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CONSULTATION ON PROPOSED CHANGES TO NATIONAL PLANNING POLICY

I am writing to respond to your consultation on behalf of the Smart Growth UK coalition which welcomes the opportunity to submit a response.

Introduction

Smart Growth UK is an informal coalition of organisations and individuals interested in promoting the Smart Growth philosophy in the UK.

The Smart Growth concept, pioneered with great success in North America, is an holistic ethic of spatial, transport and community planning which aims at long-term sustainability rather than short-term gain. It has several aspects and the following principles were agreed by the coalition in 2008:-

- Smart Growth promotes well-designed, compact, functional communities and rejects land-hungry sprawl and wastage of greenfield land.
- Smart Growth emphasises use of communities' existing infrastructure and resources and conserves open space and urban fringes.
- Smart Growth reduces dependence on road transport and increases opportunities for walking, cycling and public transport. Towns, cities and villages should be pedestrian-friendly and rail-accessible.
- Smart Growth believes our countryside and open space is a precious environmental, social and economic resource. It should be protected and husbanded if we are to move towards a more sustainable society. Squandering it will create, not solve, problems for our towns and will do nothing for our national economy.
- Smart Growth encourages communities to develop their own identity and vision, respecting their cultural and architectural heritage. It supports human-scale development and opposes large, monolithic developments, out-of-town retailing and "big box" architecture.

- Smart Growth supports a sensible mix of land uses to suit communities and which meet their daily needs.
- Smart Growth supports mixed-income, mixed-age, inclusive communities that take responsibility for their own development. Local economies should be developed to make them more self-supporting.
- Smart Growth supports quality living for people of all income groups, ages and needs. We want human-scale development at appropriate densities to support sustainable transportation and local facilities.
- For communities to successfully implement Smart Growth they must ensure all three sectors of the economy – public, private and community - function successfully and sustainably.

With specific reference to housing and other growth, it approved *Meeting the Growth Challenge*¹ in 2013 which set out a set of principles:-

- Urban areas work best when they are compact, with densities appropriate to local circumstances but generally significantly higher than low-density suburbia and avoiding high-rise. In addition to higher density, layouts are needed that prioritise walking, cycling and public transport so that they become the norm.
- We need to reduce our dependence on private motor vehicles by improving public transport, rail-based where possible, and concentrating development in urban areas.
- We should protect the countryside, farmland, natural beauty, open space, soil and biodiversity, avoiding urban sprawl and out-of-town development.
- We should protect and promote local distinctiveness and character and our heritage, respecting and making best use of historic buildings, street forms and settlement patterns.
- We should prioritize regeneration in urban areas and regions where it is needed, emphasising brownfield-first and promoting town centres with a healthy mix of facilities.
- Civic involvement and local economic activity improve the health of communities

This response is specifically supported by the following organisations:-

All-Party Parliamentary Light Rail Group Secretariat
British Land Reclamation Society
Campaign for Better Transport
Chartered Institute of Environmental Health
Civic Voice
Environmental Protection UK
Light Rail Transit Association External Relations Group
Light Rail (UK)
Transport for Quality of Life
Transport Planning Society

Scope of the Consultation

The consultation proposes specific changes to (English) national planning policy to help implement recently announced proposals. There is also, however, the Housing and Planning Bill currently before Parliament which proposes some fundamental reforms and our response takes account of the likely form these will take, although we shall be reserving our main comments for the consultation announced on 18 February.

We agree, however, with the Town & Country Planning Association and Campaign to Protect Rural England who, in oral evidence² to the House of Commons Communities and Local Government Committee, said the timing of the consultation creates difficulties given the passage of the Bill and the commission on the local plans process chaired by John Rhodes. TCPA chief executive Kate Henderson said there are questions about the relationship of the consultation with the Bill. “It is not quite clear how these things fit together,” she said. CPRE chief executive Shaun Spiers also told the MPs it is unclear how these things are going to be combined.

Presumably decisions on changes to the NPPF will have to await passage of the Bill and completion of the 18 February consultation on implementation of its planning provisions?

Affordable Housing

Do you have any comments or suggestions about the proposal to amend the definition of affordable housing in national planning policy to include a wider range of low-cost home ownership options?

Smart Growth supports mixed communities and that includes a sustainable mix of housing tenures. The proposal is to include starter homes for sale in the definition of affordable housing and we understand the difficulties of aspiring home owners in securing their goals. However, the proposed discounted cost ceilings will benefit relatively few, while using land, materials and finance which could have secured homes for those with longer-term disadvantage. The starter home proposals mean that the discounts involved would cease to be repayable in any sale after five years, so the homes would presumably then cease to be “affordable”, and freeing their construction from Section 106 contributions is a hidden subsidy that could deprive communities of these benefits in the long-term.

Do you have any views on the implications of the proposed change to the definition of affordable housing on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

It is unclear why the Equalities Statement says the starter homes proposal would lead to more land release. It is more likely, as Section 3 acknowledges, that an emphasis on starter homes would be offset by a decrease in other types of house building. The proposal is

inequitable in only being available to under-40s when the vast bulk of the projected growth in households is among over-55s.

Increasing residential density around commuter hubs

The term “commuter hub” is narrow and open to misinterpretation. Much better would be “transit-oriented-development” (TOD), an internationally recognised term. The consultation paper also talks of “tube stations”, a term only generally applied in London. “Metro” is a term which includes London Underground, but has wider applicability.

Transit-oriented-development is one of the fundamental pillars of Smart Growth. This proposal is the first recent explicit recognition of the need for it in English planning guidance and it is, therefore, strongly welcomed.

TODs would do more than simply encourage or facilitate commuting and there would be no benefit to simply creating new commuter dormitory towns. They need to be part of a sustainable community with housing, employment and other uses in balance to reduce, not just travelling by car, but the need to travel at all.

There are various definitions of TOD but, in essence, it should promote a mixture of medium to high-density housing, office, retail or other commercial development and amenities in a walkable neighbourhood within about 800m of quality public transport, light-rail, tram and other rail-based where possible. It can secure:-

- reduced driving and hence lower congestion, air pollution and greenhouse gas emissions;
- walkable and cyclable communities that accommodate more healthy and active lifestyles;
- increased public transport ridership and fare revenues;
- improvements in local economies;
- improved access to jobs, economic activity, education, retail and services, especially for those on low incomes;
- improved mobility choices, reducing dependence on cars;
- stimulation of local town centres.

TOD can therefore, if well done, secure a large number of the Government’s objectives, including increased numbers of homes and more sustainable communities. There are, however, many potential pitfalls and it needs to be done right if these are to be avoided and these potential gains secured.

Challenges which will need to be avoided include:-

- developers responded to the last attempt to raise urban densities (the 1999 Urban Renaissance and associated policies) by predominantly building large numbers of

unpopular small, high-density blocks of flats in city developments – plans would need to specify appropriate densities/urban forms;

- a poor residential mix - developments would need to be a blend of houses (predominantly terraced) and flats and space standards would be needed;
- loss of valuable townscape and a need to protect the existing structure of towns/historic buildings/heritage/open space;
- over-concentration on housing can ignore need for other uses and place making;
- some land around stations is needed for metro, light-rail or tram alignments and expansion of bus facilities, all of which would need safeguarding;
- street layouts would need to be “permeable”, protecting walking and cycling and connectivity with wider areas;
- creation of supposedly transit-oriented-developments in unsuitable places like rural or semi-rural locations where these would, in reality, result in car-dependent developments;
- sterilizing valuable space in TODs for car parking;
- Network Rail, London Underground, light-rail and tram operators may, in the future, genuinely need to retain some land for expanding railway services.

Do you agree with the Government’s definition of commuter hub? If not, what changes do you consider are required?

Unfortunately, the proposed definition of a “commuter hub” in Paragraph 15 is much too broad. As it stands, it would include a large majority of the railway stations and light rail stops in England.

The vast majority of stations are close to a bus stop or within a short walk. The definition is ambiguous too in referring to “a frequent service” without specifying which mode – does it mean on the rail-based mode or would a frequent bus service count? And what does “running at least every 15 minutes” mean? Running in the same direction every 15 minutes or in either direction? Would a station with a half-hourly service in each direction count? What about junction stations? You could have a station with a 15-minute service in one direction and two half-hourly services on different lines in the other.

Indeed, given the caveat “could have in the future”, it would certainly include stations on the vast majority of railway lines in the country, even those with long stretches of single track, as provision of extra passing loops or conversion to double track would certainly allow frequent, 15-minute services in the future.

So, as it stands, a “commuter hub” could be a remote country railway station with a bus stop, with little or no existing development near it. Any building development around such a site would certainly create “higher density development”, even low-density development. Or it could be a “parkway” station whose fundamental purpose is to secure connecting journeys by car and which could still be remote from any town.

The 2015 Royal Town Planning Institute study of *Building in the Green Belt?*³ conclusively showed that a railway station alone, even with some sort of connecting bus service, is not in itself a sufficient way of getting people out of cars and on to sustainable transport modes. The five towns studied all have good railway services but 72% even of commuter trips are made by car and adding a million homes near stations in London's green belt could add 3.9-7.5m car journeys each week to the region's overcrowded roads. And only 16% of all journeys are journeys to work⁴.

An accessibility mapping approach, as recommended by the Transport Planning Society⁵, could be used to identify suitable candidates for TOD status as they can show local and strategic connectivity of individual areas. Such a methodology could usefully be incorporated in the *NPPF*. The TOD concept offers a good opportunity for better links between transport and land-use planning. As the Society says: "Compact, liveable cities are critical to realising the potential agglomeration benefits of urban concentration, but are undermined by the poor UK record of land-use/transport integration" and it notes that dispersed housing and commercial development "harden" more dispersed locational choices and increase transport demand, particularly for roads, with resultant congestion etc..

Light-rail and tram can offer turn-up-and-go frequencies which do not require published timetables as such, a major success in American Smart Growth planning. Meanwhile in the UK light-rail use continues to rise, with usage in the financial year ending in 2015 hitting record passenger journeys (239.8 million) and vehicle miles (18.4 million) since comparable records began in 1983. Since 2005, the first full year when all current systems were in operation, light-rail journeys have grown 51% and around 2.7% of public transport journeys in Great Britain are made on light-rail systems.

Planning of the TOD will need to be integrate closely with planning of the local transport. Such planning would benefit from the reregulation of bus services as proposed in the Buses Bill as unregulated services can lead to unsought planning outcomes.

The definition of transit-oriented-developments will, therefore, need to incorporate some limitations on its location and form, its public transport services and other transport infrastructure:-

- it should have, at its centre, a significant rail-based public transport facility, either heavy rail, metro, light-rail or tram;
- the public transport services connecting with the hub should be as intensive as the size of the settlement allows. In a small town that would involve several bus routes. In a major city it would certainly involve a dense network, preferably including other rail-based options like light-rail and tram, and offering "turn-up-and-go" frequencies to major local destinations like a city centre, a major retail or employment area and substantial residential areas;

- it should be located within a substantial and relatively dense settlement with a contiguous population of, say, 40,000 people within a 4km radius;
- it should already contain a mix of uses including retail;
- it should be at least 5km from a motorway or dual-carriageway trunk road – it's supposed to be transit-oriented, not car-oriented;
- it should be created wholly or predominantly on brownfield land;
- it should not be more than 800m in radius – the distance it is easy for most people to walk to the main public transport facility;
- car parking capacity should be limited.

We therefore recommend transit-oriented-developments should be defined as follows:-

“An area with normally a radius of no more than 800m around a public transport interchange (railway, metro, light-rail or tram) with an intensive, integrated public transport network, within a settlement having a living and working population of at least 40,000.”

This will need to be qualified with design standards (see below).

Do you have any further suggestions for proposals to support higher density development around commuter hubs through the planning system?

Increasing residential (and other) densities in the past has sometimes met local opposition thanks to the poor design of such proposals. Traditionally, cities, towns and even villages were built at relatively higher densities, but the 20th century saw low-density become a kind of norm for suburban residential development and, however wasteful of scarce building land such development patterns are, they still enjoy a following.

TODs therefore, if they are to secure acceptance by local communities, will require careful design and will have to meet high standards – and some limitations too.

Paragraph 56 of the *NPPF* calls for good design as a key aspect of sustainable development, indivisible from good planning and contributing positively to making better places. We agree.

Paragraph 58 of the *NPPF* lists qualities which the planning system should “aim to ensure” in new developments and all are desirable in TODs, though it is not difficult to find major developments where some are ignored. TODs, by their nature, will be higher density and involve complex mixes of uses and they need to be woven into the existing fabric of towns in a way which enhances, rather than damages, that town. “Aim to ensure” will not, therefore, be enough. The planning system will need to be strongly prescriptive.

We recommend a new paragraph for TOD design as follows:-

“Local and neighbourhood plans, development control decisions, local development orders and planning permissions-in-principle should implement robust and comprehensive policies setting out the quality of development that will be expected for transit-oriented-developments. Such policies should be based on the objectives for such areas set out in this Framework, stated local objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions must ensure that transit-oriented-developments:-

- *include a railway or metro station or light-rail or tram stop with very frequent services to a variety of destinations throughout the day;*
- *include facilities for interchange with other public transport modes, rail-based or on segregated routeways where possible, with services as dense as the size of the settlement demands and with links to all local major town and city centres, major retail, employment and healthcare sites;*
- *safeguard space for expansion of heavy or light rail services where appropriate;*
- *should extend no more than 800m from the main public transport hub;*
- *should not be located less than 5km from a motorway or dual-carriageway trunk road;*
- *should have limited road capacity and parking space and street design should, where possible, encourage walking or cycling trips to the station or light-rail or tram stop;*
- *should be created wholly or predominantly on brownfield land;*
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work, visit and travel through;*
- *create and sustain an appropriate mix of uses (including retail, employment, catering and open space) and complement local facilities;*
- *respect local character, history and vernacular architecture, reflecting the identity of local surroundings and materials and avoiding intrusive innovation;*
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;*
- *are visually attractive as a result of good architecture and appropriate landscaping*
- *actively demonstrate Good Acoustic Design to mitigate noise impacts.”*

The current *NPPF* section on good design also includes provisions which are contradictory and which can even undermine good design. The caveat “while not preventing or discouraging appropriate innovation” attached to the bullet point in *NPPF* Paragraph 58 on local character and history undermines it. What does “appropriate” mean? Almost anything at odds with local character, history, identity and materials is, by definition, innovative and there will always be those prepared to argue it would be appropriate.

In the same way the excellent advice to consider design codes in *NPPF* Paragraph 59 is fatally undermined by the qualification that “design policies should avoid unnecessary

prescription or detail". This flatly contradicts what the rest of the section says and needs to be deleted.

Do you agree that the Government should not introduce a minimum level of residential densities in national policy for areas around commuter hubs? If not, why not?

With no density standards, it would still be open to developers to build the kind of low-density housing which they often find the most profitable, thereby both limiting the potential of the TOD to increase use of sustainable transport modes and squandering the available land.

Minimum residential densities are certainly needed, therefore, throughout the TODs, but may vary according to the location and the existing development on the site. Certainly net densities of new residential development in TODs should never fall below 40dph (a historically very low figure for urban development) and normally should be in the range of 60-100dph, the density at which most of our low and medium-rise traditional towns and cities were built.

Net densities at the lower end may be appropriate, for example, where the new construction adjoins historic buildings or townscape. But equally, there may be areas, in London or other major cities, where net densities above 100dph would be appropriate, although the very high densities seen, for example, at the Elephant and Castle development are always to be avoided. It is equally difficult to create sustainable communities at both very low (<30dph) and ultra-high net densities (>120dph). The *NPPF* should set limits (including minimum densities) and leave local planning authorities to decide what is most appropriate within them, possibly with supporting material on ways of deciding what is best practice in local circumstances.

We recommend a new paragraph as follows:-

"Net residential densities within transit-oriented developments should normally be in the 60-100dph range. Lower densities may be appropriate where sites adjoin historic buildings or townscape but they should never be below 40dph and only above 120dph in very special circumstances. Public transport accessibility levels should influence choices, where appropriate."

New settlements

Do you consider that national planning policy should provide greater policy support for new settlements in meeting development needs? If not, why not?

New settlements pose major challenges for sustainable development. They are almost always created predominantly or wholly on greenfield land, causing soil sealing and loss of

soils' ecosystem services, agricultural production, timber production, water supply and land needed increasingly for flood alleviation.

Greenfield development causes loss of countryside together with its tangible and intangible benefits. The degree of intrusion and loss of rural tranquillity caused by major greenfield development is mitigated to some small extent in urban extensions by the fact it will adjoin existing development on one or more sides. A wholly new settlement is the most visually intrusive possible, as it intrudes through 360°.

New settlements, unless they are to have very large populations and be built at much higher densities than traditional new towns, are likely to depend on unsustainable transport modes. Simply building them around a railway station would still mean residents make the majority of their journeys by private car, as the RTPI study already cited shows⁶.

The only circumstances in which new settlements can be built sustainably is when they are more or less within the footprint of – or contiguous to - larger conurbations *and* principally use brownfield land. Even then they require good connectivity by sustainable transport and comprehensive place making, with a range of land uses, not just housing.

We recommend deletion of NPPF Paragraph 52 and its replacement with the following:-

“Proposals for new settlements create challenges for sustainability including soil sealing and traffic generation. They should only be considered when the site lies wholly within a larger conurbation, they are created wholly or predominantly on brownfield land, they are served by sustainable transport modes and they include an appropriate mix of uses.”

Housing development on brownfield land and small sites

Do you consider that it would be beneficial to strengthen policy on development of brownfield land for housing? If not, why not and are there any unintended impacts that we should take into account?

It would be beneficial to strengthen policy on development of brownfield land for all types of development.

Radical changes would be needed to the *NPPF* if the Government's stated intention to regenerate brownfield land to accommodate new housing is to bear fruit. The current *Framework* allows developers too much scope to undermine brownfield development by getting approval for unsustainable greenfield sites.

Brownfield sites offer huge capacity for housing construction as the 2014 study⁷ by the University of the West of England clearly shows.

At present the *NPPF* only provides weak support for brownfield development, even for housing, and many other provisions within it such as “five-year supplies” and deliverability and viability tests militate against brownfield building. Only a minority of local planning authorities have considered it worthwhile setting a local target for brownfield land use and

fewer still have been able to secure significant increases in brownfield land use as a result. There are many instances where their attempts to do so have been undermined during examination-in-public of their local plans, thanks to other provisions in the *NPPF* not having been met⁸. Local authorities including Cheshire East and North East Cheshire have been prevented from insisting on such a local approach by planning inspectors.

Viability and deliverability tests and provisions on “five-year supplies” are used to argue for release of more greenfield land and this is backed by examinations-in-public and planning appeals⁹. Inspectors have also argued there is no evidence that releasing additional greenfield land undermines the development of brownfield sites even where they have consent. The recent Berkeley Farm case in Wroughton, where 100 homes not in the local plan were approved despite opposition from Swindon Borough Council is a case in point. There are many brownfield sites in Swindon where permission for housing or commercial development has long existed but which have been passed over by developers in favour of urban fringe greenfield sites.

Research by the University of Glasgow¹⁰ showed the effect of competing sites on viability can be modelled and that viability decreases as more alternatives are approved. It also demonstrated that greenfield site competition can reduce the viability of brownfield sites particularly in areas with weak demand like North Tyneside or Corby.

We support the proposed registers of brownfield land but we believe they should not be limited to housing land alone. But if, as proposed in the Housing and Planning Bill, this measure is primarily or wholly intended as “a vehicle for granting permission-in-principle (PiP) for new homes on suitable brownfield sites”, it will be still more important to get it right.

Brownfield registers will be important as one of the main barriers cited to brownfield development is its availability – it is often claimed there isn’t enough in the right areas, it is running out and it is not replenished. The loss of the NLUD meant that it was very difficult to counter this narrative as we do not have a clear picture of how much land is available. Strategic housing land availability assessments (SHLAAs) are very mixed; there is no standard format and often they do not report whether land is brownfield or greenfield.

The registers will need to be proactive and local planning authority, rather than developer, led and they will need to be mandatory, as proposed in your 18 February consultation. But it is often the case that lack of council resources means authorities are heavily reliant on developers to bring forward sites for SHLAAs and they, in turn, are unwilling to bring forward challenging brownfield sites. Many suitable brownfield sites do not appear on current SHLAAs.

The University of the West of England study¹¹ analysed available data and found there is considerable brownfield land available, much of it with some form of planning consent, suggesting it is well located and, in many areas, being replenished at a broadly equivalent rate through natural “churn”. A robust source of data on brownfield land will, therefore, be welcome.

How the proposed brownfield registers would work is still hard to discern, despite the new consultation. Sites would still need to be “deliverable”, “developable” and “viable”, tests which have militated strongly against brownfield housing. If permission-in-principle is also allowed for greenfield sites via local or neighbourhood plans, it is difficult to see how this would do anything to secure development of brownfield sites where greenfield sites were available.

Local planning authorities will also have to assess detailed proposals for technical details consents whose full scope remains to be defined. These could cover a range of issues including:-

- land contamination;
- land instability;
- drainage and flooding;
- ecology;
- access and traffic generation;
- archaeology and historic buildings;
- infrastructure;
- pollution;
- landscape and amenity;
- plot ratios and densities;
- building design and the high design standards demanded by the *NPPF*.

It is difficult to see, however, how inclusion in the registers and satisfying all these technical details (and possibly others) would be significantly less onerous than the traditional development control route. Nor should greenfield sites be developed without satisfying at least as many requirements, otherwise the Government would simply have introduced yet another way of weighting the balance in favour of greenfield; the present *NPPF* contains too many of those anyway.

The “substantial weight” proposed in Paragraph 22 of the consultation paper which you say would be a “presumption” in favour of brownfield land would be weak, obscure and unlikely to secure the benefits the Government seeks. It makes no differentiation between urban and rural sites and could result in brownfield sites in inappropriate places being developed in preference to sustainably located brownfield land. There are numbers of redundant military, industrial or extractive sites at remote locations whose development would only result in destruction of landscape and a big increase in unsustainable transport and greenhouse gas emissions.

Under current proposals, there would be four routes to secure outline planning consent for residential development:-

- the traditional development control route;
- local development orders;
- change of use under permitted development powers;
- permission-in-principle via local or neighbourhood plans or brownfield registers.

Under each route, the way to secure a presumption in favour of brownfield is not a statement of “substantial weight”, it’s a return to brownfield-first policies. That way local planning authorities can weigh decisions properly when taking development control decisions, when preparing LDOs, when examining change of use for existing buildings and in their development plan and brownfield register work. A brownfield-first policy certainly does not limit development to brownfield sites alone or demand development of all brownfield sites. It merely demands that suitable brownfield land is approved before greenfield, whatever control route is being used.

Inclusion on a brownfield register would not of itself necessarily secure development of a site. Developers would only build out sites in many parts of England if there were a robust brownfield-first policy. A mere presumption in favour of planning consent doesn’t actually secure development; the Government’s objective of securing planning consent on 90% of brownfield land suitable for housing by 2020 doesn’t necessarily mean any actual homes would be built.

The *NPPF* will have to ensure housing development is properly planned and protected via all four routes. We will reserve further comment on permission-in-principle, brownfield registers etc. for our response to the 18 February consultation.

We recommend deletion of NPPF Paragraph 111 and its replacement with:-

“Planning policies and decisions should encourage the effective use of land by reusing land that has been previously developed. Local planning authorities should apply a brownfield-first policy to their plan-making, local development orders and development control decision-making. They should also set locally appropriate targets for the use of brownfield land.”

Do you consider that it would be beneficial to strengthen policy on development of small sites for housing? If not, why not? How could the change impact on the calculation of local planning authorities’ five-year land supply?

It is certainly desirable to secure development of appropriate small sites for housing and, as house builders have grown in size, they have shown less interest in them as they lack the economies of scale of larger sites.

The *NPPF* weakened policy on brownfield windfall sites by removing them from estimates of local housing supply, a mistake which needs to be rectified. However, while it is desirable to improve take-up of suitable small sites for housing, it is unclear exactly what is proposed in Paragraph 24 of the consultation paper.

This states: “there continue to be concerns about the challenges and uncertainty associated with identifying small sites. We propose to apply the approach described above for brownfield land to other small sites”. What are the concerns and challenges it is intended to tackle? Exactly which approach is meant? Brownfield registers? A presumption?

And the phrase “other small sites” is unclear too. It is significant that you do not specify that they would be small *brownfield* sites. Why single out back gardens but not front gardens? If

a residential building is demolished to make way for development, does that mean its back garden must remain undeveloped?

Worrying too is the suggestion that “small sites immediately adjacent to settlement boundaries should be carefully considered and supported if they are sustainable”. This amounts to a presumption in favour of *greenfield* development and would allow incremental sprawl around settlements large and small. Indeed, the proposal is not even qualified by restrictions on such developments in green belts, national parks, AONBs, conservation areas, SSSIs, SPAs, SACs etc..

There is no reason, however, why small sites in urban areas close to good public transport facilities should not be developed at the higher densities proposed for TODs.

The suggestions about small sites in, and adjoining, settlements fail to appreciate the importance of open space within and around villages for their historic landscape character and open the door, cumulatively, to uglification on a grand scale. It could discourage land owners from advancing rural exception sites for affordable housing as they could expect a bigger return on market housing around villages.

Do you agree with the Government proposal to define a small site as a site of less than 10 units? If not, what other definition do you consider is appropriate, and why?

Any definition of a “small site” would be arbitrary as any useful meaning would depend entirely on the location.

Do you consider that national planning policy should set out that local planning authorities should put in place a specific positive local policy for assessing applications for development on small sites not allocated in the local plan?

If, as Paragraph 26 of the consultation paper says, local planning authorities refused 13,600 of the 52,800 applications for housing on sites of less than 10 units in 2014-15, they will normally have had good reasons for doing so (and these will have been in conformity with national and local policies). The 5,000 applications you claim would have been approved (on what basis exactly?) under a more *laissez faire* policy were mostly refused for very good reasons.

National planning policy should certainly set out that local authorities should have specific local policies for assessing development on small sites not allocated in local plans. But such policies should not demand a positive outcome in all cases; they should demand such applications meet the council’s planning policies and should normally be rejected unless material considerations indicate otherwise. Undermining sound planning will not serve to build more homes, it will only build more opposition.

Land Allocated in Plans

We would welcome your views on how best to implement the housing delivery test, and in particular

- **What do you consider should be the baseline against which to monitor delivery of new housing?**
- **What should constitute significant under-delivery, and over what time period?**
- **What steps should be taken in response to significant under-delivery?**
- **How do you see this approach working when the housing policies in the Local Plan are not up-to-date?**

The housing delivery test idea is misconceived as it stands, and should be dropped. Local planning authorities are not the cause of low delivery of consented homes.

Paragraph 27 of the consultation paper points out that planning consent was given for 242,000 homes in the year to June 2015 and that local plans now allocate “over 200,000 housing units” each year. Given that the Government’s own current projections¹² project household growth at 210,000 annually, it is difficult to see the justification for the claim that “there is a significant shortfall between the number of homes that we need to build”.

Overall household projections are, in any case, crucially dependent on the size of the housing stock and its utilization; build less homes and you get better utilization of existing stock. What they do reveal is that the key needs are not for market housing for young families, they are for housing for older (55+) households and single people.

The problem, as Paragraph 28 of the consultation admits, is almost solely due to developers’ unwillingness to build out sites, presumably for sound commercial reasons. It would be interesting to see what evidence there is for the claim in Paragraph 29 that the problem is due to councils not allocating a “good mix” of sites (what constitutes that?) or that they are failing to deal with other consents in a timely fashion. Where is the evidence?

It is unclear what the housing delivery test trailed in Paragraphs 30 and 31 is intended to achieve, but it could result in further vilification of local planning authorities who have no control over the behaviour of builders. A two-year period is, in any case, too brief to even out short-term fluctuations as the period following 2008 demonstrated.

It is unclear where the housing sites sought in Paragraph 33 of the consultation paper “in sustainable locations, well served by infrastructure, and with clear prospects for delivery” might be found which have not already been allocated in local plans. A significant number of local planning authorities are already having to allocate sites on unsuitable land, lacking in infrastructure and in car-dependent locations to meet the demands imposed by the existing *NPPF* on “five-year supplies”, “buffers” etc.. The paragraph also introduces a proposal to allow new settlements which would almost always demand land in unsustainable locations (see above). It is unclear whether the “rapid and targeted policy reviews” would still be subject to the normal requirements of sustainable development or whether, to meet the demands of rapidity, they would be relaxed. The proposal is unacceptable and unsustainable.

What would be the impact of a housing delivery test on development activity?

As proposed, it would offer developers the opportunity to build out even less of their brownfield sites and to secure local plan approval, and hence permission-in-principle, for yet more unsustainably located greenfield sites.

Given that the real problem is not due to poor site provision or slow approval of other consents, what is needed is a solution to the real issue – developer unwillingness to build out consented sites. If a site remains unbuilt three years after securing planning consent, it is clear that the strategic assessment of the local housing market was plainly in error.

We recommend that an effective way of dealing with this problem would be to reintroduce strict time limits on planning consents (which can presently be extended) to the three years formerly allowed. In a plan-led system this would also necessitate deletion of unbuilt sites from local plans, without penalties to the local planning authority in terms of housing supply. Local planning authorities should also be given special compulsory purchase powers for such sites.

Starter Homes

We question the priority being given to the starter homes concept in the planning system. Current household projections¹³ suggest that in England, of the 210,000 households projected to form each year, no less than 162,000 would be headed by someone of 65 or over. So the planning system ought to lend its attention not to “starter homes” but what might be called “finisher homes”.

What evidence would you suggest could be used to justify retention of land for commercial or similar use? Should there be a fixed time limit on land retention for commercial use?

One of the problems with having a national (as opposed to regional or local) planning policy is that it can struggle to deal with the huge regional variations across England. In parts of Greater London it may be entirely appropriate to release employment space for housing; the capital has too many jobs and too few homes following years of weak regional spatial policy. In west Cumbria or north-west County Durham, for instance, the complete reverse is true; what they need is more jobs, not more homes.

The presence, therefore, of employment sites which have been vacant for a long time is certainly not in itself a good reason to release it for housing whose construction might simply increase the population in a depressed area and further exacerbate local unemployment etc.. South East England is not typical of the whole of England; the regional variations are so extreme that any attempt to put time limits on etc. would be damaging.

Local planning authorities are best placed to judge their employment land requirements; if the 13,000ha of greenfield land allocated to employment you postulate actually exist, and is not built out, that is at least a benefit in terms of ecosystem services and landscape protection.

Do you consider that the starter homes exception site policy should be extended to unviable or underused retail, leisure and non-residential institutional brownfield land?

We share the Royal Town Planning Institute's concerns about starter homes receiving priority over almost every other planning consideration¹⁴. Local planning authorities are best placed to judge local needs for retail, leisure and non-residential institutional land.

Do you support the proposal to strengthen the starter homes exception site policy? If not, why not?

Should starter homes form a significant element of any housing component within mixed use developments and converted unlet commercial units?

Healthy and sustainable communities will offer a range of housing tenures, including social housing. The starter homes policy must not compete with the provision of such housing where it is needed.

Should rural exception sites be used to deliver starter homes in rural areas? If so, should local planning authorities have the flexibility to require local connection tests?

Such a proposal would only be likely to increase opposition and conflict. It is difficult anyway to secure support for such sites and the resulting housing would not be the affordable housing rural areas desperately need. Given the gap between house prices and incomes in rural areas it is likely only a few local people would benefit. Supplies of affordable housing are already low in such areas.

Are there any other policy approaches to delivering starter homes in rural areas that you would support?

Around Kassel in Germany, they have been using tram-train technology to link small hamlets to the main light-rail corridor. Developments on suitable sites could be facilitated using Section 106 contributions from developers using low-cost methodology developed recently by UK Tram and emerging tram technology from WMG Catapult which is designed for broadly this purpose.

Should local communities have the opportunity to allocate sites for small scale Starter Home developments in their green belt through neighbourhood plans?

It is unclear why policy should need strengthening in this area. Those preparing neighbourhood plans can propose such developments already, but they would (and should) have to pass the rigorous tests set out in the *NPPF*. What reason could there be for weakening such policies?

Brownfield Land in Green Belts

Should planning policy be amended to allow redevelopment of brownfield sites for starter homes through a more flexible approach to assessing the impact on openness?

We agree with the Royal Town Planning Institute that the contention that brownfield development in green belts does not affect its openness is untenable¹⁵. It might be acceptable to consider greenfield/brownfield status of green belt sites as a relevant planning factor, but brownfield sites should still pass the tests in the current *NPPF* before they are considered for development of any kind. Green belt sites, whether greenfield or brownfield, are seldom sustainably located from the transport point of view and expecting them to make a serious contribution to housing stock is misleading.

Transitional Proposals

We would welcome your views on our proposed transitional arrangements.

None.

General Questions

What are your views on the assumptions and data sources set out in this document to estimate the impact of the proposed changes? Is there any other evidence which you think we need to consider?

None.

Have you any other views on the implications of our proposed changes to national planning policy on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

None.

¹ *Meeting the Growth Challenge* (London: Smart Growth UK, 2013)

² House of Commons Communities and Local Government Committee: *Oral Evidence, DCLG Consultation on National Housing Policy, HC703, Monday 8 February 2016*

³ *Building in the Green Belt? A Report into Commuting in the Metropolitan Green Belt* (London: Royal Town Planning Institute, 2015)

⁴ *National Travel Survey: England 2013* (London: Department for Transport, 2014)

⁵ Transport Planning Society: *Submission to the National Infrastructure Commission Call for Evidence 1: Connecting Northern Cities* (London: TPS, 2016)

⁶ *Building in the Green Belt? A Report into Commuting in the Metropolitan Green Belt* (London: Royal Town Planning Institute, 2015)

⁷ *From Wasted Spaces to Living Spaces* (Bristol: University of the West of England, 2014)

⁸ Campaign to Protect Rural England: *Written Evidence to CLG Committee Inquiry on National Planning Policy* (London: CPRE, 2016)

⁹ *Targeting the Countryside* (London: Campaign for the Protection of Rural England, 2014)

¹⁰ University of Glasgow: *Brownfield Market Signals* (London: Campaign to Protect Rural England, 2009).

¹¹ University of the West of England: *op. cit.*

¹² *2012-Based Household Projections – England: Household Types (Stage 2) and National Variants* (Department for Communities and Local Government, 2015)

¹³ *Ibid.*

¹⁴ *RTPI Evidence to the House of Commons Communities and Local Government Committee* (London: Royal Town Planning Institute, 2016)

¹⁵ *RTPI Evidence to the House of Commons Communities and Local Government Committee* (London: Royal Town Planning Institute, 2016)