

Strengthening planning policy for brownfield development

POS response to consultation

March 2024

1 Planning Officers Society

1.1 POS is the single credible voice for public sector planners, pursuing good quality and effective planning practice. The Society's aim is to ensure that planning makes a major contribution to achieving sustainable development in ways that are fair and equitable and achieve the social, economic and environmental aspirations of the community.

1.2 We operate in three main ways:

- As a support network for planners in the public sector
- As promoters of best practice in planning
- As a think tank and lobbying organisation for excellence in planning practice

1.3 Where we can, we will work across the sector to craft proposals that have widespread support from the people who operate the planning system at the coalface: landowners, developers, agents, legal, local authorities and politicians. We will be both radical and practical as we look for solutions to tangible problems that will make a real difference to crucial areas. Our objective is to improve the planning system to enable it to deliver its key aim of sustainable development. It is within this context that we have set out this advice to Government so we can plan together for a better future.

2 Key Messages

2.1 The Brownfield First policy has been in existence at least since the Urban Task Force in 1999 and as a policy is clear, logical, and generally successful. The analysis in the Christopher Katkowski Review does not support a conclusion that the policy is not working and there is a need for policy change. House building has declined throughout the country because of macroeconomic factors and government's continued failure to clarify the position on staircase requirements in tall buildings post-Grenfell. POS do not support the proposals in this consultation because we do not consider that they are justified, evidenced, nor needed.

3 Questions

Q1. Do you agree we should change national planning policy to make clear local planning authorities should give significant weight to the benefits of delivering as many homes as possible [yes/no]? If not, why not?

No, as many homes as possible conflicts with a myriad of policies in the NPPF, particularly those concerned with Achieving well-designed and beautiful Places (Chapter 12). Any policy changes to the NPPF should refer to delivering the optimum number of homes rather than the maximum.

Q2. Do you agree we should change national planning policy to make clear local planning authorities should take a flexible approach in applying planning policies or guidance relating to the internal layout of development [yes/no]? If not, why not?

No, LPAs must take a flexible approach to all policies as they must balance often competing policy aims. Selecting some policies over others (except those where there are statutory duties) creates a two tier policy system which add to confusion and complexity in the system.

The suggested wording has an inherent contradiction in terms of taking a flexible approach in applying daylight and sunlight guidance where it will have an impact on the number of homes but at the same time making sure the resulting scheme would have acceptable living standards. This is likely to lead to misinterpretation across the country and by planning inspectors. There is also a risk that the policy will lead to substandard residential accommodation in terms of lack of ventilation, space size, single aspect, layout, outlook and overlooking.

Q3. If we were to make the change set out in question 2, do you agree this change should only apply to local policies or guidance concerned with the internal layout of developments [yes/no]? If not, what else should we consider?

See our response to question 2 – we do not support this proposed change.

Q4. In addition to the challenges outlined in paragraph 13, are there any other planning barriers in relation to developing on brownfield land?

Developing brownfield land is often a challenge for the reasons cited in paragraph 13 and for many other reasons (infrastructure capacity, transport capacity, pollution, etc) and these proposals do not address those issues, which often need state funding to unlock potential.

There are other barriers to developing brownfield land which are also seen on Greenfield land such as local objection, parish and town council objection, parking, highways congestion, lack of actual and perceived infrastructure, Biodiversity Net Gain, Habitat Regulation Assessment creating the need for Suitable Alternative Natural Green Space.

Many of the above constraints will impact upon delivery. Also brownfield land by definition in this consultation includes villages and suburban areas which would not be appropriate for density envisaged by the consultation.

Q5. How else could national planning policy better support development on brownfield land, and ensure that it is well served by public transport, is resilient to climate impacts, and creates healthy, liveable and sustainable communities?

The problem isn't planning policy, but the support and resources necessary to bring forward regeneration of such areas.

Government should look to support with resourcing and budgets statutory consultees as well as planning departments. This would include sustainable transport teams which the consultation is aiming to ensure sites would be well served by public transport.

Q6. How could national planning policy better support brownfield development on small sites?

Small sites within brownfield areas are not homogenous. Some will be very straightforward to bring forward for development, whereas others will have their challenges which are likely to be locally specific. National planning policy is very unlikely to be the problem, therefore changes to it are unlikely to be helpful.

Community engagement is a really important part of the planing process, the suggested changes on brownfield land are likely to be impact in some low density suburban and semi-rural areas and set the planning department and Development Management Committees against the local community. If this policy is intended for town and cities which are more built up and dense this should be made clear as the definition of brownfield is very broad when taken across the country.

Q7. Do you agree we should make a change to the Housing Delivery Test threshold for the application of the Presumption in Favour of Sustainable Development on previously developed land [yes/no]?

No, we do not support these proposals. To punish LPAs for something that is outside of their control is perverse. LPAs do not deliver homes, the housebuilding industry does, yet we are judged on their performance. POS fails to see the logic behind the HDT.

Q8. Do you agree the threshold should be set at 95% [yes/no]? Please explain your answer.

No, see answer to question 7.

The unintended consequence of this policy approach is the quality of application s and sites put forward decline as lower quality sites come forward with speculative development thinking it may be granted planing permission given a HDT or other restriction placed on a LPA. This damages the credibility of a LPA and the ability for them to work with communities to have a plan led system which the NPPF advocates.

Q9. Do you agree the change to the Housing Delivery Test threshold should apply to authorities subject to the urban uplift only [yes/no]? If not, where do you think the change should apply?

No, see answer to question 7.

Q10. Do you agree this should only apply to previously developed land within those authorities subject to the urban uplift [yes/no]?

No, see answer to question 7.

Q11. Do you agree with the proposal to keep the existing consequences of the Housing Delivery Test the same [yes/no]? If not, why not?

No, see answer to question 7.

Q12. For the purposes of Housing Delivery Test, the cities and urban centres uplift within the standard method will only apply from the 2022/23 monitoring year (from the 2023 Housing Delivery Test measurement). We therefore propose to make a change to the policy to align with the publication of the Housing Delivery Test 2023 results. Do you agree [yes/no]? If not, why not?

No, see answer to question 7, plus there is no empirical basis for the urban uplift. It is an arbitrary increase in housing numbers which will prove to be undeliverable in many areas.

Q13. Do you think the current threshold of 150 residential units for referral of a planning application of potential strategic importance to the Mayor of London is the right level [yes/no]?

The threshold was reduced and in the context of seeking to make the case for the GLA to act more strategically there is a case for increasing it.

**Q14. If no, what would you set as the new threshold? [300/500/750/1000/other]
Please explain your answer.**

500

Q15. 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.

No comment.