



Consultation Response

Levelling-up and Regeneration Bill: reforms to national planning policy

Response by the Royal Institution of Chartered Surveyors (RICS).



Introduction

The Royal Institution of Chartered Surveyors (RICS) is pleased to respond to this Call for Evidence by the Department for Levelling Up, Housing and Communities.

Established in 1868, RICS is the largest organisation of its kind for professionals in property, construction, land, and related environmental issues, setting and upholding professional standards for 125,000 qualified professionals and over 10,000 firms. RICS regulates both its individual qualified professionals and those firms that have registered for regulation by RICS.

Over 80,000 of our qualified professionals work in the UK, where our goal is to deliver a healthy and vibrant property and land sector as a key pillar of a thriving economy while addressing the need for the creation of green, safe communities.

We are not a trade body; we do not represent any sectional interest, and under the terms of our Royal Charter the advice and leadership we offer is always in the public interest.

Executive summary

One of the central built-environment challenges for the UK is reducing our carbon footprint. We welcome the measures proposed in this consultation to support renewable energy and the adaptation of buildings to meet the challenge of climate change.

We also welcome government's desire to ensure our places are better planned, designed and built to standards which contribute to achieving the UN Sustainable Development Goals, thereby ensuring future generations enjoy enhanced levels of health and wellbeing than previous ones.

Nevertheless, we are concerned that in reality these future generations will have poorer access to housing due to a combination of factors. First amongst these has been a failure over the last 20 years to effectively address the housing shortage in England through public policy, which has widespread implications and needs urgent intervention.

While there are elements of the amended Framework that we welcome, such as the retention of the housing target and the retention of the Standard Method for assessing housing need; a number of the proposed amendments have resulted in a slowing down of the plan-making process. Together with weakening housing demand in 2023, we fear that several of the suggested policies in the Framework will reduce the ability of the sector to meet the annual housing need.

Key themes from the National Planning Policy consultation and our response to them are set out below:

- **Achieving Net Zero:** We welcome the consultation's acknowledgement of the importance of carbon measurement throughout the plan-making process and the focus on climate adaptation, areas which we have readily contributed to through our suite of sustainability standards, including ICMS3 and the Whole Life Carbon Assessment, but sustainability and carbon reduction must go hand-in-hand with ambitious housing targets. Sustainable housing requires economic, social and environmental priorities to be 'met' also and meeting housing targets should not be achieved by reducing standards in other areas essential to ensuring overall sustainability. Nevertheless, we await future consultations on environmental aspects of the Levelling Up and Regeneration Bill, so a fuller picture will be established over the course of the year.
- **A diverse sector:** In order to satisfactorily meet housing demand, Government policies should encourage a mix of tenure and housing types to support a competitive and efficient market with choice. We welcome a diverse mix of housing to support sustainable

communities.

- **Ensuring certainty and stability:** The uncertainty created by years of proposed planning reforms has led to a reduction in the number of up-to-date local plans, impacting the certainty that the public and our members value and disrupting the foundational basis of the plan led system.
- **Place making:** Although we understand the origins of the term beauty in public policy terms through the Building Better Building Beautiful Commission, the term 'well-designed' may be more appropriate in the context of the diverse technologies needed to be incorporated into the building process to address climate change. Quality of design is crucial in implementing regeneration policies which are often about physically transforming the image of the 'place'.
- **Appropriate targets and enforcement:** Retention of a data driven set of housing delivery targets and reporting against them (5-year supply end of year data) remains essential to reach the 300,000 per annum housing supply target and to provide transparent and democratic accountability to the electorate on a Local Planning Authorities (LPA) performance. Furthermore, we strongly advocate that the enforcement functions of planning authorities and building regulators are appropriately staffed and funded to verify compliance and provide the necessary assurances to local communities.
- **Devolution & Levelling-up:** If Levelling Up is to be achieved based on rational principles the plans must be aligned to the national, regional and local objectives for economic growth and social provision, currently these amendments will not reduce these inequalities. In addition, while these plans are England-specific they should consider those already in place in other UK nations, such as National Planning Framework 4 in Scotland.
- **Planning for the future:** RICS advocates a review of the Green Belt policy to transparently consider the benefits and trade-offs that apply to its current operation, which is in line with established research, including the recent report [The Centre for Policy Studies: The Case for Housebuilding](#). Failure to review Green Belt removes the opportunity to consider the most logical and sustainable option for increasing housing within cities, a policy which requires a combination of brownfield development, higher density, and in some cases limited Green Belt release.

Consultation response

- 1) **Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than 5 years old.**

The requirement to demonstrate a deliverable 5YHLS was introduced to ensure adequate provision was made for housing land. As stated earlier in relation to the persistent failure to provide sufficient housing nothing has changed to justify this amendment. Adopting such a measure demonstrates a weakening in resolve to adequately provide for housing land through the plan-led system. RICS disagrees with this policy change which removes accountability for local authorities for non-delivery of housing.

- 2) **Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?**

RICS disagrees with this policy change.

The buffer was introduced where there has been consistent failure to allocate sufficient housing development land by the local planning authority. We reiterate the general condition of persistent under delivery at a national level hasn't changed and request that the existing policy be retained. The application of a buffer provides a proportionate mechanism to focus local authorities on contributing to housing delivery.

- 3) **Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?**

See Q4 below.

- 4) **What should any planning guidance dealing with oversupply and undersupply say?**

Our response here refers to the proposed amendments to Paragraph 11 of the current NPPF under the heading of 'presumption in favour of sustainable development'.

The Barker Review 2006 anticipated a population of 55 million in England by 2026. The latest ONS projection estimates a population of 57.7m by 2025. The interim period (almost two decades) has seen a steady decline in housebuilding from over 1.5 million homes per decade to well below this figure for the last two decades. This is the opposite response required to enable the country's young people on median incomes to house themselves. Many other metrics are available within DLUHC, essentially confirming the decline in quantity and size of housing provision. In the context of persistent failure to meet housing delivery targets over

two decades, the current focus of NPPF reforms on oversupply at small geographic scales seems completely misplaced.

As a general principle the way in which housing targets are set and delivery is assessed should be transparent to members of the public so that local authorities can easily account for delivery in their area. The formulation of policy objectives and tests as drafted above do not achieve this. The proposed removal of the requirement for LPAs to report 5-year supply would extinguish an established clear mechanism for local people to understand how the next generation is to be housed and to hold their local council democratically accountable for its performance.

Up to date plans are fundamental to the plan-led system as advocated by government. The changes in 11b(ii) add uncertainty to the plan-making process that are likely to lead to delays at the Examination in Public stage and further impede delivery.

Residential Density

Increasing residential density has made an important contribution to delivering sustainable development in terms of efficient land use, infrastructure utilisation and social/commercial services support. It provides an equally important policy option to ensure valuable greenfield land is not unnecessarily being developed.

The question of increased density conflicting with local character is more appropriately addressed in the adoption and implementation of local design codes as covered in the National Design Codes. Notwithstanding this, footnote 8 (Para 11) as drafted could be relied upon to achieve a prohibition on smaller starter homes in areas which may benefit from a greater mix of housing types and sizes. This could deny the opportunity for a variety of age cohorts to strengthen the local community. It may also frustrate the policy of gentle densification, still vaguely defined but intended to increase intensity of use in low density locations.

As applied to city centres the density measure may be used as a tool, by local authorities to resist 'tall buildings'. This may have the effect of pushing LPAs to allocate more greenfield land, rather than build higher in the more sustainable city centre locations.

Development density and good quality design are closely linked. The National Design Codes are an important starting point to understand how increased densities can contribute positively to the urban design character of an area. Most modern estate housing is delivered between 30 and 40 dph. A well designed 40dph scheme may be more attractive than a lower

density 30dph scheme. The reference to 'density' in this amendment is highly subjective, likely to be contentious and will inevitably add to delays.

Past Over-delivery

There is considerable ambiguity about what 'past over-delivery' could be interpreted to mean and over what period. As drafted this is a very complex description of the circumstances which need to obtain in order to qualify. To avoid dispute over its meaning the amendment needs re-drafting.

Some LPAs who have progressed their local plan may feel penalised for making a plan that allocates a coherent set of deliverable sites that are attractive (and viable) and readily delivered. The fact that the LPA has progressed with its delivery is not currently recognised. When official projections are updated, a LPA that has been delivering well in excess of a slower LPA, has that higher rate of delivery embedded in the new housing requirement. Some account needs to be taken of this and 11c(iii) acknowledges this potential disincentive to deliver in the short term.

Nevertheless, at a time of acute housing shortage, the overall pre-occupation with oversupply in general and past over-delivery at local authority level, would seem misplaced from the perspective of first-time buyers on median incomes who cannot afford to house themselves.

There is therefore no need for significant policy change. The existing annual reporting of 5-Yr HLS is well understood, most LPA's have systems in place to monitor and report annually and that data provides democratic accountability to local people. There is a potential case for reflecting good performance in housing delivery by reducing the pressure on LPAs future delivery requirement (a reward) provided there is demonstrated a clear trajectory for sustainably meeting local housing need.

5) Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

Meeting the overall target for housing delivery is seen as a local plan wide objective so over or under delivery at smaller scale geographical units within the planning authority is problematic. Neighbourhood plans should be seen as supplemental to an adopted local plan. Given the lack of national coverage with neighbourhood plans this is a disproportionate measure. In addition, there is great variability in the quality of neighbourhood plans and the test of soundness applicable to local development plans does not apply.

Application of amendment 14b could have the effect of making sure no village with a neighbourhood plan has to take any of the 'extra' housing need.

Neighbourhood Plans mainly apply to small geographical areas. In rural areas these often follow historic parish boundaries and may run up to towns and larger communities. Assessing housing need at a parish level is statistically fraught due to the lack of availability of data and small samples. Many parishes have an aging population, less likely to have children so a village projection is likely to show very little need.

The delivery of sustainable development must be considered over a reasonably large area – ideally one that takes factors such as travel to work patterns, migration patterns and functional economic areas into consideration. The proposed amendment to Paragraph 14 may result in a single scheme of 500 homes on the edge of a market town (that could be within a parish on the edge of the town) – rather than 10 schemes of 50 homes in 10 villages. It is inappropriate to apportion pro-rata development based on the existing distribution of housing in small settlements.

6) Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

The Barker Review 2006, sought to achieve 'a policy framework which encourages within the context of the plan-led system a more positive attitude to development'. The amendments to the NPPF proposed here in relation to plan-making and housing delivery will not achieve this aim.

MHCLG's report, [Tackling the under-supply of housing in England](#) shows successive decades of decline in house building at a time when the population is steadily rising. Yet the measures being introduced through the planning system seem intended to limit housebuilding rather than enable it.

Lack of provision of land through the planning system contributes significant development risk. It leads to delays in the provision of essential accommodation and infrastructure for new and growing communities. Such development contributes significantly to increasing GDP and expanding the country's tax base. Measures introduced in the NPPF which fail to ensure provision of essential housing and infrastructure will delay recovery in the economy.

Given the priority accorded by government to the plan-led system in development management, maintaining up-to-date local development plans should now be mandatory. Failure to adopt and maintain a current local plan should have consequences for the failing local authority. Government should review the consequences for local authorities failing to maintain an up-to-date plan and implement appropriate measures as part of the new amendments.

Since the announcement of the intention to have 'root and branch' reform of the planning system in the Planning White Paper, there has been an unsettled policy environment in planning. Proposals to totally reform the planning system contributed to a slowing down of the plan-making process. Together with weakening housing demand, unsettled government policy is contributing to fewer houses being built and will continue to do so.

The National Planning Policy Framework has advocated building more houses for more than ten years and has signally failed to achieve the necessary increases through policy advocacy alone. More enforceable measures are required than the policy statements contain.

We reiterate as we have done many times before, without adequate staffing of local planning authorities with skilled personnel positive policy measures will not be implemented.

7) What are your views on the implications these changes may have on plan-making and housing supply?

The UK Office for National Statistics is charged with producing data to track the UK's performance in achieving the SDGs. With the transformation of planning to a digitally enabled system, it should be possible to extend these data capture and publication measures to local government. This will enable comparison in real time between the local authority's performance against its stated objectives and between one local planning authority and another to ensure good practice is recognised and promoted.

As part of the local development plan process the LPA should identify the priority SDGs being delivered through the plan, the time frame for delivery and the stages to attaining those goals. This is to enable members of the public to easily scrutinise the performance of their LPA in achieving the key goals set. The digital transformation of planning should be designed to enable this.

We would also advocate clear alignment between the corporate ESGs and the inter-governmental SDGs so that investor pursuit of sustainable developments is not misaligned.

The Treasury 'Green Book' now requires government investment decisions to be based on their economic and social benefits. There is a potentially confusing range of sustainability frameworks emerging in the planning/development sector. Government could helpfully identify the key frameworks for compliance.

Sustainable development is achieved at many different scales. The proposed amendments to the NPPF focus on smaller scale geographical units but omit to strengthen policy on wider geographic strategies. These are necessary to deal with transport, housing and employment across local authority boundaries. They are essential to ensure networked services are planned and delivered at the level of the functional urban catchment area. In practice this means local planning authorities being able to work collaboratively across geographical and administrative boundaries.

At the level of business planning, in areas requiring economic growth the local plan must align with the delivery plan, including the wider geographic infrastructure plans. The delivery plan must take account of the cyclical nature of markets and recognise the importance of timing of initiatives to achieve a successful outcome.

We agree with strengthening this NPPF statement in relation to housing, but sustainable housing requires economic social and environmental priorities to be 'met' also. Meeting housing targets should not be achieved by reducing standards in other areas essential to ensuring overall sustainability.

As a result of the current policy measures together with unfavourable market conditions we expect the following outcomes to be likely if the proposals were adopted:

- a. Plan making will continue to slow down exacerbated by other unsettled measures in the Levelling Up and Regeneration Bill. In slowing down plan making and reducing housing supply, housing and wealth inequality will increase. Increasing evidence on this has been published recently by the Centre for Cities 'The Housing Crisis' 2023.
- b. Housing land supply will drop significantly.
- c. There will be an additional perception of risk in the system at an unfavourable point in the economic and political cycle.
- d. A less favourable climate for investment will be created.
- e. The Green Belt will become increasingly contentious.

8) Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

RICS welcomes the retention of the national housing target of 300,000 dwellings per annum and the retention of the Standard Method for assessing housing need. Though, we note that the weight to be given to the national target has been reduced. If the amendment is adopted, it will signal a weakening in government resolve to address the annual need together with the cumulative shortfall over decades.

The Standard Method is simpler to understand, calculate and apply than the previous OAN. The latter was open to widespread interpretation and assumptions that inevitably give rise to disputes. We are opposed to the proliferation of diverse methods of assessment as might result from the draft changes.

However, the operation of the current Standard Method suffers from being based on 2014 projections now significantly out of date. We welcome the fact that it is to be updated with a simple system that continues to meet the local needs, but which should be extended to also acknowledge affordability. We have previously written to the Planning Minister expressing our concerns about this.

Retention of a data driven set of housing delivery targets and reporting against them (5-year supply end of year data) remains essential to reach the 300,000 per annum housing supply target and to provide transparent and democratic accountability to the electorate on an LPA's performance.

Clearer guidance is required before any policy change is made, so that the measure is only employed in truly exceptional circumstances. The over-riding consideration should be meeting land use needs. The Standard Method remains the way to calculate the need and we expect 'exceptional circumstances' still need to be proven to deviate from it.

9) Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

The national policy on the Green Belt as presented implies that Green Belt land is fixed and unchanging. In reality the total area of green belt land around settlements has increased. It is

being constantly adjusted to take account of development pressure and the need to retain green space.

The Barker Review 2006 encouraged 'planning bodies to review their green belt boundaries and take a more positive approach to applications that will enhance the quality of their green belts'. Many other organisations concerned with proper planning and development have agreed with this approach.

RICS considers that there should be a review of Green Belt policy so that the Green Belt policy of the 21st century is responding to the circumstances of people occupying today's towns and cities. Work patterns have changed. Employment, transportation and industrial development are completely different to those existing when the policy originated.

Green Belt policy needs to be considered in the light of the benefits of the policy in attaining its specific aims and the trade-offs being made by not achieving other legitimate policy objectives.

Many studies have been carried out on the London Green Belt which could help scope a review. For example:

'A 21st Century Metropolitan Green Belt' London School of Economics, 2016. [A 21st century metropolitan green belt - LSE Research Online](#) and Building in the Green Belt, RTPI 2015. [buildinggreenbelt-commutingpatterns2015.pdf \(rtpi.org.uk\)](#)

10) Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?

As stated above density and quality of design are closely linked. There is great scope through skilful design to enhance the existing character of local areas. There are many good examples of developments which have achieved this. RICS published a paper entitled 'Placemaking and value' 2016 which looked at exemplar developments of this kind. The adoption of National Design Codes should assist greatly in resolving these matters, but this will not be achieved without the appropriate skills being available in the local planning authority.

[Placemaking and Value \(rics.org\)](#)

11) Do you agree with removing the explicit requirement for plans to be 'justified', on the basis of delivering a more proportionate approach to examination?

We advocate a proportionate approach to assessing draft development plans but we would not support departing from a rational approach to assessing the 'soundness' of plans i.e. assessing

the capability of draft plans to achieve their aims when considered against other reasonable options.

The deletion of 'justification' in 35b is therefore a retrograde step. If a Council wants to go above national requirements (e.g. increase from 10% to 20% BNG) there should be a reason to do so – not just because there may be a personal preference. Imposing obligations that are not justified also has an adverse impact on viability which slows down delivery.

If Levelling Up is to be achieved based on rational principles the plans must be aligned to the national, regional and local objectives for economic growth and social provision.

The existing system of forward plan preparation and plan examination by the Planning Inspectorate is a tried and tested, proportionate and effective method of considering competing land uses and complex plan issues. Planning professionals understand the process and members of the public are supported by PINS if they attend a local plan examination. The planned digitisation and emerging smart phone apps are increasingly achieving wider community engagement adding greater legitimacy to the process.

Statements of Common ground were first introduced by PINS under the Planning Act 2008 to deal with highly complex national infrastructure projects. They are a highly effective method of quickly identifying outstanding areas that a local plan examination needs to focus on.

We therefore see no rationale for plans not to be 'justified'.

12) Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?

Where a plan is at an advanced stage in preparation under the current regime, it would be unreasonable to impose a new test which might significantly delay to adoption of the plan. It is likely that all plans will need reviewing under the new shorter time frame envisaged in the Levelling Up Bill which will be the appropriate time to review testing as part of the digital transformation objective.

13) Do you agree that we should make a change to the Framework on the application of the urban uplift?

Restricting the uplift attributable to the top 20 most populated cities and urban centres is not a practicable policy choice. To deliver the diversity of accommodation necessitated by the need for sustainable development and advocated by government policy elsewhere requires the

ability to extend beyond the municipalities administrative boundaries. Although the duty to co-operate was well intended it did not always deliver as it should. Nevertheless, it is a measure which can be called upon to achieve a more practicable and shared distribution of new housing and supporting infrastructure.

There is a clear difference between the functional urban region and the historic administrative boundaries of large settlements. There is therefore a mismatch between the geographical area of the urban economy and that of the local administrative area which requires to be resolved. Distributing housing growth around local authorities sharing the same catchment is a sensible way of achieving this and has been in practice for generations.

One example is the city of Bristol where parts of the urban area are in fact within South Gloucestershire, or North Somerset. A significant example being the large Bradley Stoke development to the north which physically is part of Bristol but administratively is part of South Gloucestershire.

In the absence of a national settlement strategy, above a certain population threshold the expansion of existing settlements is a reasonable starting point in the allocation of housing. Additionally, such a policy would contribute to strengthening town centres by increasing the population within the catchment of the commercial centre.

All such policies necessarily interact with the existing Green Belt policy and we addressed the proposed amendments to Green Belt policies in Q9 of this consultation.

14) What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

In principle the uplift should apply to all settlements. Their expansion to meet natural population growth should be a base position. Without clearly directed alternative growth strategies existing settlements should be the starting point in identifying areas suitable for uplift.

15) How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

They should co-operate as intended with the 'duty to co-operate'. The duty to co-operate although imperfect in practice should not be removed until an alternative more strategic

measure is devised. Planning at the scale of the functional urban region should not occur on an ad hoc basis as has evolved to date. There are many infrastructure services which need to be planned at the scale of multiple local planning authorities and need to be implemented in conjunction with the development of individual sites over a prolonged period.

We would expect government to bring forward an effective means of addressing these cross local authority issues in a consistent way, at the appropriate geographic scale and with the appropriate governance oversight.

16) Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?

The existing 5 Year HLS should remain. If the country were exceeding its overall housing target or even demonstrating regional oversupply there may be a case for reducing the obligations on planning authorities to plan for more and further ahead. This is not the case and the relaxation of any of these measures sends the wrong signal to local planning authorities about satisfying an urgent need. It also sends a signal to young prospective house buyers that their housing needs are not a priority for the local planning authority, which has a statutory obligation to house people.

17) Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?

Appropriate transitional arrangements are essential or the requirements for all LA plans to be in place by December 2023 will not be achieved. A number of LPAs has suspended work on their local plans. Where work is sufficiently advanced on a plan new tests should not be imposed which would further delay the production of the plan.

18) Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?

This is one of a number of these amendment measures aimed at reducing development by restricting the preparation of land for housing development through the plan-led system. This is generally problematic and contributes to undermining a positive approach to meeting housing need. We oppose this measure.

19) Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?

This degree of fine-tuning housing delivery might have relevance if the housing shortage in the country was not so acute. With a historical failure to meet any of the national targets over more than a decade, it does not seem like a measure to address the urgency which many people require in order to obtain affordable housing.

20) Do you have views on a robust method for counting deliverable homes permissioned for these purposes?

We strongly support the proportionate capture of data so that the actual availability of sites ready for construction is available in real time. We look forward to such data capture being designed into the architecture of the digital transformation of planning.

21) What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

Without understanding the results it is difficult to comment. However, we would advocate an approach which causes the least disruption in the short term.

22) Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?

Overall housing need provisions are increasingly diverse with many different specialist needs being identified. Social rent is an important part of the mix of housing tenures to be provided as part of a sustainable housing delivery test. But any obligatory requirements need to be identified in the plan preparation process.

The extent of 'Social rent' accommodation to be provided relates to a measure of need. Clearly levels of need vary from area to area as do measures of affordability in relation to market housing. Mechanisms which are capable of reflecting these very distinct differences should be sought in the sustainable creation of balanced communities.

Government must move away from its current concepts of affordability which relate to the classification of social rent. 'Affordable housing' in reality refers to 'discounted market housing' which is frequently not affordable by common tests of approx. 30% of personal income being devoted to housing.

23) Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?

Specialist older people's housing is an important part of the housing mix of sustainable communities. Retirement housing is delivered in many different formats and with many different levels of affordability. This should be taken account of in addressing general housing need. Within older peoples housing is a diverse range of sub-categories, some of which would qualify as affordable housing others would not. Policies relating to specialist older people's housing and affordable older people's housing need to be carefully considered in plan making and specialist groups within the sector.

24) Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?

A recurring complaint from small builders is the cost of processing a planning application for SMEs who cannot easily carry the cost. More widespread use of the 'permission in principle' facility would help. Reinstating the use of the 'outline planning consent' as a low-cost way of de-risking a small site would also go some way to address this.

Patterns of land ownership in areas may facilitate or hinder the availability of small sites. Pro-active provision of serviced sites may help to address this need.

RICS engaged extensively with the Bacon Review on the provision of sites for self-build housing and can make our submission available. Access to funding where a proposal has not got a planning consent is a significant deterrent to SMEs or individual self-builders entering the market.

25) How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?

See response to question 24.

26) Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

A balanced mix of all housing tenures remains important for choice. The market is undergoing significant change with continued growth in student housing at the quality (and expensive) end of the market. Investment interest and growth in Build to Rent supported by pension fund investment is providing a significant stimulus which needs accommodating. Due to tax changes and mortgage rate rises a number of smaller private landlords have left the market giving rise to high supply levels of former rented accommodation.

RICS is in favour of greater diversity in the provision of housing but would question whether there is a risk of such measures adversely impacting on the ability of registered providers to deliver their requirements?

27) Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?

We support the exception site policy generally as a way of providing housing in rural areas.

Concern has been expressed that where exception sites are brought forward for affordable housing, government measures may be introduced to confer the right to buy on the residents thereby taking the affordable housing out of this category. Safeguards are necessary to provide assurance to landowners that this will not occur.

Rural policy should go further than a consideration of residential exception sites. The Government is committed and supporting the roll out of 5G in rural areas. Such technology enables people to live and work remotely. This trend has accelerated post Covid-19 creating significant changes in office space demand in urban areas. Small scale live-work units should be supported in rural areas from conversions, and new build providing new employment opportunities in rural communities.

In more rural areas there should be flexibility for a proportionate level of development adjacent to settlement boundaries where the location would be close to existing services and

satisfy the sustainability requirements. These sites could also positively deliver affordable housing and strengthen a sometimes-aging community.

28) Is there anything else that you think would help community groups in delivering affordable housing on exception sites?

To encourage and promote a supply of exception sites consideration should be given to more clearly defining a set of criteria in which allocation of such land will be supported. If policy provides a better-defined set of criteria for rural exception or community sites more landowners/promoters will first try for private residential but then may elect to pursue the exception site option.

29) Is there anything else national planning policy could do to support community-led developments?

Community led development could be more directly linked with regeneration initiatives e.g. the UK prosperity Fund. This does not seem to be happening.

30) Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?

The preamble to this question refers to past behaviour as 'instances of irresponsible individuals and companies persistently breaching planning controls or failing to deliver their legal commitments to the community'. There is wide scope to interpret what this means, how it is to be assessed and who assesses it.

Some of the motivation behind this proposal is likely to be traceable to measures introduced by government in 2012 to enable re-negotiation of affordable housing obligations in the aftermath of the global financial crisis when the development industry was severely impacted. Provisions to enable developers to re-negotiate affordable housing obligations were enshrined in national planning policy. This gave rise to considerable disquiet in local communities where affordable housing was urgently needed. As the economy recovered national planning policy enabling re-negotiation of affordable housing obligations was amended and the current system provides limited scope to do so. A considerable amount of the dissatisfaction in communities with affordable housing delivery originates from this post-crash policy to stimulate housebuilding of all kinds.

Clearly persistent behaviour that puts lives at risk merits severe sanction and there is other legislation under the Health and Safety regime applicable in these cases.

The question of breaches of planning conditions is typically a matter for planning enforcement. The consultation refers to strengthening enforcement measures. More appropriately it should refer to enhancing enforcement implementation. This is an area of the planning system which has been underfunded for many years. Changes to policy and regulation will achieve little if staffing levels for the enforcement function are not adequate to verify compliance and assure local community development has been carried out in accordance with policy and standards.

Likewise effective building regulation enforcement would seem like a more productive route to achieving better quality housing in accordance with approved standards.

Where poor quality development is carried out communities are unlikely to distinguish between what is regulated under the planning system and what is regulated under the building control system. It is therefore important that communities are assured that both of these regulatory systems are achieving their aims.

Elsewhere in the Levelling Up Bill is a measure to increase the time for enforcement from 4 years to 10 years. This is indicative of a failure to resource the enforcement system to enable action to be taken in a timely way for breaches within a 4-year period.

There are many changes to plans and development proposals in the process of implementation. As long phased developments are built out, these will usually be approved through the regulatory planning system. These changes may attract local opposition but are legitimate responses to changing market and social circumstances. It is easy for such legitimate changes to become entangled in dissatisfaction about the standards to which developments are carried out.

As an alternative to banning developers from applying for planning permission, we strongly advocate that the enforcement functions of planning authorities and building regulators are appropriately staffed to verify compliance and provide the necessary assurances to local communities.

31) Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?

Neither of the proposals are acceptable for the reasons stated above.

RICS is concerned at the increasing obligations being placed on local planning authorities without adequate resources, when other measures to provide assurances to communities about development standards are available. We are also concerned about the application of administrative 'fixes' on top of 'fixes' when the proper resourcing of local planning authorities with skilled staff would address many of the shortcomings in the system.

We urge government to consider effective staffing of the enforcement function before considering primary legislation in this area.

32) Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?

In engaging with the Letwin review RICS emphasised that the rate of build out of market housing relates to the markets ability to absorb the numbers of dwellings being supplied. This will change in line with the economic cycle, interest rate policy and a number of other factors which influence the business case to develop in a market economy. The discussion extended to housing affordability, pricing policy, housing assets as suitable security for mortgage lending. We refer you to the Letwin Review and the legitimate concerns with maintaining equilibrium in the housing market to maintain confidence from purchasers and also mortgage lenders.

The delivery of non-market housing is separate from this and is dependent on the willingness of housing associations and other non-market participants to absorb dwellings in the diverse categories of non-market housing that their funding allows.

The delivery trajectories proposed should be anchored in objectively assessed absorption rates in both market and non-market housing throughout the cycle.

All of these sub-items are helpful to monitor much needed delivery. We expect that with the digital transformation of planning this will become an automatic data capture exercise. Care is required to ensure decisions are made on properly researched information and not to rely on subjective opinions without evidence.

The economy in general is cyclical. As part of this wider cyclical market the development sector goes through cycles. Likewise, the financial markets, the source of funding for development and property purchase. In addition, there are well documented cyclical skills shortages. Any of these can result in legitimate mitigating circumstance for development not proceeding. Will the

expertise be in place in local authorities to distinguish between legitimate mitigating circumstances and other reasons for non-delivery?

'a separate consultation on proposals to introduce a financial penalty against developers who are building out too slowly'.

RICS recognises government's concern at consented developments not being built quickly enough and would be happy to discuss this further with policy makers.

How 'building out too slowly' in the context of the economic cycle and the mix of housing being provided is to be assessed is likely to be complex. It will introduce a further contentious process into the planning system at a time when government is seeking to reduce complexity. We welcome that government is not intending to proceed with such a measure without separate consultation and will comment further at that time.

We refer you to our comments on the Letwin Review above.

33) Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

We agree with these measures to improve the standard of design as part of creating great places to live and work in. We support the measures in the National Design Codes but would advocate the staffing of local planning authorities with the appropriate skills to introduce and apply them at development management stage.

34) Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?

Good design and placemaking should be considered an integral part of development which should be fostered at the earliest stages. This is particularly so where strategic policies relating to infrastructure have the ability to pre-determine the outcome of subsequent master-planning and quality placemaking.

Local planning authorities have minimal resources in terms of design skills. This lack of resources should not act to create delay in decision making or result in defaulting to unskilled personnel.

Although we understand the origins of the term beauty in public policy terms through the Building Better Building Beautiful Commission, the term 'Well-designed' is more appropriate. Quality of design is even more important in implementing regeneration policies which are often about physically transforming the image of the 'place'.

35) Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

These are detailed matters which may overlap with building regulations and will certainly be assisted by the national Design Codes. Approved plans should have sufficient detail to enable the planners and the local community to envisage what the building will look like.

36) Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

Agreed in principle, but as a blanket measure it may not always result in a harmonious outcome. There should be a presumption in favour of such a measure subject to the detail being resolved. RICS has a number of case studies which would help work through the detail of such a proposal.

37) How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?

BNG policies require biodiversity and landscape enhancement. We have also advocated the need for sustainable urban drainage systems meaning less tarmac and more permeable paving. Artificial grass should not be permitted.

38) Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?

Food security is an important objective for economic and sustainable reasons. RICS would like to see government policy evolve in a way that sees urban and rural policies as inter-dependent.

The existing planning system already protects the most versatile and valuable agricultural land. Improved access to former DEFRA of other suitable land classification data would be beneficial and is likely to become increasingly available.

At smaller scale allotments, school gardens, space for homeowners to grow some local produce should be encouraged and supported together with biophilic buildings in future land use.

39) What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?

RICS regards this as a critically important measure to introduce. Much effort is devoted to reducing carbon in dwellings to zero. The success of such an achievement will be undermined if the occupants have to commute for an hour to their place of work or congest local streets in driving children to schools with all the emission implications these imply.

It will be important to ensure a clear understanding of the scope for reducing carbon emissions at different scales of development and how the different scales of low carbon construction and networked infrastructure complement each other at different scales.

Government is supporting fibre to the home and 5G mobile voice and data roll out to improve communication and access to quality internet services. The NPPF should reflect these technological changes and the move towards an improved work-life-commuting balance.

Rural locations once considered unsustainable due to remoteness from employment and services, narrow land access generating commuting traffic may now become provide a much more sustainable options to support the rural economy as technology improves.

40) Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?

See Q41 below.

41) Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

Without this ability to change much needed retrofit of existing buildings will be frustrated and drive occupiers to lower operating cost and particularly new buildings. This would create economic waste and frustrate the achievement of zero carbon objectives.

Given the declared national and international climate emergency RICS supports planning policy measures that encourage and promote the delivery of building adaption and upcycling to improve energy efficiency and renewable energy technologies including onshore wind in appropriate locations. Such uses are generally relatively short duration – structures and equipment with lifespans of 25 years before renewal or technological upgrade is required. The structures can often be unbolted, removed, and recycled or upgraded and improved. That provides the opportunity for medium term (25-year consents) reviewed and renewed at regular intervals.

42) Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

See Q41 above.

43) Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?

See Q41 above.

44) Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?

See Q41 above.

45) Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?

Providing the resources are available within the local planning authority these times appear reasonable, but the major complaint from local planning authorities is the lack of resources to complete plans and the increasingly unsettled policy environment at national and local levels.

Frequent alteration of the NPPF including this consultation leads financially stretched councils to suspend, slow or cease their local plan process. As a consequence, the Government's target for all LPA's to have an up to date plan in place for the end of 2023 is likely to be missed.

46) Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?

See Q45 above.

47) Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?

Providing the resources are available to neighbourhood forums these times appear reasonable, but the major complaint is the lack of resources to complete plans.

48) Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?

Providing the resources are available within the local planning authority these times appear reasonable, but the major complaint from local planning authorities is the lack of resources to complete plans.

49) Do you agree with the suggested scope and principles for guiding National Development Management Policies?

RICS supports the intention to produce NDMPs on the basis described in the consultation. As the move to zero carbon developments accelerate, many new technologies supporting the shift will apply either at building level, neighbourhood level or settlement level. It will be important that as these measures evolve and become settled to incorporate them into NDMPs. It is also important that the relationship between planning policies/standards and the building regulations are clearly understood by both the planning authority and the building regulator.

Clearly there is a balance to be struck between what is included in the NDMPs and what is within the remit of a local planning authority. As a result of this and the future consultations the appropriate balance needs to be struck.

50) What other principles, if any, do you believe should inform the scope of National Development Management Policies?

See Q49 above.

51) Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

See Q49 above.

52) Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

See Q49 above.

53) What, if any, planning policies do you think could be included in a new framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?

There is a contradiction between the tone and the aspirations of the consultation chapters on stimulating growth and investment in the Levelling Up Missions and the proposed amendments to the NPPF. In contrast with the Levelling Up aspirations the NPPF amendments will result in slowing down the production of local plans, increase planning risk and generally reduce the prospect for development at a time when we are in a downward part of the economic cycle.

The SMEs government is seeking to support through the long-term Levelling Up measures will be further deterred from undertaking development by the immediate changes in the NPPF.

54) How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?

See Q53 above.

55) Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

RICS fully supports the development of brownfield sites, but it must be recognised that some of these are in low value locations with high remedial costs. Their financial viability and the business case to development them is therefore challenging when national economic conditions are strong. The business case to develop is extremely poor in weak economic conditions and considerable subsidy will be required.

There is increasing evidence that restricting future housing development to brownfield sites will not deliver the volume of housing required or at the pace necessary. We fully support the strengthening of existing settlements particularly their cores where the use of compulsory acquisition measures to consolidate land holdings for re-development of town centres where the retail function has reduced.

A recent [report](#) by the Centre For Policy Studies, 2023 entitled the Case for Housebuilding provides detailed analysis of the challenges of reliance on brownfield only to deliver England's housing needs.

56) Do you think that the government should bring forward proposals to update the framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?

Yes, this is an important measure to restore confidence about the safety and security of public spaces for women, girls, and other vulnerable groups which RICS is keen to support.

There may be a potential conflict between the cultivation of natural amenity in new and existing public spaces and the provision of safe spaces. This is a critically important issue where landscaping strategies resulting in dense planting in open spaces may give rise to feelings of insecurity for women and vulnerable groups. Cognisance of this needs to be taken at an early stage in the design process recognising the varied experiences have at different times of the day, evening and night.

Research is currently being undertaken at UCL on the safety of women in public spaces entitled 'Exploring the perceptions of fear and safety for women in public spaces'.

57) Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

We look forward to the progress being made through the digital transformation of planning. RICS is currently producing a paper on 'Digital Planning for Surveyors' which identifies the contribution of various technologies to making the planning system more accessible and functional for its diverse users.

58) 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.

Almost all the policies referred to in this consultation have implications for equality whether it relates to adequate and appropriate affordable housing or safety and security in public spaces. Government should ensure that all these policies are proofed to confirm there are no exclusionary implications in the policy development or its future implementation.

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