

Consultation questions – NALC Responses

- Question 1: Could national policy be clearer if it were explicit that development on brownfield land within urban settlements is acceptable unless certain exclusions apply?

Yes. We support the principle of encouraging development of brownfield land, particularly within urban settlements, whilst recognising factors other than the planning status influence whether development takes place. In supporting more development on brownfield land, it should be recognised that factors other than planning approval can have a significant impact. In many cases development upon brownfield land can be more expensive and more complex than that on greenfield sites. We also recognise that much of historic urban development has been at a relatively low density and we support the principle of increasing this whilst recognising a need to ensure appropriate safeguards. We know, for instance that there has been a lack of investment in major infrastructure, especially in the water sector, and it may be necessary to delay the introduction of brownfield passports in areas where both water sourcing and water contamination are an issue.

We accept the need to set a strengthened expectation that applications on brownfield land will be approved and that plans should promote an uplift in density in urban areas. We argued to the previous government in 2023 that the use of brownfield should not be limited to the largest urban areas (i.e., cities), but should relate to all urban areas. The incoming government's overall urban uplift strategy needs to be consistent with the government's devolution strategy, particularly regarding metropolitan combined authorities.

With regard to potential exclusions, we are concerned about the potential for the utilisation of brownfield land to result in a loss in biodiversity. Some brownfield land which has been unused for a number of years can be a valued haven for wildlife within an urban setting. Some areas of previously developed land provided much richer habitats than many rural areas which may be characterised by monocultural crop growing. Additionally, for many town and city dwellers, such areas are often closer and more accessible than 'the countryside' and in addition to their ecological value provide local recreational spaces and adventure play areas for young people.

NALC is in full agreement with a sequential test that sees brownfield land being the first focus for development but this approach needs to be tempered as not all brownfield land is the same and some areas can enrich the quality of life for local residents. Local councils take their duty under the Environment Act to enhance biodiversity seriously and we would be concerned if brownfield passports resulted in a dilution of biodiversity.

- Question 2: What caveats should accompany any general expectation that development on brownfield land within urban settlements is acceptable?

Labour confirmed in its General Election Manifesto that “we will ensure local communities continue to shape housebuilding in their area”, so we would urge the government to make good on this commitment by retaining the function and funding for neighbourhood planning into the longer term. This was a call also made by the NALC President Baroness Ros Scott in responding to the King’s Speech in July “Which is why as part of its planning reforms, the government should not only continue, but enhance support for neighbourhood planning, enabling parish and town councils and neighbourhood planning groups right across the country to pursue housing growth and economic regeneration.” Fitting and appropriate words, given that around 90% of neighbourhood plans are parish-led.

- Question 3: How best can urban areas be identified and defined if this approach is pursued?

Whilst the Brownfield register will be the starting point in identifying developable urban land this is unlikely to deliver the complete picture. The involvement of local communities and using tools such as neighbourhood planning can be effective in identifying the type of small or derelict sites that will be needed, these processes can also be effective in rejuvenating urban areas.

We argued to the previous government in 2023 that the use of brownfield should not be limited to the largest urban areas (i.e., cities), but should relate to all urban areas.

- Question 4: Could national policy play a role in setting expectations about the minimum scale of development which should be regarded as acceptable in accessible urban locations?

While national policy may have influence on setting the overall expectations regarding the minimum scale of development for urban locations it is likely to be at the local level, combined with robust design codes that optimum level of development will be established.

- Question 5: What parameters could be set for both the scale of development and accessibility?

We support mixed tenure housing for developments (on any land, be it brownfield or - rarely - re-classified green belt).

- Question 6: Could more use be made of design guidance and codes to identify specific forms of development that are acceptable in particular types of urban area?

We are supportive of the development of design guidance and believe that robust design codes offer a way of delivering the specific form of development required for individual urban areas. As has been noted many urban areas are relatively low density although in many parts of the country especially those urban areas that were originally

developed more than 100 years ago the traditional density was significantly higher. Contextually appropriate design will be crucial in delivering higher density housing that will enhance community character and meets functional needs.

- Question 7: What sort of areas would be most suited to this approach, and at what geographic scale could such guidance and codes be used?

We are strong supporters of neighbourhood planning as this has delivered a significant expansion of community involvement in the planning process. Local planning authorities such as Leeds have been at the forefront of developing neighbourhood plans in urban areas.

- Question 8: How could Local Development Orders be best used with these proposals?

We do not have a view on the use of Local Development Orders.

- Question 9: Are there any other issues that we should consider if any of these approaches were to be taken forward, in particular to ensure they provide benefits as early as possible?

We recognise the urgent need to significantly increase the level of house building. We also recognise that we are not only building houses for the next five years but also developing the homes and communities for the next 50 years. Local councils are deeply embedded into our local communities and as such they have a key role in delivering the community buy-in that will ensure the delivery of homes and communities.

NALC has concerns that housing tests based on standard methodologies or algorithms cannot always represent the optimum solution for all communities. It wants to see a planning system which recognises that every planning application and every location is different.

We support the need to broaden the existing definition of brownfield land, set a strengthened expectation that applications on brownfield land will be approved and that plans should promote an uplift in density in urban areas.

- Question 10: In addition to streamlining permissions on urban brownfield sites, where else do you consider this type of policy could be explored to support economic growth?

Previously developed land and 'grey belt' land should only be approved for development if it genuinely deserves re-classification as brownfield, especially in rural parished areas. But care needs to be taken that this does not tilt the balance too far in favour of the development of brownfield sites. Their development may not always be the best option for example where the site is important for wildlife, has important heritage

features, vehicular access is poor or unsafe or in an isolated location, say in the countryside.