

**REPORT FROM: ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL  
AND REGULATORY SERVICES**

**TO: EXECUTIVE**

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**TO CONSIDER AND RESPOND TO THE CONSULTATION  
“STRENGTHENING PLANNING POLICY FOR BROWNFIELD DEVELOPMENT”**

**PURPOSE OF REPORT**

To inform the Executive of the consultation and to agree the Council's response.

**RECOMMENDATION**

That Committee considers the draft response to the National Planning Policy Framework as set out in Appendix A and agrees the final response.

**REASON FOR RECOMMENDATION**

In order to ensure that Pendle contributes to the development of local and national policy on planning issues.

**ISSUE**

- 1** National Planning Policy substantially altered in 2012 with the publication of the National Planning Policy Framework (“the Framework”). This condensed a plethora of other planning guidance into a single document. It also shaped the way many planning matters were dealt with through, for example, introducing the Housing Delivery Test, or the requirement for a five year supply of housing land.
- 2** There have been a series of changes to the Framework recently with ad hoc policy alterations. This does not assist Councils to prepare their Local Plans nor understand the policy direction government is taking. The current proposals seek to alter the emphasis on brownfield first delivery.
- 3** The suggested response is attached at Appendix A. The overall change is aimed at promoting a brownfield first delivery but without actually saying that in policy. The changes seek to alter some of the policy emphasis. The reality though is that the proposed changes

are not likely to be effective. If there is a true attempt to require brownfield first delivery, then there has to be a sequential approach to that reintroduced into policy. That would render most, if not all, Local Plans out of date.

- 4 The proposed changes will have little if any impact in Pendle on our ability to direct developers to build on brownfield land first.

## **IMPLICATIONS**

**Policy:** The policy implications are as set out in the report.

**Financial:** None

**Legal:** None

**Risk Management:** None

**Health and Safety:** None

**Sustainability:** None

**Community Safety:** None

**Equality and Diversity:** None

## **Background Papers**

Link to all consultation documents: [Strengthening planning policy for brownfield development - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/strengthening-planning-policy-for-brownfield-development)

## Appendix A

**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. If not, why not?

No. There are already hooks in the NPPF that require emphasis to be given to brownfield land delivery eg Para 119. The benefits are already well known, accepted and agreed and there is little debate even with developers over those benefits.

The delivery on brownfield land reduced when the brownfield first policy was abolished. This resulted in the ability to argue the benefits of other sites and their delivery and took away the policy arsenal planning authorities had to make home builders genuinely look at brownfield sites first and not to put forward cases that other sites should be developed ahead of brownfield land.

In addition it is noted that paragraph 120 (c) of the NPPF already requires substantial weight to be given to brownfield site delivery, so the policy change is not a significant one.

**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 ? If not, why not?

No. This assumes that local authorities are inflexible and do not look at brownfield site delivery in a flexible way. It shifts the “blame” for brownfield sites not being delivered on to LPAs without having credible evidence that they are inflexible. That is not the experience we have.

Brownfield delivery is not stifled due to inflexible positions of planning authorities. It is due to the overall policy of not having a brownfield first approach which in turn does not drive developers to actually look at brownfield sites first.

The reasons set out in the supporting text more accurately reflect why brownfield land is not brought forward. Finance and risk are major components of that. If there is a shift towards brownfield first it needs to be recognised that there will inevitably be a trade-off between the development of less viable sites and the delivery of products such as affordable housing. Infrastructure delivery will also be affected. Any policy changes to require brownfield first must be accompanied by guidance on weight to be given to affordable housing and other infrastructure delivery. The proposed revision to the CIL regime also needs to reflect what would be a different financial delivery model.

**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 ? If not, what else should we consider?

Design in itself is not the normal determinant of whether a developer will deliver on brownfield land. Viability, including policy requirements and market risk are the key determinants.

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

BNG is more difficult to deliver on some brownfield sites which over time often have organically changed to have greater ecological value. Onsite delivery of BNG is often a challenge and off-site delivery expensive making viability even more challenging. Policy needs to recognise this and

strike the right balance of brownfield delivery and BNG where finances are marginal. That would require legislation change not just policy.

**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?

The policy framework most Councils have requires good inclusive design. Brownfield sites are often, but not always, in urban areas making infrastructure provision for matters such as transport less costly. However unless gap funding is provided to incentivise brownfield delivery it needs to be inherently recognised that viability and the challenges of providing infrastructure often cannot coexist.

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

Current policy is supportive. Viability is more of an issue than policy support.

**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]?

**Q.8:** Do you agree the threshold should be set at 95%? Please explain your answer.

No comment.

**Q.9:** 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?

The basis for the HDT is the SM methodology. A brownfield first policy will change the ability of Councils to provide affordable housing as it is this that the flexibility will likely apply to first. The SM method would have to change to account for this and is likely to lead to a need to uplift figures to provide for more affordable homes. A change in brownfield policy cannot be carried out in isolation and needs to reflect a more holistic policy approach as it cannot be divorced from its wider implications.

**Q.10:** Do you agree this should only apply to previously developed land within those authorities subject to the urban uplift?

No comment.

**Q.11:** Do you agree with the proposal to keep the existing consequences of the Housing Delivery Test the same? If not, why not?

Yes. The current requirements are proportionate and set at the right thresholds.

**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?

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.

**Q.15:** 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.

As detailed in other responses development of brownfield land before other land will affect viability. It is likely therefore that specialist or adapted housing will not be delivered in the same quantum as on more viable sites.