

# **Levelling Up and Regeneration Bill**

## **Reforms to National Planning Policy**

### **Response from the Northern Housing Consortium**

#### **About us**

The Northern Housing Consortium (NHC) is a membership organisation based in the North of England. We are the 'Voice of the North' working with councils, housing associations and ALMOs to develop insight, influence and solutions to create better homes and places.

#### **Introductory Comments**

We are pleased to respond to the proposed National Planning Policy Framework.

There is much to be positive about in the proposals, but we have some concerns about some seemingly contradictory elements and the practical implications of operating within the Framework.

We share the Government's aspirations for an efficient, well-resourced planning system that creates well-designed places and provides a framework for a plan-led system with stronger regeneration powers. We also welcome the proposed Framework being framed within the context of the Levelling Up missions.

Delivering more and better homes across the North will contribute to a number of levelling up missions, notably the ambition to halve the number of non-decent rented homes by 2030.

The construction of new housing, and the retrofit and upgrade of existing housing will also drive economic prosperity in the North.

The proposals aim to provide clarity on the role and responsibilities of local planning authorities and developers. We welcome the recognition throughout the Framework that councils are not responsible for the rate of build out; and further debate would be welcomed on powers to be given to councils to encourage developers to build housing more quickly.

It is encouraging that the proposals recognise the need for planning reform to support the delivery of greater numbers of social housing and greater diversity in housing types, and reference to older people. Greater diversity of house type and tenure will result in increased absorption and build-out rates. It is vitally important that, as Government proceeds with its wider package of reforms, provision of affordable housing through the planning system is protected.

Our response to the detailed consultation questions is based on consultation with our members in the North who have demonstrated ambition in the delivery of more and better homes.

Within the three Northern regions, local authorities have all comfortably outperformed their housing targets and in the three years up to 2021 Northern housing delivery was 59% (66,000 homes) above target. In addition, 80% of the top 30 highest performing housing delivery authorities are in the North.

We have some concerns about the overall package of proposals and the consequences of some proposals which may speed up the initial planning process but may have a delaying impact later in the process. Removing the requirement for plans to be 'justified' will quicken the process by reducing the evidence requirements, but our members expressed concerns that this would lead to challenge at Examination. There was general agreement that proportionate evidence gathering was required.

We support efforts to ensure that planning can contribute to tackling climate change but question whether the Framework proposed is strong enough to deliver this change. Local planning authorities must have confidence in planning for energy efficiency and net zero technology and the current proposals are inconsistent, for example, on the benefits of adapting existing buildings and protecting heritage buildings and conservation areas.

The focus on ensuring good design for quality placemaking is welcome, although the reference to 'beauty' could be regarded as too subjective and further detail is required to support a clear and objective approach to design. The aim for beauty and for density and evaluating development that is 'out of character' is a difficult balancing act for local planning authorities.

Planning reforms must make a major contribution to achieving sustainable developments in ways which are fair and equitable and achieve the social and economic aspirations which are key to levelling up. Underpinning this is a requirement to improve the resourcing of the planning system.

The proposed reforms on the scale proposed will create substantial resource demands, particularly during the transition phases where councils will be running the old and new systems. Northern LPAs have lost a disproportionate amount of capacity over last ten years. The average net spend on planning in Northern councils has fallen by 65% since 2010/11, compared to a reduction of 50% in the rest of England.<sup>1</sup> If it is proposed that applicants, not the taxpayer, should fund the new planning system with a small proportion of the income from the new Infrastructure Levy earmarked to LPAs to cover their overall planning costs we fear this could exacerbate regional inequality with areas of lower land value and more limited options to cross-subsidise the new planning activities facing a spiral of under-resourcing.

The proposals must include a realistic assessment of how much additional capacity will be needed to ensure that existing under-resourced planning authorities are capable of delivering new local plans for a new planning system in 30 months along with all the other new burdens.

Detailed answers to the consultation questions are set out below.

---

<sup>1</sup> NHC (2020) *Time to Level Up: Local Authority Housing and Planning Capacity in the North of England*. Available at: <https://www.northern-consortium.org.uk/influencing/ournorth/local-authority-capacity/>

## Local 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

We welcome the proposal to remove the requirement for a deliverable five-year housing land supply. The proposed change shifts the balance between plan-led and so called speculative development, leaning more towards ensuring the number and location of new homes is delivered through plan-making, giving the authority the ability to better ensure that the right amount of development goes in the right places.

The removal of the need to demonstrate a 5-year land supply will encourage local authorities to be pro-active in producing a local plan and reviewing it to ensure it remains current. A local plan takes a considerable amount of time and effort and should not be considered out of date within its first 5 years. This approach will aid achieving public support and confidence in a plan-led system.

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 placed on the calculations by national policy are considered unnecessary.

Removal of the buffers would provide consistency. If the 20% buffer is removed, it will result in a greater number of LPAs being able to demonstrate a 5YHLS and less 'speculative' development coming forward.

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?

YES

If policy and guidance require the accounting of shortfalls, then it is fair to equally account for oversupply though further clarity on the time period of oversupply being considered is needed.

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

Existing guidance on undersupply is generally considered to be sufficiently clear. Planning Practice Guidance should be amended to treat oversupply and undersupply equally and authorities should be able to offset any oversupply against later undersupply.

Guidance should account for large schemes coming forward beyond the 5 year period. This may be addressed by including for allowances for a stepped trajectory that goes beyond the 5 years.

## Neighbourhood Plans

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?

Where it exists, neighbourhood planning can be an important means of giving communities a greater say in where future development takes place, how it is designed

and what infrastructure is provided. We support the extended protection to neighbourhood plans that are up to 5 years old instead of the current 2 years.

### **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?

We agree with the suggested changes to the opening chapters of the NPPF.

### **Housing Targets / Needs**

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

We welcome the confirmation that targets will remain but will be a starting point with a flexibility to take account of local circumstances. We also welcome the commitment to consult on how the targets can better take account of local density. The formula used by the Standard Method can never be a substitute for local knowledge and decision-making by councils and communities who know their areas best.

While it is the intention of levelling up missions to address regional imbalances, the Standard Method is undermining efforts to boost the Northern economy through housing investment which could create tens of thousands of jobs and add billions of pounds to the economy. Research undertaken for Homes for the North in 2019 highlighted that to achieve the 'transformational' growth scenario set out in the Northern Powerhouse Independent Economic Review, an average of 65,000 new homes per annum are required between 2020 and 2050. So, far from levelling up the country, we believe the Standard Method based on the existing household data exacerbates existing disparities.<sup>2</sup> In much of Northern England, the formula has resulted in reduced housing need yet it is important that delivery of new homes should correspond with local ambitions and the Government's own levelling up aspirations.

The consultation document states there will be a review of the implications on the standard method of new household projections data based on the 2021 Census, which is due to be published in 2024. We support amending the guidance to set out that the most up to date housing projections should be informed by data from Census 2021 figures in 2024.

To continue to base housing need on the 2014 projections risks perpetuating a lack of trust from local communities, which proves difficult for local authorities to gain the support it needs to agree a draft local plan.

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?

YES, we agree that the proposal for setting out what constitutes exceptional circumstances should be clearer. Submitting a plan using locally derived housing targets will be highly risky for local authorities and could risk the plan failing at the very start of

---

<sup>2</sup> The Role of Housing in the Northern Powerhouse – An analysis of the housing required to unlock the benefits of transport investment in the North of England' (July 2019) CEBR/Quod

an examination. Developing an alternative housing target is likely to be a costly and time-consuming process for LPAs and in evidencing an alternative approach, there should be reasonableness in PIN assessment of deviating from the standard method.

The starting point set by Government through the Standard Method would identify an overall starting point of local housing need. LPAs would then be required to consider several localised factors and provide evidence against each one which justifies whether an upwards adjustment is made to the Standard Method figure. The scope of this assessment, and the evidence used, should be set out in guidance to ensure that it did not become too complex or lengthy. This would take place during stage 1 of the plan-making process.

Planning authorities need an agreement that a locally derived figure is acceptable in principle before submitting a local plan for examination, to avoid lengthy unnecessary work. Clear guidance would give authorities confidence that their figures can meet the tests and reduce the risk in submitting the plan for examination.

### **Introducing new flexibilities to meeting housing needs**

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?

NO, local planning authorities should be required to review Green Belt boundaries if necessary to meet demand.

This is a planning area which is not well defined, and there is often confusion in relation to the purpose and concept of a green belt which is often misunderstood and misinterpreted. This section would benefit from further clarity.

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?

Making a judgement on 'out of character' would require evidence on existing character. Local planning authorities will increasingly be drawing upon character studies in support of their emerging design codes. Design Codes would provide LPAs with more control over development in their areas, but their preparation adds to resourcing needs in already stretched planning teams.

This evidence should provide a story of how the local authority is planning to meet housing needs that is proportionate to the character of the area.

Our concern would be the application of a test which demonstrates the distinctive character of an area when the Framework retains the urban uplift, it seems that the 20 uplift areas must achieve the housing growth required within their urban boundary. If those authorities need to look to locations in their lower density, predominantly suburban areas which have good access to stations, bus stops, schools, employment and shops to deliver higher density development, it seems to be at odds with intention to plan for growth in a way that recognises the local character.

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?

NO

The proposals seek to expediate the process of preparing a Local Plan and in doing so reduce the evidence collected by a local authority.

We have concerns about limiting the evidence that the new system requires - if a local authority is challenged at examination this will be problematic further on in the process. We feel it is important that the approach of preparing a proportionate evidence base is reflected throughout the process including at Examination Stage, ensuring that Local Authorities are not penalised e.g., a plan found 'unsound', due to a balanced approach being taken.

Further clarity is required on what evidence would or would not be expected in support of plan-preparation.

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?

NO

We understand the rationale of this proposal which seeks to expediate the process of preparing a Local Plan, but it is important that the approach of preparing a proportionate evidence base is reflected throughout the process including at Examination Stage.

It could mean plans being less effective and at greater risk of being challenged so we propose retaining the tests but with a proportionate amount of evidence.

### **Urban Uplift**

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

We accept that urban areas are often the best places for housing growth, but the additional planning requirements of the removal of the duty to cooperate and the requirement for 'gentle densities' seem at odds with this ambition.

The increased housing needs of the 20 urban authorities represents a doubling in their current built rate, from 67,337 dpa to 131,520 dpa but without any flexibility in Green Belt release or support from neighbouring authorities to deliver the uplift.<sup>3</sup>

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?

Under these proposals, the urban uplift authorities will be doing much of the 'heavy lifting' on housing numbers. These local planning authorities, like others, lack financial resources, and in many cases would not have access to the number of skilled personnel required to deliver the urban uplift in a reasonable timeframe. More resources must be made available for urban master-planning, and to expand the capacity of council planning departments. There may also be a role for dedicated support from Homes England for some authorities.

Where the urban uplift will force development on to the green belt, there should be flexibility so that the extra amount from the urban uplift does not have to be applied where it will be out of character for local communities.

---

<sup>3</sup> Homes for the North evidence to LUH Committee The Future of the Planning System in England 2021

These authorities would benefit from the updating of the calculation of housing targets as early as possible to provide certainty on delivery targets.

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?

The urban uplift will need to be considered through the preparation of Local Plans and via the proposed alignment policy. Policy or guidance will need to support those local authorities in the top 20 to demonstrate how their specific constraints would not allow them to deliver the uplift. The key may be to target the uplift to local authorities that support it and where, with the right financial investment, there is potential to unlock large brownfield sites and provide supporting infrastructure.

### **Enabling communities with plans already in the system to benefit from changes**

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

YES

Clarification is however required as to whether a 4-year rolling housing land supply would apply to those emerging Local Plans whereby it is not proposed that the Local Housing Need figure will be met in full. For example, paragraph 226 of the proposed NPPF changes, states 'allocations towards meeting housing need'. All Local Plans will be working 'towards' meeting housing need (to a lesser or greater extent). As written, this could be left open to interpretation.

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?

YES

The additional guidance on constraints should be applied straightaway to as many Local Plans as possible including those in the later stages of the process e.g., at Examination Stage.

### **Housing Delivery Test**

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?

NO

We have concerns regarding proposals to replace the existing approach with a quicker, simpler framework simply to speed up the process. Whilst we support greater efficiency in the planning system, there is not sufficient evidence that a simpler test and slimmed down approach will support achieving housing requirements.

We note, an advantage of the new test aims to act as a spur for local authorities to keep their plans up-to-date with a ready supply of sites for developers but we consider further thought is needed on the proposal. If the standard method is used to derive the annual

local housing need for the purposes of this test, it would not provide any benefit to local authorities with a local plan over 5 years old that are preparing a new local plan.

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?

NO, the extra 15% is no different to the use of buffers on 5-year supply that these amendments seek to remove.

Local Authorities should be able to use their own evidence base to demonstrate their own rates of implementation and thus a justify a lower 'switch-off' rate.

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

The new test in relation to planning permissions could be difficult to implement as it is not always clear when a permission is granted and at what stage of the approval process would a permission count towards the 115 per cent of planning permissions.

The net number of homes granted per year would appear the simplest option based on the planning permissions granted in that year. This could be collated by local authorities as part of their monitoring of outstanding commitments for 5-year land supply requirements (planning permissions).

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

The consequences applying to the 2022 results should be suspended (Actions Plan, buffers, and the presumption). The 2022 results should be published for information purposes only allowing for details of the 'switch-off' test to be worked up and applied (alongside the consequences) to future results.

## **Social Rent**

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?

YES

Social rented accommodation is the tenure most needed. Analysis for the NHC shows a shortfall of over 81% in social rented delivery in the North. However, delivering this tenure does require higher levels of subsidy. A developer contribution is typically 45% of the market value of any affordable property. A social rented unit would be 55-60% of the market value because the rent values for social rent are permanently capped under the target rent regime.

Support for discounted housing is to be welcomed as it supports home ownership but we would not wish to see the crowding out of the delivery of social rented housing. The delivery of social and affordable rented homes will be impacted by the nationally set First Homes requirement displacing other discounted-market products, particularly affordable and social homes for rent of which there is already an undersupply in many local authority areas.



It is vital that First Homes are provided alongside rather than instead of other affordable housing options to ensure the housing system works for everyone in our society.

To prioritise more costly social rented housing will be more of a challenge in viability terms and an increase in government grant to help make development viable is essential.

### **Older People**

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

We support the NPPF making it easier to develop extra care and specialist housing. This should be linked to suggested reform of the planning use class system and identifying suitable sites in good locations close to key local services and transport links that help older people to stay independent. Although most older people want support while continuing to live in mainstream housing there is a growing demand for retirement housing in privately leased or rented schemes, as well as sheltered social rented housing, which is not being met. Such properties help free up family housing units which are difficult to deliver in a restricted, urban environment.

If changes are made to the NPPF these should also specifically look to strengthen Council's ability to ensure the delivery of older persons accommodation which is affordable and set out clear policy on the level of care (number of hours and type of provision) which is considered to fit Use Class C2 as opposed to C3.

### **Small Sites**

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)?

We do not have evidence of the effectiveness of the policy in creating more opportunities.

The definition for developable sites may be too restrictive. Currently the test is that such sites are developable if there is 'a reasonable prospect that they will be available'. The word 'reasonable' makes it difficult for local authorities to justify. It is unclear if the proposed removal of the 'justified' test of soundness will help, but a clearer recognition of this form of housing supply in the NPPF would help.

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?

The reference at para 69(d) on splitting up large sites is welcome, but the wording 'to encourage' seems to lack teeth and leaves an open question over what happens if the owners of large sites are unwilling to do this. We are pleased to note that Homes England is working to make some of its own sites available in smaller parcels. Brownfield registers Part 2 will also help here. The encouragement of small builders could also be facilitated through use of One Public Estate.

We support the best use of Brownfield Registers, identifying and allocating appropriate small sites for residential development and listing these sites on the registers. Planning certainty is increased for small sites by identifying and allocating appropriate small sites

for residential development, listing these sites on brownfield registers and granting permission in principle on specific sites or preparing local development orders.

### **Community led**

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?

YES

It would be helpful if this part of the definition could be reviewed and a balance struck so that safeguards in respect of the probity and quality of affordable housing landlords were put in place whilst also ensuring that other legitimate providers, who are not necessarily registered) are able to come forward. Local authorities should have the leeway to exercise judgement in these cases, as many have been doing.

27. Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?

The Government may wish to consider setting the requirement for developers on certain sized sites to set aside land for community groups to bring forward affordable homes. However, this would need to be balanced with other housing requirements for affordable home ownership / social rented.

28. Is there anything else that you think would help community groups in delivering affordable housing on exception sites?

The Government could require land (or a percentage of a site) being sold by other departments e.g., the MOD and NHS, to provide affordable homes for community groups as opposed to insisting on best market value.

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

-

### **Developer Accountability**

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

We support greater accountability for developers and believe that planning is not the barrier to housebuilding.

If past behaviour is taken into account, we believe that an example may be where the owner has been successfully prosecuted for a breach of planning control and then submits an application for similar development, seeking to delay compliance.

31. Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?

We consider that both options may have merits in different circumstances however, Option 2 (which allows local planning authorities to decline to determine applications) would be most effective in terms of the efficient use of resources.

If past behaviour can be taken into account as a material consideration, we have concerns this could have unintended consequences in terms of transparency by the applicant or applications impacted by the actions of previous owners.

### **Build out**

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

YES

We welcome the commitment to bring forward additional measures to tackle slow build-out. Our local authority members confirm that in their experience the planning process is not the main constraint on housing delivery and they are committed to working with developers to build the right housing.

The proposed policy measures are welcome for addressing the ongoing challenges around build-out of schemes following planning permission and to tackle non-compliance, including the possibility of a fine.

Notwithstanding the three build out policy measures, we are concerned that if there is a potential fine for not building out a scheme as proposed, then it will be in the developers' interest to plan for much slower timelines to avoid these measures and to account for unexpected delays.

We would expect to see in the forthcoming consultation detail of the level of the fine to be set (considering the size of development) alongside the additional cost that local authorities would incur implementing these processes. In addition, we would expect to see that 100% of the fine is retained by the local planning authority.

### **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?

YES

We support the aim of emphasising the role of place-making and high-quality design and for these to be included in the strategic policies, linking with the National Model Design Code and the local Design Codes, where these have been prepared. However, the widespread understanding of the term "beautiful" across our communities encourages a subjective view on the appearance of new developments and is very misleading.

Allowing 'beautiful' development to be fast-tracked may not lead to the quality homes and places communities want and need, and indeed debate on beauty may derail efforts on placemaking.

Beautiful development could only act as a broad ambition to which other more detailed policies and planning documents can be attached, and we support an ambition to elevate the issue and encourage strategic and early thought on how this will be achieved.

To achieve well-designed and beautiful development, requires design-led thinking, rather than quantum of development led-thinking.

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?

Chapter 12 – Yes, agree if it helps to elevate the issue.

Paragraphs 84a – Yes, keeps consistency of wording.

124e – Suggest change to “the importance of securing high-quality well-designed, attractive and healthy places” instead.

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

YES, although it is unclear what greater visual clarity is needed as most Local Planning Authorities impose standard conditions relating to building in accordance with approved plans and agreed materials. In addition, Design Codes may identify what materials are considered suitable or not suitable within an area.

### **Density**

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?

NO. It is unclear why reference to mansard roofs is relevant and is considered too specific for national planning policy.

The choice of roof design in achieving appropriate upwards extensions should be appropriate to the site and the character of the area. While mansards may be in keeping with the character of many large urban areas, it may not be so suitable in other areas. The choice of appropriate styles should be something which is explored and promoted through the Design Code process.

### **Environment**

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 consider that the NPPF could state that on new development sites, artificial grass should not be laid at the outset (e.g., upon construction). The only exception being in communal high use areas such as play areas. Furthermore, permitted development rights could make clear that artificial grass requires planning permission.

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

-

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?

-

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?

We support further measures for planning policy to support climate change adaptation.

We consider planning policy could support thermal comfort assessments for new development to mitigate overheating as a result of climate change. Also, encouraging the use of resilient material choices in building standards to mitigate against extreme weather events.

It is also considered that specific standards for glazing to wall ratios and glazing performance as well as external shading should be developed to help mitigate against solar gains and extreme heat events could also be included in national policy.

Climate benefits could also benefit health goals, emphasising their benefits through supporting recreation, social interaction, mental wellbeing and reducing air pollution.

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

-

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

-

43. Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?

-

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?

YES

We agree with the proposed addition to the Framework which gives a very clear signal that the adaptation of existing buildings must be taken seriously to drive down carbon use and that planning is not a barrier to that.

Although the term 'significant weight' may lack definition, we believe that relaxations to planning restrictions have the potential to make some currently hard to decarbonise homes much easier. It needs to be as simple as possible to install measures to improve the energy performance of properties, including through the installation of fabric efficiency measures and heat pumps and other low carbon technologies like solar panels.

We support the inclusion of paragraph 161 and encourage the NPPF to go further through enshrining a commitment and alignment to net zero throughout the document.

At present, planning rules can hold back households from improving homes in conservation areas and listed buildings. We encourage this to be reformed as swiftly as possible to ensure that planning regulations act as an enabler for green growth. There are nearly 10,000 Conservation Areas in England providing heritage protection for over 10% of properties.<sup>4</sup>

Studying data for more than half of the English housing stock, a recent study has shown that conservation area status in England may be responsible for up to 3.2 million tons of avoidable CO2 emissions annually.<sup>5</sup>

Properties in conservation areas have a notable worse energy efficiency; experience lower investment in retrofitting and consume notably higher levels of energy owing to poor energy efficiency. Effects can be directly attributed to planning requirements for otherwise permitted development that only apply to properties by virtue of them being located inside a conservation area.

Whilst we support the conservation of heritage sites, areas and buildings, the context of what this entails must evolve in line with net zero and energy security goals. Paragraph 205 states that “[any] harm [to a heritage site] should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.” The public benefit of improved energy efficiency of domestic homes is not only in line with net-zero, but also is linked to reduced energy bills<sup>6</sup> and improved health.<sup>7</sup> For this reason, we believe that energy efficiency improvements and emissions reductions should be clearly identified as an example of public benefits. This should include removing the barrier of requiring planning permission for simple retrofit measures like double glazing and must also make it much easier to install low carbon technologies like heat pumps and solar panels.

We encourage a comprehensive review to understand and streamline steps to make the installation of heat pumps more straightforward in the UK. To avoid planners requiring expensive and time-consuming acoustic reports, the permitted development rights for heat pumps should be reviewed to extend rights for heat pumps with a noise output below a defined decibel output level.

The proposed changes should happen now if the UK is to reach its Net Zero goals. To enable this, guidance is also needed about how to retrofit listed buildings and properties in conservation areas, as advice differs between authorities. Furthermore, although there is a national register of listed properties, there is no national dataset for homes that are subject to the restrictions placed on retrofit measures in conservation areas.

Councils are already committed via their own Climate Change Action Plans to deliver net zero carbon, many aiming to deliver before the national target date of 2050. Reforms to the planning system should also make it clear when local authorities can exceed standards and provide guidance on how local areas could go further should they wish to.

---

<sup>4</sup> <https://historicengland.org.uk/advice/planning/conservation-areas/>

<sup>5</sup> [https://warwick.ac.uk/fac/soc/economics/research/centres/cage/publications/workingpapers/2023/regulatory\\_barriers\\_to\\_climate\\_action\\_evidence\\_from\\_conservation\\_areas\\_in\\_england](https://warwick.ac.uk/fac/soc/economics/research/centres/cage/publications/workingpapers/2023/regulatory_barriers_to_climate_action_evidence_from_conservation_areas_in_england)

<sup>6</sup> [Investing in energy saving solutions could save billions - E3G](#)

<sup>7</sup> <https://phwwhocc.co.uk/wp-content/uploads/2021/12/PHW-The-importance-of-household-energy-efficiency-for-health-1.pdf>

## **Transition**

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?

YES

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

YES

For local authorities submitted early Local Plans, however, the transition may present difficulties for local authorities waiting for the reformed system to be launched in late 2024. In which case 30 months is an ambitious timetable and there is a potential for delay if the Planning Inspectorate is under high demand to examine multiple plans all submitted in a similar time-period.

47. Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?

YES

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

Clarification is needed for councils which submit Local Plans under the current legislative framework and before the 30 June 2025 deadline, and adopt a Design Code as a Supplementary Planning Document (SPD) within this period. Design Codes currently in progress should be capable of becoming Supplementary Plan automatically (subject to transitional arrangements) or being afforded the same status as the Local Plan at the point of adoption.

## **NDMP**

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

YES

However, NDMPs taking primacy over matters that are much better decided at the local or neighbourhood level requires further consultation on which measures prescribe and limit the national development management policies.

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

We support the principles set out.

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

YES

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?

We consider there to be commonalities in the following areas which could support having National Development Management Policies: Pollution (air, noise, contaminated land) whereby this is not controlled through building regulations. Most authorities will have to deal with flood risk in a similar manner, in particular the application of the sequential and exemption tests.

### **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?

We welcome recognition that a strong planning system will be essential to the levelling up programme.

The levelling up housing policy focus is on increasing home ownership and improving housing quality, with the ambition to halve levels of non-decency in rented housing. So, the role that housing plays in contributing positively to levelling up has been recognised, not just in new supply linked to job creation and growth, but as a key part of place-making and regeneration and with design quality factored in to planning which will help to improve standards in new housing stock.

One of the central issues to levelling up is the differences in productivity between the regions, which is linked to employment levels. There is a productivity gap between Northern regions and the rest of England of £4 per-person-per-hour.<sup>8</sup> Health is important for productivity: improving health could reduce the £4 gap in productivity between the North and the rest of England by 30% or £1.20 per-person per-hour, generating an additional £13.2 billion in UK GVA.

Improving housing quality and security of tenure will positively affect physical and mental health. Poor quality housing which is in disrepair, overcrowded, damp or cold increases mortality and ill health. It is widely recognised that the UK has unacceptable levels of poor quality, poorly insulated housing that is damaging to health. The North's private rented sector is a particular concern, with one-in-three homes in that sector found to be non-decent. In Yorkshire, this reaches four-in-ten. It is therefore important that new housing stock, and the retrofitting of older stock improves quality and energy efficiency, which has co-benefits for addressing climate change concerns.

To meet that challenge, the sector needs certainty and a clear direction from the Government about reforms to the planning system and more resources to help deliver the new reforms in the timescales set out.

Planning policies that would support levelling up are referred to elsewhere in this consultation document, for example, creating a 'plan-led' system and updating housing projections to be used as part of the Standard Method as opposed to those from 2014 with the data from the latest Census 2021.

The availability of land for housing is a significant barrier and is an important factor in levelling up. We welcome the Brownfield Housing Fund and Land Release Fund. However, the availability of brownfield land is disproportionately in areas with lower land

---

<sup>8</sup> Health for Wealth NHS



values and proposals in the wider planning reform are not conducive to longer-term regeneration of these sites.

Finally, the Government needs to increase resourcing for local planning. Well-resourced planning services can make a unique contribution to levelling up missions such as increasing living standards and home ownership, generating pride in place, improving transport infrastructure and benefiting health and wellbeing. Resources for planning departments have been cut sharply over the last decade. Last year's report by the House of Lords Built Environment Select Committee diagnosed an "evolving crisis" in planning departments, in which councils did not have sufficient financial resources or skilled personnel to deliver a quality service.<sup>9</sup>

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?

The current Framework and the changes proposed in this consultation around pride in place and well-designed places should support delivery of the 12 missions.

The missions relating to the economy and boosting productivity must recognise in policy and guidance that there are differences in scale of the change needed across different parts of the economy and the 'one size fits all' approach to planning policy may not be the best fit for economic growth.

For example, we remain concerned about the extension of permitted development rights that risk poorly designed housing and planner's ability to deliver mixed and efficient land use. Greater freedoms through permitted development rights (PDR) were allowing new unsuitable housing to be introduced to the private rented sector with a proliferation of properties being converted into HMOs. Local enforcement officers reported that many of the homes created in the private rented sector through PDR are likely to contain one or more hazards. Where local planning authorities are unable to secure planning requirements this can lead to stark outcomes for tenants, and generate further enforcement work for local authorities to respond to the impact of these conversions. Local Authorities should have greater ability to protect economic centres through the use of Article 4 Directions, in cases where they feel development is led by commercial return rather than community gain and risks the economic prosperity of the area. The Government's recent changes to the use of Article 4 Directions has made the process far too onerous on Local Authorities and appears stacked against their use to the detriment of the sustainability of communities.

Making homes fit for the future through adding weight in the planning system to the retrofit of existing housing will contribute to levelling-up the economy. Stimulus policies targeting existing buildings can have the greatest macro-economic impacts. This is because renovations of existing homes have strong potential for boosting supply chains. Modelling by Verco Cambridge showed that for every £1 invested by the Government in domestic energy efficiency, GDP could be increased by £3.20.<sup>10</sup>

Energy efficiency actions can support economic stimulus programmes by supporting existing workforces and creating new jobs, in this labour-intensive work. Analysis

---

<sup>9</sup> House of Lords [Meeting Housing Demand](#)

<sup>10</sup> EEIG (2020) Energy Efficiency's offer for a Net Zero Compatible Stimulus and Recovery

suggests that when homes are upgraded to higher efficiency standards, more than half of the total investment typically goes directly to labour.

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, we strongly support a commitment to brownfield development through the planning system. The Brownfield Housing Fund has been a hugely welcome intervention to bring forward sites and is aimed at unlocking stalled sites. The fund targets investment where there are viability issues but its effectiveness has been hindered by overly-restrictive appraisal methodologies, and where sites don't meet the specific criteria and timescales, there is a risk that the BHF will be under-spent or the pipeline of sites selected will have poor strategic fit.

The government could go further to overcome viability issues on brownfield sites through greater flexibility on viability and improving powers for local authorities. There are a number of clauses in the associated legislation that could help with brownfield regeneration, such as those relating to changing compulsory purchase order powers, and the infrastructure levy. Getting local plans in place more quickly will also help to bring brownfield sites forward.

We support the proposals to give developers the greatest brownfield opportunities and encourage greater use of small sites.

The challenges to overcome are the associated risks and costs of these sites. Small brownfield sites carry a disproportionate amount of risk due to the inability to easily absorb any unforeseen costs. Many brownfield sites across the North have little or negative land value and these sites have not been built out despite being allocated in Local Plans. Also, the preliminary costs for site overheads etc., tend to be a much higher proportion of total costs than larger sites.

Developers will default to the least risky option so the easy-to-develop sites will almost always be prioritised ahead of the more complex sites. It has been easier for large housebuilders to bring forward speculative developments through the planning system, often not contained within local plans. The exception is where there is funding or other incentives available to compensate for the additional risk and costs involved.

Where the LPA may be relying on strategic brownfield regeneration sites for housing numbers, further guidance may be required through the framework on level of details and scrutiny to prevent the system becoming delayed by detailed viability arguments.

Brownfield Registers and Permission in Principle have helped to improve the data on brownfield sites and help remove some of the risk. The Registers provide useful information on the amount of developable brownfield land that currently exists, and each sites capacity for new homes. However, it also has significant shortcomings when evaluating the quantum of developable land overall. This makes it an unreliable basis for policy makers to decide on the number of homes that can be built in different areas. Work is needed on improving data quality of Brownfield Registers if brownfield land availability is a key part of planning reform.

A more workable methodology within a planning regime would recognise the nature of these stalled sites and would account for a longer plan period to develop investment-ready proposals where private developers are unable or unwilling to develop on

brownfield sites. It will also be useful for additional flexibility for sites that are primarily brownfield, but also contain an element of greenfield, as some industrial sites can sometimes be a mixture of both.

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?

YES

It is essential that all members of society feel safe within our public spaces and, that more emphasis needs to be given to ensuring that the design of our communities considers the safety of more vulnerable groups.

### **Next steps**

57. Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

-

### **Equality**

58. We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

-