

Ministry for Housing, Communities and Local Government

Draft revised National Planning Policy Framework

ACE response

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Key recommendations:

Below is a summary of all recommendations included in ACE's response to the Draft revised National Planning Policy Framework (NPPF).

Achieving sustainable development:

Regarding sustainable development, the social, economic and environmental objectives should consider how they can continue to be met in the future.

Plan-making

ACE recommends The Ministry for Housing, Communities and Local Government (MHCLG) should:

- work with local authorities to take an integrated approach to housing and community development; and
- encourage developers to actively seek the input of community members to help inform their development decisions.

Decision-making

ACE recommends:

- national planning guidance should be issued to establish the circumstances in which a viability assessment should be produced; and
- the government should consider all options in order to capture land value uplift.

Delivering a sufficient supply of homes

ACE recommends MHCLG should:

- consider increasing the percentage intervals on land availability buffers;
- alter the NPPF to include guidance on the quality of the land included in land availability buffers;
- apply the concept of sustainable development universally, irrespective of the current levels of delivery;
- alter the NPPF so that major housing development is not prevented from delivering above ten per cent affordable housing delivery, even if this would be surplus to requirements for the area;

- work with local authorities to help them take a risk management approach with regard to monitoring housing delivery targets;
- consider imposing conditions requiring development to start before the default period in some cases, provided all other conditions can reasonably be met; and
- promote a 'smart' approach to development in rural areas in the NPPF.

Promoting healthy and safe communities

The NPPF should adopt a healthy streets approach that promotes an active lifestyle.

Promoting sustainable transport

The future potential capacity of transport infrastructure should be considered as part of the NPPF.

Supporting high quality communications

The NPPF should be outcomes focussed when planning for supporting high quality communications.

Making effective use of land

ACE recommends:

- where land for development has not been allocated for a specific purpose, considerations should first be given to how it fits in with the uses of the surrounding area, before being opened to any other form of development;
- the NPPF should promote the 'meanwhile use' of land that is awaiting development;
- minimum density standards should be considered even where there is no shortage of land to prevent urban sprawl; and
- minimum density guidelines should form part of local authority action plans that are implemented if housing delivery falls below 95 per cent.

Achieving well-designed places

Local authorities should consult with industry experts on design standards to ensure and aid with the creation of well-designed places.

Protecting Green Belt land

The green belt should be periodically reviewed to assess what parts of it could be potentially reclassified and other areas added to it.

Meeting the challenge of climate change, flooding and coastal change

ACE recommends:

- Local authorities should impose conditions to mitigate the risk from flooding, requiring a risk assessment from an independent assessor prior to any conditions being imposed.
- Applicants should be able to demonstrate how an energy efficiency saving can be achieved on development, with accelerated consideration given to those who are able to demonstrate higher levels of efficiency.

Achieving sustainable development

Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

ACE agrees with the presumption in favour of sustainable development and believes that embedding this mentality into the NPPF will be key to achieving sustainable development in the future.

Sustainable development must concentrate on achieving outcomes that are lasting and enduring. It should be the case that future needs are more explicitly considered under the economic and environmental headings.

In terms of economic objectives, this should be giving due consideration to developments which represent value for money over their entire lifetime. Regarding environmental objectives, there should be no set finish line, as the aim should always be to do more to ensure the protection and enhancement of the natural environment. This will help to enshrine the benefits of lasting, sustainable development.

Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?

ACE believes that the sentiment of the core principles has been retained sufficiently elsewhere in the updated document and see no issue with removing the core principles. The three objectives outlined sufficiently encapsulate the ways to achieve sustainable development.

Plan-making

Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

ACE agrees with the proposed changes to the tests of soundness. On maintaining effective cooperation, it is important that the outcome satisfies both authorities and that the statements or documents of progress are renewed frequently to ensure that the aims of all parties involved are still aligned.

Do you have any other comments on the text of Chapter 3?

In its current form, the NPPF does not sufficiently consider the look and feel of communities or how people interact with buildings. Through more extensive community engagement, developers can put forward proposals that local people can take pride and ownership of. An integrated approach to housing and community development should be taken to ensure desirable outcomes are achieved. An approach to development and planning that considers how places are made through the planning process can result in more agreeable outcomes for its residents.

Currently, the onus is for the community to come forward and engage with developers should they wish to have any impact on development. For plan-making to truly benefit the people it serves, this relationship should be reversed: developers should be actively seeking out the thoughts of community members over a prolonged period to help inform their development decisions and to achieve universally desirable outcomes. The result should be plans that are increasingly shaped by members of the local community and, consequently, can be developed much quicker because they are likely to face less opposition from members of the public.

Decision-making

The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?

ACE believes making viability assessments publicly available to be a positive change that will provide greater clarity over the process and can afford the public a greater level of involvement in and understanding of development in their area. This approach may also have the additional benefit of increasing competition amongst developers to demonstrate they have the most viable development. ACE believes that the additional transparency that this change would bring should outweigh concerns from developers over financial disclosure.

Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?

National planning guidance could do more to establish the circumstances in which a viability assessment should be produced, however, it is crucial a balance must be struck between

having too much guidance that becomes restrictive, and not enough regulation meaning existing inefficiencies are intensified.

If a development is over a certain size and stands to deliver a significant amount of homes and infrastructure, a viability assessment should be conducted to ensure that the scheme is capable of delivering on its proposed benefits. It is often the largest developments in an area that members of the public are most vocally against, and by making sure viability assessments are conducted on the biggest projects, this could help to boost public engagement with developments in their area as well as ensuring these projects provide value for money.

What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?

By capturing the uplift in land value from the granting of planning, local authorities, stand to benefit from the permissions they grant. The increase in value of land is generated at the planning stage by local authorities granting planning permission, which creates the uplift in value, but this value goes into the developer's pocket. The government should consider all possible options when looking at ways to capture land value uplift.

Delivering a sufficient supply of homes

What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?

ACE questions whether maintaining the percentage intervals relating to land availability from the previous planning framework is sufficient to help ensure councils can deliver on their housing targets. Local authorities who are currently unable to deliver on targets will not meet them if the status quo is maintained. MHCLG should consider raising these figures to allow local authorities to choose from more land to allow for greater flexibility and even greater competition.

Local authorities should consider the quality of the land they include as part of the buffers on land supply. Releasing land in similar areas or of a similar value as the current land supply, will have little impact if houses on this land still cost the same amount to build as on other available land. The local authority should consider other factors that determine the viability of a site when adding these to their land supply buffer.

Finally, whilst it will not necessarily result in local authorities physically building more homes, the introduction of the ten per cent figure for land buffers is welcome as it provides more nuance to land supply policy and will encourage proactive planning within local authorities.

Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?

Assuming MCHLG associates a higher initial cost with sustainable development, and that this is its reasoning behind the question, ACE maintains that sustainable development should be applied universally, irrespective of the current levels of delivery. Whilst sustainable delivery may have a larger initial cost than conventional development, the long-term benefits to building sustainably far outweigh the costs of not doing so. Continuing the same development strategy in areas consistently underdelivering on housing will not deliver the required rate of house building. Instead, a step change to the way local authorities approach development is required.

Do you agree with the new policy on exception sites for entry-level homes?

ACE agrees with the new policy on exceptions on entry level sites noting that there is a shortage of affordable homes in the UK. However, ACE is concerned the percentage of affordable homes expected from major housing development is not expected to exceed ten per cent should this be considered to exceed the need for that area. This contrasts with the NPPF's sustainable development objective as this policy fails to consider what the need of that area could be in the future and serves to perpetuate the cycle of under-delivery of affordable homes. With the current shortage of affordable housing, implementing this policy could effectively place a limit on the number of homes available for those on the lowest incomes and will only worsen the housing crisis in the United Kingdom.

Do you have any other comments on the text of Chapter 5?

Housing delivery action plans:

The NPPF should look at ways to improve how local authorities monitor delivery targets and the ways that they mitigate risks. Rather than being reactive and having to develop action plans in the event delivery falls below 95 per cent, local authorities should take more of a risk management approach. This approach should identify when delivery targets are at risk of not

being hit and aim to put measures in place prior to this happening, helping the authority to be more proactive. Should delivery fall below 95 per cent, an action plan should be prepared that aims to implement tailored solutions that address specific factors contributing to falling delivery.

Shorter default periods:

ACE tentatively supports MCHLG's proposal recommending that local planning authorities should consider imposing a planning condition requiring a development to start within a timescale shorter than the default period. We understand the aim of this proposal is to ensure a development starts promptly and that there are no unnecessary delays. This goal is admirable, however the penalty for a breach of this condition would be either through an enforcement notice or a breach of condition.

An enforcement notice would be a heavy-handed response to not complying with the reduced timescale given there would normally be additional time remaining before development would have to begin. It would also generate extra bureaucracy when these notices are appealed. An enforcement notice would not be a sufficient enough deterrent for major developments breaching the condition but could impact upon the viability of smaller developments. ACE recommends local authorities only impose shortened default period conditions on strategic development sites, and enforcement notice fees vary based on the size of the project. These conditions should only be imposed where there is a reasonable chance for the development actually meeting all of their planning conditions. Otherwise, effectively shortening the default period will likely have a negative effect on development to fulfil all of its obligations.

Supporting rural development:

Any development must strike a careful balance between aiming to unlock extra housing and services in a manner that is sustainable, whilst maintaining the look and feel of an area. The NPPF should promote a 'smart' and balanced approach to development in rural areas that fosters growth, but also allows these areas to not expand beyond their means at a detriment to the local community. This is supportive of the idea that any development, especially in rural areas, must go hand in hand with the necessary supporting infrastructure.

Building a strong, competitive economy

Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

The proposals outlined are encouraging, as better planning with a strong economic focus can deliver a range of benefits to the local and national economies. It is vital that a long-term view is taken, and that future need is well accounted for if these economic benefits are to be realised. A strong and competitive economy must be supported by equally strong infrastructure, and having the necessary infrastructure in place, and planned for, will be key to achieving this. Equally important should be considerations as to how these projects will be delivered and what the delivery schedule looks like, and this is where a robust and clear planning framework plays an important part. In order to unlock growth and productivity opportunities across the country, infrastructure must be one of the foremost considerations when planning for new development.

Further to this, it should be noted that positive economic outcomes are intrinsically linked with increased social benefits: where infrastructure does not consider the needs of those who use it, it naturally underperforms. The public debate around infrastructure often centres around benefits to the economy, however this overlooks the positive social impact infrastructure has on our communities, and for the economic benefits to be realised, more value has to be given to the social benefits of infrastructure.

Promoting healthy and safe communities

Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

Communities that are well designed, and where planning has been a foremost consideration, benefit from a variety of social and psychological benefits including improved mental health, better community engagement and improved levels of happiness. In this sense, development should not be a means to an end, but rather an opportunity to foster and improve the lives of the people who live in those areas. The plan should adopt a healthy streets approach promoting the benefits of an active lifestyle, in line with sustainability considerations. Additionally, planning must be seen as a way to achieve positive social outcomes and this message must not be lost in the technicalities of the planning system. Planning and the good

design of communities can have huge impacts on the lives of residents in an area; including green spaces, open areas and interesting building facades in planning considerations all contribute to healthier and more productive people.

Promoting sustainable transport

Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?

Transport development must be conducted in a sustainable and forward-thinking manner. In order to avoid costly renewals and enhancements, the future demand on transport infrastructure should be considered. Whilst it is difficult to accurately predict the future usage of transport assets, some consideration must be given to how its use could be anticipated to change to allow space for assets to grow or shrink in capacity as necessary. Currently, the section on sustainable transport considers how more journeys can be made through active travel or made to be more environmentally friendly, but it fails to consider the levels of usage for the modes themselves. For new transport developments to be viable, they must maintain a certain level of activity throughout their lifetime and failure to do so could not be considered sustainable development. By undertaking an assessment of potential future capacity, developers can judge the viability of transport proposals with some greater context. More information will be key to ensuring sustainable transport development.

Do you agree with the policy change that recognises the importance of general aviation facilities?

General aviation does play an important role in the UK's economy and is crucial for its emergency services; giving due consideration to it when planning development will be a significant consideration. However, where aviation is concerned, more weight should be given to commercial aviation and emergency aviation services as the benefits that they bring are of paramount importance.

Supporting high quality communications

Do you have any comments on the text of Chapter 10?

More so than any other area, plans that involve technology must be flexible and adaptable to new developments. Predicting where technology will be in five years and beyond is almost

impossible. The NPPF must avoid making rigid plans that bind developers in the future to technology that has become out of date. To make effective plans involving technology, a framework is required that focusses on outcomes and also considers changes that can happen in technology in a relatively short period.

Making effective use of land

Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

It is suggested that local planning authorities should take a positive approach to all applications for development on under-utilised land, provided it helps to meet a development goal. This approach sounds slightly disorganised as it considers all kinds of applications, and it could be that development of a kind in an under-utilised area might satisfy one development goal but be at a detriment to another depending on the application received. These situations should be carefully considered as it propagates a system that does not plan effectively, but simultaneously should be cautious not to delay the planning process.

To avoid approving development that may have unintended consequences on the area, the first consideration for these sites should be how this land can fit in with development plans around the site. This will ensure that where local plans are in place surrounding a site with no defined purpose, due consideration is given to the surrounding zone. These considerations should then frame what the local planning authority decides to do with the land, and how it can complement other development in the area, whilst being flexible enough to meet a range of development needs.

The NPPF should also promote the meanwhile use of land that is awaiting development. Meanwhile use areas could double as areas for social and communal activities, such as winter markets or open-air cinemas in the summer time. This should be in line with the three objectives of creating sustainable development, whilst also aiding the creation of healthy and safe communities.

Furthermore, where there is vacant land next to a development, this area could be used a staging post for construction equipment or as storage for materials. This would lessen the impact of moving building equipment on the local transport network and may have the added benefit of speeding up construction times. The proximity of vacant sites nearby to a new

development should be considered at the planning stage, and local vacant areas could even be shared by multiple developers in an area, creating construction hubs that aim to minimise disruption. Vacant sites could even be used as sites for precision manufactured homes which could be easily relocated when permanent development comes forward.

Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

Minimum density standards can help local authorities catch up to their housing targets and should be considered across areas even where there is not a shortage of land. This will help to keep the options for these areas open for any future uses or development and can prevent unattractive forms of urban sprawl.

Do you have any other comments on the text of Chapter 11?

The government or local authorities should consider producing minimum density guidelines, especially in areas where land is in short supply. This should form part of the action plan that the planning policy suggests local authorities should prepare when housing delivery falls below 95 per cent. Additionally, where local authorities have to identify an extra buffer for available developable land, density guidelines should also apply here to give local authorities extra guidance on how they can achieve their housing targets. Part of the identified land for development could be the space above existing buildings. These density guidelines should help to maintain the look and feel of an area, as well as helping to avoid developing on the greenbelt, where there is the possibility of developing upwards.

Achieving well-designed places

Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

Achieving well designed places is conducive to sustainable development and is a principle that should be strongly adhered to. Well-designed homes, offices and public spaces are conducive to our happiness as well as our physical and mental wellbeing and can furthermore provide significant environmental benefits. Well-designed places, and their benefits, will not be realised overnight. Embedding this philosophy of good quality design is crucial to realising its benefits

and ensuring that the NPPF fully embraces and promotes good design will be critical in creating a society that is healthier, happier and capable of meeting our housing needs. Local authorities should consult with industry experts to ensure these designs are of a sufficient quality and will result in places that are conducive to green and happy living. By involving the design industry more, poor design can be better filtered out, ensuring that developments in an area reflect and deliver what communities want.

Do you have any other comments on the text of Chapter 12?

It is critical that design standards should be driven by what the community want to see in their area. Design that has higher levels of local involvement benefits from increased ownership and pride of the area as well as being more adapted to and reflective off the community's needs.

Protecting Green Belt land

Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are 'not inappropriate' in the Green Belt?

Local authorities and the government should be pursuing all measures that can potentially free up land for development, especially in areas where land is in short supply. Any development on brownfield land in green belt sites must be done in a sustainable way that doesn't impact on green belt sites and avoids having a collateral impact on any adjacent green belt land. It is crucial these brownfield sites are part of the brownfield register.

Do you have any other comments on the text of Chapter 13?

Additionally, green belt land should be reviewed periodically to determine whether any of the land could reasonably be reclassified. Parts of the green belt, in its current form, aren't areas of significant environmental importance. Some of the less desirable areas that do not foster wildlife or are not used for agricultural purposes, could be reclassified to allow development to happen on these areas. Similarly, there are areas in the green belt that are capable of supporting significant growth because of their transport connections but are prevented from doing so because of their status as part of green belt land. Ideally, there would be no net loss of green belt land as more suitable land could be incorporated with the review. This would help

local authorities that need to do so, identify more appropriate land for development as part of the buffers highlighted earlier in the proposals.

Meeting the challenge of climate change, flooding and coastal change

Do you have any comments on the text of Chapter 14?

In order for plans to be effective in relation to climate change, flooding and coastal erosion, any mitigating measures must be sustainable and environmentally friendly. This requires taking a long-term view about how plans will continue to reduce these risks well into the future. Where development passes the exception test in relation to development in areas at risk from flooding, local authorities should impose planning obligations that will adequately mitigate the risk from flooding. A risk assessment should be undertaken by an independent assessor prior to any conditions being imposed as this would help determine what the necessary mitigating action is. Should the introduction of these conditions render the development unviable, the development should be considered to have failed the exception test. This will help to ensure that planning can still go ahead in areas that are at risk from flooding, but only if sufficient mitigating action can reasonably be taken.

Furthermore, the current draft of the NPPF could go further to promote the Clean Growth Strategy and help ensure that the target of 20% energy efficiency savings by 2020 are met. Particularly concerning is that “local planning authorities should not require applicant to demonstrate the need for renewable or low carbon energy”. ACE believes this to be a backwards step and hinders the governments ability to meet this 20% target. The result is that many of the renewable energy systems, and particularly heat systems, in new development become redundant, or are only installed for the purpose of meeting arbitrary planning requirements. Applicants should be able to demonstrate how an energy efficiency saving can be achieved on development, with accelerated consideration given to those who are able to demonstrate higher levels of efficiency.

Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?

In order for the UK to achieve its ambitions in the Clean Growth Strategy, development plans should rely on forward data from UKCIP to understand vulnerability. There is also a need for a more explicit understanding of what green infrastructure entails within the NPPF. With regard to greenhouse gas emissions, the government should explore ways that local authorities and districts can play a greater role in helping to meet climate change targets through their local plans. Currently local authorities only need to reflect national technical standards, however there is the possibility for more to be done to allow more nuanced local solutions to help meet the strategy.

About ACE

As the leading business association in the sector, ACE represents the interests of professional consultancy and engineering companies large and small in the UK. Many of our member companies have gained international recognition and acclaim and employ over 250,000 staff worldwide.

ACE members are at the heart of delivering, maintaining and upgrading our buildings, structures and infrastructure. They provide specialist services to a diverse range of sectors including water, transportation, housing and energy.

The ACE membership acts as the bridge between consultants, engineers and the wider construction sector who make an estimated contribution of £15bn to the nation's economy with the wider construction market contributing a further £90bn.

ACE's powerful representation and lobbying to governments, major clients, the media and other key stakeholders, enables it to promote the critical contribution that engineers and consultants make to the nation's developing infrastructure.

Through our publications, market intelligence, events and networking, business guidance and personal contact, we provide a cohesive approach and direction for our members and the wider industry. In recognising the dynamics of our industry, we support and encourage our members in all aspects of their business, helping them to optimise performance and embrace opportunity.

Our fundamental purposes are to promote the worth of our industry and to give voice to our members. We do so with passion and vision, support and commitment, integrity and professionalism.

Further information

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