Planning Policy Consultation Team
MHCLG

By Online Survey

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Response to proposed reforms to NPPF and other changes to the planning system

The following responses were submitted.

Chapter 3 – planning for the homes we need

Question 4

Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?

No. Increasing density must not be at the expense of the character of an area. The NPPF must make it clear that increasing density and thus delivering more housing must be achieved without a negative impact on the character of the area. In particular the character of heritage assets must be preserved.

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, in principle but design quality remains a key consideration for most new development, especially housing. Design standards must not be lost in the priority for housing delivery.

Question 6

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

Yes, alongside the suggested additional text requiring the adverse impacts to be assessed against location and design policies (amended paragraph 11 d) ii).

Question 12

Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?

Yes. Preparation of Spatial Development Strategies by Mayors must include provisions for cross boundary cooperation and consultation.

Chapter 4 A new standard method for assessing housing needs

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. We object to blanket approach to be applied to all regions irrespective of local circumstances. The methodology should be based on household projections which takes into account local demographic characteristics.

The need and the capacity for growth varies between areas. A standard methodology based on housing stock is a cruder baseline than household projections. It means an area where the housing market is strong perpetuates the requirement for continued growth irrespective of environmental or social capacity.

Areas of rapid growth, like Cambridge, have suffered because the social and physical infrastructure required to support them lags behind development (health, education, transport, crime & justice, water, green infrastructure, culture, etc.). If the methodology means that areas of growth have to continue to be areas of growth then they will be stuck in a constant cycle of under-provision. This is unfair on the residents of those places and eventually leads to significant opposition to growth.

Housing supply needs to be aware of jobs market and labour supply.
Cambridge is different compared to most other areas, as housing need/demand is driven by employment growth as well as the local shortfall in social/affordable housing while at the same time having constraints on water/electricity supply and the capacity of the building industry. With all these pressures it could be argued that a plan-led locally supported approach would be preferable.

In Cambridge the boom in R&D has led to a shortage of laboratory technicians, whose pay scale means it is difficult to afford to live in Cambridge. In encouraging economic growth, housing must be suitable for those on lower incomes.
Homes and jobs should be located together to encourage sustainable travel.

Chapter 5 Brownfield, grey belt and the Green Belt

Proposal that brownfield land is regarded as acceptable in principle.

Question 20

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

We don't agree that all brownfield developments should be acceptable in principle because such sites can be of great ecological importance or may offer a rare chance to create new greenspace in urban areas where there is a deficiency of greenspace. It is also true that whilst it might have made sense to build in a location in the past (e.g. wartime airfields) that may not make sense today when considering environmental issues such as sustainable transport. The use of brownfield sites must depend on actual site conditions, location and consideration of other community uses.

Some sites may be badly contaminated, remote and expensive to service. So, in practice it could be counter-productive in the sense that without public subsidy, developers may not be prepared to accept the development costs for specific sites and look to Green Belt or Greenfield land instead.

From a Cambridge perspective, our local authorities release green belt land every time there is a local plan (so there's nothing stopping other councils from doing the same) but they do this having considered a variety of factors including transport, access to services, etc, etc and greenbelt quality is only one of those. In short, for the purposes of the best location for a development in the greenbelt it may be that other

locations are preferable to a 'grey belt' location. The government's proposals risk driving development to grey belt sites which may not be as suitable as other green belt locations. Imagine the scenario where there are two site proposers in the greenbelt, one is in grey belt and one isn't – and only one site is needed. The government's proposals would make it hard to choose the one that is in the greenbelt over the one in the grey belt, even if that's not the best outcome for other reasons.

Question 21

Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?

The definition needs to be clear and unambiguous. We are concerned that the inclusion of land which makes 'a limited contribution to the five Green Belt purposes' will open the flood gates to inappropriate development and lead to arguments between local authorities and developers. Past experience of cases going to appeal on 'openness' grounds has not always supported local decisions.

Question 23

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

Identifying Grey Belt is a place-based approach looking at specific land uses and not their relationships to other land uses. We are concerned that this will lead to conflict with the purposes of Green Belt which has been identified on a system-based approach looking at relationships between land uses.

The definition is too vague and likely lead to hours of arguments and appeals as to what is and isn't grey belt. The government is proposing to scrap 'beauty' for this reason but is simply creating its own version of the same problem.

We are concerned about interpretation. How far would the 5 green belt purposes be adhered to in determining, for instance, an acceptable degree of separation? Site promoters, local authority and local residents may all have a different opinion as to how much a single field or 'green wedge' as is often found between cities and surrounding villages, contributes to the purposes of the Green Belt.

Agricultural buildings are currently excluded from the definition of previously developed land. However, changes to permitted development rights and prior approvals have made changes of use of agricultural buildings easier. This therefore brings isolated farm buildings into the definition of grey belt making it harder for Councils to resist development in unsustainable locations.

The definition should strengthen the requirement that grey belt land should only be released if in a sustainable location in proximity to existing settlements with a range of services and does not lead to scattered rural development.

Footnote 7 should be expanded to include Local Wildlife Sites, Country Parks, nature recovery areas, locally listed heritage assets.

The NPPF should Include provisions to ensure permissions are delivered and not land banked.

Question 24

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

yes - greenbelt land studies and the evidence base of plans from the last 20 years should be used to monitor any deliberate actions to degrade or incentivise change to grey belt status.

If greenbelt is to be categorised based on priority then we would want to see other parts of the greenbelt given higher protection than currently so that communities are reassured that the best bits of the greenbelt are not up for grabs. This would help in places like Cambridge where the greenbelt is up for grabs at every local plan and we have to defend the best bits every time. It would also kill off speculation which means there would actually be an incentive for landowners in those areas to make their land better for nature and people.

Much arable farmland in the greenbelt (and countryside generally) is of low ecological value and has no public access (and may not be that attractive either). That is very often a product of the current farming regime, influenced by farm subsidies and the market. It wasn't that way in the past and it need not be that way in the future. A point in time should not be used as a justification for a permanent change of land use.

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?

Both - the change of land from Greenbelt to grey belt needs to be undertaken transparently and in an evidenced way using the proposed new tests. The inclusion of the tests within the NPPF will underscore the importance placed upon demonstrating land is no longer Green Belt in making that change.

Question 27

Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?

Local Nature Recovery Strategies are an important means to identify those areas of the Green Belt to be protected from development and, where development is permitted, the opportunities to enhance nature.

Local Nature Recovery Strategies provide not only an opportunity to develop networks for improving biodiversity in a largely agricultural countryside but also opportunities for public access joining up protected areas. These networks could be further enhanced through the Sustainable Farming Initiative payment system as well as the Environmental Land Management Scheme (ELMS).

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?

Yes, broadly, but there is the danger of too great an increment in housing proposals that cannot properly deal with the environmental constraints of an area.

Ideally this should be achieved through a plan-led approach and that planning policy should allocate sites according to this hierarchy. The test will be through the development management process. It is difficult to determine speculative planning applications according to the hierarchy, when applications have to be determined on their merits and site promoters can make a case as to why they cannot follow the sequential approach.

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, this is imperative. However, with developers seeing a more relaxed policy approach to building in the Green Belt but local authorities still wanting to maintain the essential characteristics of the Green Belt, it is likely that we will see the decision as to whether development undermines the function of the Green Belt or not being determined at appeal more frequently.

It will be important for local authorities to have up to date Green Belt Assessments so that the value of parcels in meeting the Green Belt purposes is clearly set out.

Release of Greenbelt land should also be tied to some form of delivery guarantee (either a time limited delivery commitment that is enforceable or similar) to incentive the sector to deliver.

It is essential that decisions to release Green Belt land are made through a plan-led process, with thorough community consultation to ensure that local views are considered. This will help maintain public trust in the planning system and ensure that Green Belt land is only released in a controlled and responsible manner, with careful consideration of the wider impacts on the environment and community.

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 - the risk is that many sites will be allocated through the appeal system before the Grey Belt criteria have been properly tested. The appeal process will then have effectively set standards rather than a national policy change being carefully implemented. We support the view of Civic Voice that this approach should not be adopted until at least 2 years have elapsed to allow time for at least some initial appraisal of Green Belt, grey belt and PDL in the Green Belt. This would give authorities the incentive to get on with this appraisal and to at least have up to date information on which to base its decision, even though the work would need to be followed up through the updating of its development plan. It would also encourage development of urban sites first, which if they currently fall within the 'too difficult' category will otherwise be left behind completely.

Question 31

Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?

Commercial developments on grey-belt land should only be allowed if supported by evidence that there is need which is not being met elsewhere and the site is in a sustainable location accessible by public or active travel.

Any decision to release land from the green/grey belt must not harm the broader function of the Green Belt and the overall integrity of the Green Belt remains.

Any greenbelt/grey belt site allocation or release needs to be accompanied by an enforceable, time limited delivery guarantee by the site promoter/developer to avoid site allocations lying fallow without genuine intent to develop.

Question 36

Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?

Yes. The focus should be on higher social value returns with compensatory public open space improvements and biodiversity safeguards.

Access to good quality green spaces should be designed so that it is available to existing residents as well as new residents

From a Biodiversity Net Gain perspective, there is a 10% margin of error on habitat creation. 10% was introduced in order to avoid overall loss of BNG. Therefore to achieve genuine and meaningful BNG you need to be targeting 20%+. We are arguing for 20% in the next Cambridge local plan and our councils want to get that as well (we expect push-back from developers). Our view is that BNG in the greenbelt should be 20% as a minimum in order to achieve meaningful change/public benefit. This might also have the advantage of financially disincentivising greenbelt sites compared to non-greenbelt.

Question 39

To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?

Viability assessments often lead to a reduction in community benefits, including affordable housing. Therefore, by setting a clear threshold for when viability negotiations are permitted, this policy would help create greater certainty for local authorities, developers, and communities.

The benchmark land value must be carefully and transparently set to reflect local market conditions while ensuring that public benefits are prioritised. Reducing the scope for negotiation would help prevent developers from using viability claims to avoid policy requirements, such as affordable housing contributions and open space provisions.

Chapter 6 – Delivering affordable, well-designed homes and places

Question 59

Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to 'beauty' and 'beautiful' and to amend paragraph 138 of the existing Framework?

Yes. Beauty is a subjective term and can be difficult to define or enforce through planning policy. Beauty generally relates to a building's exterior aesthetics. Focusing on well-designed, functional spaces that serve the needs of the community is more in line with the objective of creating sustainable, liveable environments. Good design should prioritise local character, functionality, accessibility, and sustainability.

Chapter 7 – Building infrastructure to grow the economy

Proposed changes to give particular support to laboratories, gigafactories, data centers, and large-scale wind and solar projects.

Question 62

Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?

We are concerned that listing these specific developments could lead to overheating local economies. There needs to clarity that the need exists and will be delivered within a realistic timetable. The proposed changes must not lead to a speculative rush for sites to be allocated or permissions granted without end occupiers being secured in a timely way. In Cambridge, over the past 18 months there has been a plethora of applications to build speculative lab facilities for the science and R&D sector, which were not factored into the current Local Plan or the emerging plan. We are being told by developers that this is over-supply and not all will get built.

The policy needs to be clear as to what are 'appropriate sites'. They need to be well located to public and active travel routes and take into account local character and any heritage assets.

How the identification of specific commercial developments relates to the forthcoming National Land Use Framework needs to be considered.

Question 63

Are there other sectors you think need particular support via these changes? What are they and why?

yes- all parts of the public sector that support the planning/development ecosystem need to be invested in to make all this happen.

Question 64

Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?

The NSIP system is not a panacea for the current problems with the planning system. The NSIP development regime lacks democratic accountability and transparency. Much of this development would be supported in local areas and therefore where is the evidence that it is necessary for it to be determined through the NSIP regime.

We object to listing specific developments as this could lead to promotion of inappropriate development sites being justified by the NPPF. The evidence from Cambridge is that the current system is not holding back development.

Chapter 8 – Delivering community needs

Proposes a 'vision led' transport planning which focuses on outcomes desired and planning for achieving them.

Question 67

Do you agree with the changes proposed to paragraph 100 of the existing NPPF?

No. There is already a public imperative to approve applications for such facilities and it is difficult to envisage public authorities refusing such developments in principle. However, just because these facilities provide a public benefit, this does not mean that they should automatically be allowed if they would cause harm in other ways (or for example if there are better locations for them). The existing wording already makes clear that by working together any such harms can be addressed through the development of such schemes and in our view this is adequate. The change in wording risks poor

public developments being approved, and that is not in the best long-term interests of places and their communities.

Question 69

Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?

'Vision led' is not defined in the Glossary. There is therefore a danger it could be interpreted too loosely to allow politically favoured schemes to proceed regardless of the impacts on existing settlements/communities.

To ensure transport planning is 'vision led', more resources need to be made available for sustainable transport infrastructure and services.

Chapter 9 – Supporting green energy and the environment

Question 73

Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?

No, paragraph 64 should specifically mention that impact on heritage assets must be given significant weight in determining planning applications.

It is unclear how paragraph 156 of the existing NPPF is compatible with the changes to paragraph 164. Paragraph 156 requires the benefits of the application to be tested. Yet, paragraph 164 requires local authorities to support and give significant weight to renewable energy projects.

Many applications have been allowed on appeal for solar farms in the Green Belt. It would provide greater certainty and reduce the number of appeals if the NPPF stated whether or not solar farms were appropriate development in the countryside and/or the Green Belt

Achieving an increase in supply in practice will require greater practical and probably financial subsidy.

Question 74

Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

Yes. It is very difficult, if not impossible, to compensate for the loss of such habitats. Additional protection must therefore be provided rather than assume compensation is possible.

Question 78

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

Require higher standards of insulation, ventilation, energy source and water usage/grey water provision in all new buildings through building regulations. Having the standards within Building Regulations removes the need for local authorities to justify and defend local plan policies setting higher standards.

Question 79

What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?

There is a growing expertise, but capacity constrained like all public services. This is an area where Homes England could provide more support to local planning authorities.

Proposing to amend Planning Act 2008 to bring water infrastructure projects into NSIP regime.

Question 84

Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

The water industry needs to be fit for purpose to provide the infrastructure required to supply water and deal with wastewater. As water infrastructure projects often cross administrative boundaries the NSIP regime offers a potential strategic approach which may be advantageous.

There is much concern in Cambridgeshire, and most likely elsewhere in the east of England about water supply and the environmental impact of abstracting water to supply an ever-increasing level of development. The NPPF should recognize the crucial nature of the impact of additional development on chalk streams and other water sensitive ecosystems. The level of abstraction from the chalk aquifer has already damaged the local water environment with the present usage and the palliatives of new supplies coming in the 2030's, advice to customers to reduce their usage, and putative water credit scheme will not of itself achieve a satisfactory outcome even by 2050.

Question 85

Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?

Yes – The water and other utilities industry players must engage with the long term strategic infrastructure plans as part of the new strategic planning regime.

Yours sincerely

Sarah Nicholas

Principal Planning Officer