

Response ID ANON-1R1Y-URHW-K

Submitted to Levelling-up and Regeneration Bill: Reforms to National Planning Policy
Submitted on 2023-03-01 18:37:04

Introduction

A Personal dataThe following is to explain your rights and give you the information you are be entitled to under the Data Protection Act 2018.Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.1. The identity of the data controller and contact details of our Data Protection Officer The Department for Levelling Up, Housing and Communities (DLUHC) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk 2. Why we are collecting your personal data Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.3. Our legal basis for processing your personal dataThe Data Protection Act 2018 states that, as a government department, DLUHC may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.4. With whom we will be sharing your personal dataDLUHC may share your personal data with external organisations, for purposes relating to this consultation, including analysis of responses. Any data shared with organisations outside of DLUHC will be anonymised where possible.5. For how long we will keep your personal data, or criteria used to determine the retention period.Your personal data will be held for two years from the closure of the consultation.6. Your rights, e.g. access, rectification, erasure The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:a. to see what data we have about youb. to ask us to stop using your data, but keep it on recordc. to ask to have all or some of your data deleted or correctedd. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/>, or telephone 0303 123 1113.7. Your personal data will not be sent overseas.8. Your personal data will not be used for any automated decision making. 9. We use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will remain on the Citizen Space server and/or be transferred to our secure government IT system for two years of retention before it is deleted. Please confirm that you have read and agree to the privacy notice

Please tick to confirm:

Yes

B What is your name?

Name:

Fiona Newton

C What is your email address?

Email:

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D What is your organisation?

Organisation:

Institute of Historic Building Conservation

E What type of organisation are you representing?

Professional body

If you answered "other" please provide further details:

Chapter 3

1 Do you agree that local planning authorities should not have to continually demonstrate a deliverable five year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than five years old?

Yes

Please set out the reasons for your answer:

IHBC believes that changes are going in the right direction, including the removal of buffers. But it still uses the same approach for high growth areas and areas suffering from depopulation and viability challenges. From a levelling up perspective, one of the key issues is to move away from a one-size fits all approach, especially as policy tends to be drafted with emphasis towards high growth areas (which is damaging to high growth and low growth areas). We welcome the need for plans to be less than 5 years old, but have concerns about the capacity/capabilities of some local authorities to achieve this.

2 Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?

Yes

Please set out the reasons for your answer:

3 Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on?

Yes

Please set out the reasons for your answer:

If the unintended consequence is development on land not allocated in the local plan Yes. It is essential to take account of: depopulation, viability challenges, limited local economic opportunity, environmental constraints including natural and historic environment.

Or is there an alternative approach that is preferable?:

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

Answer:

5 Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

Answer:

No, IHBC welcomes change from 2 to 5 years, where 5 year housing land supply not met and NP based on evidence of housing need. This is a welcome and significant change.

Chapter 4

6 Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

Yes

Please set out the reasons for your answer:

Levelling up is not being addressed. The chapter needs to differentiate between high growth areas, where affordability is the key issue, and underperforming areas, where viability and local economic opportunity are the key issues. The NPPF is a fundamental barrier to levelling up.

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

Answer:

The current position where neighbourhood plans can be overridden and open to unplanned development because the local planning authority cannot demonstrate a sufficient supply of housing is most unfortunate and unfair to people who make an input to local plans so the changes are desirable

8 Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs?

Not Answered

Please set out the reasons for your answer:

Rather than exceptional circumstances to justify departure, the starting point should be to take account of local circumstances.

Are there other issues we should consider alongside those set out above?:

9 Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out-of-character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

Yes

Please set out the reasons for your answer:

IHBC believe this is most important and whilst IHBC generally welcome Green Belt retention, there can be local circumstances to justify, for example, allowing for expansion of historic towns to make them more viable, if and where the local environment has capacity for this. IHBC suggest that building density is a crude tool and that consideration of character is often at odds with using broad-brush densities.

10 Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out-of-character with the existing area?

Please set out the reasons for your answer:

There are many factors that might be considered here concerning the historic built environment which is so important in providing character to local areas. The existing records, the context and setting of the historic built environment, landscape character all of which contribute to character and in the context of which only the most sensitive development in terms of scale, design quality, materials and form should be considered. Environmental capacity studies, including of the historic environment, should be essential to making any such case.

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

No

Please set out the reasons for your answer:

The consultation does not really explain why removing the requirement for plans to be justified would be helpful in terms of securing better outcomes.

12 Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation?

Not Answered

Please set out the reasons for your answer:

If no, which if any, plans should the revised tests apply to?:

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

Not Answered

Please set out the reasons for your answer:

It is clearly a barrier to levelling up if standard calculations are applied across the nation, regardless of local social, economic and environmental circumstances. This is especially the case as Government policy and guidance tends to reflect high growth areas.

14 What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

Please set out the reasons for your answer:

Need to take into account the uplift and reuse of historic building fabric; a better facilitation of residential use in historic structures in urban areas "living over the shop".

15 How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

Please set out the reasons for your answer:

16 Do you agree with the proposed four-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply?

Yes

Please set out the reasons for your answer:

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

17 Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?

Yes

Please set out the reasons for your answer:

18 Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?

Not Answered

Please set out the reasons for your answer:

The housing delivery test takes no account of areas with viability challenges. The consultation does not address this, so fails to address levelling up agenda. IHBC recommend suspending the Housing Delivery Test.

19 Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?

Not Answered

Please set out the reasons for your answer:

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

Please set out the reasons for your answer:

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

Please set out the reasons for your answer:

Chapter 5

22 Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions?

Not Answered

Please set out the reasons for your answer:

Current policy applies the same approach to areas where a 2 bedroom house costs for then £1 million and areas where it would cost £60,000. The consultation does not address this.

If yes, do you have any specific suggestions on the best mechanisms for doing this?:

23 Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?

Not Answered

Please set out the reasons for your answer:

24 Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?

Answer:

See answer to Q25.

25 How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?

Answer:

IHBC welcome this strengthening of policy in principle, but is not clear how delivery will be achieved.

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

Yes

Please set out the reasons for your answer:

IHBC generally support this approach, including for community organisations taking on building assets.

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

Answer:

A joint aligned approach with cooperation between neighbouring authorities is desirable. We also believe that the fact that the proposed changes means a diverse range of homes, more genuinely affordable housing and specific provision for older people – all built to designs that suit local communities and at densities that make efficient use of land while aligning with local character is a good objective.

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

Answer:

We would welcome views on the sort of demographic and geographic factors which could be used to demonstrate these exceptional circumstances in practice in relation to local plans and taking into account local characteristics which may influence planning approaches.

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

Answer:

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

Yes

Please set out the reasons for your answer:

Yes but it is suggested that implementing this may result in legal challenge and cost.

If yes, what past behaviour should be in scope?:

31 Of the two options above, what would be the most effective mechanism?

Option 1

Please set out the reasons for your answer:

Are there any alternative mechanisms?:

32 Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly?

No

Please set out the reasons for your answer:

IHBC question how would this apply in areas with viability challenges?

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

Chapter 6

33 Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

Yes

Please set out the reasons for your answer:

IHBC agree with the importance of good quality design which is sensitive to its context and setting which is important for ensuring that places will be cherished and loved by local communities. We believe that the concept of 'spirit of place' once defined is really important and that regard has to be had to 'spirit of place' which captures the quality of the built environment as well as the intangible qualities associated with a particular place.

34 Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places' to further encourage well-designed and beautiful development?

No

Please set out the reasons for your answer:

IHBC considers that this term or concept of beauty is not an objective one and is rather vague. It makes policy more ambiguous and suggests that it is about stylistic preference rather than more fundamental matters. We would prefer to see the use of the terms 'high quality design' and we believe that good quality design has a 'sensitivity to a structure's context and setting.' In practice local communities are often far more concerned with sustainable materials, ease of walking (15 minute neighbourhoods), green infrastructure, green design, character, etc.

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

Yes

Please set out the reasons for your answer:

36 Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing Framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes?

No

Please set out the reasons for your answer:

IHBC question why national policy would be concerned with design specifics

If no, how else might we achieve this objective?:

Chapter 7

37 How do you think national policy on small scale nature interventions could be strengthened? For example in relation to the use of artificial grass by developers in new development?

Answer:

Yes on identification of infill sites that could be sensitively developed in a particular context. Retention of existing landscape features should be encouraged, such as trees and gardens, allotments, etc.

Policy should reinforce that refurbishment of existing stock retains carbon.

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

Not Answered

Please set out the reasons for your answer:

39 What method and actions 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?

Answer, including any supporting information:

IHBC does not have detailed knowledge of such measures, but is aware of work by the RICS and others, including the Architects Journal's "Retrofirst" campaign. Carbon impact assessments are urgently needed. All planning decisions should take account of whole life embodied carbon, including that arising from demolitions. IHBC is aware of at least one authority (Cambridge City) whose definition of a "net zero" building not only does not include whole life carbon of the building, but fails to include the carbon cost of demolitions required for the development. This is misleading and promotes waste rather than saving of carbon. In the word of Carl Elefante "the Greenest building is the one that already exists" This principle needs to be integrated at the heart of development aspirations and the planning process.

40 Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?

Answer:

We question the apparent focus only on "nature-based solutions" when built environment and regeneration approaches can also have considerable value. There is much published work on this topic which is critically important, notably including the STBA's "From Retrofit to Regeneration – A blueprint for post-Covid recovery" <https://stbauk.org/wp-content/uploads/2021/11/From-Retrofit-to-Regeneration-2021-STBA.pdf>,

In their carbon reduction scenarios modelling done by UWE Bristol (sept 2020), HE identified some archetypes of traditionally-constructed buildings, and packages that were high or low impact, modelled using SAP and some adjustments/assumptions to achieve between around 25% and 65% reductions in space heating demands, and similar figures for space heating intensity. Together with grid decarbonisation these packages, applicable to 74% of the pre-1919 housing stock, were modelled to achieve 25% carbon reductions for the sector by 2030, 60% by 2040 and 99% by 2050, at given rates of implementation (starting at 129k installations per annum). This was based on 80% of the 2 more challenging archetypes (pre 1850 detached rural, and pre-1850 large terrace) adopting the low package, while between 60 and 80% of the other 3 archetypes (Victorian/Edwardian medium terrace, semi-detached and small terrace) would adopt the higher package.

The 'low package' of measures broadly included loft insulation, secondary or double glazing, an alternative heating system and, where deemed appropriate, some wall insulation to rear extensions and/or rear elevations and some floor insulation (depending on the archetype parameters). The 'high package' of measures broadly included greater levels of insulation, greater levels of technologies such as solar photovoltaic panels, and higher levels of air tightness.

Could these, or the levels of energy demand/intensity they were modelled to achieve, form the basis of a framework against which to judge proposals? Essentially, every proposal for this kind of work would need to be supported by a SAP assessment of baseline and modelled performance using the same assumptions as the scenario modelling. High heritage impact schemes would have to achieve the reductions in energy demand/intensity modelled for the high impact package for their archetype, lower impact schemes the lower level of performance (subject to some variation for individual circumstances)?

IHBC believe that there is so much focus on energy performance only and a lack of focus on sustainability. What is needed are intrinsically sustainable places which give significant weight to energy performance.

Chapter 8

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

Not Answered

Please set out the reasons for your answer, including any views on specific wording changes to the existing paragraph:

New document Section 157 IHBC welcome in principle, subject to appropriated consideration of impacts.

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

Not Answered

Please set out the reasons for your answer, including any views on specific wording changes to the existing paragraph:

In the new document Section 160 extending existing renewable sites where impacts can be made acceptable. IHBC welcome in principle, subject to appropriated consideration of impacts. There are no proposed changes in this consultation to the Heritage Chapter but IHBC would appreciate having an opportunity to raise concerns about that chapter again. 'IHBC have considerable concerns about the application of paragraph 197 in particular because of the reference to the Historic Environment Record (HERS) gaining a statutory function, since many areas do not have one, many lack substance and many are too archaeology focussed to be of much use in capturing the special interest of the listed building or other non-archaeological heritage asset the subject of the application.'

43 Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework?

Not Answered

Please set out the reasons for your answer, including any views on specific wording changes to existing footnote 54:

This appears to override the former design bulletin 32 which has been revoked.

Do you have any views on specific wording for new footnote 62?:

It seems reasonable and is welcome in principle subject to impacts.

44 Do you agree with our proposed new 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?

No

Please set out the reasons for your answer, including any views on specific wording changes to the proposed new paragraph:

This is about giving weight to the need to improve energy efficiency through the adaptation of existing buildings particularly large non domestic buildings. The concept is important but it needs to make specific provision for historic built fabric of importance so that it is not negatively impacted by energy efficiency upgrades. British Standard EN 16883:2017 (currently only available behind a British Standards Institute paywall) includes a very helpful process for developing and assessing such proposals.

The proposed para 161 does not take account of the risks involved in retrofit, or the need to safeguard the built heritage, both of which are identified as priorities within the Government's domestic retrofit guidance PAS 2035 published by the British Standards Institute. Proposals should be required to comply with PAS 2035 for domestic, and PAS 2038 for non-domestic. Both PAS's, BS EN 16883 mentioned above, and BS 7913:2013 guide to the conservation of historic buildings should all be referenced in Para 161, and arrangements made for them to be made freely available. URGENT priority should be given to making these PAS's and BS's available for reference in planning policies and decisions.

Another major issue is that there is no assistance gauging the actual public benefits of small scale proposals before the appropriate degree of weight is given to them and to any harm they generate. We need a framework for assessing benefit preferably in the form of PPG.

The proposed section 161 also states that 'Proposals affecting conservation areas and listed buildings should also take into account the policies set out in chapter 16 of this Framework' but this does sit at all happily with the section 72 statutory duty to preserve or enhance.

Also, the NPPF should highlight sustainable characteristics of historic places (mixed use, walkable, 15 minute neighbourhoods).

Chapter 9

45 Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system?

No

Please set out the reasons for your answer:

IHBC has some concern over the capacity/capabilities of some local authorities to deliver.

If no, what alternative timeline would you propose?:

46 Do you agree with the proposed transitional arrangements for plans under the future system?

No

Please set out the reasons for your answer:

Loss of SPDs could be problematic.

If no, what alternative arrangements would you propose?:

47 Do you agree with the proposed timeline for preparing neighbourhood plans under the future system?

No

Please set out the reasons for your answer:

These take some time to put together and in practice need to be facilitated by the Local Authority with genuine consultation so that local members of a community will feel that their views have been heard.

If no, what alternative timeline would you propose?:

48 Do you agree with the proposed transitional arrangements for supplementary planning documents?

No

Please set out the reasons for your answer:

Loss of SPDs could be problematic.

If no, what alternative arrangements would you propose?:

Chapter 10

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

No

Please set out the reason for your answer:

IHBC believe that many Local Plans contain generic policies, repeating national policy. However, it is important to convey the fact that the best neighbourhood plans, arrived at with the necessary consultation with stakeholders and communities, have been more successful in formulating locally-specific strategies for sustainable development.

A current problem and barrier to levelling up is that national policies apply to the whole country, regardless of local community, economy, environment. National policies could make this worse. The NPPF tends to assume high growth economies and ignore areas with viability challenges. This is a key concern for new national DM policies. It is difficult to comment further without seeing the actual policies. IHBC suggest that the importance of a locally-driven approach cannot be emphasised enough

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

Answer:

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

Not Answered

Please set out the reason for your answer:

52 Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

Answer:

Chapter 11

53 What, if any, planning policies do you think could be included in a new Framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?

Answer:

The Local Authority will need to facilitate the development of local Plans and to build capacity at local level to ensure that there is capacity within the community to do this in an informed way

54 How do you think the Framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?

Answer:

The current emphasis on housing supply and affordability in high growth areas clearly fails to address the needs of many areas, where challenges are viability and the need to create local economic opportunity. At present, The NPPF drives land inflation and congestion in high growth areas, and stagnation in under-performing areas. The amendments to The NPPF do not address this.

55 Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

Yes

Please set out the reason for your answer:

Use Class E and associated PD rights have undermined brownfield regeneration. This is a problem.

56 Do you think that the government should bring forward proposals to update the Framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups feel safe in our public spaces, including for example policies on lighting/street lighting?

Yes

Please set out the reason for your answer:

Safety is an issue for anyone, including those who can be a target for hate crimes.

Chapter 13

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

Answer:

Do not apply policies formulated for high growth areas to the whole country.

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

Answer:

Do not apply policies formulated for high growth areas to the whole country.