

## Consultation Response

### Strengthening Planning Policy for Brownfield Development

26<sup>th</sup> March 2024

A presumption in favour of brownfield development and the general principle of making good use of existing land resources is supported by BPT, but not as enabler of inappropriately dense development. BPT's agrees that brownfield and other underutilised urban sites should be prioritised for decent affordable homes, built to the highest environmental standards alongside other compatible uses that support communities. We strongly support the sustainable development of brownfield sites first and prioritising housing on previously developed land ahead of green field sites, provided suitable sites and are brought forward with community consultation, locally appropriate master planning and properly informed placemaking. And result in places where people want to live.

We note that the word affordable is not mentioned at all in this consultation.

We have significant concerns about the suggestions in section 2. The character of places and quality of place-making and health of communities in our towns and cities could be seriously compromised by flexible approaches.

We have previously raised serious concerns about the 'Permission in Principle' (PiP) for brownfield sites. We would not be comfortable allowing PiP to become standard practice for brownfield land. PiP could by-pass important local heritage and environmental considerations. PiP will rush through developments that should be properly assessed and consulted on, with thorough consideration of heritage and environmental impact. It makes no sense to submit technical details after planning consent is given and especially where issues, such as design and environmental impact play such an important factor in AONBs, WHS's and Conservation Areas.

The proposals presented in section 3 of the consultation do not approach matters associated with brownfield development holistically. This includes neglecting to consider social, physical, and environmental infrastructure, community needs, employment opportunities, affordable family housing, and access to green open spaces and natural environments. There is insufficient acknowledgment of the biodiversity value of many brownfield sites, as well as their potential contamination and their locations' poor air quality, often presenting a combination of these challenges.

**Q.1:** Do you agree we should change national planning policy to make clear local planning authorities should give significant weight to the benefits of delivering as many homes as possible [yes/no]? If not, why not?

*No. It is considered that the NPPF already provides sufficient weight to the delivery of housing. There is already sufficient (and perhaps too much) policy encouragement for delivering as many homes as possible on brownfield sites, exacerbated in those places subject to the uplift. 'As many homes as possible' leads to overdevelopment and people condemned to live in unhealthy homes and environments. As many homes as possible, should be as many homes as are sustainable – high densities must be subject to rigorous polices to support well designed, healthy places to live. Density must be appropriate to context and gentle density of homes balanced with other community uses will be more likely to result in sustainable, healthy places.*

**Q.2:** Do you agree we should change national planning policy to make clear local planning authorities should take a flexible approach in applying planning policies or guidance relating to the internal layout of development [yes/no]? If not, why not?

*No. Polices and clear guidance are needed to maintain high standards of placemaking and high-quality residential places. Factors such as amenity/residential space standards, views out, natural ventilation, room orientation, daylight, overheating, outdoor places for sunlight shade and to grow food are important mechanisms to achieve better places and improve the health and wellbeing of future occupants, communities and social sustainability. Flexibility allows for these important elements of well-designed places to be avoided and value engineered out by developers.*

*It is unclear from the consultation whether reference to policies relating to internal layouts would include the application of these standards or are intended to apply to other policies (e.g. dual aspect design). In combination these policies are intended to protect the amenity of residential occupiers, and additional flexibility could have unintended negative impacts upon the health and wellbeing of future occupiers.*

**Q.3:** If we were to make the change set out in question 2, do you agree this change should only apply to local policies or guidance concerned with the internal layout of developments [yes/no]? If not, what else should we consider?

*No. Nothing else should be considered. Flexibility should not be applied to any local policies or guidance that exist to secure high standards of placemaking. This approach undermines healthy placemaking.*

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

*Many areas have vastly inflated brownfield land values for a variety of reasons and this compounds issues relating to affordable housing and keyworker housing. For example, in Bath brownfield land costs are very high, contributing to the high cost of purchase or rent. New, 2-bedroom units are equivalent to 19 times the average UK salary. A minimum estimated 60% of the working population in Bath earn below the average salary and the economy of Bath is highly dependent on people who work on or close to minimum wage.*

*This worsens socio-economic disparity with the majority of workers unable to afford to live in the city.*

*Solutions would include:*

- *Legislation to cap land resale values nationally*
- *Provide the ability for Local Planning Authorities to designate land for keyworker housing only, or to provide housing which may be covenanted for families with local family links and with existing local jobs*

*Viability assessments are too opaque and allow developers to increase profit margins through a process of fiscal drag. A more detailed model standard should be enforced which would provide much greater transparency and scrutiny. An independent post-build audit should be undertaken to evaluate differences between cost modelling and reality. Additional surplus profit in excess of that stated in the original viability assessment should be paid to the LPA to subsidise public services, amenity and future social housing.*

*In legislation, a capped profit margin for all developments, independently audited post-build would enable this and subsidise Local Government services.*

**Q.5:** How else could national planning policy better support development on brownfield land, and ensure that it is well served by public transport, is resilient to climate impacts, and creates healthy, liveable and sustainable communities?

*National planning policy must set out parameters and specific goals for sustainable development and design excellence through more detailed policies – to inform placemaking, master planning and SPD's.*

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

*National planning policy must set out parameters for sustainable development and design excellence to inform more detailed local plan policies for brownfield sites.*

**Q.7:** Do you agree we should make a change to the Housing Delivery Test threshold for the application of the Presumption in Favour of Sustainable Development on previously developed land [yes/no]?

*On a national level the presumption in favour of sustainable development on previously developed land would assist in steering development to the most sustainable locations within existing settlements and away from greenfield sites in the first instance. The greatest impact of the introduction of this policy approach could be felt in areas outside the 'urban uplift' areas where the availability of brownfield land as a proportion of supply is likely to be lower. However, there may also be some unintended consequences of this approach for the 'urban uplift' areas.*

**Q.8:** Do you agree the threshold should be set at 95% [yes/no]? Please explain your answer.

*95% is high, with a significant increase from the current 75% trigger. Alongside the introduction of the 4-year housing supply measure could be unnecessarily unwieldy.*

**Q.9:** Do you agree the change to the Housing Delivery Test threshold should apply to authorities' subject to the urban uplift only [yes/no]? If not, where do you think the change should apply?

*No comment*

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

*No comment*

**Q.11:** Do you agree with the proposal to keep the existing consequences of the Housing Delivery Test the same [yes/no]? If not, why not?

*No comment*

**Q.12:** For the purposes of Housing Delivery Test, the cities and urban centres uplift within the standard method will only apply from the 2022/23 monitoring year (from the 2023 Housing Delivery Test measurement). We therefore propose to make a change to the policy to align with the publication of the Housing Delivery Test 2023 results. Do you agree [yes/no]? If not, why not?

*No comment*

**Q.13:** Do you think the current threshold of 150 residential units for referral of a planning application of potential strategic importance to the Mayor of London is the right level? [yes/no].

No comment

**Q.14:** If no, what would you set as the new threshold? [300/500/750/1000/other] Please explain your answer.

*No comment*

**Q15.** 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.

*No comment*