



The Government is committed to getting Britain building again. This paper forms part of a series of working papers on different aspects of planning reform, designed to inform further policy development in collaboration with the wider sector.

Summary

This paper invites views on further action that we could take through the planning system to support the development of brownfield land in urban areas. It proposes options for a form of ‘brownfield passport’, which would be more specific about the development that should be regarded as acceptable, with the default answer to suitable proposals being a straightforward “yes”. The proposals relate to the principle, the scale, and the form of development, and to the potential wider use of Local Development Orders to grant area-wide permissions – all in a way that retains appropriate local oversight. A series of questions are posed at the end of the paper, to inform discussions with the sector before determining whether any of these proposals are taken forward.

Introduction

1. Our cities and towns are at the heart of modern Britain. They are the engine rooms of our economy, fantastic places to live and work, and vibrant destinations for leisure and tourism. Around 85% of England’s population now lives in urban areas, and while there was a brief decline in urban population growth during the pandemic, it has since bounced back strongly.
2. The Government wants to see our cities and towns flourish, which means making sure there are enough homes to support further growth – and that these homes are affordable. We also want our urban centres to grow in a way which delivers long-term prosperity, with sustainable patterns of development, meaning that homes are close to jobs, and take advantage of places with good connectivity. Sustained economic growth is this Government’s most important mission because it is the only route to improving the prosperity of our country and the living standards of working people.
3. That is why the Government has already consulted on changes to national planning policy that will raise housing targets and make them mandatory, enable more homes to be built on ‘grey belt’ land, and require local authorities to review their Green Belt to meet housing needs. It is also why we have established the New Towns Taskforce, charged with identifying the next generation of new towns, many of which will be major extensions to existing settlements.

4. Nonetheless, while these will be important in securing more new homes, the Government has been clear that the first port of call for development should be brownfield land. That means making the most of previously developed urban land – bringing derelict sites back into use, taking forward small sites which have been overlooked for too long, and seizing suitable opportunities to make better use of existing land and buildings, particularly where intensification supports local centres and brings improved accessibility and connectivity.
5. It is with these goals in mind that we have proposed some immediate changes to national planning policy, including being explicit that the development of brownfield land should be regarded as acceptable in principle. Our proposals in the same consultation to introduce mandatory housing targets, improve local plan coverage and strengthen the requirement to allocate more small sites should also help make the most of suitable urban land.
6. The Government will now be considering the responses to this consultation, with a view to publishing an updated National Planning Policy Framework before the end of the year. In parallel, the Government wants to consider whether there are opportunities to go further still in terms of providing faster and more certain routes to permission for urban brownfield land, and in particular whether we could introduce a ‘brownfield passport’ to ensure that the default answer to brownfield development is “yes”.

Our objectives

7. Making the most of urban brownfield land through the planning system should mean:
 - a. bringing vacant and under-used brownfield sites into more productive use;
 - b. identifying where existing developed land would benefit from redevelopment, intensification or a change of use, including where appropriate and sustainable in suburban areas;
 - c. having clear policies in place to communicate these opportunities, with plans and development proposals informed by the views of local communities; and
 - d. ensuring such development contributes to making great places supporting healthy, resilient communities – using design guidance and codes as well as masterplanning to be clear about the quality expected locally, supported by the right infrastructure.
8. Meeting these objectives matters for multiple reasons. We want to deliver the homes and other development the country needs in a way that draws as much as possible on existing infrastructure and access to jobs. And it is clear that many parts of our cities and towns could be put to better use: transforming derelict sites that are a blot on communities into valued parts of the urban fabric, and pursuing higher density, well-designed development in suitable and sustainable locations. This makes sense not just for social and environmental reasons, but for economic ones too, given that bigger cities drive greater productivity. It is also central to opening up the opportunities which urban brownfield sites offer for small and medium enterprise (SME) builders, helping to diversify and grow the construction sector.

Our proposals

9. Planning is of course only part of the picture when it comes to brownfield development – viability and remediation play key roles in determining whether a site can be taken forward. But planning is a vital element, and while the existing policy position is already supportive of brownfield development – and will become more so if the Government takes forward the changes on which it has just consulted – anything that reduces uncertainty and hence risk to developers will help to encourage and underpin better use of urban land.
10. As such, while we are not considering the granting of automatic planning permission on suitable brownfield sites or removing appropriate local oversight of the development control process, we do want to explore ways in which providing more explicit expectations for development could lower the risk, cost, and uncertainty associated with securing planning permissions on brownfield land.
11. In order to maximise clarity and certainty about the opportunities to make best use of urban land, we think there is scope to make further policy changes, at both a national and local level, relating to the principle, scale, and form of development in different types of location. We see these potential changes as a form of ‘brownfield passport’: setting clear parameters which, if met, serve as accepted markers of suitability, with approval becoming the default and a swifter outcome.
12. We are keen to gather views on the proposals suggested here, before deciding whether and how they should be worked up in more detail. Any changes to national policy which flow from these proposals would not form part of the immediate changes to the National Planning Policy Framework on which we have just consulted, but would be incorporated within the suite of more accessible, web-based national policies for development management that we have committed to taking forward subsequently.

A. Principle of development

13. The National Planning Policy Framework is already clear that substantial weight should be given to the value of using suitable previously developed land within settlements. The change that we consulted on in July reinforces this position, by proposing that such development should be regarded as acceptable in principle. This general support does, however, need to be considered alongside other aspects of national as well as local policy.
14. To provide more clarity, we are interested in whether national policy could take this ‘in principle’ support further. This would mean being explicit that development on brownfield land within urban settlements is acceptable *unless* specified exclusions apply. Those exclusions could, for example, include that there is no adverse impact in relation to flood risk and access that cannot be mitigated.

15. While we are clear that local authority approval would still be required under any scenario, policy changes of this kind would carry significant weight in decision making and would create a clear expectation that compliant schemes be approved.

B. Scale of development

16. Many of our urban areas have been developed at a relatively low density, especially compared with cities and towns in parts of continental Europe; no square kilometre in England has more than 25,000 inhabitants, when cities such as Barcelona and Paris have more than double that. This can have important downsides, limiting the population catchment for shops and other local services, as well as constraining economic potential by acting as a barrier to jobs and labour. Given our relatively low densities, there is scope in many areas for increases. While such increases should take account of local character, existing character should not be used to block sensible changes which make the most of an area's potential, and which can create sustainable, well-designed and productive places to live and work.
17. One approach could be to use national policy to set minimum expectations for certain types of location where a particular scale of development may be appropriate. Policy could, for example, say that development should be of at least four storeys fronting principal streets in settlements which have a high level of accessibility, and/or set acceptable density ranges that allow for suitable forms of intensification. A similar approach has been used successfully in some other countries where efforts have been made to densify urban areas through 'upzoning'. While it would still require approval from the local planning authority, it would establish a very strong starting position which would carry significant weight in making decisions and create an expectation that compliant schemes are approved. The policy parameters, such as height and what conferred a high degree of accessibility, would need to be set carefully, both to make the most of suitable opportunities and to avoid inappropriate development.
18. As an alternative to setting expectations at a national level, policy could be amended to encourage such parameters to be set through local development plans, which could also be articulated through design codes for appropriate locations – whether across whole urban areas or at a more local scale.

C. Form of development

19. The character of our urban areas varies greatly, with differing opportunities to identify small sites, regenerate vacant brownfield land and redevelop existing plots at higher densities. For example, estates of largely semi-detached houses laid out in the 1920s and 1930s provide a very different context to streets of terraced homes built in the Edwardian period. At the same time, typologies such as these may present common opportunities where they exist in different authorities' areas, or even in different parts of the country.

20. We are interested in understanding more about the potential to use design guides and codes that draw on the existing character of places, to identify these opportunities and provide clarity on the types of development that are regarded as acceptable in particular locations. A number of London Boroughs have taken this approach, using supplementary planning guidance to set out suitable opportunities, make it easier for the redevelopment of existing plots to be brought forward, and increase development rates. It would be important for any policies of this sort to avoid an over-concentration of development which places an unacceptable burden on local infrastructure, and we are keen to explore how this might be done – for example, whether densification in some areas should focus on corner plots and those adjoining them rather than whole streets, or linking densification opportunities to accessibility.
21. This approach could also be deployed at a variety of scales – from the national, if areas of very similar form and opportunity exist, to the local. It could be underpinned through supportive national policy, but would need guidance at an appropriate level to give it effect. As with the other approaches outlined above, it would not give an automatic consent – but by reflecting local views and reducing ambiguity about what is acceptable in advance, it would establish a clear framework for development proposals and planning decisions.

D. Area-wide permissions

22. Finally, while the options set out above could be used only to give greater support to individual applications, an additional approach would be to combine the options for the scale and form of development with Local Development Orders (LDOs), in order to provide upfront consent to developments that meet the specified criteria.
23. LDOs are an existing tool, prepared by local planning authorities, which give upfront planning permission for specified forms of development across all or part of an authority's area. Combining them with criteria on the scale and/or form of development as suggested above would allow a local planning authority to effectively establish one or more zones in which particular types of development had planning permission without the need for individual applications.
24. Reflective of the fact that planning is principally a local activity, the Government believes it would be important that use of an LDO would remain a matter for local decision, and that any LDOs were prepared with the benefit of effective community engagement.

Conclusion and areas for further work

25. The policy options outlined above could be taken forward independently or collectively depending on what was felt necessary to provide for an effective 'brownfield passport' – ensuring that the default answer to brownfield development is "yes", with a view to lowering the risk, cost and uncertainty associated with securing planning permissions. In developing

these proposals further, we also intend to consider whether they could be supported by linking them to the national scheme of delegation, which we have committed to provide for through the Planning and Infrastructure Bill. As part of wider action to support the development of small sites, we will also consider whether any of these proposals could apply to non-brownfield land in urban areas, with suitable safeguards to retain land which should be kept open or has important environmental benefits.

26. We would welcome views on the options set out in this paper, and in particular on the following questions.

- a. Could national policy be clearer if it were explicit that development on brownfield land within urban settlements is acceptable unless certain exclusions apply?
- b. What caveats should accompany any general expectation that development on brownfield land within urban settlements is acceptable?
- c. How best can urban areas be identified and defined if this approach is pursued?
- d. 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?
- e. What parameters could be set for both the scale of development and accessibility?
- f. 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?
- g. What sort of areas would be most suited to this approach, and at what geographic scale could such guidance and codes be used?
- h. How could Local Development Orders be best used with these proposals?
- i. 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?
- j. 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?