Richborough COMMERCIAL

Strategic land promotion
Helping places evolve

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Proposed reforms to the NPPF and other changes to the planning system consultation

Dear Sir/Madam

I write to respond to the above consultation on behalf of Richborough Commercial.

Our comments should be read in conjunction with representations made by our sister company, Richborough, which address the principal matters arising from the consultation from a residential perspective.

About Richborough and Richborough Commercial

Richborough was founded in 2003 and is one of the UK's most successful specialist land promotion businesses, supplying consented land to the property and construction industry to accelerate the delivery of new homes and jobs. We are founding members of the Land, Planning and Development Federation ('LPDF') and members of the British Property Federation ('BPF') and Home Builders Federation ('HBF'). We interact daily with Local Planning Authorities ('LPAs'), local stakeholders and statutory consultees. We are therefore very well placed to comment on the proposals and welcome the opportunity to share our experience.

We work in partnership with private and public sector landowners to promote land via the planning system for residential, commercial and mixed-use development. We focus heavily on place-making, local communities and complementing and enhancing existing infrastructure. The Richborough land promotion model incentivises all parties to ensure that, once outline planning permission is secured, our preferred development partner will commence construction and deliver schemes at the earliest opportunity. We have an extensive track record which can be viewed on our website – www.richborough.co.uk/projects/.

In the past 12 months alone, we have secured consent for over 2,000 homes and have another 200 sites in the pipeline. Our Commercial Division was established in 2023 in response to the ever-increasing demand for new business space and is currently promoting over 17 million square feet of floorspace for industrial and logistics as well as employment, retail, leisure and roadside uses and mixed-use developments.

General comments

Richborough Commercial is delighted to see that the new Labour Government has acted quickly in consulting on its proposed changes to the planning system, and we welcome the opportunity to provide comments. We trust the following comments are helpful and look forward to responding to future consultations.

Overall, we are very supportive of the proposed changes. We agree there is a pressing need to reform the planning system, which has gradually ground to a halt, such is the previous Government's legacy. There is presently so much risk and uncertainty associated with promoting new development that many have lost faith in the so-called 'plan-led system'. In many cases, the reality is that planning appeals need to be pursued for schemes that should otherwise be considered acceptable locally and determined promptly. It is not necessarily always the fault of local authorities, whose planning departments have been left under-resourced and overstretched, but rather the existing framework which empowers those who wish to resist development (including locally elected members) with the very tools to do just that. This is the scale of the challenge.

In this vein, many of the amendments set out are very positive. Inevitably there are a few points which require further consideration and equally there are other opportunities to go further and be even more positive, but overall, this is an excellent first step by the new Labour Government in bringing about change. It is a pivotal moment for the UK economy, and commercial developers and promoters like Richborough will have a critical role to play in helping the Government to achieve its aims of increasing economic growth.

Question 1 – Do you agree that we should reverse the December 2023 changes made to paragraph 61?

Yes – whilst this is principally a question concerning housing delivery, there is a strong link between the provision of new homes and jobs. As such, requiring LPAs to deliver 1.5 million homes in full over the next five years (as calculated by the standard method) will undoubtedly support the growth and expansion of businesses and therefore help ensure economic growth is realised.

Question 2 – Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?

Yes – we fully support the mandatory use of the standard method for calculating local housing need. We also recommend an equivalent method should be considered for calculating employment land requirements.

Question 6 – Do you agree that the presumption in favour of sustainable development should be amended as proposed?

Yes – we support part of the proposed amendment (paragraph 11(d)), but we request that other amendments be considered (footnotes 7 and 8 and paragraph 11(d)(ii)).

- **Paragraph 11(d)** – we support the clarification to refer to policies *"for the supply of land"* as long as it is indeed intended to capture all types of development and not just housing. In addition, we believe a new test or measure should be introduced to allow the 'tilted balance' to be triggered where there is or has been an insufficient supply of employment land to meet needs, for example, something equivalent to the five-year housing land supply ('5YHLS') requirement and the Housing Delivery Test ('HDT'). In such cases, 'the presumption' could be strengthened even further by making clear that certain harms or considerations (such as impact on character and appearance or landscape character etc.) could be outweighed by the benefits of commercial development. We also recommend that the 'tilted balance' be triggered where LPAs have not submitted their plans by the relevant deadline set out in the transitional arrangements in Annex 1.
- **Footnote 7** – for consistency with the proposed amendments to new paragraph 152(a), we request that reference to 'grey belt' be included, so that it is clearer that such development in the Green Belt should not be regarded as inappropriate.
- **Footnote 8** – we request that safeguarded land should explicitly be included within a widened definition of *"Policies for the supply of land"*. Safeguarded land has already been removed from the Green Belt (by an adopted plan) and is considered suitable for development, albeit reserved until a future point in time. However, if the 'tilted balance' is triggered through paragraph 11(d), for example where there is an insufficient supply, then safeguarded land could provide an additional and

convenient stock of land which could be available immediately, without needing to undertake a local plan update to propose its allocation for development.

- **Paragraph 11(d)(ii)** – we do not consider it necessary to highlight the location and design of development or for securing affordable homes as reasons for disapplying the 'tilted balance'. This could be left open to interpretation and equally be subject to extensive debate and litigation.

Question 12 – Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?

Yes – we strongly support the Government's long-term aim to universally re-instate strategic planning across England. The revocation of Regional Strategies left a significant void in strategic plan-making that was never properly replaced by the Duty to Cooperate. The consequence of which has undoubtedly resulted in a much-weakened planning system and important cross-boundary issues such as the needs for employment and infrastructure etc. not being fully met. It is encouraging to see that Labour have recognised that a 'larger than local' approach to strategic planning is required; one that takes a joined-up approach to ensuring that national, regional and sub-regional needs are met alongside more local needs. We are intrigued to hear more about how the proposed development and agreement of Spatial Development Strategies ('SDS') across geographically appropriate areas might work in practice and look forward to commenting on a future consultation in due course.

At this stage, we are pleased to read that functional economic areas (PPG refers to *"Functional Economic Market Areas"* or 'FEMAs') will be part of the consideration of appropriate geographies. This is important because prospective occupiers for large-scale strategic freight and logistics schemes typically search for sites which meet their requirements within broad locations, rather than seeking to be located within the boundaries of a specific local authority area. Such considerations include being situated where there are excellent transport links with access to a strong pool of labour, proximity to markets and associated supply chains etc., such as the 'Golden Logistics Triangle' in the Midlands or the M6 corridor. Rarely are there groups of adjoining LPAs where more strategic 'larger than local' employment needs have been fully addressed in 'up-to-date' local plans. The only example we are aware of is the Greater Manchester ('GM') 'Places for Everyone' joint plan, but even that only covers nine out of the ten GM authorities. As such, we believe there is a need for a two-tiered approach to identify and meet both the local needs for employment arising within a LPA alongside the more strategic needs arising across wider geographies at the sub-regional, regional or even national scale.

Indeed, we trust the introduction of SDS is intended to be much more ambitious and impactful than the emerging **Liverpool City Region SDS**, which merely proposes to roll forward the requirements from the existing six adopted local plans and concludes that there is no need to release land from the Green Belt until at least 2040. We believe there is a good opportunity here for the Government to intervene in preparation of the Liverpool City Region SDS and set the tone for future SDS moving forwards. At the very least, the Combined Authority should be incentivised to do more than the 'bare minimum'. Specifically, it could set more ambitious employment land requirements, review and commit to Green Belt release and identify broad locations for growth to shape the direction of the constituent local plans.

We are supportive of the proposed amendments to paragraph 24 and the proposed new paragraph 27. However, we also request that specific reference be made to meeting needs for *"employment land, including manufacturing, freight and logistics and associated supply chains"* etc. which we believe is much clearly interpreted than *"delivering strategic infrastructure"* or *"building economic […] resilience"*.

Question 13 – Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?

Yes – we have witnessed local plan inspectors' interpretation and application of the 'tests of soundness' gradually weaken over time (in favour of LPAs) and so we were very encouraged to read Matthew Pennycook

MP's letter to the Chief Executive of the Planning Inspectorate (30 July 2024) which effectively requested inspectors to be stricter with LPAs and to curb extensive pauses to local plan examinations. Whilst this is a very positive step and one which we hope will start to bring about change, we still believe the tests themselves could be strengthened further.

Presently, the minimum expectation in practice is that local plans should meet local needs for employment land (i.e. those arising within the LPA boundary) but few plans go on to consider the strategic 'larger than local' needs. Even where they do, there is no enforcement of the expectation for LPAs to then allocate sufficient land in their plans. Collectively each year, huge quantities of land to meet strategic employment needs go unallocated across FEMAs, such is the failure of the existing Duty to Cooperate.

For example, in **North Warwickshire**, the Inspector found the local plan 'sound' even though it did not allocate sufficient employment land to meet some of the strategic requirements identified by the West Midlands Strategic Employment Sites Study. Instead, the Inspector requested a new policy to be inserted to explain how speculative applications would be treated, but even then, this has to be balanced against other policy requirements of the plan. Consequently, those promoting employment land within North Warwickshire (through which some of the UK's most important road infrastructure passes through, including the M42, M6, M6 Toll and A5) have to submit applications 'at risk' with little chance of success. For example, an appeal at M42 J10 was recently dismissed on landscape grounds despite the Inspector finding an immediate, urgent need for strategic 'big box' logistics development (APP/R3705/W/24/3336295). This type of behaviour by LPAs, effectively 'gaming the system', needs to be stamped out.

Instead, there should be a new test which categorically requires all needs (for both local needs and more strategic 'larger than local' needs) for employment land to be met through the allocation of sufficient land, including reserve and safeguarded land.

Question 14 – Do you have any other suggestions relating to the proposals in this chapter?

Yes – the Government should consider establishing and consulting on a new standard method for calculating employment land requirements, for both local and more strategic 'larger than local' needs. Currently there is a plethora of different methods produced by specialist consultants on behalf of LPAs which are then discussed to various degrees at local plan examinations. Typically, the approaches favoured by LPAs can be very backward looking, underestimate true needs and result in insufficient land being allocated. Very few consider the strategic 'larger than local' needs and the failure of the existing Duty to Cooperate means that is presently acceptable to not meet these in full. It is difficult for all except the most specialist experts to understand and unpack these methods, making it hard to engage in the evidence gathering and plan-making process, especially for local communities.

However, the introduction of a new standard method for employment land would have clear benefits, many of which have already been witnessed since the introduction of the equivalent method for calculating local housing needs. This could be referenced in a new paragraph in Chapter 6 (Building a strong, competitive economy) and the methodology expanded upon in PPG. It would also be possible to link the two methods together, to help ensure there were enough new jobs and infrastructure provided to meet an increase in new homes and vice-versa. For example, there is a relationship between housing and industrial and logistics stock, as referenced in recent research by Knight Frank (https://www.knightfrank.com/research/article/2024-01-18-households-and-their-logistics-needs).

Question 19 – Do you have any additional comments on the proposed method for assessing housing needs?

Yes – we support the proposed method for assessing housing needs but we request that it should be linked to a new standard method for calculating employment land requirements, which could be introduced in PPG. This would help ensure that LPAs plan for enough new jobs and infrastructure to be provided to meet an increase in new homes and vice-versa.

Question 20 – Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?

Yes – we support any moves by the Government to promote the redevelopment of brownfield land. We look forward to a future consultation on 'brownfield passports' in due course.

Question 21 – Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?

No – whilst we support the sentiment to simplify this paragraph, the proposed amendment could inadvertently result in a worsening of the current wording. Logically, any harm to the openness of the Green Belt resulting from new development should be considered in context with the existing situation. As such, the addition of the words *"than the existing situation"* to the end of this sentence would resolve this conflict.

Question 22 – Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?

Yes – we support the widened definition of previously developed land. We believe it is the presence of physical development on a site (including hardstanding, buildings and structures etc.), which is key, regardless of whichever use they might fall within.

Question 23 – Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

No – whilst we fully support the introduction of the 'grey belt' concept, particularly as it could represent a significant and immediate 'game changer' for unlocking otherwise suitable sites for new development, we believe that some amendments to the proposed definition should be considered to improve how it might work in practice.

Firstly, it would appear logical to link the definition of 'grey belt' land with the existing 'five purposes' of the Green Belt. However, there is some ambiguity between the five 'purposes' of the Green Belt set out in existing paragraph 143 and the four 'features' proposed to be incorporated into the glossary appended to the NPPF. It is not completely clear which 'feature(s)' relates to which 'purpose(s)'. As such, some tightening of the wording within the definition would assist the reader and help avoid confusion. Alternatively, there is a good opportunity for the Government to revisit and review the 'five purposes' in light of the 'grey belt' concept. For example, it might be better to require land to be tested against the purposes of the Green Belt as a whole, rather than assessing whether it performs strongly against any one of the five purposes.

Secondly, in terms of the wording of the four 'features' themselves, we would suggest that the words *"and/or infrastructure"* be added to the first feature (*"Land containing substantial built development or which is fully enclosed by built form")*. This would expand the proposed definition of 'grey belt' to sensibly capture suitable areas of land which are bounded by significant physical features such as railways, motorways/roads, canals, runways and pylons etc.

Thirdly, we believe more consideration needs to be given to how the redevelopment of previously developed land is treated by both paragraph 154(g) and in new paragraph 152. As drafted, there is some inadvertent inconsistency between where development on previously developed land is generally considered not 'inappropriate' in the Green Belt (paragraph 154(g)) and more stringently where it is only not 'inappropriate' if there is no 5YHLS or HDT results fall below 75%. We have assumed that it was not the Government's intention to create this inconsistency and so some amended wording would be helpful.

Question 24 – Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?

No – it is unnecessary to introduce any additional measures.

Question 25 – Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

Yes – we recommend that additional guidance be added to PPG to elaborate further on how an assessment of Green Belt and 'grey belt' land should be undertaken. Furthermore, we believe the Government should consider requiring LPAs to undertake a Green Belt Review within a set timeframe following publication of the revised NPPF (perhaps under the proposed transitional arrangements) and then require them to update these Green Belt reviews regularly. LPAs which have not done so should lose the ability to resist applications for new development proposed on such 'grey belt' land.

Question 26 – Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?

Yes – please refer to our response to Question 23.

Question 28 – Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?

Yes – we fully support the new Government's 'grey belt' concept. As Labour have correctly recognised, Green Belt is a commonly misunderstood planning policy tool that many people attach great weight to without fully understanding its original intentions. Green Belt was devised as a concept approximately 100 years ago and first trialled around London in 1935. It was introduced through The Town and Country Planning Act 1947 and subsequently then rolled out around large metropolitan urban areas and historic cities in the decades that followed. However, these Green Belts were established at times when the UK's population and the various factors which influence its growth was much lower than it is today. There is also a widespread lack of recognition that the Green Belt contains large areas of poor quality land and buildings with low ecological or landscape value and which are in private ownership and inaccessible to the general public; quite a far cry from the luscious green English countryside that the term *"Green Belt"* evokes. As such, we believe the introduction of a new category of lesser quality Green Belt in the form of 'grey belt' will go some way to desensitising large swathes of what would otherwise be considered suitable land for new development.

Whilst we broadly support the proposed new sequential approach within paragraph 147 (when considering releasing Green Belt land for development in local plans), the reference to considering *"grey belt land in sustainable locations"* should acknowledge that commercial uses have specific locational requirements that are quite distinct from the factors that might lead to a residential site being considered 'sustainably located' in the traditional sense (such as proximity to schools and doctors surgeries etc.). For example, and very simplistically, strategic freight and logistics occupiers need to be located close to motorway junctions, key trunk roads or strategic rail freight interchanges, whereas less-strategic 'last mile' facilities need to be situated closer to urban centres whilst equally it would be more appropriate for nuisance industrial uses operating 24/7 to be sited away from housing. Far too often, local plans attempt to channel all types of development within or on the edge of existing settlement boundaries, without consider the more appropriate locations where commercial schemes should be located. This could perhaps be addressed by a footnote or through clarification in PPG.

Furthermore, we believe there is an additional category of land which has inadvertently been overlooked in the proposals; this being safeguarded land in paragraph 148.

Paragraph 148(c) states that when defining Green Belt boundaries, plans should identify areas of safeguarded land between the urban area and the Green Belt, to meet longer-term development needs stretching well beyond the plan period. Paragraph 148(d) makes clear that safeguarded land is not allocated for development at the present time and that planning permission for its permanent development should only be granted following an update to a plan which proposes the development.

The beauty of existing safeguarded land is that it has already been removed from the Green Belt (by an adopted plan) and is considered suitable for development, albeit reserved until a future point in time. In the North West of England alone, we understand there is over 2,000 ha of safeguarded land that, if allocated for development, could make a meaningful contribution towards meeting needs for housing, commercial and other development. Crucially, this would reduce the pressure on needing to release additional Green Belt in the short-term at least (albeit the stock of safeguarded land would logically need to be replenished) and would undoubtedly be much less controversial locally. However, there is no impetus on LPAs to give safeguarded land any priority over and above other sites when allocating land in their local plans.

For example, **Rotherham** has over 154 ha of land which is safeguarded for potential development post-2028. There are 15 sites which if released for development could yield over 4,000 dwellings. The Council is currently consulting on a Partial Update to its Core Strategy (adopted September 2014) but is not proposing to release any safeguarded land, or indeed allocate any land within the Green Belt more generally. It would seem the preferred approach is to roll forward the existing safeguarded sites so that they would continue to be safeguarded for development post-2040. This is despite Rotherham's housing requirement increasing from 544 dwellings per annum ('dpa') in the current standard method to 1,233 dpa in the proposed new standard method (accompanying this consultation), which would equate to a shortfall of over 10,000 homes over the plan period, of which safeguarded land could make a significant contribution.

Taking this a step further, we believe it would also be logical to require LPAs when reviewing and undertaking alterations to their Green Belt boundaries to consider designating 'reserve' land. Unlike safeguarded land, which is intended to be safeguarded for development until after a certain period of time, reserve land could be released at any time for development, if certain triggers were met, such as there not being a sufficient supply of land etc. This would help ensure that a plan is flexible enough to respond to changes, for example, if the allocated sites failing to deliver. In either case, it would be sensible to require LPAs to replenish their stock of reserve and safeguarded land when updating their plans, so that there is always a safety buffer.

Therefore, we recommend the sequential approach proposed within paragraph 147 be amended as follows:

1. Previously developed land in sustainable locations;
2. **Safeguarded and reserve land**;
3. 'Grey Belt' land in sustainable locations **(acknowledging the locational nuances between residential and commercial development)** which is not already previously developed;
4. Other sustainable Green Belt locations **(again, acknowledging the locational nuances between residential and commercial development)**.

Question 29 – Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

Yes – we support this proposal, but it would be helpful if PPG elaborated on what was meant by this phrase.

Question 30 – Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?

Yes – we strongly agree with the proposed approach to allowing development on Green Belt land through decision making. It is widely known that less than a third of local plans are 'up-to-date' in England and this is expected to drop to 25% by next year; indeed few new local plans being progressed. Due to the protection afforded to Green Belt by footnote 7 to 'the presumption' in paragraph 11 and reinforced by the changes to paragraph 145 introduced by the previous Government in December 2023, there is no impetus for Green Belt LPAs to update their local plans and meet needs, even where they might, for example, not be able to demonstrate a 5YHLS or have insufficient employment land available.

This has led to frustrating situations like in **Stockport** where the LPA has been able to 'game the system':

- The extent of Stockport's Green Belt has not been altered since the UDP was adopted in May 2006;
- The existing adopted Core Strategy (April 2011) pre-dates the publication of the first NPPF in March 2012 and only covers the period to 2026;
- The emerging Allocations DPD was meant to allocate land in accordance with the Core Strategy but was abandoned in 2014 in favour of progressing the Greater Manchester Spatial Framework ('GMSF') joint plan with its GM neighbours;
- After reaching the draft Regulation 19 stage, it withdrew from the GMSF in December 2020 in favour of preparing its own local plan independently (the GMSF was subsequently re-branded and later adopted as the 'Places for Everyone' joint plan covering the remaining nine GM authorities);
- No notable progress has been made on the emerging new Stockport Local Plan, with the Council repeatedly failing to meet the timescales set out in its own Local Development Scheme. Indeed, the latest news is that it is halting preparation of the plan (again) in light of the potential implications of this very NPPF consultation;
- Housing land supply is, at best, 3.78 years (against the current standard method) but potentially 2.32 years or even lower (against the proposed new standard method);
- The Employment Land Review (September 2022) identifies there is insufficient land available to accommodate the need for industrial and logistics space and that additional land needs to be identified and allocated.

The changes proposed by Labour could represent a significant and immediate 'game changer' for unlocking otherwise suitable sites for new development in LPAs with Green Belt (including in Stockport) and are strongly supported.

However, our comments in relation to paragraph 147 in terms of utilising *"grey belt land in sustainable locations"* (as we set out in response to Question 28) also apply here. Specifically, we request that the Government should acknowledge that commercial uses have specific locational requirements that are quite distinct from the factors that might lead to a residential site being considered 'sustainably located' in the traditional sense, such as proximity to motorway junctions, key trunk roads or strategic rail freight interchanges as well as access to the market, skills, labour, and raw materials, agglomeration of specialist industries, existence of logistical and supply chains networks, and, in many cases, arguably being relatively distanced from residential uses. Again, this could perhaps be addressed by a footnote or through clarification in PPG.

We also recommend that the existing approach to safeguarded land in paragraph 148 should be loosened for decision making. As highlighted in our response to Question 28, the beauty of existing safeguarded land is that it has already been removed from the Green Belt (by an adopted plan) and is considered suitable for development, albeit reserved until a future point in time. However, if the Government made the change recommended in our response to Question 6, then safeguarded land could provide an additional and convenient source of land which could be available immediately, without needing to undertake a Local Plan update to propose its allocation for development. This could make a meaningful contribution towards meeting needs for housing, commercial and other development. This could be achieved by explicitly including safeguarded land within a widened definition of *"Policies for the supply of land"* in footnote 8 to 'the presumption' in paragraph 11(d), which could be triggered where there is an insufficient supply of land.

Question 31 – Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?

Yes – we support the Government's recognition of the importance of commercial and other types of development in supporting wider social and economic objectives and we are pleased to see this has translated into support for the release of Green Belt for such uses through both plan-making and decision-taking.

At paragraph 142 (in relation to plan-making), we support the acknowledgement that exceptional circumstances (for reviewing the Green Belt) include, but are not limited to, instances where an authority cannot meet its identified for commercial or other development through other means. However, as currently drafted, the wording appears to be purely focused on merely locally arising needs and therefore it should also take account of more strategic ‘larger than local’ needs (potentially along the lines of new paragraph 152(b)) and indeed any unmet needs from neighbouring areas. In addition, it would also be helpful to explain what is meant by *“commercial or other development”*, either in a footnote or in PPG. Specifically, this should include reference to *“employment land, including manufacturing, freight and logistics and associated supply chains”* etc.

At new paragraph 152 (in relation to decision-taking), we support the acknowledgement that commercial and other development in the Green Belt should not be regarded as inappropriate. We also support reference to there being a demonstrable need for land to be released for development of local, regional or national importance. This, for the most part, picks up the strategic ‘larger than local’ needs point that paragraph 142 does not. However, we request that reference is also made to needs of *“sub-regional”* importance, given the various geographies that FEMAs operate across. In addition, and as with paragraph 142, it would be helpful to specifically explain what is meant by *“commercial or other development”*, either in a footnote or in PPG. Specifically, this should include reference to *“employment land, including manufacturing, freight and logistics and associated supply chains”* etc.

Going further than this, it would be very helpful if a new paragraph could be inserted into the NPPF to explain (in a non-exhaustive list) what could constitute ‘very special circumstances’ under paragraph 150. For *“commercial and other development”* (including reference in a footnote or PPG to *“employment land, including manufacturing, freight and logistics and associated supply chains”* etc.), this could similarly refer to a demonstrable need for land to be released to meet local, sub-regional, regional or national needs. This would leave the door open for non-‘grey belt’ Green Belt sites to come forward, for example where there has been inaction on the LPA’s part to address this through their plan (e.g. the **North Warwickshire** and **Stockport** case studies mentioned in our response to Questions 13 and 30).

Notwithstanding the above, we believe the triggers for release of such land could be tightened. The fundamental issue, as we raised in response to Questions 2, 6 and 14, is the current lack of any equivalent measures to a standard method for calculating employment land requirements as well as a five-year employment land supply (‘5YELS’) and employment land delivery test (‘ELDT’). We recommend that the Government should consider establishing and consulting on such tests to help ensure that that paragraphs 142 and 152 are more easily applied in practice. Alongside this and given the current lack of consistency and transparency in the monitoring of employment land, we also recommend there should be a statutory requirement for LPAs to publish their supply reports within six months of the relevant monitoring year closing.

Question 36 – Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?

Yes – we support the requirements at new paragraph 155(c) in principle. However, whilst prospective commercial occupiers are increasingly requiring provision of greenspace to aid employee health and wellbeing (e.g. picnic areas and fitness ‘trim trails’ etc.), it is not always possible to provide this on-site (e.g. where there is limited space) or indeed practicable for it to be made publicly accessible (e.g. for security reasons). Therefore, as with residential development, the wording of this paragraph should be flexible enough to allow publicly accessible green space to be provided off-site, either on another site nearby or alternatively secured through S106 contributions, subject to viability.

Question 46 – Do you have any other suggestions relating to the proposals in this chapter?

Yes – it would be helpful if the wording of new paragraph 155(b) could be tightened. As currently drafted, it is not clear whether the *"necessary improvements"* to infrastructure are intended to be compliant with CIL Regulation 122(2) and paragraph 57 (i.e. necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development), or something else.

In addition, we find it curious that *"local or national infrastructure"* has been highlighted, when new paragraph 152 talks about a demonstrable need for land to be released for development of *"local, regional or national importance"* (albeit arguably it should refer to sub-regional importance also). Perhaps a neater solution would be to simply refer to *"infrastructure"* generally.

Finally, we would query whether it is necessary to introduce new paragraph 156. This is primarily because the proposed wording does not add anything to local and national policies that already exist and bite.

Question 62 – Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?

Yes – we strongly support the sentiments made by the Chancellor in her speech on 8 July and are delighted to see this translated into the proposed NPPF changes aimed to help support economic growth. Before we comment on the proposed changes themselves, it is important to highlight that we are clearly starting from a very low base, with just five paragraphs of the current NPPF dedicated to *"building a strong, competitive economy"* (and two of which relate to the rural economy, which arguably should fall within their own chapter). Quite frankly, the previous Government could not have said any less regarding such a critical sector to the UK economy. We believe it is important for the new Government to say much more to recognise the importance of supporting wider social and economic objectives and to make clearer its intentions and expectations on LPAs and applicants alike. We have shared our frustrations with the failure of the current so-called 'plan-led system' in addressing local and 'larger than local' needs for employment land in response to earlier questions (in some cases by reference to real-life examples – see Questions 13 and 30 in particular). As such, Labour's proposed changes are a significant step in the right direction but are, by no means, the only actions that will be necessary to boost growth.

At paragraph 86(b) first sentence, we support the proposed deletion of the word *"or"* and its replacement with *"and"*. The consequence of which should, in theory (if properly enforced through the examination process), ensure that plans actually allocate sufficient employment land, rather than merely just setting criteria-based policies to dodge difficult or controversial yet legitimate planning considerations (e.g. as is currently the case in **North Warwickshire** – see our response to Question 13). However, we also recommend that the Government consider amending the rest of this sentence to look beyond merely sites *"for local and inward investment"* and widen it to consider *"strategic sites"* for 'larger than local' (i.e. sub-regional, regional or national) needs. This differentiation is important to ensure that there is a two-tier approach to allocate sites to meet both local needs (arising within an LPA) as well as more strategic needs (arising across wider geographies at the sub-regional, regional or even national scale), as we set out in response to Question 12.

To support these proposed amendments, we also recommend paragraph 86(a) be amended to have regard to strategic 'larger than local' needs (i.e. those arising at the sub-regional, regional or national level), including any unmet needs from neighbouring areas as well as Labour's forthcoming National Industrial Strategy.

We also support the proposed new second sentence at paragraph 86(b), which expresses the Government's support for several key industries which are envisaged to be the driving force behind the UK's economy in the future. We are very pleased and encouraged to see explicit reference to freight and logistics, following our response to the Department for Transport's 'Call for Evidence' regarding freight, logistics and the planning system last year.

At paragraph 87, we strongly agree with the proposed changes in particular:

- Part (a) – we agree with the insertion of additional text to support the growth of knowledge and data-driven, creative or high technology industries;
- Part (b) – we agree with the insert of additional text to support supply chains, transport innovation and decarbonisation;
- Part (c) – we also agree with the insertion of a whole new part to the paragraph supporting the expansion or modernisation of other industries. However, it would be helpful to also add *"the creation of"* to support new development (in the same vein as part (a) of the paragraph, which supports *"new"* alongside *"expanded or upgraded"* facilities). Likewise, it would also be clearer to capture industries of *"sub-regional"* scale, in recognition of the various geographies that different businesses agglomerate and operate across.

Question 63 – Are there other sectors you think need particular support via these changes? What are they and why?

Yes – at paragraph 86(b) we would suggest the Government may wish to consider widening the support for advanced manufacturing generally, rather than specifically for just gigafactories, especially given the pace of change in alternative fuel and renewable technologies, as well as the potential growth in other key sectors.

Question 64 – Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?

Yes – we would support the option of uses such as data centres, gigafactories and/or laboratories being capable on request of being directed into the NSIP consenting regime. We would also suggest that this could be widened out to other commercial uses which are of a substantial size, have a significant economic impact or are important for driving growth, such as advanced manufacturing, freight and logistics and associated supply chains. These facilities are equally vital parts of the UK's infrastructure.

In principle, we would imagine that the option for an NSIP/DCO may be of interest to applicants of commercial schemes where it offers a genuinely more attractive, safer, cost-effective, quicker and more transparent route to securing consent than pursuing a more traditional planning application. We would expect this to especially be the case for significant major developments which are controversial locally, take a substantial amount of time to be determined and are likely to end up at appeal and public inquiry in any event.

However, we would, of course, request for this suggestion to be subject to a further consultation to explore the conditions for which such schemes might be eligible. We would also insist that the NSIP/DCO route would not be made mandatory across the board, to ensure that applicants still have the choice to submit a traditional planning application if that is their preference, rather than the direction being forced upon the applicant by the LPA and/or the Secretary of State.

Question 65 – If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?

No – as stated in response to Question 64, we would request a further consultation to explore the conditions for which such schemes might be eligible. We agree one way in which this could be limited is by reference to scale (perhaps measured by the proposed floorspace and/or the site area) but equally, as acknowledged in the consultation, there are other relevant considerations. For example, where schemes have a significant economic impact (perhaps measured by the creation of a certain number or type of jobs or through benefits such as GVA or business rates) or where they are important for driving growth (perhaps measured by the type of specific use proposed or through the provision of key infrastructure etc.). At this stage we would refrain from commenting on what the appropriate thresholds might be set at.

Question 66 – Do you have any other suggestions relating to the proposals in this chapter?

Yes – as alluded to in our response to earlier questions, we believe the NPPF could go further in supporting economic growth. We therefore request that the Government consider the following suggestions:

1. **Elevate and make clearer the intentions and expectations for growing the economy** – it would be helpful if the Government's sentiments in relation to growing the economy as set out within the recent Written Ministerial Statement were reflected in Chapters 1 (Introduction) and 2 (Achieving sustainable development). There is concern in some quarters that Labour's proposed changes are too heavily focused on housing delivery and, this together with the scant detail in Chapter 6 (Building a strong, competitive economy) of the existing NPPF (notwithstanding the proposed changes) means that much more could be done to elevate the importance of commercial development and ensure this cascades down to both plan-making and decision-taking;
2. **Introduce a new standard method for calculating employment land requirements** – this would have clear benefits to both plan-making and decision-taking, many of which have already been witnessed since the introduction of the equivalent method for calculating local housing needs. It would also be possible to link the two methods together, to help ensure there were enough new jobs and infrastructure provided to meet an increase in new homes and vice-versa. This could be referenced in a new paragraph and the methodology expanded upon in PPG.
3. **Recognise and differentiate between local and strategic 'larger than local' needs** – it is important to acknowledge a two-tier approach of (i) local needs (arising within an LPA) as well as (ii) more strategic needs (arising across wider geographies at the sub-regional, regional or even national scale). Logically, it would also be necessary to ensure that any unmet needs from neighbouring areas were addressed. This could be achieved through changes to the 'tests of soundness' in paragraph 35 and amendments to the 'grey belt' concept at paragraphs 142 and 152 as well as new or amended paragraphs within Chapter 6. Furthermore, this would certainly be boosted through the re-introduction of strategic planning which should be prioritised.
4. **Measure the performance of historic and future employment land delivery and supply** – as equivalent to their housing counterparts, it would be logical to introduce a new five-year employment land supply ('5YELS') looking forwards at future supply and a new employment land delivery test ('ELDT') looking backwards at historic delivery. This should be kept up-to-date on an annual basis, guaranteed by a statutory requirement for to LPAs to publish their monitoring reports within six months of the relevant monitoring year closing. Failure of either test or indeed failure to publish an up-to-date position would trigger the 'tilted balance' in paragraph 11(d). This could be achieved through new paragraphs within Chapter 6 and supported by methodology in PPG.
5. **Strengthen 'the presumption' for commercial development** – as well as introducing a new 5YELS and ELDT to trigger the 'tilted balance' in paragraph 11(d), 'the presumption' could be strengthened by making clear that certain harms or considerations (such as impact on character and appearance or landscape character etc.) could be outweighed by the benefits of commercial development. This strengthening would help enable schemes to come forward to meet needs, especially where those needs have not been addressed by LPAs and would avoid situations where, for example, an appeal at M42 J10 was recently dismissed on landscape grounds despite the LPA not allocating any sites and the Inspector finding an immediate, urgent need for strategic 'big box' logistics development (APP/R3705/W/24/3336295).
6. **Elaborate on potential 'very special circumstances'** – it would be very helpful if a new non-exhaustive paragraph were inserted into Chapter 13 (Protecting Green Belt land) to explain that situations like there being a demonstrable need for land to be released to meet local, sub-regional, regional or national needs could be capable of being considered 'very special circumstances' to allow commercial development to come forward in the Green Belt in response to such needs.

7. **Acknowledge the specific locational requirements of commercial uses** – new paragraphs should be inserted into Chapters 6 and 9 (Promoting sustainable transport) to recognise that different commercial uses have specific locational requirements that are quite distinct from the factors that might lead to a residential site being considered 'sustainably located' in the traditional sense, such as proximity to motorway junctions, key trunk roads or strategic rail freight interchanges as well as access to the market, skills, labour, and raw materials, agglomeration of specialist industries, existence of logistical and supply chains networks, and, in many cases, arguably being relatively distanced from residential uses. This point is also applicable to the proposed 'grey belt' concept in paragraphs 147 and 152 in terms of the reference to *"sustainable locations"* which is more nuanced than currently acknowledged. The latter of which could perhaps be addressed by a footnote or through clarification in PPG.
8. **Do not overlook the importance of manufacturing** – whilst *"gigafactories"*, *"data centres"* and *"digital infrastructure"* are popular current buzzwords and likely to be important to our future economy, the Government should recognise that the UK was the pioneer of the industrial revolution. We have some of the world's best highly skilled workers and most advanced modern businesses operating within the manufacturing sector, which need to be protected, nurtured and encouraged to grow in the face of increasing competition from overseas. Equally, new sectors and uses will undoubtedly emerge in the future. This could be reflected in changes to paragraphs 86 and 87.
9. **Encourage speculative development** – it is unlikely that many local plans will come forward exactly as LPAs predicted (or hoped) at the point of adoption; things can and do change significantly over the plan period. For example, there might be a change in market conditions, the allocations might fail to deliver, or there could be an unmet need which emerges or perhaps even there might be a prospective occupier with a specific requirement. Equally, it is unrealistic to expect LPAs to be able to react quickly enough by reviewing and updating their plans in sufficient time. However, some forward-thinking LPAs already have policies which set out how they will react if they receive a speculative commercial application on a non-allocated site (e.g. Central Bedfordshire, North West Leicestershire, Rugby and Vale of White Horse). We believe it would be considered 'best practice' to require all plans to include such policies which encourage and support speculative development, subject, of course, to certain criteria which could be consulted upon. This could be achieved through the insertion of a new paragraph in Chapter 6 (Building a strong, competitive economy).

Question 87 – Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?

Yes – we support the proposed revised intervention policy criteria as set out in the consultation. In our view, it is helpful for LPAs to be aware of how the Secretary of State might intervene in plan-making and the considerations they would have regard to. In particular, we are encouraged to see reference to local development needs as well as more strategic 'larger than local' development needs at the sub-regional, regional and national level. However, this distinction should ideally be drawn out more clearly within the NPPF, and in line with the amendments we have suggested within this consultation response.

Notwithstanding this, we would remark that it is one thing for the Government to threaten intervention but another thing entirely to then intervene and take over plan-making in practice. For intervention to be taken seriously, we would therefore recommend that Labour should quite quickly publish a list of the most poorly performing authorities it might consider intervening within (such as **Stockport** – see our response to Question 30) and then take the necessary action.

Question 88 – Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?

No – and we would suggest that the new Government may wish to consider alternative ways to incentivise LPAs to progress with plan-making more quickly. Acknowledging that LPAs and their political administrations will react in different ways, we believe it will be important to present an attractive 'carrot' as well as a very hard-hitting 'stick'. For example, the Government could reward the best performing LPAs (e.g. those with 'up-to-date' plans in place) by making them eligible to receive enhanced grant funding towards various projects. Equally, it could penalise those that fail to submit their plans by the relevant deadline set out in the transitional arrangements by automatically triggering the 'tilted balance' in paragraph 11(d).

Question 97 – What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?

Whichever decisions are reached by the Government on planning application fees, we would strongly recommend that all (or a significant proportion) of them should be ring-fenced and retained within the planning function of the local authority. LPAs are already extremely under-resourced and overstretched so it would be extremely helpful to the successful operation of the planning system for LPAs to be properly staffed and well-equipped to deal with what is likely to be a significant upturn in activity as a result of the changes set out by this consultation.

Question 103 – Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?

No – whilst it is quite right not to unfairly penalise LPAs already at Examination (subject to requiring them to prepare a new plan immediately after adoption), we believe that the proposed transitional arrangements for those with plans at or advancing towards the Regulation 19 stage are far too generous in favour of LPAs. We have already heard of several LPAs speeding up plan preparation with a view to submitting their plans for examination before or within one month of the revised NPPF's publication in a deliberate attempt to 'game the system' and avoid higher housing requirements being placed on them (e.g. **Central Lancashire**, **South Oxfordshire**, **Wiltshire**). Activity such as this will lead to the Government not witnessing the pace of change it wishes to deliver if these transitional arrangements are carried forward in their current form.

Question 104 – Do you agree with the proposed transitional arrangements?

No – whilst we disagree with the proposed transitional arrangements as we set out in response to Question 103, we do have some sympathy with LPAs insofar as we do not yet know what the new Government's intentions are as to further plan-making reforms. Currently LPAs are being encouraged to progress with emerging plans under the existing system before December 2026 without sight of what the 'new' system will look like, albeit many could speculate what it might contain based on what the previous Government consulted on and set up through the LURA 2023. However, it is entirely conceivable that elements of that could of course be subject to change if Labour wished to take a different direction and indeed many of the details are yet to be set out in secondary legislation.

Undoubtedly there will never be a 'good' time to introduce a new plan-making system but for LPAs to be able to make educated and well-informed decisions about whether, how and when to prepare a new local plan, they and equally everyone else involved in the planning process needs to be kept informed and be consulted on the 'new' system as soon as possible. To help minimise the disruption and speed up its roll out, it would be logical to for the anticipated plan-making reforms to tackle the proposals for new strategic planning arrangements at the same time as those for new local plans.

As such, we strongly urge the Government to consult on the new plan-making reforms as soon as possible.

Conclusions

We welcome the opportunity to comment on the proposed reforms to the NPPF and other changes to the planning system consultation.

As mentioned above, we strongly feel that the changes currently proposed by Labour are a significant and positive first step to reversing some very harmful changes that were introduced incrementally over time by the previous Government and which have left the existing planning system in a state of failure. That said, we do believe that there is even more that the new Government could consider to be doing to address those issues and then advance the planning system even further for the benefit of the whole country.

We trust the above responses are helpful and we would be delighted to discuss them in further detail with the Department should this be required. We do, of course, look forward to seeing the final version of the new NPPF and look forward to further consultations in due course.

Yours faithfully

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