3 December 2024

Call for Evidence, Environmental sustainability and housing growth

SUMMARY

We do not believe that the revised NPPF will support the protection and enhancement of the environment. The approach taken by the government to setting housing policy risk placing growth and targets above all other factors, at great risk to the natural environment. The environment is barely an afterthought and, instead of setting policy that aims to meet the need for homes (as opposed to demand) while also protecting the environment, government has placed the onus squarely on meeting un-evidenced housing targets that do not solve the housing crisis.

Our assertion, in a paper due to be published before Christmas, is that we can have homes for everyone (people and nature included) long before we have to tap into our precious green spaces. This can be done by insisting on a greenfield last approach in which greenfield can only be built on once a council has demonstrated that it has renovated empty homes, repurposed commercial buildings, encouraged letting of rooms in houses, reused all brownfield land, maximised density and seen the majority of planning permissions built out. Clearly this will need support and financing from the government.

1. What provisions will the National Policy Planning Framework, as revised under the Government's proposals, make for protection and enhancement of the environment? Are these provisions likely to be adequate?

We do not believe the provisions in the revised NPPF will be adequate to support the protection and enhancement of the environment.

We note that, while Labour's manifesto pledge was for 1.5m homes, its proposed Standard Method results in 1.85m homes and that, in addition to this, there will be new towns of 10,000 homes or more. As far as we are aware, there has been no Sustainability Appraisal for the proposed NPPF, the Standard Method, for the new towns, nor for the cumulative impact of these initiatives.

Furthermore, the Government is required to assess all policies against the Environmental Principles Policy Statement[1]. We asked, via a Freedom of Information Act request, for the environmental principles assessment for the Government's new NPPF. To summarise the assessment, the Government's argument is that, by encouraging local plans, environmental impacts will be managed and reduced. Yet, unfortunately, the requirement for local authorities to meet very high housing targets and to demonstrate a five-year housing supply will cause significant environmental harm and will lead to entirely unplanned housing to be permitted through the 'presumption' (paragraph 11 of the NPPF).

The environmental principles assessment notes, under 'Changes to the 5YHLS': "*The environmental impacts of this proposed policy change will be cumulative, occurring across multiple local authorities. It is considered that these policy changes will contribute to long-term environmental effects as it will result in a greater proportion of unplanned development*."

We agree, and we believe that the drive for excessive targets in the development of market housing, along with the presumption in favour of development, will lead to direct harms to the environment and to a loss of faith in the planning system.

The Government's revisions to the NPPF omitted several opportunities to increase the protection and enhancement of the environment, including the following:

- there is no reference in the NPPF to the Enhanced Biodiversity Duty[2]
- footnote 7 and the current (unamended version) of footnote 62 should be moved into the substantive text of the NPPF to increase the prioritisation of, and protections for, land that supports climate mitigation, nature's recovery and future food security
- with the above in mind, the NPPF should provide explicit protection for irreplaceable habitats, not compensatory mechanisms, and urban green spaces, undesignated countryside and the LNRSs should have been given maximum support and protection

[1] Environmental principles policy statement - GOV.UK

[2] Complying with the biodiversity duty - GOV.UK

- the NPPF should outline the severe penalties to be applied when sites are deliberately degraded
- all planning related documentation should meet the principles of the Green Claims Code[3]
- there should be no viability opt out clauses in the NPPF, if development is not capable of meeting the criteria, it should not be approved
- the NPPF should require all policy decisions to be fully evidenced, including appropriate ecological data (such as a CIEEM compliant Preliminary Ecological Appraisal[4])
- a natural capital assessment[5] should be mandatory in advance of future plan-making (and, if not provided in previous plan-making, should be mandatory at the planning application stage)
- sufficient data should be provided to genuinely demonstrate that proposals will not exacerbate climate change (including flood risk and carbon emissions) and to clearly show the impact on air, noise, light, vibration and water pollution levels
- the NPPF should also require evidence to explicitly determine the impact of a Plan on the rural economy.

2. What policy levers does the Government plan to use to ensure that local authorities deliver the development which the revised NPPF 'standard method' requires? Do the Government's plans result in local planning authorities being penalized if delivery falls short? What policy levers will be available to local authorities to ensure that developments which have received planning approval are delivered in accordance with consents?

The levers that are already in play are very damaging (for communities and the environment). These include paragraph 11 of the NPPF and the ability to put councils into special measures, so that planning decisions are made by the Planning Inspectorate.

Paragraph 11's presumption in favour of so-called 'sustainable development' makes a mockery of the planning system. It results in unplanned development, often decided against local wishes, under appeal, for sites which are often opportunistic, not in a local plan or outside a village envelope. The biggest example of this approach is the 8,500 home Quinn Estates proposal in Kent, which should never have been allowed to happen at this scale outside a local plan, let alone gain momentum. It is now very worrying that the proposal, which was three hours from a recommendation to refuse by the planning authority, been called in by the Government, thus removing it from the local democratic process.

The use of special measures can be politicised, as with Uttlesford[6].

Instead of this relentless, stick-focused, targets approach, we should see some genuine spatial planning and a carrot-based approach to supporting local authorities to develop environmentally-friendly local plans.

It is also widely recognised that the housing crisis is actually a crisis of affordability, not a crisis in relation to the number of homes available (ONS data demonstrates that many dwellings built in the 10-year period between 2011 and 2021 were sold to investors, or as second homes, as Airbnbs, or remain empty – see the graphic below which shows the relevant data for Greater Manchester as an example).

3 https://www.gov.uk/government/publications/green-claims-code-making-environmental-claims/environmental-claims-on-goods-and-services

4 https://cieem.net/wp-content/uploads/2019/02/Guidelines-for-Preliminary-Ecological-Appraisal-Jan2018-1.pdf

5 https://www.gov.uk/government/publications/natural-capital-and-ecosystem-assessment-programme/natural-capital-and-ecosystem-assessment-programme

6 (1) Uttlesford on the planning naughty step – but what's the motivation? | LinkedIn

What does the Census 2021 Data Tell Us?

Significantly More New Dwellings Built than Households Formed!

Net Additional Dwellings (ONS Table 123)		Census Data		Comparison	
Period: 2011-12 to 2020-21	Total Net Additional Dwellings	Increase in Households 2011 to 2021	Percentage change	Overprovision of Dwellings to Households	Overprovision Ratio
Greater Manchester	78,802	50,034	4.4%	**28,768**	157%
Bolton	4,652	2,429	2.1%	**2,223**	192%
Bury	3,085	2,587	3.3%	**498**	119%
Manchester	21,495	9,731	4.7%	**11,764**	221%
Oldham	3,647	3,397	3.8%	**250**	107%
Rochdale	4,907	2,648	3.0%	**2,259**	185%
Salford	17,674	11,544	11.1%	**6,130**	153%
Stockport	5,678	4,621	3.8%	**1,057**	123%
Tameside	4,689	4,547	4.8%	**142**	103%
Trafford	4,711	1,816	1.9%	**2,895**	259%
Wigan	8,264	6,714	4.9%	**1,550**	123%
Greater Manchester Excluding Stockport	**73,124**	**45,413**	4.5%	**27,711**	161%

In the decade between 2011 and 2021 all GM districts built more houses than the number of households that formed in the same period.

The overprovision provided investor homes, second homes and Airbnbs – increasing the number of empty homes in the region!

The housing crisis continues to be the lack of genuinely affordable homes (social housing).

This means that Councils are not addressing the dire needs of the over 70,000 residents on their housing waiting lists!

Yet, the Government has no targets (and insufficient funding) to encourage the development of a significant number of genuinely affordable homes (social housing) that need to be built in each district. Shelter suggests that "*There is now agreement across both the housing sector and the political divide that England needs at least 90,000 social rent homes built a year, for 10 years. This would be enough to house every homeless household and clear most social housing waiting lists*"[7].

We are not aware of any policy levers that will be available to local authorities to ensure that developments which have received planning approval are delivered in accordance with consents. Developers are responsible for delivering homes once planning approval has been given. The updated NPPF should, therefore, incorporate severe penalties for developers that:

- do not deliver within an agreed timescale following planning application approval (the Housing Delivery Test is meaningless and should be removed, Councils do not build homes)
- do not build to an appropriate quality or safety standard
- deliberately allow their land to degrade substantially (baselines should apply for both BNG and, if introduced, Grey Belt status).

3. To what extent is the current planning presumption in favour of sustainable development compatible with the environmental objective of the planning system? To what extent will the proposed 'streamlining' of the sustainable development presumption work to deliver developments which will meet this objective and be compatible with the Government's environmental targets and obligations?

The NPPF does not encourage or deliver 'sustainable' development, and the higher the market housing targets, the worse the planning system performs for the environment or communities.

The term 'Sustainable Development' must be more broadly defined (it is currently reduced to meaning just the materials buildings or roads are made of and, although the UN criteria are referenced in the NPPF, the interpretation has been extremely limited). The definition should incorporate reference to current land usage (it is not sustainable to build on irreplaceable habitats, best and most versatile farmland, or to impact conservation areas, including those that are not formally designated). To be considered 'sustainable' (in accordance with NPPF paragraph 7 and footnote 4), the requirement to provide genuinely sustainable passenger and freight transport and social infrastructure (schools, health services, utilities) must be funded and delivered in advance of the development, funding and risks must be shared, as should benefits. If there is no committed funding for the required infrastructure, the development should not be approved.

It is our experience that the NPPF paragraphs that aim to protect the land highlighted in footnote 7 are largely disregarded, meaning that the balance between the economic, the social and the environmental objectives is not achieved. One opportunity to address this would be to move footnote 7 into the substantive text as suggested in our response to question 1.

[7] https://england.shelter.org.uk/support_us/campaigns/social_housing/brick_by_brick_report_summary

The Greater Manchester Spatial Plan, for example, ignores footnote 7 and is building on irreplaceable habitats (against the advice of Natural England), impacting numerous SBIs and other conservation areas, with no sustainable freight transport proposed for significant warehousing developments, resulting in thousands of additional HGVs on local roads every single day, causing increased carbon emissions and pollution. There is also no confirmed funding for passenger transport (despite the site selection process being to identify a smaller number of large allocations in what was the Green Belt, rather than a larger number of smaller sites in more sustainable locations).

4. How will the revised NPPF work to deliver the social and environmental objectives of the planning system? To what extent will it promote outcomes which deliver sustainable social and environmental benefits together, such as access to essential amenities, to public transport and to active travel routes?

It won't! The NPPF is all about the housing target numbers first and foremost. These targets will override everything else because, when local authorities are unable to deliver their 5YHLS, they will be subject to planning under the presumption in favour of development and the large volume housebuilders will obtain planning permissions in unsuitable, unsustainable locations, outside village envelopes and not in local plans. Not only will this result in sites referred to as 'cowpat' sites by Transport for New Homes[8], but it will undermine what little trust there is in the planning system (according to our own survey[9]) still further.

Furthermore, the so-called 'golden rules' for grey belt sites and the anticipated 40% affordable requirement for new towns will not be delivered due to lack of viability. There is even a viability opt-out clause built into the Government's revised NPPF. Paragraph 155 asks for 50% 'affordable housing' but immediately caveats that with 'subject to viability'. Annex 4 sets out that viability renegotiations are still allowed. It is still down to the applicant rather than the decision-maker to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Planning guidance still allows a 15-20% profit margin for developers. Unless all of this is changed, developers will continue to run rings around local authorities and, in any event, 50% affordable housing contributions will never be viable – see the research by Viability, a tech start-up, which suggests that the 50 per cent rule on 'grey belt' sites will make many small developments unviable[10].

The same issue arises with infrastructure and social services sought under policy. There is only so much money in the pot and it will be tugged between affordable and infrastructure contributions. This will be a particular problem in very large developments such as new towns, which we addressed in our submission to the Taskforce last month[11].

In relation to the promotion of outcomes which deliver sustainable social and environmental benefits, plan-making and decision-taking must not result in outcomes that affect life-expectancy, including in relation to air pollution. It should be made clear in the NPPF that Article 2[12] of the Human Rights Act applies to planning. Car/HGV-dependent developments, which increase carbon emissions, traffic, congestion and accidents, as well as air, noise, light, vibration and water pollution, must be consigned to the past. Such developments significantly impact both human and wildlife health and wellbeing.

A lack of monitoring facilities should not be used as a means of avoiding compliance with the new $PM_{2.5}$ 2040 targets (and the interim targets), introduced by the Environment Act[13]. If such equipment is not available, the Act provides for the Secretary of State to (12.3.a) "*establish new monitoring stations to measure $PM_{2.5}$ levels for the purposes of these Regulations*". Where major developments are proposed, if no such equipment is available to support the evidence base underpinning the plan or planning application, it should be secured **before** plan-making or decision-taking is complete. Given the impact of $PM_{2.5}$ on both human and wildlife health, planning practice guidance should be updated to ensure comprehensive measurement and monitoring is possible.

[8] New "cowpat" housing developments are adding to traffic congestion and locking communities into car-dependency - Transport for New Homes

[9] https://drive.google.com/file/d/1-4VDP5l0G7j-CH27oYXFMOEvyvTOg6BE/view?usp=sharing

[10] https://viability.site/2024/08/29/the-paradox-of-affordability-how-reducing-affordable-housing-requirements-can-deliver-more-homes/

[11] https://www.communityplanningalliance.org/uploads/1/3/9/4/139430416/241113_newtownscallforevidence.pdf

[12] https://www.equalityhumanrights.com/human-rights/human-rights-act/article-2-right-life

[13] https://www.legislation.gov.uk/ukdsi/2022/9780348242959

5. What contribution can the NPPF make to meeting Government targets for the reduction of greenhouse gas emissions? What account does the NPPF take of advice from the Climate Change Committee on reducing the use of embodied carbon as well as operational carbon in the built environment?

While it is a good question, and one that matters, we also need to look beyond embodied and operational carbon to 'locational' carbon. A good example of this is set out in the Greater Cambridgeshire Local Plan Carbon Emissions supplement Figure 1[14]. It looks at the carbon impact of different spatial options, such as urban infilling or standalone new settlements.

The NPPF does nothing to encourage carbon-reducing locational strategies nor to ensure that spatial and transport planning are aligned. This is a key failing and one that will lead to continued car (and HGV) - dependency in development, something which is already a worsening trend – see the recent New Economics Foundation report, Trapped Behind the Wheel[15].

Insufficient and inadequate assessments are being taken to determine the carbon implications of plan-making and decision-taking. Local plans must be appraised on their locational carbon impact and the Government must align spatial and transport planning (as has been done in Germany very successfully).

In terms of detailed carbon emissions calculations, it should be noted that community groups in Greater Manchester did their own calculations about the carbon implications of the Greater Manchester Spatial Plan[16] because no such data was made available within the Plan evidence base. Groups in Essex also had to undertake their own analysis because the local plan did not include adequate air quality assessment. This, along with the Cambridge analysis, mentioned above, may be useful if considering advice for local authorities about the cumulative carbon implications of development for inclusion in future planning guidance.

Furthermore, the advice of organisations such as the Climate Change Committee, the Office for Environmental Protection, Natural England and the Health and Safety Executive should be paramount, not ignored. In relation to carbon emissions, it is clear from the Climate Change Committee (CCC) report, Progress in Reducing Emissions[17], for example, that the country is not on track to achieve its commitments and that urgent action is needed to ensure that this target is not seriously undermined.

Among other things, restoring peatland and attaining significant transport modal shift are critical to the achievement of the Government's emissions target, as recognised by the CCC, which reported (2023)[18] that meeting the legally prescribed sixth national carbon budget (2033–2037) "*can only be achieved if Government, regional agencies and local authorities work seamlessly together*" The NPPF should, therefore, explicitly support the achievement of the Government's target and planning practice guidance should be strengthened to ensure criteria, such as that set out in NPPF paragraph 157 ("*shape places in ways that contribute to radical reductions in greenhouse gas emissions*"), is enforced.

The NPPF should include an explicit requirement to designate the remaining UK peatlands for restoration, rather than development, in line with the England Peat Strategy and Natural England guidance, to enable carbon sequestration and better water control/management.

[14] https://consultations.greatercambridgeplanning.org/sites/gcp/files/2021-09/STRATE~2.PDF

[15] Trapped behind the wheel | New Economics Foundation

[16] Dr Mark Burton of Steady State Manchester led this work https://steadystatemanchester.net/publications/places-for-everyone-the-carbon-impact/

[17] CCC Progress in reducing emissions 2023 Report to Parliament, https://www.theccc.org.uk/wp-content/uploads/2023/06/Progress-in-reducing-UKemissions-2023-Report-to-Parliament-1.pdf

[18] https://www.theccc.org.uk/publication/local-authorities-and-the-sixth-carbon-budget/

Using Greater Manchester as an example, again, the DEFRA Peat Pilot Report[19] highlights (page 6) that "*Greater Manchester has set a target of net carbon neutrality by 2038. Modelling currently used by Greater Manchester Combined Authority (GMCA) suggests that 50- 75% of peatland in the city region will need to be restored in order to achieve these targets, but this modelling may significantly underestimate the role of peat in net emissions budgets*". Despite this report, Greater Manchester inappropriately selected 6 sites which contain areas of restorable deep peat for development, against the advice of Natural England. In just one of those sites, Carrington Moss (a 335-hectare restorable peatmoss) will be severely damaged or completely destroyed by the proposed development.

6. Will the Government's proposals affect the ability of local authorities to implement policies designed to protect the natural environment in their areas?

Yes.

Targets are so high that in some cases local authorities will be forced to allocate land which is not suitable for development. High targets are what is forcing the discussion about inappropriate building on land currently designated as Green Belt. Authorities know that the mood music from Government is about numbers, not the environment.

As we set out in our response to question 8 below, any positive work carried out by authorities to implement a Local Nature Recovery Strategy will be put at risk by the pressure to develop.

The lack of strategic planning at any level (local or national) means that the call for sites process is relied on to plan for meeting housing targets. Extraordinarily, the New Towns Taskforce is even using a call for sites approach to find new town sites for over 10,000 homes! This is a very high-risk approach for the environment as set out in our submission to the Taskforce (see our response to question 4).

The strong focus on numbers will lead to a greenfield first approach. Instead, we call for a greenfield last approach and our paper, 'Homes for Everyone' due to be published very soon, will set out how this can happen using a sequential test. We will supply the paper to the Audit Committee when it is published.

7. What (if any) trends are observable in (a) delivery of environmental improvements (b) the purchase and trading of credits arising from the Environment Act requirement for developments to yield biodiversity net gain (BNG)? How are planning authorities using BNG in the planning process to deliver environmental improvements from housing development?

There is a risk that the mitigation hierarchy is forgotten, although it must be followed under BNG rules. First and foremost, harm must be avoided. Only when all levels of the hierarchy have been exhausted should BNG come into play. BNG must not be used by developers and local authorities to allow unsuitable, unsustainable development. It is actually environmental harm, rather than improvements, that is currently being observed.

A particularly extreme example of this is the EDF Hinkley Point power station scenario. Farmers are being approached and notified that their land may be compulsory purchased for salt marsh creation because fish will be killed by the nuclear plant water intake. This is egregious. Harm to the fish should be avoided, full stop.

Another unacceptable example is at Middlewick Ranges in Colchester, where the Ministry of Defence wishes to build houses. The MoD ecologist proposed that the rare, lowland, acid grassland should be developed, and that farmland nearby should be '*turned into*' acid grassland by pouring acid onto it. This is an entirely unproven way of creating acid grassland which, if it was to succeed, would take many years. Unfortunately, the council and a planning inspector agreed with the MoD's ecologist and ignored several other ecologists. Instead, we should protect the rare acid grassland by following the mitigation hierarchy and avoiding harm altogether.

[19] https://www.hwa.uk.com/site/wp-content/uploads/2023/02/OD-36-Greater-Manchester-EPS-Peat-Pilot-Report-Sept-2020.pdf

It must be recognised that benefits for nature cannot be manufactured, nor can BNG replace what has been destroyed in previously nature-rich areas. The NPPF needs to incorporate more protection of existing sites of environmental/ecological importance. There should also be consideration of the impact of human and domestic pet footfall on nature-rich areas, along with the impact of higher levels of air, noise, light, vibration and water pollution and, as set out above, appropriate evidence (including a CIEEM compliant Preliminary Ecological Appraisal and a detailed natural capital assessment) should be provided in advance of plan-making to determine the natural capital value of existing areas.

8. How will the revised NPPF operate to promote the Nature Recovery Network and the implementation of local nature recovery strategies by responsible authorities?

Local Nature Recovery Strategies are mandatory and being prepared by relevant authorities. Essex County Council, for example, is well advanced in the preparation of its excellent LNRS.

It is of great concern that the only mention of Nature Recovery strategies in the 2024 NPPF draft was in footnote 67: "*Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them*". This is not a protective statement. Instead, we need to see LNRSs given weight in the planning system such that plan-makers and decision-makers must take them into account. Without this weight, the LNRSs are merely a box-ticking exercise and will be worth no more than the paper they are written on. Here again, this will undermine confidence in the planning system because, as in the case of Essex, residents are heavily involved in submitting opportunity areas to the LNRS. If those are subsequently developed because the planning system favours targets over nature, then the LNRS becomes worthless.

9. What use can planning authorities make of the data analysis and modelling being developed under the National Land Data Framework to support planning decisions which lead to better environmental outcomes? How should the NPPF be integrated into the forthcoming Land Use Framework?

These are great questions.

Data analysis and modelling should become standard in planning so that decisions can be evidence-based instead of being based on 'professional' judgement. There should be a baseline for the authority area, for example, an air quality or a flood risk baseline. The air quality or flood risk impact of different local plan strategies or of a planning application must be rigorously and robustly tested and the results taken into account at all stages of plan-making or decision-making. It is our experience of the planning system that this approach is not taken and that there is too much guesswork or inadequate evidence that does not underpin the decisions being made.

In addition, any data about an authority area and its local plan must be publicly accessible, live and possible to interrogate. Members of the public must be able to access all modelling and analysis. A local plan itself could be stored via a live GIS map so that as it develops, it is possible to show impacts and changes such as new doctors' surgeries or schools alongside new housing, or new BNG areas coming online.

We have long argued that the Land Use Framework must be a cross-departmental one. It is our understanding that it is being originated by DEFRA, but it must be aligned with MHCLG and DESNZ. The NPPF must refer to the forthcoming framework. Until it is published, however, it is difficult to say more here. A land use framework will be a useful tool to help to understand and manage the cumulative impact of the many local decisions being made, such as allowing solar to be located on our best and most versatile farmland, and the impact that it has on food security and farmland birds and wildlife.

10. What environmental regulatory arrangements within Defra's remit which relate to the planning process are likely to be under review as potential inhibitors of growth? What effect on environmental protections would reform of these regulations be likely to have?

DEFRA should not be worried about inhibiting growth. The Department should be fully focused on, and responsible for, the environment, farming and rural affairs and how to prevent those key elements being adversely impacted by growth. In looking to future requirements for regulation, DEFRA should consider the Government's response to the Dasgupta review[20] which makes it clear that "*nature, and the biodiversity that underpins it, ultimately sustains our economies, livelihoods and well-being, and so our decisions must take into account the true value of the goods and services we derive from it*".

Contact: Rosie Pearson, communityplanningalliance@mail.com.
www.communityplanningalliance.org brings together planning campaigners seeking a more collaborative planning system that better protects the environment and sees the right homes and infrastructure in the right places.

[20] https://assets.publishing.service.gov.uk/media/60f02799e90e0764d2837899/Dasgupta_Response__web_July.pdf