonplace in the past, even in rural locations, and densities in developments of five or more homes should respect this, except in the most exceptional circumstances.

Assessing the density of developments of fewer than five homes should take into account the density of neighbouring development in calculating a figure to avoid wastage of land and developers gaming the system to secure low-density housing.

***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?***

Few areas have a single density character anyway. Houses built before 1914 were usually at medium densities in most locations. After 1919, most were built at ultra-low densities in most places other than cities (and often even there). Assessments of the character of local density need to assess what densities were used prior to 1914 in local settlements, rather than just assuming that ultra-low-density 20<sup>th</sup> century sprawl is some sort of genuine norm.

Local planning authorities should be free to determine a range of appropriate residential densities for their areas, subject to limits on how low, or how high, they can go. It is perfectly possible to build substantial houses in terraces or apartments in mansion blocks at medium densities without going above four storeys. National guidance (and practice guidance) should set out guidelines (including minimum and maximum net densities) for LPAs to follow and set out in local plans.

***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?***

Yes

Once again, this suggests that the primary, or even overwhelming, purpose of local plans is to allocate land for market housing. There should also not be an option for local planning authorities to plan for more homes than they need on the basis of some vague aspirations about “economic development opportunities”. It is always easy to rob other areas of their own economic opportunities by *laissez-faire* lack of planning controls, but this does nothing for national prosperity; in fact, creating such disparities can undermine it.

**12. Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation?**

No.

If improvements are being made, they should apply to all plans.

We would strongly support any changes which improve assessment of housing need, but fear the current system is mostly aimed at assessing various kinds of housing *demand*, which is not the same thing at all. Certainly, the requirement for justification of plans has not, so far, produced better planning in this respect.

***If no, which if any, plans should the revised tests apply to?***

All.

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

Yes.

While the intention of this policy is sound – namely some densification of urban areas where justified – it is a very crude tool and much more detailed policy is needed.

The proposed new paragraph 62 about the Standard Method uplift for “urban local authorities in the top 20 most populated cities and urban centres” looks arbitrary and ill-defined. Surely, if higher targets are to be imposed, they should be imposed in those areas that need it. The reference to the “top 20” is vague in the extreme. Top 20 most populous urban local authorities? Top 20 conurbations? Top 20 most densely populated areas or local authorities? Or what?

The new Footnote 30 offers little, if any, clarity. “Prioritizing” the use of brownfield land and optimising densities therein in these mysterious areas is likely to be vague and ineffectual. There is no actual reason why brownfield-first and higher residential density standards shouldn’t apply everywhere. If rural areas lack brownfield land, then greenfield can be brought forward if needed. A range of appropriate (medium) densities should apply everywhere, except in very special circumstances.

**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?**

Actually achieving more homes in urban areas requires many things. Two that stand out are minimum density standards and brownfield-first policy. Density standards will vary

from place to place and within places, but should be subject to maxima and minima nationally. Brownfield-first should apply everywhere; it is not brownfield-only nor is it all-brownfield. But it would require determination to identify suitable brownfield sites for development (for most uses) and to ensure such sites are actually built-out before releasing greenfield land.

Beyond that, we need requirements on transit-oriented-development, to ensure developments above specified sizes have adequate access to public transit networks (rail-based wherever possible) and that major freight generating activities are served by rail and/or water.

***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?***

This problem only arises because of the arbitrary nature of the uplift. There is no reason not to apply brownfield-first and density standards everywhere.

***16. Do you agree with the proposed four-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply?***

Such approaches fall apart in times of high inflation, such as the present. Material and other costs rise, incomes don't, demand falls and building slows down or ceases altogether.

It also encourages land banking – to force more permissions to be granted as four years (or any other measure) requires identifying “deliverable sites”. Permissions should lapse fairly quickly unless significant progress is made on development and such land could be permanently excluded to avoid land-banking.

Over-supply usually means development which has not had provision made for infrastructure such as health or education and will almost inevitably place enormous strain on local services. One of the main purposes of plan-led-development is supposed to be avoiding problems like over-supply. Over-supply can also impact severely on neighbouring authorities who have had no part in it.

***If no, what approach should be taken, if any?***

Instead of wondering whether over-supply should affect future plans in any way, it should actually put up a red flag and necessitate deletion of major sites etc..

The fact that over-supply is happening to any significant level should also mean local planning authorities who are authorising it should be penalised for future allocations. It should also put a final end to *NPPF* paragraph 11(d) which is almost a green light to developers to push over-supply while the going is good.

***17. Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?***

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**18. Do you support adding an additional permissions-based test that will ‘switch off’ the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?**

We have never believed that housing targets have been objectively assessed in recent times. The proposed changes to the so-called “presumption in favour of sustainable development” do not really help.

Deletion of the word “or” from *NPPF* 11(b)(1) looks innocuous, but would actually strengthen the role of housing targets by applying 11(b)(i) with either (ii) or (iii) rather than on its own. The addition to (ii) opens up more questions in terms of what densities are significantly out of character – the compact medium densities generally built before 1914 in most places or the low-density sprawl popular since 1919? Most places have some of each.

**19. Do you consider that the 115% ‘switch-off’ figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?**

The Housing Delivery Test was never about sound planning but was mostly an attempt to get builders to build out their allocations. It should be switched off altogether and more robust measures taken when substantial progress is not made on major housing developments, such as strict time limits after which planning consents lapse – or even allocations in extreme cases.

**20. Do you have views on a robust method for counting deliverable homes permissioned for these purposes?**

If “deliverable homes” cannot be counted, it suggests the whole concept is meaningless.

**21. What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?**

See response to Question 19.

## **Chapter 5 – A Planning System for Communities**

**22. Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions?**

Yes.

It is now almost half a century since we stopped building adequate levels of social-rent housing and the stock has been considerably reduced by right-to-buy, demolition etc..

***If yes, do you have any specific suggestions on the best mechanisms for doing this?***

The obvious first start should be to replace the much-abused concept of “affordable” in planning guidance with social-rent. Exact percentages needed would depend on local

need and how much other housing was deemed necessary. The concept of viability should be scrapped because it has been so badly abused. If it meant anything at all, the Government would not have had to subsidise commercial developers to the tune of £4 billion over four years via the Housing Infrastructure Fund<sup>1</sup>.

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

Yes.

One of the most glaring inadequacies of the current planning for housing guidance is the almost total lack of emphasis on housing for the elderly. Although much planning is based on household projections, it completely ignores the fact that these show that at least three-quarters of the growth in household numbers is projected to be over-55 households – and mostly over-65s. As a result, older people tend to go on occupying homes designed for families and living in places lacking public transport despite the likelihood there will come a time when they can't use cars if they currently can.

This needs much more than retirement housing, housing-with-care and care homes. It needs a complete rethink of how we build new housing and where, and how we design in flexibility for changing needs as people age.

It also needs to be coupled with fiscal policies to encourage older people to down-size in areas of housing shortage, where appropriate. It should also allow local plans to cater for those who wish to move out of "family homes" but who wish to stay in an area to be near family etc.. However, sites for older people's living do need to be included in local plans and should not necessarily count as "very special circumstances" for green belt development. In many ways older people need to be near to services and public transport, as the ability to drive can end suddenly and unexpectedly.

***24. Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?***

Market house building is increasingly dominated by large builders. Perhaps planning policies could be developed encouraging small builders to form consortia (in the way large builders do on very large sites) for the development of larger sites. Appropriate density policies and design requirements could also be used to encourage smaller builders to use their ability to introduce variety (where appropriate) and to avoid the volume builders' low-cost "one-size fits all" approach. The Letwin review, for instance, suggested that small developers could help large developers build-out large sites which would then happen more quickly and get more design variety.

***25. How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?***

A return from what is essentially a greenfield-first policy at present to an effective brownfield-first policy would certainly encourage use of smaller sites.

Paragraph 22 of the existing *NPPF* gives strong encouragement to large new settlements and urban extensions. Deleting it would encourage both use of small sites and social-rent housing.

***26. Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?***

The definition of “affordable housing” in the *NPPF* Glossary needs major revision or replacement. At the moment it provides little incentive to provide social-rent homes but plenty of excuses for volume builders to avoid providing even slightly less unaffordable housing. The definition of social-rent is complicated by legislation and would vary from place to place, but it urgently needs attention given that such housing is the only practicable solution to the real “housing crisis”.

Extending the definition of “affordable housing for rent” to include unregistered providers might provide a source of community developments or almshouses. But it would need care to avoid commercial developers gaming such a system.

***29. Is there anything else national planning policy could do to support community-led developments?***

Removal of requirements for viability would be an obvious start.

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

Yes.

***If yes, what past behaviour should be in scope?***

There would need to be a prescribed list of reasons that could be taken into account, such as:-

- Criminal convictions of the company or organisation, its directors or senior officers
- Significant unconsented demolition/alteration or construction which either has, or potentially could have, attracted enforcement action
- Financial or other incentives to local authority members or officers
- Extensive land banking

***31. Of the two options above, what would be the most effective mechanism?***

Although some developers are good at gaming the system, either option could provide some defence against the most unscrupulous behaviour. Why not have both?

***Are there any alternative mechanisms?***

It needs to be realised that, where a particular developer found they faced such obstacles to planning consent, they could simply transfer the site to another apparently unrelated developer to pursue the permission and the development. In such case cases,

deletion of the site from allocation for development in the local plan would be needed, either for a few years or longer.

Where such behaviour was detected on a significant scale, a site should be permanently deleted from allocation for development in the local plan if greenfield – and for some years if brownfield.

***32. Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly?***

Yes.

***Do you have any comments on the design of these policy measures?***

The measures as proposed would offer significant loopholes, especially for larger and well-resourced developers. (a) and (b) could be circumvented by developers transferring the development to apparently unrelated developers while (c) would be hard to defend on appeal.

The answer is surely a stronger version of earlier policies which put strict time limits on planning consents. If these were restored and required something much stronger than a mere “start” on a development, that would send out a strong signal. In extreme cases deletion of the site from allocation in the local plan (or even future local plans) might actually have the desired effect. Anything less is likely to be gamed.

## **Chapter 6 – Asking for Beauty**

***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?***

“Beauty” is perhaps one of the hardest standards in planning to define or indeed to apply consistently. But that doesn’t mean it should be ignored. While there may be some widely (though not universally) accepted standard of beauty in relation to landscape and natural beauty, that becomes more difficult in relation to the beauty of buildings and structures. The “Brutalist” buildings of the 1960s were once regarded as beautiful (by some architects anyway) but have mostly become despised. Perhaps the best approach should be to apply standards that have stood the test of time, not easy to define but certainly easier than a purely abstract concept of architectural beauty where today’s architectural fashion is quite likely to be tomorrow’s eyesore.

***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?***

How about “Well-designed and acceptable”? This begs the question acceptable to whom, of course. The answer must be the local community (and not just the local authority).

***35. Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?***

Yes.

But this should relate to local traditional standards on materials, forms, heights and densities (respecting net-zero-carbon construction).

***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?***

No.

There is no particular virtue in mansard roofs and, as they tend to be used to extend existing single-occupation houses, they add little to overall housing stock. Certainly, where mansards are acceptable, the standards suggested should be used but it should also refer to the cases where mansards are inappropriate. There should be a restriction on their use in conservation areas for instance and a general presumption against their use on listed buildings.

***If no, how else might we achieve this objective?***

There is very much more to “gentle density” than simply making mansard roofs on traditional houses a bit better designed and complementary to the original structure and neighbouring roofs. Some form of appropriate densities (often greater than very low and lower than very high) should be central to planning both new development and conversion of existing buildings. Local authorities should be able to specify a range of appropriate densities for their areas, within limits prescribed nationally.

## **Chapter 7 – Protecting the Environment and Tackling Climate Change**

***37. How do you think national policy on small scale nature interventions could be strengthened? For example in relation to the use of artificial grass by developers in new development?***

We would seriously question whether the existing *NPPF* puts environmental objectives at the heart of the planning system (consultation para.2) and there are already concerns that the biodiversity net gain system will do little or nothing for nature recovery. While the theory might be fine, it would appear to offer opportunities for gaming the system (as you note) and actually justifying net loss.

We support the need for further enhancements of the objectives mentioned in the consultation para.3. Planning should be central to climate policy; indeed, it should be one of the elements of a national land use framework.

We would also like to pick up a line in the six objectives referred to in the consultation para.3: “nature-based solutions can store carbon, assist adaptation (e.g. by reducing water run-off rates)”. This raises the whole issue of “soil-sealing” which the development lobby has spent years successfully keeping out of public policy.

Soil-sealing (through development, hard standings, roads etc.) prevents soils carrying out many of their vital functions including water infiltration, drainage and flood control, food production, support for biodiversity, carbon sequestration etc.. It is the inevitable result of greenfield development and its control needs to be central to planning policy.

DEFRA is currently proposing a Land Use Framework (LUF) for England<sup>2</sup>. “We will publish a land use framework in 2023 to ensure we meet our net zero and biodiversity targets, and help our farmers adapt to a changing climate, whilst continuing to produce high quality, affordable produce that supports a healthier diet,” says the 2022 *Government Food Strategy*.

While this move is very welcome, it is clear the proposed framework will concentrate on agriculture, nature and land data. While these are certainly key elements of any land use framework, so too are planning, transport, water and wastewater, drainage, flooding and sea defence and land-based energy production issues. Other issues could be included too, but these are the key ones. To this end, the whole approach to planning guidance in England needs to a major rethink.

Insofar as this more limited consultation is concerned, we welcome the plans to protect ancient woodland and trees and the proposed Local Nature Recovery Strategies.

We continue, however, to have grave misgivings about BNG, and not only about the clearances (all too real) you cite. The independence of assessors also needs a rethink. But there are wider issues. Introducing urban development, residential or otherwise, to undeveloped land can bring issues of light, air and noise pollution and disturbance over a wide area. Trying to ascribe numerical values to this, or to mitigation, would appear to be impossible.

Where BNG does apply, if in the period before construction of a consented application gets underway landowners, developers and/or consultants deliberately or carelessly degrade the natural environment and reduce local biodiversity (thereby making BNG easier to achieve), they should be subject to very heavy fines and an obligation to restore the land to its pre-existing level of habitat and health as the baseline for measurement of net gain.

We support measures to deal with environmental hazards like artificial grass and to create things like routes for wildlife, native planting etc.. But planning policy needs to recognise that further dispersed development is harmful to nature and it is desirable to concentrate it. It is not only BNG considerations that need to take account of air, noise and light pollution and disturbance. It is a much wider issue.

***38. Do you agree that this is the right approach to making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best and most versatile agricultural land?***

No.

The proposal needs to be very much stronger. Protection of our farmland, even the most important for food production, has been vanishingly weak hitherto in the *NPPF*. Para.

177 recognises the “economic and other benefits” of farmland and its wider natural benefits. Existing footnote 67 only makes a weak suggestion that building on farmland should prefer “poorer” land – presumably this could direct development from Grade 1 to Grade 2 or 3, Grade 2 to Grade 3 etc..

Even the proposed text of Footnote 67 only says food production should be “considered” – but as an afterthought when deciding what sites should be developed.

Protection of all types of greenfield land, notably farmland and land important for biodiversity should have central importance given the challenges in the Government’s own food and biodiversity strategies.

As a very minimum, the definition of “best and most versatile land” should be revised to include all Grade 3b (including in the *NPPF* Glossary). In many cases it is far from easy to make a distinction between 3a and 3b and some land graded 3b has high production potential. Since our soil has been progressively degraded over recent decades, 3b land has become more important as careful management of it (e.g. through regenerative farming) has the potential to raise it to 3a and above, thus improving our food security. The distinction, probably included in planning to facilitate more building on farmland, should be ended.

Ideally there should be a presumption against development of Grade 1-3 land except in exceptional circumstances. We do actually have a gathering food crisis.

***39. What method and actions 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?***

The consultation (para.12) mentions the *Transport Decarbonisation Plan* and the need to strengthen the links between planning and transport. National plans to decarbonise transport so far have been wholly inadequate, reflecting a substantial fear of the political implications of doing much to limit road and air transport. While we understand that such considerations are being deferred to later work, there are elements which can be done now.

One of the biggest challenges, however, will be carbon assessment in planning policy and detailed assessments are unlikely ever to be possible. Rather, planning policy should aim at actions which reduce use of fossil carbon and resulting emissions.

There is huge scope for this, particularly on things like location, form and density of development. The current *NPPF* is weak on all of these. There is, for instance, substantial international work on “transit-oriented-development” which should be a central consideration in major developments.

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

The whole country plainly needs to take a much more robust attitude to climate change adaptation. Extreme weather is becoming more frequent, less predictable and more

extreme. Rainfall patterns are becoming more concentrated into drought and deluge. Extreme heat is getting worse.

We urgently need regional policy that, for instance, relieves pressure for development on parts of the country already suffering water stress. Planning policy needs to make provision for much enhanced storm water drainage and management. Opportunities should be taken to reduce soil-sealing, for instance by removing hard standings on derelict land, or reducing highway or runway capacity where it isn't needed at least.

## **Chapter 8 – Onshore Wind and Energy Efficiency**

### ***41. Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?***

Consideration of applications for repowering or extension of existing renewable sites should make clear that these can be refused if there is evidence of significant environmental problems which cannot be resolved by such work. For example, more research is needed on the short- and long-term impact on biodiversity of large ground-installed solar farms on greenfield land, and on best practice for decommissioning large-scale renewable energy sources.

### ***42. Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?***

The implications of applications in new paragraph 160© should be judged on their merits, not against existing baselines as this could simply perpetuate serious problems.

### ***43. Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework?***

What changes proposed? There are none actually set out in the draft *NPPF*. Predicating permission for onshore wind on demonstrable local support, best practice and new digital engagement techniques is all very well, but offers no indication of what is actually proposed. The “range of routes” would need much better definition.

### ***Please set out the reasons for your answer, including any views on specific wording changes to existing footnote 54***

While we need more renewable energy, the rash of ill-controlled solar developments on farmland shows that, like any technology, it needs to be carefully planned and located. It needs to be made clear that wind energy is not normally permitted in national parks, AONBs, SPAs and SACs or on deep peat soils.

But acceptance of the technology would be enhanced if conditions were imposed on consents requiring the paying into escrow accounts of funds from their operation to pay for remediation of the site once it is no longer used. This should include removal of foundations and roadways provided specifically to service the turbines. Such roads should never be permitted on deep peat soils. There also needs to be guidance on reducing the visual impact of turbines and associated infrastructure.

***Do you have any views on specific wording for new footnote 62?***

While some subjectivity in wording is inevitable, it is hard to see exactly what the implications are of, for instance, changing “fully” to “satisfactorily” addressed. What is meant by “community support” here?

***44. Do you agree with our proposed new 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?***

There needs to be more clarity in the definition of “large” buildings. Presumably for residential buildings this should make clear it applies to those designed to accommodate multiple homes (>2). It should be made clear the requirements do not apply to buildings in conservation areas, listed buildings or residential buildings built before 1914.

***Please set out the reasons for your answer, including any views on specific wording changes to the existing paragraph.***

A word like “large” can have such wide meaning as to be almost useless.

Experience shows it is very difficult to provide large-scale energy efficiency in historic buildings without compromising their heritage value. It is certainly possible, as work done by SPAB etc. shows. But it needs careful control. The damage to local heritage through insensitive refenestration or external insulation, for instance, can be profound. It is almost always possible to significantly improve the energy performance of old and historic buildings in a sensitive way, but all too often the gains are marginal or can destroy their heritage value. It needs careful control and guidance needs to reflect this.

## **Chapter 9 – Preparing for the New System of Plan-Making**

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## **Chapter 10 – National Development Management Documents**

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

No.

The three broad categories in paragraph 12 covering the scope of NDMPs are so broad as to cover pretty much anything.

As to paragraph 13, planning is, of course, much wider than a process of determining planning applications and plan-led-development has progressively weakened its importance, perhaps too far. It’s also unclear what is, or isn’t, a nationally important issue. They are all nationally important and individual decisions have collective effect. It’s also difficult to isolate planning from other key issues.

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

They should not become destructively dominated by a single issue in the way house building has distorted the *NPPF* since its inception.

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

No.

The list needs a complete rethink.

**52. Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?**

There are many issues. What about “transit-oriented-development”, for instance?

## Chapter 11 – Enabling Levelling Up

**53. What, if any, planning policies do you think could be included in a new Framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?**

**Living standards:** This requires urgent attention to regional planning. It will involve uncomfortable policies for some. Top among these is likely to be restrictions on economic growth where it is outstripping local housing and infrastructure and leading to unsustainable patterns of development. This would mean an end to initiatives like the so-called Oxford-Cambridge Arc and its successors. What it wouldn't mean, however, is promoting unsustainable patterns of development in deprived areas. Sustainability in the economy, environment and society aren't separate issues; they need an holistic approach. Smart Growth offers such an approach<sup>3</sup>.

**R&D:** Once again, trying to back only the top winners is doomed to fail. Much of the country, including parts of the Midlands and Northern England are well placed to accommodate an expansion of research and offer good existing facilities to build on, plus housing, infrastructure and a superior environment. Much of southern England does not. Again, the Oxford-Cambridge Arc provides a model of how not to go about it.

**Transport infrastructure:** Here is where a Smart Growth approach, stressing sustainable means of transport and development patterns which reduce travel by unsustainable modes and encourage and facilitate active travel, public transport (rail-based where possible) and rail and water for freight could deliver real benefits. One key to that is avoidance of development patterns which lock in unsustainable modes and of the type of distribution systems and infrastructure which maximize road freight. Another, on the positive side, is the implementation of a transit-oriented-development approach. This is a big subject and England has a great deal of ground to make up.

**Digital connectivity:** This is something to generally encourage and support.

**Education:** From the planning point of view, one way to make budgets go further would be to avoid sprawl settlements, particularly new settlements and to locate development either within existing settlements or, at worst, alongside. This enables best use to be made of the existing infrastructure. For universities, it will be necessary to restrict further expansion in parts of the country lacking in housing and infrastructure.

**Skills: -**

**Health: -**

**Well-being:** Well-being should be of profound importance to the planning system and would require a major rethink of the whole approach. Regional imbalances of wealth, housing, infrastructure, environmental quality etc. will indeed need a huge shift in the way we approach planning, transport and so much else.

**Pride-in-place:** We urgently need to restore pride in place and a sense of belonging in communities. There is no single magic bullet for this, but avoidance of further low-density and car-dependent sprawl development, where people have little or no investment in their built communities is key. So is avoidance of long-distance car commuting. Transit-oriented development is important here.

**Housing:** It's difficult to see how continuation of existing trends in housing tenure would help levelling-up, however desirable. What is needed is levelling up of regional economies, so things like homelessness, disrepair etc. can be reduced and satisfactory housing for all pursued. This is not achieved by forcing local authorities to release greenfield land for low-density, up-market homes.

**Crime:** Once again, regional economic development is key, although avoiding the sort of low-community, high-cost, sprawl housing developments would also help.

**Local leadership:** Regional and local devolution shouldn't be a matter for deals. They should be a central part of the administrative landscape. And this means genuine democratic control at every level, so governance by proper assemblies and councils. Elected mayors may look seductive, but they tend to be a way for Whitehall to keep control.

***54. How do you think 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?***

What's clearly needed, so far as planning is concerned, is the restoration of regional policies in England. The imposition of a one-size-fits-all policy for the whole of the country inevitably increases regional disparities. Obviously, there would still need to be overarching national policies, but details of things like residential densities would vary from region to region, as well as place to place.

What we need to avoid, however, is the sort of local free-for-all promised by initiatives like freeports. All they do is concentrate local investment at the expense of other places. Just "simplifying" planning restrictions is never a way to increase economic activity

sustainably. It's seductive, but only brings short-term gains and always causes long-term problems.

***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?***

Yes.

Urban area building densities often reach (and sometimes exceed) sustainable levels; rural ones seldom do. The issues of brownfield-first and density, though not unrelated, are separate.

The big change needed is reintroduction of brownfield-first policies (in local plans and planning consents) for residential building and probably other types of use, including perhaps renewable energy. The earlier brownfield-first policy in England was evaded, to some extent, by developers forcing non-residential occupiers out of existing sites on to greenfield and so freeing up brownfield sites for development. That's why other uses need to be considered.

It's difficult to see, however, what is meant by increasing brownfield development to facilitate gentle density. Certainly, local plans should specify the density of new development and use a range of sustainable densities (normally 50-100dph) we recommend.

But other than strong support for such densities in national, regional and local plans (and rejection of allocations and developments which fall below them), it's difficult to see how far planning could go to facilitate this. Densification of existing low-density residential areas would plainly be a good thing but, unfortunately perhaps, no-one has yet come up with a way to persuade their residents to accept such comprehensive schemes. Maybe national policy could include some suggestion that such redevelopment could, subject to controls and limits, at least be acceptable.

## **Chapter 12 – Wider Changes to National Planning Policy in the Future**

***No consultation questions asked.***

## **Chapter 13 – Practical Changes and Next Steps**

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## **References**

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<sup>1</sup> *The Housing Infrastructure Fund* [Smart Growth UK, April 2022] [https://smartgrowthuk.org/wp-content/uploads/2022/04/Housing\\_Infrastructure\\_Fund-1.pdf](https://smartgrowthuk.org/wp-content/uploads/2022/04/Housing_Infrastructure_Fund-1.pdf)

<sup>2</sup> *Government Food Strategy* [DEFRA: 13 June 2022] [Government food strategy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/government-food-strategy)

<sup>3</sup> *The Overheated Arc – Part 2* [Smart Growth UK, September 2019] [https://smartgrowthuk.org/wp-content/uploads/2021/03/Arc\\_Report\\_2.pdf](https://smartgrowthuk.org/wp-content/uploads/2021/03/Arc_Report_2.pdf)