

18 MARCH 2024

## **PR6-24 | STRENGTHENING PLANNING POLICY FOR BROWNFIELD DEVELOPMENT**

### **Introduction**

We are writing in response to the Department for Levelling Up, Housing and Communities consultation on brownfield development.

The National Association of Local Councils (NALC) is the national membership body that works with the 43 county associations of local councils to represent and support England's 10,000 local (parish and town) councils.

Local councils and their 100,000 councillors are the first tier of local government, closest to the people, and play an essential part in delivering hyper local services, building strong communities, and strengthening social fabric.

Local councils cover more than 90% of the geography of England and over a third of the population and invest over £3 billion per year to improve and strengthen communities.

### **Summary**

- National planning policy should not be changed to give weight to the benefits of delivering as many homes as possible, unless developments are sustainable and compatible with local and national design codes.
- Any changes to national planning policy that make clear that local planning authorities should take a flexible approach in applying planning policies or guidance relating to the internal layout of development, should be delivered without compromise in protecting the amenity of occupiers and neighbouring land uses. Compliance with local and national design codes should also be adhered to.
- NALC will support a soundly based planning system which represents the most reliable tool for the sustainable allocation of land, and which represents the three pillars of sustainability equally, i.e. social, economic and environmental factors.
- We have concerns that under the proposals set out in this consultation, development would be left to a third party, with councils unable to do anything to ensure that the developments meet the needs of their communities.

- Planning policy should be amended to address some of the costly viability challenges of developing on brownfield land.
- NALC will also support changes to the planning system which will strengthen the system and the voice of democracy and lead to better quality, appropriately sited developments.
- We do not agree that the Housing Delivery Test Threshold should only apply to previously developed land within those authorities subject to the urban uplift. The selection of the 20 largest cities and urban centres for a 35% uplift in housing numbers misunderstands the geography of large parts of the country, is inconsistent with the government's devolution strategy and imposes greater pressures on areas outside the urban cities which are favoured by many developers.
- We would welcome clarification as to whether previously developed land within the greenbelt is classified as brownfield land.

## **Consultation questions**

NALC's responses to the main consultation questions relevant to local councils are below:

### **2. Giving significant weight to the benefits of delivering homes on brownfield land**

#### **Q.1: 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, unless the development is in a sustainable location that is compatible with local and national design principles, especially those contained in national and local design codes, and can be delivered without compromising protection of the amenity of occupiers and neighbouring land uses.

NALC will also support changes to the planning system which will strengthen the system and the voice of democracy and lead to better quality, appropriately sited developments.

A more effective way of encouraging more urban development would be to increase numbers of settlements to those with the 50 largest populations and adjust the figures for individual local authorities so that the urban uplift only applied to the population within the urban areas. We would also suggest the sharing of good practice examples.

For metropolitan mayoral authorities, the decision on where additional development associated with any urban uplift calculation should be devolved to the mayor.

**Q.2: 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?**

Yes, as long as it can be delivered without compromising protecting the amenity of occupiers and neighbouring land uses.

**Q.3: 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?**

Yes, as long as compliance with local and national design codes is adhered to.

**Q.4: In addition to the challenges outlined in paragraph 13, are there any other planning barriers in relation to developing on brownfield land?**

We have concerns that under the proposals set out in this consultation, development would be left to a third party, with councils unable to do anything to ensure that the development meets the needs of their communities.

**Q.5: 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?**

NALC will support a soundly based planning system which represents the most reliable tool for the sustainable allocation of land, and which represents the three pillars of sustainability equally, i.e. social, economic and environmental factors.

Planning policy should be changed to address some of the costly viability challenges which can often be a major challenge to their development. Further, these viability challenges, including site contamination and clearance, ground conditions and difficult land ownership arrangements associated with developing brownfield land, sometimes means that local planning authorities must make difficult decisions about the provision of necessary infrastructure and affordable housing required to help ensure that a brownfield site is brought forward for development.

**Q.6: How could national planning policy better support brownfield development on small sites?**

By ensuring that small sites are viable, especially those suitable for development by small and medium-sized enterprises.

**3. Applying the presumption in favour of sustainable development to brownfield applications in major towns and cities**

**Q.10: Do you agree this should only apply to previously developed land within those authorities subject to the urban uplift [yes/no]?**

No. The selection of the 20 largest cities and urban centres for a 35% uplift in housing numbers misunderstands the geography of large parts of the country. Some of the local authorities that include these cities also have a significant proportion of their population in smaller towns and villages that are also subject to the urban uplift. The urban uplift strategy is also inconsistent with the government's devolution strategy, particularly the metropolitan combined authorities. The current urban uplift strategy, by artificially increasing developments in only part of the metropolitan county, distorts the ability to develop a spatial development strategy. Finally, because the guidance only states that it "expects" development to take place within the urban centre, this imposes greater pressures on areas outside the urban cities which are favoured by many developers.

For further information on this response contact Jessica Lancod-Frost, policy officer, on 07496 415452 or via email at [jessica.lancod-frost@nalc.gov.uk](mailto:jessica.lancod-frost@nalc.gov.uk) .