

Planning Policy Consultation Team
Planning Directorate – Planning Policy Division
Department for Levelling Up, Housing and Communities
Floor 3, Fry Building
2 Marsham Street
London
SW1P 4DF

By email only:

PlanningPolicyConsultation@levellingup.gov.uk

2 March 2023

Dear Sir / Madam,

Re: NPPF amendments and reforms to national planning policy – consultation

I am writing on behalf of the London Property Alliance (the “Alliance”). The London Property Alliance is an umbrella organisation for the City Property Association and the Westminster Property Association, the membership bodies and advocacy groups for the leading owners, investors, professional advisors and developers of real estate in the Cities of London and Westminster. Lists of the 400+ member companies (300 when combined given c100 are members of both associations) we represent are available [here](#) and [here](#).

The Alliance welcomes the opportunity to comment on the Department for Levelling Up, Housing and Communities’ (‘DLUHC’) consultation in respect of the proposed amendments to the National Planning Policy Framework (‘NPPF’) and the wider reforms to national planning policy, as published by DLUHC on 22 December 2022.

The Alliance supports the Government’s continued commitment to delivering new housing to meet need. To deliver vibrant, successful communities and places, this housing need must be delivered alongside strong economic growth. We look forward to the Government’s wider planning policy reforms which suggest a focus on other non-housing uses. The Government must ensure that our national planning policies and framework encourage and incentivise good growth in the right places.

We have prepared our representations in response to the questions set out in the consultation document (Chapter 14). Not every question is relevant to our response and therefore we have only responded to the questions set out within this letter.

Q6. 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?

The Alliance supports the principle of the NPPF including clear references about the importance of planning for homes and other development which communities need.

Reference to providing “sufficient” housing in paragraph 1 is unnecessary and undermines the approach taken in the NPPF that the planning system should provide a “positive vision for the future of each area” (paragraph 15). “Sufficient” suggests that local planning authorities should only target the bare minimum **and this insertion should be removed from paragraph 1.**

The amendments set out within the NPPF and the wider planning policy reform primarily focus around housing delivery. The Alliance **strongly encourages the Government to consider the role of economic growth in plan-making and ensure that housing growth is coupled with the delivery of strong, inclusive economies.**

Q10. 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?

The Alliance objects to the insertion of the following wording at paragraph 11(b)(ii) of the revised NPPF:

“such adverse impacts may include situations where meeting need in full would mean building at densities significantly out of character with the existing area [taking into account any design guides or codes which form part of the development plan for the area, or which are adopted as supplementary planning guidance].”

The Government has been clear that there is a pressing need for new housing for our communities, shown through the retention of the 300,000 new homes/year target. In addition to this housing need, there is also a need for economic growth and development. In London, this is evidenced in the Mayor’s London Plan (2021) where, over the plan period (2016-2041), the Central Activities Zone (CAZ) and the Northern Isle of Dogs are alone projected to accommodate more than 367,000 additional office jobs and a net increase of 3.5 million sqm GIA of office floorspace and the CAZ is projected to have demand for approximately 375,000 sqm of additional comparison goods retail floorspace. Clearly, development is needed to meet these needs.

The Alliance agrees with the overarching principle in the NPPF regarding sustainable development and that set out in the London Plan of Good Growth i.e. that needs must be met through enabling positive development which benefits communities.

There must be an acknowledgement that in some instances, growth will result in increased densities. Densification is often positive and desirable. Indeed, in urban areas such as London, optimising well-connected sites to deliver homes, jobs and other vital facilities is critical to ensure that the country’s growth needs are met and viable local services are supported. This approach is referred to in the revised NPPF at footnote 30 when referring to urban local authorities, as follows: [our emphasis shown in bold]

*“brownfield and other under-utilised urban sites should be prioritised, and on these sites **density should be optimised to promote the most efficient use of land**, something which can be **informed by masterplans and design codes**. This is to ensure that homes are built in the right places, to make the most of existing infrastructure, and to allow people to live near the services they rely on, making travel patterns more sustainable.”*

The additional text proposed at paragraph 11 could undermine the principle of achieving growth through optimising sites by restricting the ability of local planning authorities to positively plan for well-designed schemes which would deliver growth and benefits, but which may increase density.

The relationship between the additional text proposed for paragraph 11 (‘significantly out of character’), footnote 30 (optimising density, including through the use of masterplans and design codes) and paragraph 135 is confused. It is proposed that Paragraph 135 would state that the “primary means” for local planning authorities to assess development “*should be through the preparation and use of local design codes*”. Such design codes would be prepared in the context of paragraph 11 which would provide that densities beyond those anticipated by the design codes could be an adverse impact.

Given that design codes will be mandatory, we are concerned that this would lead to resistance to appropriate densification, constraining development. Footnote 8, in particular, as proposed, could encourage the use of design codes, or similar tools, to strengthen local policies that would **prevent** the densification and optimisation of sites. This is contrary to the objectives for the neighbourhood tier of local

plans, which should not “promote less development than set out in the strategic policies for the area or undermine those strategic policies” (NPPF, Paragraph 29).

The additional text proposed at paragraph 11 is also not necessary. Already, local planning authorities are empowered to consider adverse impacts when plan-making, and in some instances this may include reviewing potential negative impacts of increasing densities. However, our concern is that specifically including “significantly out of character” as an illustrative ‘adverse impact’, and linking this to the provisions of design codes, will increase its weight and usage as a reason to constrain positive, ambitious, plans.

We suggest that **all of the additional text which has been added to paragraph 11(b)(ii) of the revised NPPF be removed.**

Q11. Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?

The Alliance recognises the challenge of the evidential burden placed on local authorities during plan preparation. It would not oppose the removal of the requirement to consider reasonable alternatives, as one of the components of the “justified” test at paragraph 35 of the NPPF, if this would potentially simplify plan-making.

The Alliance objects, however, to the wholesale removal of the ‘justified’ element from the soundness test at paragraph 35 of the NPPF.

It has been a long established principle that the UK’s planning system should plan for, and help deliver, need. One of the guiding principles of the NPPF is ‘Achieving sustainable development’ which is summarised at paragraph 2 as “*meeting the needs of the present without compromising the ability of future generations to meet their own needs*”. To meet need through the plan-led system, local authorities and communities first need to clearly understand what that need is. This is where proportionate, but robust and clear **evidence** is needed, which itself then helps to **justify** any approach to spatial development and planning which a local planning authority considers necessary. Proportionate evidence is also needed to consider other aspects of policy, such as whether development can fund infrastructure and other costs; it cannot be right that policy could be imposed through the local plan without evidence to support it.

We do not consider it would be possible to demonstrate that a plan is effective without appropriate evidence but, as proposed, there would be no reference to evidence within the tests of soundness, except in respect of evidence of cross-boundary working.

We understand the Government’s desire to help speed up the plan-making system and acknowledge that developing evidence bases and reasonable alternatives does take time and local planning authority resource. Removing ‘justified’ from the soundness test will only create delay and confusion during the plan-making process. Currently, debates during plan examinations are often centred around evidence-based arguments. If evidence is effectively removed from the plan-making system, debates will become much more theoretical, likely political and protracted. When plans are adopted, there is the risk that these are not based on justified evidence, which risks the plan-led system not adequately planning for and meeting need, and therefore falling short of one of the guiding principles of the planning system.

The Alliance is also concerned that plans could be more open to challenge if they are not supported by a robust evidence base. There is a risk of plans being challenged on the basis that they are irrational or unreasonable if it can be shown they have been developed without a policy basis.

If the Government’s intention is that plans should continue to be evidence-based and seek to meet current and future need, then **we suggest that part (b) (‘Justified’) of paragraph 35 of the NPPF be retained.** If it is to be removed, reference to appropriate, proportionate evidence should be introduced elsewhere in paragraph 35.

Q14. 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?

Linked to our response to Q10 above, at the very least **we suggest that the Government remove the inserted text at paragraph 11(b)(ii) of the revised NPPF**. As drafted, this additional text could significantly weaken the ability of local planning authorities to deliver new homes and other types of growth.

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

Patterns of need vary considerably across the country depending on local circumstances, requirements and market characteristics. Therefore, **the Alliance believes that this level of detail is best left considered to planning authorities after thoroughly assessing local need** rather than being specified on a national basis.

Q26. Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

The Alliance agrees that the definition of “affordable housing for rent” in the NPPF should be amended to make it easier for organisations that are not Registered Providers to develop new affordable homes. This should include community-led developers and almshouses, but we would encourage it to be drawn more widely, to include landowners and developers.

Central London has an established pattern of affordable housing being delivered by private landowners, often extending back over a century. There continue to be instances where developers or landowners may wish to develop affordable housing as part of a wider scheme, especially on smaller sites. This on-site delivery is often not possible because of the complication of introducing a Registered Provider to acquire the units. RPs will often have a minimum lot size and will be unwilling or unable to take on smaller sites, whereas a larger landowner responsible for a wider block or area may be able to be more flexible. In these circumstances, delivery is often either off-site or via a payment in lieu. If landowners or developers were able to deliver and operate the affordable housing themselves, subject to appropriate controls and guarantees, these economies of scale associated with the wider block could be used to enable additional on-site delivery.

Q36. 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?

We agree that specific reference to mansard roofs and upward extensions within the NPPF is helpful.

Whilst mansard extensions could help to achieve some residential growth, in reality the numbers of new homes which could be created is likely to be fairly minimal. This type of growth typically is just for residential as well, and usually does not create additional employment-generating growth.

Linked to our response to Q10 above, **we suggest that the Government remove the inserted text at paragraph 11(b)(ii) of the revised NPPF**. As drafted, this additional text could significantly weaken the ability of planning authorities to deliver the right kind of growth.

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

Well-connected central urban areas, such as central London, are inherently sustainable places to accommodate development. They are already easily accessible by a range of transport modes and promote efficient, lower carbon, patterns of movement and use. Central London's public transport infrastructure, including the Elizabeth line, is the result of sustained investment over two centuries, with the associated embodied carbon.

Optimising development densities in locations that reduce the need to travel and which make use of this existing infrastructure is inherently sustainable. We therefore support changes to the NPPF, and the introduction of National Development Management policies that would support sustainable patterns of development and an improved built environment, as suggested at paragraph 12 of the consultation document.

We agree that whether, and how, broad carbon assessment should be undertaken for plan making and planning decisions should be a matter for national policy. We are concerned that if this topic is addressed solely at a local level, in different ways by individual planning authorities, it will lead to a fragmented system that does not create consistency of approach and outcome and that deters investment.

We do not currently support proposals to “embed a broad form of carbon assessment” in planning policy, to be applied at either local plan level or, as implied at paragraph 13, on individual developments.

This is because we do not consider that effective and proportionate ways of carrying out a carbon impact assessment, or similar, currently exist.

We are concerned that any carbon impact assessment would, inevitably, be focused on quantitative carbon emissions only, as a relatively narrow and technical assessment. Such assessments will conclude, in most cases, that development would emit carbon and that not proceeding with it would emit less.

However, this would not consider other dimensions of sustainable development, such as sustainable economic development, the need for new homes, ecological and habitat improvements, or other aspects such as infrastructure provision. These are also key policy objectives within the NPPF.

Defining the appropriate system boundary and the scope, or limits, of the carbon assessment to be carried out would, potentially, be extremely complex. For example, how would the effects of individual plan-making, or development management, decisions on travel patterns be taken into account? Would it be necessary to compare development proposals with alternative hypothetical development proposals to assess the overall carbon benefits or disbenefits?

By way of further example, development on green-field sites may often, superficially, appear to be relatively low carbon. Buildings can be orientated easily to minimise solar gain. There are unlikely to be heritage constraints preventing the use of more innovative materials or renewable energy technologies. It is not necessary to deconstruct existing buildings, with the associated embodied carbon / perceived waste of the carbon already within that existing building. Complex groundworks, such as reinforcement of adjacent buildings, and remediation are unlikely to be necessary.

However, such development would often be less sustainable, in its wider sense, than comparable development in a city or town centre. It would promote the use of cars and other non-sustainable transport modes. It would place additional pressure on habitats, potentially lead to the loss of agricultural land and add to urban sprawl. Conversely, development in dense urban areas would be easily accessible by sustainable transport and would support the economic and social functions of existing areas.

This will sometimes involve more extensive, and potentially more locally-carbon intensive, development – not least because it will not be possible, in all circumstances, to retrofit existing buildings in urban areas.¹

¹ *Retrofit First, Not Retrofit Only*, London Property Alliance, 2022. This research on retrofitting 20th century buildings concluded that retrofit is not always possible. Retrofit or refurbishment does not always optimise planning and public benefits. Nor may such

Broadening the assessment of carbon emissions to seek to assess the overall carbon implications of development choices in either plan-making or individual development management decisions would be hugely complex and resource intensive. It would create substantial additional requirements of local planning authorities, at a time when their resourcing is already inadequate in many cases to addresses existing complexities within the planning system. It would also add significant additional cost, and uncertainty, to developers and investors.

We have suggested a potential alternative approach to this issue in our response to Question 40.

Q40. 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 have noted, in our response to Question 39, our concern about practicality and proportionality of undertaking broad carbon impact assessments at plan making, and / or planning decision, stage.

Our members have growing experience of embodied and whole-life carbon assessments being required to assess the carbon associated with construction, and across the lifespan, of new developments. This is based on the carbon performance of development and construction, use, end of life and beyond the system boundary, in accordance with the modules described in BS EN 15978 and the RICS Practice Statement on Whole Life Carbon Assessment, as required under Policy SI2 of the London Plan and the Mayor's London Planning Guidance on Whole Life Carbon Assessment.

We support the continued use of this tool to ensure that the carbon associated with new development is reduced as far as possible, by using carbon efficient construction techniques and materials, considering the reuse of materials from demolition when appropriate, and ensuring that new buildings are designed to be as efficient as possible in use.

We would support the introduction of national policy that would standardise the approach to whole life carbon assessment, setting widely recognised standards and approaches. We suggest that targets for embodied and whole life carbon, for common development typologies, could be set that could apply, generally, across the country, based on BS EN 15978 / the RICS Practice Statement. These could be subject to regular review. Development proposals would be expected to show they had sought to meet the targets, to reduce the carbon associated with the construction and use of buildings. Where the targets are achieved, it would not be necessary to seek additional information or require further justification for development proposals on carbon grounds.

This would establish a consistent and well-understood system across the country, whilst avoiding the need for extensive and complex analysis of a range of alternative development options in all cases.

Q44. 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 support this addition. This would provide helpful additional support for proposals to adapt and change existing buildings.

Nevertheless, as noted above, and as set out in the London Property Alliance research cited in our response to Question 39, there will be some existing buildings in urban areas that are ill-suited to retention and adaptation, and **it will be important to ensure that such buildings can continue to be replaced where it is appropriate to do so,** to make best use of site capacity and best realise the wider benefits that can be secured by redevelopment.

development deliver schemes which meet all other relevant and necessary technical requirements, including for example, fire safety measures and daylight/sunlight requirements. In some instances, an investment in carbon is necessary to ensure that buildings which are not suitable for retention do not become stranded assets. This may involve deconstruction and an upfront investment of carbon.

NPPF amendments and reforms to national planning policy consultation – Response summary

We summarise the points made within this response as follows:

1. The NPPF and wider planning reform should properly **encourage economic growth alongside housing delivery**. Introduction of the word ‘**sufficient**’ at paragraph of the NPPF should be **removed**.
2. All of the **additional text inserted into paragraph 11(b)(ii) of the revised NPPF** (adverse impacts including “building at densities significantly out of character”) **should be removed**. If retained, this wording **risks the delivery of growth** through the optimisation of sites. If the Government wishes to achieve its housing targets (and other evidenced need), then **densification**, in the right and proper format, **has to be accepted and encouraged**. Whilst mansard extensions could help achieve some growth, this is not going to be on a sufficient scale to meet need.
3. We strongly **object to the removal of the ‘justified’ element** from the soundness test set out in paragraph 35 of the revised NPPF. This could erode the long-established principle that the planning system should plan for, and help deliver, need. In addition, the removal of this element is likely to **cause delay and confusion** during the plan-making process.
4. It would be helpful for the definition of “affordable housing for rent” **to be widened** in the NPPF to enable developers (who are not Registered Providers) **to develop affordable housing**. This could help with the delivery of more affordable housing, particularly on small sites. We consider that the optimum tenure split for affordable housing is best determined at a local level.
5. We agree that the appropriate approach to **broad carbon assessment is best addressed in national policy**. Introducing a more extensive “broad form of carbon assessment” is likely to be disproportionate, highly complex, resource intensive and ultimately unrevealing. We suggest, instead, that this should take the **form of national policy on the carbon standards that new development should achieve**, based on existing methodologies, to produce a well-understood and consistent approach to this issue.

We would be happy to discuss any of the points raised in this letter further with representatives at the DLUHC.

Yours sincerely,



Charles Begley
 Chief Executive – London Property Alliance