

Response to consultation on Proposed reforms to the National Planning Policy Framework and other changes to the planning system



Zoë Garbett, Green Party member of the London Assembly 24 September 2024

This response has been authored by the three Green, London-wide members of the London Assembly:

- **Zoë Garbett AM** (chief author), Deputy Chair of the London Assembly Housing Committee; Member of the Planning & Regeneration and Policing Committees
- **Caroline Russell AM**, Member of the Transport Committee
- **Zack Polanski AM**, Chair of the Environment Committee; Member of the Economy Committee

As elected members of the London Assembly, we are a voice for Londoners. Our vast experience representing Londoners across the city, and scrutinising national and Mayoral policy, is the basis for this response.

This letter will firstly provide a response to the Introduction and Policy Objectives of the consultation document, which are not covered by the set consultation questions, before answering some of the questions directly.

Response to Introduction and Policy Objectives

We wholeheartedly welcome a re-evaluation of the NPPF. However, there are fundamental issues with the approach to this revision the NPPF, as outlined in the Introduction and Policy Objectives, which do not adequately consider the following issues:

- **The housing *affordability* crisis.** The purpose of these planning reforms is muddled – bringing together the disparate aims of addressing the housing crisis and to focused on economic growth. This has resulted in a misdiagnosis of our housing crisis and, in our view, an inadequate remedy for it. We are suffering from a housing *affordability* crisis. Issuing a 1.5million home target over five years will not necessarily solve the affordability crisis, if a sufficient proportion of these homes are not affordable, and there is no guarantee they will be. Insisting the affordability crisis will be solved by giving more tools for housebuilders to unlock permissions and develop housing has no recent precedent, especially when developers, housebuilders and commercial landlords – whose interests it is to sustain high house prices and rents – primarily control the rate of supply to the market. Indeed, there are several hundred thousand homes with planning permission in London that have not been built out. Instead, as the basis for housing delivery, Government could and should identify a national target for social home building, as organisations like Shelter have done (90,000 per

year) alongside an overall target. The changes to the NPPF should be focused around how we maximise delivery of high-quality social housing – housing *we know* is genuinely affordable, that will alleviate the stressors on both the rental market and the barriers for those tenants who want to move into home ownership.

- **The climate crisis.** We are in the midst of a climate crisis, of which the construction industry – in England and further afield – is a key contributor. While the operating emissions of buildings are reducing, the embodied carbon (from energy required to fabricate materials and otherwise build new developments) remains stubbornly high. The NPPF has not recognised the huge costs of embodied carbon, and the consequent need to prioritise refurbishment, retrofit and change of use of existing buildings. Cutting-edge research into Whole Life Cycle Carbon is not being sufficiently captured. The inadequacy of the NPPF climate policies has resulted in projects of a huge environmental cost ploughing ahead, with little consideration of other options, like those to retrofit or refurbish, which may have resulted in comparable or even optimal social and economic outcomes.
- **The power imbalance between developers and communities.** Londoners are experiencing a huge gulf in the relative power of their communities versus developers, for-profit and not-for-profit developers alike. The NPPF should be emboldening communities and genuine codesign processes, not permit leeway to unscrupulous development. In London, this imbalance has resulted in developments that have transformed the character of neighbourhoods without proper approval of residents, important social assets and community infrastructure lost and in decline – like the closure of schools, nurseries, small businesses and retail markets. Competing pressures on land have taken power away from people over their local areas. From my experience, communities want to see investment and development, but in the right way – and very little has been done to strengthen their hand. Development viability has been detrimental to this effect, as private developers are adept at gaming the system to maximise profits, under the guise of what is possible. Viability urgently needs rethinking and de-prioritising, with serious Government investment for housing fronted as a counter-balance; the proposed changes go the other way.

Response to selection of set questions

Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

Yes. It's vital to provide improvements to public space provision and quality as areas see greater density. Any new public space should be governed by accountable public by-laws enforced by planning conditions not private rules.

Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?

This should only be adopted if the NPPF's criteria for sustainable development, and its wider environmental policies, makes reference to embodied carbon, which speaks to the environmental costs of construction of existing and new buildings. In London, in the absence of a sophisticated understanding of embodied carbon, we have experienced the incredibly environmentally costly demolition of a range of buildings, which, with proper consideration of

alternative options to mitigate embodied carbon impacts, could have been refurbished or converted to other uses.

Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?

No. Any methodology to define housing need must indicate different tenure types required, including homes for social rent. This must be based on a more detailed and localised assessment of the needs of communities, which are different in each instance, based on a range of factors including: assessment of homelessness, overcrowding, council waiting lists, as well as demographic projections (including household formation and size). The current proposal maintains a blunt assessment of local need, without an affordability component, and will result in a crude prescription for each area (i.e. X number of homes should be built), with no specification of tenure. This risks not only failing to meet actual need, but also directing investment to places of high density with already more inflated land values.

The Government should replace this proposed methodology with a more appropriate assessment of housing need, based on the critique outlined above.

Question 16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3 year period for which data is available to adjust the standard method's baseline, is appropriate?

No. The lack of availability and affordability of housing are complex issues deriving from the commodification of land and cannot solely be addressed by pursuing an increase in overall supply, so the assumptions baked into this proposal are incorrect. The proposed standard method is too crude and needs reimagining – please refer to our answer to Question 15.

Question 17: Do you agree that affordability is given an appropriate weighting within the proposed standard method?

No. Providing a crude analysis of affordable housing need, based on a single figure of new home supply in a given area, will not necessarily be sufficient to address the housing affordability crisis, due to inadequacies with the assumptions about supply/demand discussed in Questions 15 and 16. There is no guarantee more supply itself will lead to more affordable housing, unless there is a sufficient new supply of social rent housing, and any other housing that directly responds to meaningful localised definitions of affordability.

Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?

Yes, while we suggest revising the standard method proposed, any method should absolutely take into account rental affordability because rents and house prices can diverge as a result of local or macroeconomic conditions.

Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?

No. Regarding brownfield proposals as “acceptable in principle” overlooks the complexity of many brownfield sites as suitable sites of development. There is already a de facto presumption of brownfield development in the planning system. In London, there are permissions for over

700,000 homes on brownfield sites that are yet to be built out. Changing planning rules about brownfield – rather than addressing the root causes of underbuilding – risks waving through developments where there is legitimate community concern about development.

Question 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

No. The proposed definition is too vague for a national plan and risks watering down protection of the Green Belt. We support not introducing a definition of grey belt land.

Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?

Local authorities are best placed to undertake reviews of the Green Belt. Making development possible on ‘underperforming’ parts of the Green Belt may incentivise landowners to accept land degradation or actively accelerate ‘underperformance’ to provide a path to development. Mechanisms should be put in place to stop the intentional degradation of land.

Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

Yes. If these changes are progressed, additional guidance and clarity is undoubtedly needed. Vague definitions risk leaving the performance of the Green Belt open to interpretation, which will risk unnecessary development on the Green Belt.

Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

See answer to Question 25.

Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?

No. Weak definitions risk leaving too much of the Green Belt open to development at the interpretations of developers and housebuilders, thus risking the capacity of this policy to prioritise development at the most sustainable locations. These outcomes are also dependent on factors that are not covered in these proposals. Central government funding should encourage the proper utilisation of brownfield sites by – for instance – allocating sufficient funding to effective site remediation, and properly funding social home delivery so housing needs can be met on brownfield sites. The local authority concerned should also exhaust options for purchasing existing housing stock to convert to social housing, whether empty or otherwise, as increasing numbers of London boroughs (notably those not neighbouring the Green Belt) have done in recent years. Indeed, across the country there are 260,000 long-term empty homes that could be brought into use. Central and local government can do much more to affect the housing affordability crisis before Green Belt development should be considered a viable route – this is not made clear in the proposed changes.

Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

Yes, but it is not apparent that the proposed changes will achieve this aim (see responses to previous questions).

Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?

No. As above, more clarity is needed on definitions and criteria, and a consideration of other routes to affordable housing development (including brownfield and better utilising existing building stock).

Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?

Yes it should. This approach is required to make sure Gypsy and Traveller needs are met, especially given the chronic undersupply of suitable sites and challenges presently facing these communities at a local authority level.

Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?

Councils should produce suitable, high-quality Gypsy and Traveller sites across London. They should make every effort to avoiding putting these sites on the Green Belt. Nonetheless, these sites would like have comparatively little impact on the Green Belt. The need for suitable Gypsy and Traveller sites could result in the de-designation of Green Belt, where other residential developments are not appropriate. These sites should not later be transferred for other residential purposes automatically.

Question 34: Do you agree with our proposed approach to the affordable housing tenure mix?

No. The definition of affordable housing for rent should not include homes at 80% of market rates. In London, other 'affordable' tenures are likewise not fit for low or even middle-income Londoners. Social rent homes – specifically council homes – must be explicitly prioritised.

Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?

Yes. At a minimum, all large-scale areas should have a minimum 50% target for affordable housing – based on a minimum delivery of council homes and a revised definition of other affordable tenures, as discussed in our answer to Question 34.

Question 46: Do you have any other suggestions relating to the proposals in this chapter?

Yes. Firstly, the 'golden rules' are not robust if developer viability assessments leave them subject to revision. Affordable housing delivery on land released from the Green Belt should not be subject to viability assessments (given the likelihood of watering down affordable housing commitments, as seen across London in recent years). Secondly, to reiterate, definitions - especially that of 'grey belt' land - need to be unequivocal and avoid decisions being open to challenge by housebuilders and developers. Finally, the golden rules need to apply to all large scale developments – inside and outside the Green Belt.

Question 47: Do you agree with setting the expectation that local planning authorities should consider the particular needs of those who require Social Rent when undertaking needs assessments and setting policies on affordable housing requirements?

Yes, this should be a priority.

Question 51: Do you agree with introducing a policy to promote developments that have a mix of tenures and types?

A high proportion of social or other affordable housing (minimum 50%) should always be prioritised. A mixed tenure policy should not allow for the dilution of potential developments that can achieve a high proportion of housing potential with market value homes and rents. Likewise, such a policy should not be able to be mobilised as a justification for demolishing and replacing existing developments with a high density of social housing (e.g. council-run housing estates), through claims of needing to diversify tenures and types.

Question 52: What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?

Having a prescriptive council housing requirement that is not subject to viability, combined with significant and sustained investment from local and national government. The scope for developers and housebuilders to reduce affordable housing or other section 106 commitments via viability assessments should be minimised or removed entirely.

Proper safeguards should be put in place against unnecessary redevelopment of estates, where social homes could be refurbished and retained. Research has shown estate demolition has resulted in fewer council homes, while having a negative impact on individuals and communities¹. Where estate redevelopment is necessary, for safety or other reasons, an uplift in social rent housing (both units and floorspace) should be mandatory, and delivered on an appropriate timescale.

Question 56: Do you agree with these changes?

Yes, and changes should go further, by introducing a Community Right to Buy, whereby communities get first right of refusal on buildings and land that comes up for sale. Removal of planning fees and local planning authorities identifying small sites will also accelerate community development.

Question 57: Do you have views on whether the definition of ‘affordable housing for rent’ in the Framework glossary should be amended? If so, what changes would you recommend?

Definitions of affordability should be connected to incomes in the local economy, not a percentage of market rent. Currently, many rental homes considered ‘affordable housing for rent’ will remain unaffordable for many low and middle income people.

Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?

Councils prioritise larger developers. Should be required to allocate all potential sites for appropriate housing development, however small, and community groups should have a first right of refusal. A reduction in planning fees would make development of small sites more

¹ https://www.pilc.org.uk/wp-content/uploads/2024/09/The-promise-of-cross-subsidy_FULL-REPORT.pdf

viable. Transparent and readily accessible information on land holdings in a given area would also help unlock small sites for development.

Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?

National planning policy could better support local authorities in (a) promoting healthy communities by adding public toilets to this paragraph, as follows:

“enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, **public toilets**, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”

The reason for requesting this is, in November 2021, the London Assembly Health Committee investigated the provision of public toilets in London. The subsequent report: ‘The Toilet Paper: The London Assembly Health Committee’s three principles for improving public toilet provision in London²’, found: “the decline in the number of public toilets in London is a threat to the health, mobility and equality of Londoners.”

Furthermore, “Public toilets are integral to making London accessible, inclusive and economically viable. Public toilets matter to everybody, regardless of their age, class, ethnic origin, gender or disability. They are even more important to certain sections of our society, including older people, people with children, delivery and transport workers, trans people, disabled people, people with medical conditions, people who are homeless, and tourists.”

These findings can equally be applied across towns and cities in England.

Everyone has the right to access a toilet. This should be reflected in the NPPF. Going further, the Government needs to make a duty for local authorities to provide public toilets and provide funding to make this happen.

Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?

The NPPF must completely transform its approach and perspective to the climate, by immediately embracing a sophisticated view of embodied carbon. While the operating emissions of buildings are reducing, the embodied carbon (from energy required to fabricate materials and otherwise build new developments) remains stubbornly high. The NPPF has not recognised the huge costs of embodied carbon, and the consequent need to prioritise refurbishment, retrofit and change of use of existing buildings. Cutting-edge research into Whole Life Cycle Carbon is not being sufficiently captured, and in fact being held back. This has resulted in the demolition and replacement – with huge environmental costs – of buildings that could have been refurbished or put to other use, notably council estates, or even the Marks & Spencer building on Oxford Street. This propensity to demolish and replace is often built into the mentality of local councils, and across the country the cumulative environmental impacts are colossal, not to mention the knock-on social impacts.

² https://www.london.gov.uk/sites/default/files/the_toilet_paper_-_london_assembly_health_committee.pdf

The Government must urgently rethink the NPPF's approach to climate change mitigation and adaptation in line with these concerns, including the introduction of a strong presumption against demolition and in favour of refurbishment and retrofitting.