

Consultation Dec2022 on national planning policy changes

Chapter 14 – List of questions and London Forum answers

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1	Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old?
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Yes, because 5YHLS is a crude measure – it includes plan allocations and planning consents that have not yet been implemented or completed. Projects with a long timeline are included as well as permissions where there has been a material start to keep the consent alive and they are both little indication of likely development or delivery in the next five years.

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)?
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Yes – making additional demands when a 5-year housing land supply has proved difficult is pointless as it increases the problem. If additional housing sites cannot be readily identified, further “penalising” the planning authority is not going to be a solution.

Similarly the 20% buffer sought from boroughs which fail the Housing Delivery Test would only exacerbate the problem, especially where the local authority’s “failure” to “deliver” housing may be caused by lack of sites, and, even if permissions have been given, on the failure of the developer to build out the consents. Local planning authorities can grant planning permission, but they cannot enforce delivery. They should not be penalised for matters that are outside their control.

The Housing Delivery Test provided penalties but no incentives, and little recognition that the speed of delivery is almost entirely in the hands of developers rather than the local authority. We welcome a change in approach which recognises that the delays

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need to be addressed, as proposed by Michael Gove in his statement of 6th December 2022. The ability of local authorities to agree building rates with developers and to take action if they are not achieved should be added to policy in the next NPPF alterations.

In London, Opportunity Areas which have long lead-times, often of ten years or more, suggest that delivery is likely in the second 5-year period or beyond, which may indicate a housing trajectory with low completions in the first 5 years. The local authority should not be penalised for this.

We do not agree the proposals in the revised NPPF paragraphs 77 and 78 for trigger points for failing the Housing Delivery Test. The reasons for failure may rest with developers and changes in the housing market, rather than a lack of sites with planning consent.

We agree with the proposals for monitoring and regular review of housing land supply in the revised NPPF paragraph 75. We agree also with abolishing the application of “buffers”.

3

Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?

We have no experience of this issue, as delivery of new homes in London has not exceeded 40,000 annually since the GLA was created despite housing targets for London being raised from 42,000 pa in 2016 to 52,285 pa in 2021.

4

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

Planning practice guidance on undersupply should include indication of how local authorities should deal with slow build out rates under DLUHC’s new policies for tackling them.

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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?

Protection for neighbourhood plans is welcomed. There should be definition to follow NPPF paragraph 14 and in NPPF chapter 3 of the way in which Neighbourhood Priorities Statements will be taken into account in Local Plan preparation after the Levelling-Up and Regeneration Act has clarified more about them and the related amendment has been progressed.

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, because there needs to be more emphasis on the suitable location of new development, as well as the “scale, type or distribution of development in the plan area” (para 11 b (i)). For housing, the type of development should include the range of affordable homes from social housing through to intermediate and shared equity.

It is welcome that the Government commits in its Prospectus paragraph 4 to “building enough of the right homes in the right places with the right infrastructure, ensuring the environment is protected and giving local people a greater say on where and where not to place new, beautiful development.” Also, that one of the changes in paragraph 1 of the draft revised NPPF is for the provision of “sufficient housing and other development in a sustainable manner.”

In London there is increasing pressure, even with the current housing targets, where to meet these needs in full is resulting in projects which would be built at densities harmful to their surroundings. London Forum endorses concerns in NPPF paragraph 11 ii about “where meeting housing need in full would mean building at densities significantly out of character with the existing area”. Whilst design guides or codes, referred to in new footnote 8, may help define this, there should also be a major role for an NPPF policy for identifying in plan making the only locations or sites where tall buildings might be suitable, which should provide protection for other areas where tall buildings will not be acceptable, because they would be “significantly out of character”.

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This applies particularly to London, but would also apply to other cities where a 35% uplift is being sought. This is not just about the scale and density of such developments, but also the location and the potential lack of supporting social infrastructure and public transport. NPPF paragraph 7 has little in it to define sustainable development, especially what would constitute more sustainable patterns of urban development.

The NPPF references should be to 'urban design codes', not just 'codes'.

The proposed changes to paragraphs 1 and 7 of the existing Framework are still far too vague and provide few clues as to what criteria or considerations should shape both the pattern of development and secure the supporting infrastructure.

London Forum agrees that local plans need to ensure that enough land is allocated to provide the right homes in the right places, alongside other economic, social and environmental needs and Net Zero objectives. This means having a much clearer understanding of what policies are needed to plan for a more sustainable pattern of urban development.

The NPPF should indicate in para.11 a) that each development should be considered for its contribution to Net Zero aims and targets but too little progress on related policies has occurred since the Planning White Paper and the Net Zero Strategy.

7

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

It is not clear which section of "these changes" are meant by this question but London Forum welcomes the Government's proposal in the Prospectus chapter 4 paragraph 3 to "review the implications on the 'standard method' of new household projections data based on the 2021 Census." and to "support local authorities to set local housing requirements that respond to demographic and affordability pressures while being realistic given local constraints."

An ongoing problem with the Government's approach to meeting each of the housing needs of **all** people is evident in the first paragraph of chapter 1 of the Government's

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Prospectus for “building more homes to increase home ownership” and that is repeated in policy objective 7 in chapter 2.

That shows a failure to understand that in many cities buying a home is beyond the means of many people. The objective of the NPPF and planning policies should be to build more homes of the type that are required in each location, including enough that people need at an affordable rent.

The Right to Buy of local authority and Housing Association homes has had adverse consequences and it has been difficult to build enough new social rented homes to replace those lost. See our other comments on social housing in our answer to Q.22.

'First Homes' are unaffordable in urban areas where house prices are high and they reduce the affordable housing delivery rate due to the concessions involved. Chapter 12 paragraph 1 of the Prospectus states that 'First Homes' policy will be brought into revised national planning policy. Before that is done, the Government should take note of the GLA response of April 2020 to the consultation on the design and delivery of First Homes. He submitted evidence that only **two per cent** of households in London would have the required income and savings to afford to buy one.

He wrote “public subsidy should not be used to support those households who either already own their own home or could afford to do so without public support.” and “Assessing the eligibility of potential purchasers of First Homes will place a significant administrative burden on local authorities at a time when resources are already severely stretched.” and “There should be no circumstances in which households are allowed to let their First Home without seeking permission.”

Also, delivering homes at a discount would “**reduce the financial headroom for developers to deliver other forms of publicly subsidised housing, in particular social rented housing.**”

In paragraph 6 of the Prospectus the Government commits “to delivering 300,000 homes a year by the mid-2020s”. That seems more like an election manifesto pledge than a calculated figure to meet housing need. Details on how the Government has derived that number and what types and volumes and types of homes it considers are necessary within that target would be useful.

The House Builders Federation has implied that it is unlikely that more than 200,000 new homes a year could be built in the near term. Has the Government taken account

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of the recent problems, increased costs, staff shortages and product supply difficulties affecting those who build homes?

The draft changes to paragraph 11 of the NPPF insert a new limitation for achieving objectively assessed needs based on “adverse impacts [which would significantly and demonstrably outweigh the benefits] may include situations where meeting need in full would mean building at densities significantly out of character with the existing area.”

The London Plan SHMA aims for 35% of its net annualised housing requirement to be market homes for sale, 18% intermediate type and 47% for low cost rent. There are also targets for the number of bedrooms in homes. Until such requirements are understood throughout England and the capacity for potential development in each local authority and the costs of land and building are considered, the overall 300,000 pa figure and the use of any formula to set housing targets are meaningless.

As housing targets have been changed in the Levelling-Up and Regeneration Bill to being only “advisory”, Local Plans may not allocate enough sites to meet housing requirements.

As stated in the Prospectus chapter 2 policy objective 7 “planning for housing is not just about numbers; it is about getting the types and quality of homes that communities need in the right places and supported by the right infrastructure.” Policies in a final NPPF must support that.

It is odd that in that its Prospectus paragraph 4 which is for achieving sustainable neighbourhoods there is reference to the delivery of onshore wind but only where communities want it. That should be in NPPF chapter 14 on renewable power.

London Forum supports the Government’s intention in the fourth policy objective in the Prospectus chapter 2 for a “higher bar to depart from the plan in decision-making.” The NPPF must support refusals by local authorities of schemes that do not conform to local policies otherwise communities will be deterred from participating on local plan making and decisions. The Government will need to explain how that “higher bar” for decision making will be applied.

Also, that appeals by developers against refusal of permission should be assessed for validity, as they delay development, are costly for local authorities and statutory consultees and take time and resources of the Planning Inspectorate which will be

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needed in future for the increased rate of inspections of Local Plans being revised more frequently and on shorter preparation timescales, as the Government requires.

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

Yes, but London may need a different approach. Firstly, it has a well-developed understanding of demographic trends and the assessment of housing need, which has resulted in a well-established Strategic Housing Market Assessment process.

Secondly, the London Plan's collaborative SHLAA process with the London Boroughs, has produced an agreed assessment of future housing land and, when combined with assumptions about the density of development, define the likely housing capacity overall and by London Borough.

The process has been endorsed by Inspectors of versions of the London Plan and was used by the Inspectors of the 2021 version of the London Plan to reduce the total annual housing target that was in the consultation draft version to just above 52,000 due to limited land capacity of the boroughs and an over estimate of the delivery from small sites.

London Forum objects strongly to the last phrase of Footnote 37 in the revised NPPF, which suggests that it "may be most appropriate for the local authority plans to provide the requirement figure". That would be wrong for London because the London Plan borough level housing targets reflect the reconciliation of housing need and housing capacity across London. This process is transparent, equitable and enables London's housing needs to be met through reallocating need according to capacity and this has worked well through successive iterations of the London Plan.. Without this, unmet need would have to be redistributed within London through bilateral agreement, which would be very contentious.

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

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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?

London Plan policies and the NPPF are well aligned on Green Belt. There may be opportunities to rationalise some Green Belt areas within London where the designation could be changed to Metropolitan Open Land to deliver sites for public open space or playing fields. There could be swaps of land for town centre extensions to achieve extended walkable neighbourhoods.

High-density development, especially high-rise development which can be “building at densities significantly out of character with an existing area”, should be addressed in the revision of the NPPF. We support making effective use of land, especially by optimising the density of development in town centres and other locations that are well-served by public transport (NPPF para 108), avoiding homes being built at low densities and ensuring that developments make optimal use of each site (para 125).

We are, however, concerned that optimising should be in the context of both area-based character assessments and, just as important, accessibility to a wide range of existing local social infrastructure within easy walking distance. This should deliver the social objective of planning (NPPF para 8(b)) and the retention and development of accessible local services and community facilities in order to promote healthy and safe communities (Chapter 8, paras 94 and 95).

There is a tension with optimising the density purely in terms of “design”, which can produce densities significantly out-of-character with an existing area.

“Building at densities significantly out of character with an existing area” could lead to problems for existing and new home owners of lack of privacy, reduced light to habitable rooms, removal of views and more single aspect dwellings. There should be NPPF policies to deal with those issues and in support of guidance on the subjects. The “flexible approach” for daylight and sunlight included in NPPF paragraph 127 c) [was 125 c)] should be deleted.

For high rise development, the London Plan Policy D9 applies to tall buildings, requiring local plans to identify locations suitable for them, to provide clear guidance where such buildings would be appropriate and to protect other areas not so designated. This approach was strongly endorsed by the Secretary of State following the examination of the 2021 London Plan by a clear Direction to the Mayor to ensure

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that tall buildings should be limited to “suitable sites”. This approach would be appropriate for local plans elsewhere in the country with a suitable policy in the NPPF.

“Past over-supply” in this question is not a phenomenon with which we are familiar, as delivery of new homes in London since the GLA was created has not exceeded 40,000 annually despite housing targets being raised from 42,000 pa in 2016 to 52,285 pa in 2021.

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?

Evidence would be needed on any lack of sites, heritage constraints, identifying enough suitable sites for tall buildings, public transport accessibility levels, lack of local social infrastructure, lack of local open spaces, insufficient schools, etc.

The Levelling-Up and Regeneration Bill quite rightly seeks to prevent development which could cause harm or be out of character locally. Therefore, there should be very few circumstances where local planning authorities should fail to conform to those requirements. Any building at excessive density is likely to overload local infrastructure, result in ugly and crammed together buildings and reduce communities’ confidence in decision making.

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, because a local authority should be able to demonstrate that it has evidence for its policies. To remove that need does not make sense and would fail to demand the necessary research and professional approach expected of plan makers.

The ‘justified’ criterion which is proposed to be removed from NPPF paragraph 35 was not as precise as it should have been because it includes words such as ‘appropriate’, ‘reasonable’ and ‘proportionate’. It should be reinstated with more precise terms.

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When Local Plans are examined by the Inspectorate, their criteria appear to be too biased towards legal compliance and “soundness”, not on whether the plan is likely to deliver the development and facilities required. NPPF paragraph 35 b) [was 35 c)] should be improved in its content for “Effective” as a test to have more meaning. There is a risk that communities could be deterred from plan preparation if the outcome does not deliver what they expected.

12

Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?

Yes, but the four soundness criteria are very poorly drafted, replete with nouns and adjectives whose meaning is unclear and open to wide variations of interpretation.

13

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

No. We object fundamentally to the proposed arbitrary 35% uplift to London as a whole, and especially if the Government propose to impose it on individual London Boroughs. The capacity to accommodate this level of increase in each London Borough is likely to prove highly controversial and essentially undeliverable.

The NPPG (paragraph 34) provides specific guidance for London. It states that “an uplift applies in London. London is unique in that it has no single city centre which can carry need for the city area. Therefore a 35% uplift is applied to the entire SDS8 area (which covers all the London boroughs), rather than to the local authority which contains the largest proportion of London’s population. However, it should be noted that the responsibility for the overall distribution of housing need in London lies with the Mayor as opposed to individual boroughs so there is no policy assumption that this level of need will be met within the individual boroughs.”

For new paragraph 62 in the draft altered NPPF, whilst the “Standard Method” may be appropriate as a starting point for assessing the need outside London, the GLA

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should continue to produce a strategic housing need assessment for London as a whole. This should be formally recognised in Footnote 30.

As in our response to Q.8, the London Plan's collaborative SHLAA process with the London Boroughs, has produced an agreed assessment of future housing land and, when combined with assumptions about the density of development, define the likely housing capacity overall and by London Borough. There is no point in setting a housing target figure that the local authorities in London do not have the land capacity for building to meet their target.

The Government's proposed 35% uplift for London on the standard method figure of 95,000 pa would require the building of almost 130,000 new homes every year which is **twice** the current London Plan's initially calculated maximum target which the examining Inspectors had to reduce to just over 52,000 pa.

The uplift figure should be considered also against the failure to deliver more than 40,000 new homes in London in any year since the GLA was formed.

The proposed 35% uplift in the housing need figure will very seriously strain the standard SHLAA approach, whereas leaving achievement to each borough would be impossibly chaotic.

The uplift would be contrary to the clauses in the Levelling-Up and Regeneration Bill, for sustainable housing delivery, the statement by Michael Gove on 6th December 2022 for respecting context and character and the requirement in paragraph one of chapter 4 of the Prospectus for planning policy changes – "Ensuring that enough land is allocated to provide the right homes in the right places that our communities need, alongside other economic, social and environmental needs, is a central task of planning."

The Government should understand the concern of local people when they see housing targets increased unrealistically that more compulsory purchase orders may be required with existing occupants dispossessed to create and assemble new development sites.

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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?

The revised NPPF will need to provide policy/advice on suitable locations for:

- High-density development – based on public transport accessibility and ease of access to local social infrastructure and services.
- Tall buildings – the approved London Plan Policy D9, as directed by the SoS be amended, would be appropriate for local plans generally. The requirement for each local planning authority to identify sites where tall buildings would be suitable, would provide more opportunities and also control to avoid heights and densities significantly out of character with the area.
- Development of small and windfall sites – the London Plan Policy H2 and London Plan Guidance on Design could be used for the NPPF and NPPG.

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?

To date the London Plan has not relied on local authorities around the GLA area to help meet London's housing targets. They have been reluctant to cooperate on that but if London were required to accept a 35% uplift, there would be increased pressure to export this housing requirement to Councils who were not able to respond in the past.

16

Do you agree with the proposed 4-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? If no, what approach should be taken, if any?

Yes.

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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.

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?

Yes, but paragraph 22 in chapter 4 of the Prospectus states "The figures currently collected by the department are the numbers of decisions on planning applications submitted to local planning authorities, rather than the number of homes included in each application, so we will need a robust approach for counting permissioned homes. Our assessment is that some contingency will be required: based on an analysis of the number of planning permissions that are not progressed or are revised, this should be set at 15%."

Until local authorities are reporting the number and types of homes permissioned, the 15% figure is just an assumption.

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?

No, because of the lack of data, as in our response to Q.18.

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

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Local authorities should report the number and type of homes in each development granted planning permission including numbers broken down by tenure and housing mix. Data on the number of bedrooms in that mix would be a help in considering achievement to local specified requirements.

21

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

They should be suspended until the publication of the 2023 Housing Delivery Test.

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?

Yes, social rent must be given more emphasis. London Forum welcomes the aim for more homes for social rent in the Prospectus chapter 5 but its emphasis in its paragraph 3 on affordable home ownership needing to be 10% of homes in major developments could be contrary to the achievement of enough social rent homes from developer contributions.

Affordable home ownership is not something that enough people can afford in order for LPAs to reduce the homelessness, local authority waiting lists and overcrowding for people on low incomes living in homes in the private rented sector.

Local authorities could achieve more social housing by

- Preparing Site Allocations for locations that will be reserved for only low-cost rent homes including public sector land as it becomes available
 - Using part of their Infrastructure Levy income for building social rent homes on local authority land.
 - Acquiring land at existing value, rather than 'hope' value, for social housing.
 - Increasing the density of existing social housing estates where it would not harm the surroundings by tall buildings in unsuitable places.
 - Purchasing existing housing for adaptation as multiple social rented homes.
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- Working more closely with Housing Associations to boost opportunities for increased social housing delivery.

There should be Government guidance on best practice and funding schemes.

Achieving “at least as much affordable housing as at present” as in the Prospectus chapter 3 paragraph 3 will not be sufficient in places like London where affordable housing delivery of the right type has failed to meet objectively assessed needs for some time, as indicated by Annual Monitoring Reports. There is a huge backlog.

Ensuring that enough land is allocated to provide the right affordable homes to rent that our communities need, alongside other economic, social and environmental needs, is a central task of planning. The Levelling-Up and Regeneration Bill in its clause 88 (2) (2C) states that “The spatial development strategy may specify or describe affordable housing the provision of which the Mayor considers to be of strategic importance to Greater London.” and in Schedule 7 15C (4) that a Local Plan may include “details of any infrastructure requirements, or requirements for affordable housing, to which development in accordance with the policies, included in the plan under subsection (3) or paragraph (a) of this subsection, would give rise.”

NPPF policies will be required to support those proposals for enough affordable homes.

The third policy objective in the Prospectus chapter 2 for securing the infrastructure needed to support development is based on a new Infrastructure Levy and new Infrastructure Delivery Strategies. Before updating the NPPF next year to support the implementation of those changes, the Government should consider and explain how the required social housing which is obtained by S.106 legal agreements now will be achieved using the Infrastructure Levy.

The proposals for clarifying the use and application of the Infrastructure Levy in that Prospectus’ objective does not appear in its Chapter 12 for policies yet to be developed for the NPPF. That omission should be corrected and policies and guidance consulted upon.

London Forum is concerned that paragraph 65 [was 64] of the NPPF states that “Provision of affordable housing should not be sought for residential developments that are not major developments.” The Glossary does not define ‘major developments’

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and the policy complicates pre-application negotiations and could result in a loss of affordable housing in developments which are viable and could contain or fund some.

The contents of the Levelling-Up and Regeneration Bill suggests that the NPPF policy be altered.

23

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

Yes.

We agree that the housing needs of various groups should be assessed, including for students, people with disabilities, and travellers. In London, the London Plan describes such assessments and provides London boroughs with benchmark targets.

Specialist older people's housing in revised NPPF paragraph 63 needs to differentiate clearly between C2 and C3 use class uses, and, for the latter, to identify the requirement to provide affordable accommodation. Given the amount of space devoted to housing issues in the NPPF, the specific issues in paragraph 63 need unpacking, not just specialist older people's housing. The London Plan includes targets for older people's housing.

In addition to the need for specialist older people's housing, there needs to be a greater diversity of housing options that provide positive choices in terms of location, housing type and tenure, which enable them to move as their needs change.

The issues covered in the paragraphs preceding this question need to be reflected better in the Framework.

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)?

No, because the London Plan has its own small sites policy H2. Modelling in the London SHLAA shows that there is capacity for development on small sites for 12,000 new homes a year and that is over 20% of the total for all new homes, twice the target percentage in the NPPF policy in its paragraph 69 (now 70 in the amended draft

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version). The Government should be more ambitious in the NPPF for use of small sites.

London Plan policies and associated Guidance could provide the necessary wording for NPPF policies and associated National Planning Practice Guidance on this subject.

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?

The NPPF policy for small sites could be strengthened and the content of London Plan policy H2 part B and its paragraph 4.2.4 may be useful for revised NPPF wording. The latter recommends incremental intensification of existing residential urban areas with good public transport or within 800m distance of a station or town centre.

The London Plan is supported by guidance to boroughs on the subjects of 'Optimising Site Capacity: A Design-led Approach LPG' and 'Small Site Design Codes LPG' which the Government could adapt for the next NPPF and provide detail and recommendations in associated Planning Practice Guidance of the key elements.

The London Plan requires its local authorities to recognise that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites. However, the NPPF should require that communities are fully engaged in preparing local policies for the identification and use of small sites.

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?

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Yes. Protection is needed also for affordable housing for older people provided by charities.

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?

No comment.

28

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

No comment

29

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

London Forum does not have views on this but there is a GLA programme on the subject and a communityledhousing.london organisation supports people to create homes. There may be lessons from their activities that could be useful for NPPF revision.

30

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

Yes, because there are too many occasions when an applicant's paperwork is incomplete and when developers use proposals for 'minor changes' to alter unacceptably an approved scheme.

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The past behaviour that should be in scope includes

- Multiple unimplemented applications
- Multiple alterations
- Tactical use of a “material start” to secure an indefinite consent – many of the buildings in the London Tall Buildings Survey’s 600 building pipeline seem to have such consents – any “material start” over 5 years old should expire.
- Failure to deliver – all, part or any of the development, including S106 agreement.

31

Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?

Option 2 would be the most useful option for maintaining public confidence in the planning system.

It would be the most useful option for maintaining public confidence in the planning system.

32

Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?

Yes, the three measures would complement the proposals in the Levelling-Up and Regeneration Bill covered in paragraph 24 in chapter 5 of the Prospectus.

London Forum supports the use of Development Commencement Notices and completion notices.

The second of the further measures is that “Developers will be required to explain how they propose to increase the diversity of housing tenures to maximise a development scheme’s absorption rate.” That will need to be clarified before brought into use as it is not clear if it is meant to be done during pre-application discussions or after permission is granted. It is unlikely that an approved scheme would be amended to change housing tenures.

Permissions should lapse if developers fail to meet agreed implementation timescales.

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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, London Forum supports the aim for “creating beautiful and sustainable places” which is in the existing NPPF paragraph 125. However, we are concerned about how beauty would be applied as a subjective word in assessing planning applications. Clarification by the Government will be needed on that.

An opportunity is missed in (new) paras 129-131 of the draft NPPF to strengthen the requirements on community engagement, to make clear, as in the NMDC, that engagement is required in the development of masterplans as well as design codes and that engagement must start at the very beginning of the process, when areas and their boundaries are being defined. Engagement must follow during pre-application discussions and before, and at, the stages of decision making.

That community engagement is supported by the statements by Michael Gove to MPs in December 2022. Also, paragraph 2 of chapter 6 of the Prospectus promotes “people having a say on how and where beautiful sustainable homes and neighbourhoods are built.”

The Prospectus’ chapter 2 policy objective 4 is all about community engagement as a Government commitment but there is no question in the consultation on that subject. Nor is there an adequate proposal for further NPPF policies on community engagement methods and scope in Prospectus’ chapter 12 except for a reference in ‘Decision making’ to “the importance of digital methods of community engagement.”

There needs to be more in national policy on the actual engagement by planning authorities of local people, civic and community groups representing them and other stakeholders at all stages of plan making, developer liaison and decision taking. That should be added to the list of the next NPPF changes in the Prospectus’ chapter 12.

The word ‘can’ on the draft new NPPF paragraph 127 should be changed to ‘should’ so that it accords with the NMDC and its guidance.

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In the draft NPPF paragraph 126 e the insertion of the words “and beautiful” between “well-designed” and “attractive” is superfluous. Also, in paragraph 128 the inclusion of “and beautiful” in the title of this Section is unnecessary.

In revised paragraph now 94 in the NPPF for healthy and safe communities, the reference to “and beautiful buildings” is otiose in the introduction to this paragraph, and ‘beautiful’ is even more inappropriate in 94 (b), where the adjective is applied to “pedestrian and cycle routes”. The deleted word ‘attractive’ should be restored as it was the best one for that context. It as though the Government has looked through the NPPF to see where ‘beautiful’ could be inserted even though there was a better definition of what suited the original policy.

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, because the word ‘beautiful’ has no precise meaning in planning. Whether certain formats are appropriate, such as tall buildings, depends on their impact on the area, streetscape, townscape and skyline, even if the applicant thinks it is beautiful!

Adding three more references to “beautiful” to existing seven references does not have any impact. Repetition actually detracts from its effectiveness.

It is unfortunate that the Government has introduced the words ‘beautiful’ and ‘beauty’ as objectives in the planning system which are have no clear meaning for decision making, although they are good for setting standards in architecture, design and place making. New development should meet the design specifications and requirements in Local Plans for allocated sites and areas and they should not cause harm. Those would be more understandable criteria than the use of words which are subjective. There is the risk of an emphasis on style rather than design; and good design is a far better criterion.

The NPPF is to be changed to “promote more beautiful homes, including through gentle density” but ‘gentle’ is another word that has no meaning in planning policy.

The more relevant part of the Prospectus Chapter 6 is its requirement that design codes should be prepared by local authorities with communities in line with the

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National Model Design Code (NMDC) to ensure well-designed development.” NPPF paragraph 135 is updated on the use of design assessment tools.

The Government proposes to amend the NPPF to encourage LPAs to consider how they can ensure that planning conditions associated with applications reference clear and accurate plans and drawings which provide visual clarity about the design of development, as well as clear conditions about the use of materials where appropriate, so they can be referred to as part of the enforcement process. That is welcomed and should deliver what communities would think as attractive, without over-emphasis on ‘beauty’.

35

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

Yes.

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

London Forum supported the proposals for new mansard roof developments when consulted. However, they apply to a limited number of older cities in England with Georgian and Victorian terraces where there are CA Management Plans for changes.

For paragraph 122 e in the draft NPPF there is a big difference between the original text where building upwards was in support of producing new homes. Most of the new text is now divorced from that aim – it is purely for enlarging existing buildings, with no other planning purpose. We agree with the proposed conditions, although we are concerned that for listed buildings and conservation areas constructing mansards on individual buildings, would produce a “broken-tooth” roofscape contrary to the statutory requirement to conserve or enhance the character or appearance of the conservation area. On the other hand, such as with street votes, building upwards

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would be subject to a development order which would cover this, and would, for example, apply to whole terrace.

However, we do not think mansard development will contribute much in the way of new homes unless it provides additional space that would allow other family members to be housed or allows the creation of extra flats within the extended building.

NPPF policy should encourage both of those objectives otherwise people may simply expand the space they have for themselves which some will do anyway.

The same objectives for achieving additional homes should be applied also to policies encouraging building upwards of up to two extra storeys by permitted development.

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?

The six ways described in paragraph 3 of chapter 7 of the Government's Prospectus for protecting and improving the environment and tackling climate change could achieve its objectives and London Forum supports them.

In addition, we recommend that consideration is given to having national policies for biodiversity net gain. The London Plan Guidance document on that subject could have content to be used for that purpose. Also an NPPF policy will be needed to prevent developers "clearing sites before applying for planning permission in order to lower the baseline from which gain is assessed.", as in paragraph 6 of chapter 7 of the Prospectus.

The requirements of the Environment Act which will become mandatory from November 2023 will need a version of the NPPF with relevant policies by mid 2023.

38

Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in

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addition to current references in the Framework on best most versatile agricultural land?

This is not a matter for London but protection of allotments should be strengthened.

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?

Circular economy considerations should be applied and the Mission Zero recommendations implemented in planning by Government.

An important part of the “low carbon” approach is the loss of the embedded carbon in existing buildings, yet this is not currently being taken into account when evaluating planning applications. Developers are proposing demolition of perfectly sound and recently built buildings, in order to build bigger and higher. This is highly wasteful of resources. Applications involving demolition need to show the “negative carbon” if the sustainability of the project is to be truly understood. We commend the LETI approach and the promotion of rehabilitation, and of renovation should be NPPF policy, something that the RIBA is advocating and noting also the NZCBS (net zero carbon buildings standard).

Requiring all demolition to require prior planning permission would go some way to ensuring a more rational approach to retrofit and sustainability.

Developing effective mitigation strategies to reduce carbon emissions and equitable adaptation strategies to cope with increasing global temperatures will rely on robust scientific information that is free from biases imposed by national and commercial interests. Guidance by Government on this will be required.

Replacement trees (including in development sites) should be calculated not in numbers lost and planted (which results in major canopy loss), but in tree girth replacements, where the girth of the lost trees is matched by the girth of the replacement trees (the “Luckhurst principle”). The NPPF should establish a nationally agreed definition of a “standard tree”, which all new planting could then be related to. One definition would be the Heavy Nursery Standard, which has a trunk girth of

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between 12 and 14cm measured 1m above ground level, and with a canopy height of between 3m and 3.5m.

40

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?

The planting of trees, the protection of woodland and ancient forests and the improvement of natural habitats should be strongly supported in national planning policy and guidance.

41

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

London Forum has no comments on questions Q.41 and Q.42.

42

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

London Forum has no comments on questions Q.41 and Q.42.

43

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

Yes.

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

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Footnotes 62 and 63 specify that community support is required for any wind energy development but the impacts identified by that community are to be only “appropriately addressed” in footnote 62 and only “satisfactorily addressed” in footnote 63. Those terms are not adequate for obtaining community support and their meaning is not precise enough. The deletion in footnote 63 of the potential impacts being “fully addressed” indicates that that the Government may be seeking to push through on-land wind turbines even if the local community is affected by them.

The two footnotes should be combined, improved and made as a policy in NPPF chapter 14.

44

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, but in addition improvements should be supported for improving the energy efficiency of historic buildings.

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? If no, what alternative timeline would you propose?

Yes. We support the proposal that plan makers will have until 30 June 2025 to submit their local plans, neighbourhood plans, minerals and waste plans, and spatial development strategies for independent examination under the existing legal framework because many plans may be in preparation or being consulted upon now.

46

Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?

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No – there is a need to distinguish between SPDs for major development, such as Opportunity Areas, which should go through an examination, and those which provide guidance on the interpretation of the London Plan or a local plan.

The former, with no examination, can commit the Council to major developments with no opportunity for local communities to influence the outcome. The latter are extremely useful in guiding proposals for certain types of development, such as development briefs or for specifying policies should be interpreted.

The NPPF should be remain a material consideration, whereas NDMPs, without any testing, should have the same status, rather than statutory status as proposed. However, if they were to have such status, local plans should, as they now do, need to conform generally with those national policies (as indeed the London Plan does in relation to the NPPF). The interpretation of NDMPs in relation to local plans should be that they can diverge from/conform generally with national policies.

The date of October 2026 for the earliest dates that the new style examinations commence seems to be too late. New Local Plans might be commenced in the next year and should be ready for examination before then, given the aim of the Government to reduce the time it takes to devise, consult upon and submit plans.

47

Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?

Yes.

48

Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?

No. Whilst there may be strong grounds for making masterplans for Opportunity Areas into Supplementary Plans, which should go through examination to give them “policy” status, most SPDs merely provide guidance for the interpretation of the relevant policy in the plan. Their status is guidance not policy. We propose that masterplans should have the status of a plan, whilst SPDs should remain as guidance.

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49

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

No. London Forum does not support the principle of a set of National Development Management Policies (NDMPs) as the London Plan provides positive strategic policies for the development of London, as well as a policy framework for local plans prepared by London Boroughs.

London Forum opposes NDMPs because all national planning policies should be in the NPPF and their interpretation and use for the London Plan, for Local Plans and in decision making on planning applications should be explained by Planning Practice Guidance without it having to refer people to two sources of national policy.

If NDMPs related to conserving heritage assets, and preventing inappropriate development in the Green Belt and areas of high flood risk, these could easily be covered within the NPPF and/or, for London, in the London Plan. These issues are largely technical and could more appropriately be covered by guidance and would not be place-specific.

Our main concerns, however, are the democratic deficit in producing NDMPs and the lack of tailoring to local conditions. Both the London Plan and London borough local plans are prepared with participation of a wide range of parties and are subject to public examination. That gives confidence to communities that they will know what relevant local policies will be applied to planning applications.

Policies designated by direction of the Secretary of State are top-down imposed directions, which may often be inappropriate to local circumstances.

We are very concerned by the suggestion that development plan policies and NDMPs “would not repeat one another” (in Chapter 1, paragraph 7, and in Figure 2 in Chapter 10). This would suggest that the range of NDMPs could be very wide. Conversely, in paragraph 16 of Chapter 10, the text proposes “a few examples of where local policies could be developed”, which could be developed, almost implying that the scope of NDMPs might be such that local plans would have few remaining policies after any repetition has been removed.

We have very little confidence that “full consultation” being an effective check on the form and content of NDMPs, and are opposed to national policies displacing locally-

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relevant local plan policies, leaving the local plan with a depleted policy set, when it should be a “one-stop shop”.

If the Government considers that there could be more development management policies on some matters that would apply in the same way and to all local authorities in their planning and development control processes, then they should be in the NPPF chapter 4 for decision-making.

50

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

We fundamentally disagree with the need for NDMPs, especially if they are intended to displace or override locally-relevant and approved local plans.

51

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

No – the NPPF, the NPPG, National Design Code and Manual for Streets are sufficient.

The three examples given for possible NDMPs are all subjects that could be covered by NPPF policies.

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?

No. Most of the NPPF policies apply across England and it is the place for all policies related to plan making and decision taking. There should be no additional set of policies called National Development Management ones as there is a section of the NPPF for decision making and it should remain.

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53

What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?

We have no comment on this.

54

How do you think that 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?

We strongly support the principle of focusing development in the right places, with good accessibility by public transport, especially focusing on existing town centres and creating and maintaining sustainable, walkable neighbourhoods with social, education, leisure, culture and health infrastructure in place. This will require a more positive and proactive approach to planning. It will not be achieved by individual planning decisions, rather by having a clear vision and a plan for the type of place that we wish to create or maintain.

The reference in the Prospectus to “private sector investment in research and development outside the Greater South East” indicates that the Government thinks that London and the Greater South East need little support and levelling up but that is not true due, particularly to poverty and a housing crisis for which there are no clear Government actions.

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?

In inner London between 95% and 100% of all development is on previously-developed land, with a slightly lower range in outer London. Rather than focus more on so-called brownfield land, there needs to be stronger emphasis on retaining previously undeveloped land in London, such as Metropolitan Open Land, protected open spaces, playing fields and allotments.

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Increases in density should be focused on locations with high public transport accessibility and high accessibility to local social infrastructure. In town centres, additional housing should be in addition to, not at the expense of main town centre uses, such as business and commercial uses, that support its economic vitality.

National policies should support the viability of town centres through supporting its main town centre uses and encouraging complementary residential development. Since it is the catchment area population that primarily supports the viability of the town centre, any additional housing will be marginal in its impact and that expansion of housing at the expense of business, commercial and community uses may undermine rather than support the viability of the centre.

Nobody has defined “gentle densification”, so it is hard to comment, but we assume that it would not include developments that are at “densities significantly out-of-character with an existing area” or more specifically involving building heights significantly out-of-character with the centre.

Fortunately, the London Plan is accompanied by guidance on Optimising Site Capacity: - A Design-led Approach LPG and a Small Site Design Codes LPG for suitable suburban densification. Their content may provide policy content for the next NPPF.

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 in society feel safe in our public spaces, including for example policies on lighting/street lighting?

The social objective of the Framework – first set out in para 8 (b) needs further development by emphasising the sense of place, quality of life and social cohesion.

Chapter 8: Promoting healthy and safe communities is the main part of the Framework that promotes the social objective of planning, especially creating sustainable and walkable neighbourhoods – places which should meet a wide range of our day-to-day needs.

This chapter needs to be expanded to focus on strengthening sustainable neighbourhoods, through stressing issues such as a sense of place, quality of life, social cohesion. This is only touched upon in para 92 (proposed para 94) and para 130 (proposed para 132(f)).

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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?

Proposals for engaging with “the sector” need to be designed to ensure that it “includes” local communities to ensure that they provide “access for all”, not just for developers, their advisors and local planning authorities. Any research or consultation needs to engage with local civic societies – the London Forum of Amenity and Civic Societies would like to be included in any such research.

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.

The NPPF has no reference at all to equality issues – these need to be built into the redraft, not just bolted on. At present the only hooks seem to be paras 8(b), 92 and 93 (proposed 94 and 95) – the social dimension needs to be retrofitted into the main themes of the document.
