

UKGBC response to the NPPF consultation

Introduction

UKGBC welcomes the opportunity to respond to the draft National Planning Policy Framework (NPPF).

UKGBC is an industry-led network with a mission to radically improve the sustainability of the built environment. A charity with over 400 member organisations spanning the entire value chain, we represent the voice of the industry's current and future leaders who are striving for transformational change.

We inspire, challenge and empower our members, helping them to identify and adopt the most sustainable, viable solutions. We also engage our members in advocating a progressive message to government, informing and influencing policy.

Summary and recommendations

UKGBC fully supports the need for new housing, and we welcome the ambitions set out in the draft NPPF on reducing greenhouse gas emissions, improving resilience and creating well-designed places and high-quality buildings.

However, we remain concerned about how these will be delivered in practice when much of the language around climate change and sustainability has been weakened compared to the current NPPF, and other key opportunities such as delivering social value for communities, have been overlooked.

UKGBC therefore recommends:

- 1) That the definition of sustainable development is strengthened and fully aligned with other Government policy such as the 25 Year Environment Plan (25YEP). The finalised NPPF should make clear that these strengthened objectives are 'criteria against which every decision should be judged.' In addition, we would like to see the principle of 'net environmental gain' enshrined and prioritised within the NPPF, and greater emphasis placed on protecting wildlife and biodiversity.
- 2) The Government should clarify that local authorities have powers to require higher standards on energy and carbon. In an age of devolution, metro mayors and strong city leadership on climate change, it seems perverse to artificially limit the powers of local authorities. Government should enable and encourage leadership from local authorities to help us meet our carbon targets. UKGBC is committed to supporting local authorities move forward collectively and consistently, which is particularly important for developers.
- 3) The NPPF should recognise the importance of social value as a concept that is being increasingly applied to the planning and development process. Social value is a means of articulating and quantifying the positive impact that development has on residents,

businesses and other stakeholders in a community. Delivering social value should be one of the overarching ambitions of the NPPF, with planners encouraged to utilise it as a tool for ensuring good outcomes for communities.

- 4) Linked to this, UKGBC welcomes the ambition to revise the current approach to viability. However, we believe Government needs to go much further and work with industry and local government to develop a more progressive model of viability which would balance developer costs with not just the sale or rental income from the development, but with a financial calculation of some of the long-term benefits of the development to society.
- 5) The issue of the health and wellbeing of individuals and communities, and the potential for the built environment to enhance this, should be recognised as a Strategic Policy by the Planning System.

Specific questions:

Q2 Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?

No.

UKGBC believes the definition of sustainable development is too vague and weak. Unlike the current NPPF, the definition ignores the 2005 UK Sustainable Development Strategy definition and the obligations of the UN Sustainable Development Goals which are clearly articulated as Government objectives in the 25 Year Environment Plan.¹

Furthermore, not only is the definition of sustainable development weakened, but the draft then goes on to make clear (paragraph 9) that even these weakened objectives *'are not criteria against which every decision can or should be judged'*. This represents a significant weakening of the wording of the current NPPF, which states that the economic, social and environmental roles of the planning system should not be *'undertaken in isolation, because they are mutually dependent....economic social and environmental gains should be sought jointly and simultaneously'*.²

We support the TCPA's view that the NPPF cannot rewrite the definition of sustainable development with no regard for the agreed UK strategy (which sets out five principles) or international agreements on sustainable development that the UK government has supported.

We also believe that *Section 2: Achieving sustainable development* should include an explicit reference to social value, and the Social Value Act. A key role of the planning system is to ensure that development delivers social value. By this we mean that the economic, social and

¹ A Green Future: Our 25 Year Plan to Improve the Environment. HM Government, Jan. 2018, p.116.
<https://www.gov.uk/government/publications/25-year-environment-plan>

² National Planning Policy Framework, para 8.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

environmental benefits (as outlined in Paragraph 8a-c) are maximised for the community, where the community are existing residents, businesses and other stakeholders in the local area as well as those expected to use the new development. Delivering social value should be set out as one of the overarching ambitions of the NPPF.

Please see question 39 below for our thoughts on the viability assessment.

In addition, UKGBC would like to see the principle of 'net environmental gain' enshrined and prioritised within the NPPF, and greater emphasis placed on protecting wildlife and biodiversity. Please see our response to Q35 for further comments on this issue.

We are concerned by footnote 7 in this chapter. We support the views of other stakeholders including The Wildlife Trusts that this list should be kept as a series of examples (as it is in the current NPPF³) rather than becoming a definitive list of issues, and that 'Local Wildlife Sites' and 'Priority Habitats' should be added.

We also support the recent TCPA led joint statement calling on Government not to remove its commitment to the Garden City principles from the NPPF.⁴

Q5 Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?

No.

UKGBC supports the focus on strategic planning and we support aims to modernise and digitalise plan making. However, we are concerned about the loss of the requirement for LAs to produce a local plan.

We feel that vitally important issues that are not currently listed under 'Strategic Policies' risk being overlooked and ignored. One of these critical issues is the ability of a new development to enhance (or adversely impact) the health and wellbeing of residents living there.

This is an issue that is well-recognised in the 25YEP which outlines the need for '*High quality, accessible, natural spaces close to where people live and work, particularly in urban areas, and encouraging more people to spend time in them to benefit their health and wellbeing.*'⁵

The ability of high quality developments to deliver health and wellbeing benefits is an area which UKGBC has explored extensively in recent reports on Health and Wellbeing in Homes, Offices and the Retail sector.

UKGBC believes that construction and property professionals have an opportunity to dramatically enhance the lives of the people they design and build for. While they may not have direct control over the wide-ranging determinants of health and wellbeing, the evidence highlighted in our

³ NPPF, footnote 9.

⁴ <https://www.tcpa.org.uk/joint-statement-gcp-nppf>

⁵ 25YEP, p28.

reports shows that the design and quality of buildings, homes and neighbourhoods is a significant contributor to the health and wellbeing of the people who live there.

Evidence shows that a single design feature, such as good daylight levels, good ventilation or the provision of open space, can have a simultaneous positive impact on mental wellbeing and physical health: therefore, these need to be considered early in the design process – i.e. at the planning stage. Many of the design features which enhance health and wellbeing also bring positive environmental benefits. For example, better daylighting can also reduce energy consumption and carbon emissions, and the provision of green space can enhance biodiversity.

Under the current proposals, we recognise that Neighbourhood Plans have the *potential* to pick up this vitally important issue, but are concerned that without a clear local plan, this is being left somewhat to chance.

We would advocate for Health and Wellbeing to be added to the list of Strategic Policies in para.20 of the draft NPPF in order to underline its importance.

Q19 Do you have any comments on the new policies in Chapter 8 that have not already been consulted on? Q20 Do you have any other comments the text of Chapter 8

We welcome the focus in the draft on creating places which encourage and foster social interaction.

We also welcome the ambition to revise the current approach to viability. We particularly support the proposed measures to discourage viability assessments from being used to hinder the development of well-designed homes and communities which offer high levels of social value.

However, UKGBC believes that a more progressive model of viability is needed. A more progressive viability model would balance developer costs with not just the sale or rental income from the development, but with a financial calculation of some of the long-term benefits of the development to society. For example, these could include the financial benefit of better health outcomes from a development with access to adequate green space.

UKGBC strongly welcomes the statement that mitigating the risk of the development is the responsibility of the developer. Evidence shows that high-quality development, which has been co-designed with the local community, will be a much lower risk.

For the development of Dundas Hill in Glasgow Igloo Regeneration used community design charrettes to engage local people in the development process right from the start. This sense of co-ownership helped the application go through planning with no objections.

The Government's 25 Year Environment Plan reinforces this message: *'Positive environmental outcomes can help reduce local opposition to development, shorten the planning process, cut operating costs for infrastructure and increase the desirability of new homes.'*⁶

⁶ 25YEP P.35

Q32 Do you have any comments on the text of Chapter 14?

UKGBC is concerned that the revised NPPF weakens the language linking planning policy to the Climate Change Act 2008. The new draft says (in paragraph 148 and footnote 39) that plans should take a *'proactive approach to mitigating and adapting to climate change... within the context provided by the Climate Change Act 2008'*.

This is far less clear than the current NPPF which states (in footnote 16) that, in taking a proactive approach to climate change, local planning authorities should do so *'In line with objectives and provisions of the Climate Change Act 2008'*. Since the first provision of the Act is the target of an 80% reduction in carbon dioxide emissions by 2050, the current NPPF makes clear that local authorities should have a carbon accounting regime and be able to contribute to the delivery of that target through the decisions they make on matters such as energy and design.

The new wording is much less precise, and the overall effect is to reduce both the clarity on local planning authorities' responsibilities in relation to the Climate Change Act 2008 and their accountability under the Act.

We support the TCPA's view that the final version of the revised NPPF should restore the direct link between the objectives and provisions of the Climate Change Act 2008 and local planning in NPPF policy.

We are also concerned that the draft NPPF has lost reference to the need for planners to actively support reducing emissions from existing buildings. Para. 95 of the current NPPF states:

95. To support the move to a low carbon future, local planning authorities should: ...
• *actively support energy efficiency improvements to existing buildings;*

The need to improve the energy efficiency of existing buildings cannot be over-stated, and the planning system has an important role to play in facilitating this. UKGBC believes this text must be reinstated.

Q33 Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?

Buildings are key component of tackling climate change and improving the health and wellbeing of the people that use them. Local authorities have a crucial role to play in ensuring that well-designed, sustainable homes and communities are built and delivered. UKGBC is committed to supporting local authorities move forward collectively and consistently.

However, a changing national policy context for housing in recent years has led to confusion and uncertainty about what can and cannot be done at the local level to raise the sustainability of new build homes – particularly on energy and carbon. UKGBC, in association with Core Cities UK, provided guidance on this topic in a new 'policy playbook' published in March 2018:

<https://www.ukgbc.org/wp-content/uploads/2018/03/Driving-sustainability-in-new-homes-UKGBC-resource-1.pdf>

We know through our extensive discussions with local authorities that many currently, and mistakenly, believe that they cannot require any standards beyond minimum Building Regulations. This confusion has arisen as a result of a Written Ministerial Statement in March 2015⁷, which made clear that local authorities would still be able to require energy performance standards higher than Building Regulations up to the equivalent of Code for Sustainable Homes level 4 ‘until commencement of amendments to the Planning & Energy Act 2008’. These amendments – which would have prevented local authorities from requiring higher energy standards once the zero carbon homes standard was introduced in 2016 – have never been commenced. Moreover, it is clear from the then Minister Lord Bourne’s statement in the House of Lords on 6 February 2017 that local authorities *are* indeed able to set higher energy performance standards than national ones.⁸

In order to clarify the situation for the benefit of local authorities, UKGBC believes the following sentence should be removed from Paragraph 149b: ‘Any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards.’ This would leave the paragraph 149 as follows:

149. New development should be planned for in ways that:

a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and

b) can help to reduce greenhouse gas emissions through its location, orientation and design.

We also strongly believe that a new Ministerial Statement is required. MHCLG should take appropriate steps to provide confidence and clarity to local authorities and combined authorities on their powers to raise energy performance standards in homes. Specifically, this should enable them to go beyond the equivalent of Code for Sustainable Homes Level 4 should they wish. It should also recognise that some, such as Greater Manchester Combined Authority, are considering or have already committed to the introduction of ‘net zero carbon’ policies and commit to supporting these efforts.

UKGBC recognises the importance to developers of consistent policies over local authority boundaries and is committed to working with local authorities and representative organisations, to ensure local authorities act collectively to raise standards according to consistent metrics.

Q27 Do you have any other comments on the text of Chapter 11?

Given the vital importance of adequate daylight and sunlight to the health and wellbeing of householders and building users, we are concerned by Paragraph 123c which states that ‘authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site’ with footnote 37 adding ‘And so long as the resulting scheme would provide acceptable living standards.’

⁷ <https://www.gov.uk/government/speeches/planning-update-march-2015>

⁸ <https://hansard.parliament.uk/Lords/2017-02-06/debates/76AF5263-A938-4851-929D-8CAE765C56B8/NeighbourhoodPlanningBill>, Col. 360

We feel that the emphasis here should be placed on ensuring that all new homes and buildings have access to desirable levels of daylight and sunlight to promote optimum wellbeing (i.e. neither too much nor too little) and that building orientation, design and density must take account of this.

Q29 Do you have any other comments on the text of Chapter 12?

We support the use of third party tools such as Building for Life to encourage good design. However, it is unclear why only Building for Life is mentioned, and not other third-party tools such as the Home Quality Mark or the Passivhaus standard.

Q35 Do you have any other comments on the text of Chapter 15?

We support the view of the Aldersgate Group on environmental net gain. We believe that the NPPF should incorporate a stronger environmental net gain requirement for new developments. However, the principle of environmental net gain must be approached with care so as not to undermine biodiversity net gain or result in trade-offs between ecosystem services (i.e. by prioritising easier or cheaper environmental gains, such as improved air quality, or trading high quality or irreplaceable habitat with larger amounts of poorer habitat) and avoid other unintended consequences. This principle must be embedded in the NPPF Planning Framework and reflected in planning applications, to ensure net gain is considered from the outset of any new development.

Metrics to measure environmental net gain will also have to be agreed through a multi-stakeholder process to ensure environmental net gain is used in a robust way in development plans. Local planning authorities also require greater capacity and support around environmental assessments to uphold environmental net gain efforts.