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26th March 2024

Dear Sir / Madam

Re : ‘Strengthening planning policy for brownfield development’ consultation

Thank you for consulting the Land, Planning and Development Federation (LPDF) on the ‘Strengthening planning policy for brownfield development’ consultation.

The LPDF was set up in April 2018 and seeks to represent the UK’s leading land promoters, home builders and commercial developers.

LPDF members support the housebuilding and commercial development sectors by promoting sites through the planning system, providing “shovel ready” land with a planning permission which can facilitate the delivery of infrastructure and serviced land parcels.

The LPDF seeks to actively engage with government on planning, housing and commercial development policy and to educate the wider public on the social, environmental and economic benefits of development through an evidenced based approach.

The LPDF encourages its members to deliver well designed, high quality, sustainable places which deliver a mix of housing types and tenures, commercial spaces and community uses that have a positive social, environmental, and economic impact.

Our key values include:

- Working in a positive and cooperative way with central and local government and key stakeholders, to deliver a planning system capable of supplying the homes and employment space we need.
- Promoting research and an evidence-led approach to policy development.
- Increasing the supply of new homes to meet demand and make home ownership a realistic possibility for all those who aspire to it.
- Ensuring that we build the affordable homes of all types and tenures that this country so desperately needs.

- Delivering new employment space to meet demand from businesses and support economic growth.
- Championing the impact of increased housing delivery on reducing intergenerational unfairness.
- Creating well designed, high quality and sustainable places to live and work.
- Educating and informing about the social, environmental and economic benefits of development.
- Supporting diversity of delivery in the market and championing SME developers.
- Promoting diversity and inclusivity within the sector.

General Overview

The LPDF support the government's efforts to increase the reuse of brownfield land for development. However, the government must recognise that the use of brownfield land alone is nowhere near sufficient to deliver the level of housing and commercial development to meet the needs of this country and to tackle the housing crisis. Whilst brownfield land presents a source of development sites, research undertaken by Lichfields on behalf of the LPDF entitled 'Banking on Brownfield'¹ shows that even if every identified site contained in Local Planning Authorities (LPAs) Brownfield Registers were built to their full capacity, the capacity of previously-developed land equates to just 1,400,000 net dwellings. This equates to just under a third (31%) of the 4.5m homes that are needed over the next fifteen years. Even with significant government support, brownfield land can only be part of the solution to the housing crisis. Further to this, the brownfield land that is contained in the registers is not evenly distributed, and not well aligned to current demand for new homes.

The focus on brownfield land in urban areas will not deliver the range of housing types which are required to meet everyone's housing needs, with the emphasis being placed on apartment style units rather than the provision of family homes with gardens, which are also desperately required. It has also been proven that brownfield urban sites deliver significantly lower levels of affordable housing, and in the wake of an ever growing affordability crisis, this cannot be ignored by the government. Research by Turley and Tetlow King² on behalf of the LPDF found that England's largest 19 urban centres (excluding London) have collectively added only around 1,200 affordable homes per annum over the last ten years. This shows the flaws of increasingly relying on these areas to deliver ever more housing.

In order to address the chronic housing crisis that this country faces, there is a need for a balanced approach to housing growth with the widest possible choice of site sizes, locations and types to be identified in up-to-date local plan, alongside a positive policy and decision making framework at all levels of government.

¹ [Banking on brownfield: Can previously-developed land supply enough homes where they are needed? \(lichfields.uk\)](https://www.lichfields.uk)

² [lpdf affordable housing emergency report may 2022 0.pdf \(turley.co.uk\)](https://www.turley.co.uk)

Questions

Q1. 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? If not, why not?

Yes – However, as set out above, this policy emphasis should not be restricted purely to brownfield sites in those 20 urban authorities which are subject to the urban uplift. This narrow focus will not deliver the significant increase in housing delivery which is required to tackle the housing crisis. Therefore, national planning policy should make clear that LPAs should give significant weight to the benefits of delivering as many homes as possible on **all** sustainably located sites. In fact, there is an argument that in the face of such a significant housing crisis, the level of weight which should be attributed to the delivery of homes should be ‘substantial’. It is also essential that the focus on delivering good design is not lost in the pursuit of increasing the use of brownfield land.

Q2. 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? If not, why not?

Yes – LPAs tend to apply all planning policies, including those relating to the internal layouts of developments, in an overly prescriptive way leaving little room for negotiation on a case by case basis. Policies are frequently seen as a tick list of requirements, all of which must be met to allow a development to come forward. This rigid approach is stifling growth and stopping perfectly acceptable developments from being delivered, simply because they do not meet all policy requirements exactly. Whilst under national guidance the starting point for decision making is the development plan, LPAs can make decisions which depart from the local plan if there are strong reasons to do so.

Q3. 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? If not, what else should we consider?

No – The change proposed in **Question 2** above should apply to all national and local planning policies as paragraph 38 of the National Planning Policy Framework (NPPF) states that LPAs should approach decisions on proposed development in a positive and creative way and should seek to approved applications for sustainable development where possible. This guidance suggests that LPAs should work proactively with applicants to negotiate over all elements of a scheme and to apply policies in a flexible and wholistic way. Rigid application of policies is therefore clearly contrary to national planning policy.

Q4. In addition to the challenges outlined in paragraph 13, are there any other planning barriers in relation to developing on brownfield land?

It is agreed that the cost and complexity of bringing brownfield land forward are the main factors which impact on the ability to deliver development on such sites. These costs and significant complexities which are associated with these types of sites, impact heavily on site viability and significantly increase the length of time these sites take to deliver. These factors also impact to a greater extent on SME developers, as they have less financial flexibility to cope with such uncertainties. The financial viability of these brownfield sites also means, that if any policy requirements have to flex to ensure a site remains viable, then the level of affordable housing provision is often reduced. This leads to the issues which were highlighted in the Tetlow King and Turley³ research referenced above.

Other barriers which impact on the deliverability of brownfield sites include:

- land assembly issues which are often complex and take a significant length of time to resolve;
- relocation of existing uses from the site, or parts of the site which are still occupied;
- impact of the site on existing land uses surrounding the site, as well as the impact of those uses on the end-use of the site being developed;
- ground conditions of the site and the need to remediate land before development is delivered; and
- the ability of the site to deliver mandatory Biodiversity Net Gain and other policy requirements.

Q5. 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?

The NPPF states at paragraph 130 that significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. This guidance is far from clear and is open to interpretation, as the term ‘wholly out of character’ is not defined in the NPPF. This can cause issues in terms of bringing forward brownfield development and maximising its capacity, as the certainty of outcome of any planning application on such sites is open to debate over the interpretation of its impact on character. In order to strengthen brownfield land policy, this uncertainty needs to be addressed through additional guidance, or a change to the NPPF.

In addition, the government should utilise Homes England’s significant resources to concentrate on unlocking brownfield urban sites and assisting developers in addressing the issues they face with bringing such sites forward for development. This will help to ensure that

³ [lpdf affordable housing emergency report may 2022 0.pdf \(turley.co.uk\)](#)

sites remain viable and that other policy requirements, such as those listed in **Question 5**, can be delivered.

Q6. How could national planning policy better support brownfield development on small sites?

Paragraph 70 of the NPPF states that LPAs should identify, through their development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare. However, in practice, LPAs do not identify such sites through their local plan process as they simply rely on windfall sites to deliver this requirement. This gives no certainty to the development industry, nor SME housebuilders, that any such sites will be considered appropriate by the LPA which increases the risks associated with developing such sites. It is also considered that 10% is far too low a proportion of the overall requirement for such sites. If the government really wants to better support brownfield development on small sites, then there needs to be an increase in the policy requirement for small scale sites to at least 20%, and it should be made clear that these sites should be allocated within the local plan. Windfall sites should be treated by LPAs as additional supply, above and beyond that which is required to meet its housing requirements not, as it is frequently treated, an element which is required to be delivered in order to meet an LPAs housing requirement in full.

Research undertaken by Lichfields⁴ on behalf of the LPDF also highlights considerable inconsistencies with how LPAs administer their brownfield registers, with issues such as double counting, paucity and inaccuracies with the data sets that have been recorded, and incompleteness of the registers which are not updated and published as they should be by LPAs. This needs to be addressed by the government in order to better support the delivery of brownfield sites, with far more guidance published on the preparation of such registers, the regularity of their preparation and review, and better scrutiny over their contents .

Q7. 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?

No. – The development of brownfield land should be encouraged as a matter of principle and this should be applied in the most simplified format possible. There is no need to link the presumption in favour of sustainable development for brownfield sites, to the outcome of the Housing Delivery Test (HDT). It is widely acknowledged that the country faces a housing crisis which is getting worse and must be addressed. Therefore, the government should do everything it can to increase the delivery of new homes, including applying the presumption in favour of sustainable development for all brownfield sites, no matter what the situation is with regards to an LPAs HDT result or their 5 year housing land supply position.

⁴ [Banking on brownfield: Can previously-developed land supply enough homes where they are needed? \(lichfields.uk\)](https://www.lichfields.uk)

Q8. Do you agree the threshold should be set at 95%? Please explain your answer.

No – As set out above, the presumption should apply to all brownfield land, not just where an LPA is below 95% on their HDT. This is because development on brownfield land should be supported and encouraged as a matter of principle.

Q9. Do you agree the change to the Housing Delivery Test threshold should apply to authorities subject to the urban uplift only? If not, where do you think the change should apply?

Yes, but with a qualification. – The presumption in favour of sustainable development for brownfield sites should not only apply to those LPAs which are subject to the urban uplift, but to all LPAs. There are sufficient check and balances in national and local policy to ensure that all brownfield sites which are brought forward for development are sustainably located, and meet the various policy requirements to ensure that they are appropriate. As set out above, development on brownfield land should be supported as a matter of principle, and the government should be doing all it possibly can to increase the delivery of housing on all suitable and sustainably located sites.

Q10. Do you agree this should only apply to previously developed land within those authorities subject to the urban uplift?

No - See our response to **Question 9** above.

Q11. Do you agree with the proposal to keep the existing consequences of the Housing Delivery Test the same? If not, why not?

Yes – However, as set out above, the presumption in favour of brownfield development should apply to all LPAs and should not be dependent on their HDT result.

Q12. 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? If not, why not?

Yes with a qualification – The presumption in favour of brownfield development should apply to all LPAs and should not be dependent on their HDT result.

Q13. 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?

No.

Q14. If no, what would you set as the new threshold? [300/500/750/1000/other] Please explain your answer.

It is considered that the threshold should be increased to 500, which is the same threshold that was set in 2000. This is considered the right level to ensure that the GLA add value for schemes of potential strategic importance, whilst ensuring their involvement does not slow down developments that could be determined by the London Borough.

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.

The LPDF do not wish to comment on this question.

I hope that you find these comments to be helpful and if you require any further information, then please do not hesitate to contact the LPDF at the email address shown below. The LPDF would be happy to discuss the issues raised in this representation in depth with the Land Transparency team at DLUHC, if they feel that this would be of assistance.

Yours sincerely



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