

Royal Institute of British Architects

Department for Levelling Up, Housing and Communities:
Strengthening planning policy for brownfield development
March 2024

The Royal Institute of British Architects is a global professional membership body driving excellence in architecture. We serve our members and society in order to deliver better buildings and places, stronger communities and a sustainable environment. Being inclusive, ethical, environmentally aware and collaborative underpins all that we do.

RIBA welcomes the opportunity to respond to this consultation on proposed approaches to updating national planning policies related to brownfield in the National Planning Policy Framework (NPPF). Given the scale and complexity of the housing crisis, we have long recommended that the Government ensures that planning policy is designed to deliver the high-quality, sustainable housing stock we need in the places we need it most. We are committed to working with the Government and the wider sector to ensure a meaningful response to the housing crisis.

Measures to unlock brownfield land to do so have the potential to be a positive step forward in terms of housing delivery. However, there are a number of factors which inhibit this. We must ensure that we do not adapt planning policy with the aim of increasing viability while acting in practice to lower standards of quality, and we are concerned that this would be the case. Developing on brownfield land often involves a number of considerations which impact the ability to deliver homes, and this development alone will not meet current or future housing need. We encourage the Government to take these into account and ensure that local authorities are not penalised under these proposals in instances where delivering high-quality homes is not viable due to site constraints. Instead, they should be fully supported and resourced to identify creative and forward-looking routes to viability to unlock challenging brownfield sites.

RIBA recommends that the Government should:

- Adopt a holistic approach to tackling the housing crisis, meaning attention is paid to places as well as homes, and focusing on issues of sustainability, accessibility and quality.
- Comprehensively resource local planning departments, including to mitigate the lack of development and regeneration professionals in local authorities, with the aim of ensuring that brownfield development brought forward meets high standards of quality.
- Abandon its proposal to implement a blanket increase to the Housing Delivery Test threshold for the application of the presumption in favour of sustainable development on previously developed land.

RIBA 
Architecture.com

Incorporated by Royal Charter
No. RC000484
Registered Charity No. 210566
VAT Registration No. 232 351 891

Royal Institute of
British Architects
66 Portland Place
London, W1B 1AD, UK

Charlotte Watson
Senior Policy Advisor
charlotte.watson@riba.org

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?

No.

The scale and complexity of the housing crisis is significant. Recent data shows over 1.1 million households on local authority waiting lists, over 104,000 households in temporary accommodation, two million people in homes not adapted or accessible for their needs, and homelessness continuing to rise.¹ This is against a backdrop where housing demand continues to outstrip supply. As such, the Government must act to remove unnecessary barriers to building new homes, but this must not be at the expense of delivering high-quality housing stock which can stand the test of time.

Any changes to national planning policy should make clear that this significant weight should not come at the expense of ensuring that new dwellings meet high standards of quality and sustainability. Quality should be incorporated at both the levels of the individual unit and wider place as described in further detail in the 2018 RIBA report 'Ten Characteristics of Places where People want to Live'.ⁱⁱ While this is a non-exhaustive list, this should include ensuring accessibility standards are met, amenities and infrastructure are easily accessible, green space and sustainability are considered, that high standards are maintained for light, space and ventilation, and that high aesthetic standards are incorporated.

It is also unclear how ensuring maximum housing delivery aligns with previous statements that have been made on character and beauty – particularly LPAs having licence to “resist insensitive over-densification” through design codes. Further clarity on how these proposals would work together is needed.

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?

No.

We are concerned by the proposed change of wording to the NPPF outlined in the consultation:

“...when considering applications for housing, authorities should give significant weight to the benefits of delivering as many homes as possible and take a flexible approach in applying planning policies or guidance relating to daylight and sunlight and internal layouts of development, where they would otherwise inhibit making the most efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”

While the delivery of new homes at pace is vital given the scale of housing need, it is not acceptable that this delivery should come at the expense of ensuring high standards of quality. The phrasing of “acceptable living standards” in the above extract does not provide guarantees of what would constitute meeting acceptability criteria and does not provide safeguards that such a proposal would not create substandard housing units.

We must promote a strategic approach to tackling the housing crisis. Short-term measures, such as granting more flexibility in applying planning policies related to internal layout, do not guarantee this.

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

In our response to the 2023 consultation on reforms to the NPPF, we outlined that one barrier to developing on brownfield land is that many brownfield sites will need expensive remediation. We are pleased to see that this is recognised here.

Our response also noted that the development of larger brownfield sites will need an accompanying range of new local services to ensure that incoming residents do not feel isolated or marginalised. Where brownfield land is utilised to provide homes, the provision of necessary amenities must also be factored in to mitigate pressure on existing services such as hospitals, schools and transport.

There are also cost implications to consider when developing brownfield land. Remediation and decontamination works can be expensive and complex and may involve removing or diverting existing infrastructure such as highways, services or drainage. The scale of risk, when there is risk involved in the remediation of a site, is usually large – which can be unattractive to potential developers. It is therefore important to ensure any conditions applied to consents are worded to support delivery and programming of activity.

There is little in the consultation to demonstrate that the challenges of developing on brownfield land have been considered in full, and there is a disappointing lack of focus on ensuring support is available to facilitate further focus on brownfield development. There is also no reference to the provision of affordable homes in the consultation. It is vital that homes built meet local need, with issues such as affordability, accessibility and tenure considered in full.

Q5. How else could national planning policy better support development on brownfield land, and ensure that it is well served by public transport, and creates healthy, liveable and sustainable communities?

To deliver high-quality brownfield development, national planning policy should play a clear role. However, this should be accompanied by analysis of broader opportunities and limitations of brownfield development. There is evidence that “there is less brownfield land available in the places with the highest demand for new homes”ⁱⁱⁱ, which means that brownfield may not always be best placed to deliver homes where they are needed.

Additionally, where brownfield can meet housing need it may be at the expense of upholding high standards of quality. Emphasis on quality design throughout the NPPF is of vital importance to meet the aim of creating healthy, liveable and sustainable communities.

More broadly, a focus on delivering on brownfield land to meet housing need must not be at the expense of promoting strategic planning. As options for brownfield land use can be restrained, it can facilitate particular kinds of development – for example, high-value, high-density flats – at the expense of other, also necessary, development – such as sheltered accommodation, where the viability is much tighter.

We must also ensure that housebuilding on brownfield land does not neglect the importance of allowing land use for the provision of other utilities. Looking to provide employment opportunities and infrastructure and amenities should be an equal consideration and one we hope the Government accounts for.

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

There is clear value to supporting brownfield development on small sites. As many small sites are already in urban areas with the necessary infrastructure, they are well-suited to being utilised for housing provision.

RIBA members have previously raised concerns regarding several factors that affect build-out rates on small and medium sized sites.

These include viability concerns that they have faced when looking at developing smaller sites, alongside experiencing more constraints on what they are able to do with the sites. Examples can include requirements to align with existing local vernacular without adequate space to do so, requirements around access for emergency services and waste and refuse collections, and difficulties in bringing existing communities onside given that there will likely be closer physical proximity to new development.

Many members expressed that the balance of power between LPAs and large developers is hindering the possibility of redeveloping small sites. Given the current funding struggles experienced by many local authorities, this is a grave concern. Issues include large developers being unwilling to take on small sites due to the relatively low return on investment, and LPAs being too poorly resourced to sanction developers who do not deliver the promised level of affordable housing.

In terms of LPA resource, local authority spending power has fallen by 16% between 2010 and 2020^{iv}, and planning services have experienced a more severe cut than many other local authority services. We strongly recommend that the Government commits to comprehensively resourcing LPAs in terms of both capacity but also the necessary expertise.

Particularly relevant to this consultation is a lack of development and regeneration professionals in local authorities. Additional resource is imperative to ensure that a constructive dialogue between LPAs and developers delivers small sites being brought forward for high-quality development with the necessary levels of affordable housing.

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.

We are concerned that making a change to the Housing Delivery Test threshold on previously developed land only is a blanket approach which overlooks the multiple reasons that development may not be possible.

While we are clear that high-quality development must be encouraged, and that opposition to development can lead to unacceptably low housebuilding figures, the additional presumption trigger of 95% does not account for the myriad complexities that can come from developing on brownfield.

Paragraph 23 of the consultation states that “it is vital that we deliver housing in the right locations”, and such an alteration to the presumption in favour of sustainable development does not do anything to ensure that this will occur.

As we have addressed, there are a number of factors that can inhibit development on brownfield land, including infrastructural and environmental concerns. All development would still have to be at the standard to meet national planning policy guidelines and meet all necessary standards and regulations, and this may not be possible for all brownfield land.

This impacts the quality of development being brought forward. Making a change to the threshold does not account for challenges around provision of infrastructure and amenities or whether housing provision meets the current and future need of the population of the area. Where viability is challenging, resultant development may be of a low quality to meet the threshold – which would be unacceptable.

Q8. Do you agree the threshold should be set at 95%?

No.

While we agree that it is vital for more homes to be delivered and for brownfield to be utilised, we are concerned that setting the threshold at 95% does not allow for the consideration of other important factors.

We are clear that brownfield development must be accompanied by the provision of necessary infrastructure and amenities, which in many cases would require additional investment. As articulated in our answer to Q6, concerns around viability can then impact the ability to deliver housing – particularly high-quality housing as set out in our answer to Q7.

Setting a threshold of 95% without taking into account existing and potential viability challenges, cost barriers to remediate brownfield land and dedicated funding for associated infrastructure will not act to deliver the high-quality homes and places we need.

As we have laid out in this response, the provision of housing should not be at the expense of ensuring that the stock delivered is high-quality and contributes to the creation of sustainable, viable and liveable homes and places. The introduction of a blanket threshold without consideration, or mitigation, of the limitations of specific sites is not the way to achieve this.

ⁱ <https://www.housing.org.uk/globalassets/files/long-term-plan/the-housing-crisis---what-will-happen-if-we-dont-act.pdf>

ⁱⁱ <https://www.architecture.com/knowledge-and-resources/resources-landing-page/ten-characteristics-of-places-where-people-want-to-live#available-resources>

ⁱⁱⁱ https://lichfields.uk/media/7062/banking-on-brownfield_jun-22.pdf

^{iv} <https://www.instituteforgovernment.org.uk/explainer/local-government-funding-england>