

## REVISED NATIONAL PLANNING POLICY FRAMEWORK

### Consultation

### CIBSE Response

Submitted 10<sup>th</sup> May 2018

Note – for clarity, the consultation questions are in non-italic black, and *CIBSE response in italic green*.

### Introduction

*The respondent is **The Chartered Institution of Building Services Engineers (CIBSE)**.*

*The Chartered Institution of Building Services Engineers is the professional body that exists to:*

*‘support the Science, Art and Practice of building services engineering, by providing our members and the public with first class information’*

*CIBSE members are the engineers who design, install, operate, maintain and refurbish the energy using systems installed in buildings, including homes, and are specifically trained in the assessment of heat loss from building fabric and the design of energy using systems for the provision of heating and hot water, lighting, ventilation and cooling and small power distribution in homes. Many CIBSE members work in the public sector in general and in higher education in particular.*

*CIBSE has over 20,000 members, of whom around 75% operate in the UK and many of the remainder in the Gulf, Hong Kong and Australasia. Many are actively involved in the energy management of commercial buildings for larger businesses, and so this consultation is highly relevant to us and to our members.*

*CIBSE is the sixth largest professional engineering Institution, and along with the Institution of Structural Engineers is the largest dedicated to engineering in the built environment. Our members design, install, manufacture, maintain, manage, operate and replace all the energy using systems in buildings as well as public health systems.*

*As an Institution CIBSE publishes Guidance and Codes which provide best practice advice and are internationally recognised as authoritative. The CIBSE Knowledge Portal, makes our Guidance available online to all CIBSE members and is the leading systematic engineering resource for the building services sector. Over the last twenty-one months it has been accessed over 200,000 times, and is used regularly by our members to access the latest guidance material for the profession. Currently we have users in over 170 countries, demonstrating the world leading position of UK engineering expertise in this field.*

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### CONSULTATION QUESTIONS

*We welcome this consultation. Our responses are detailed against each question, and we would also like to highlight the following key comments, which apply to a number of our responses:*

- The new draft revised NPPF fails to fully reflect the **25 Year Environment Plan (25 YEP)**. This is a significant shortcoming. The NPPF has a cross-sector reach and is a significant opportunity to deliver the objectives of the 25 YEP, as highlighted in the YEP itself. It should also be a clear demonstration of the government’s*

commitments to environmental objectives, with clear and consistent alignment across departments. We have highlighted several areas in our response where the wording should be amended, both at a strategic level and in the case of individual policies including green infrastructure and biodiversity.

- Similarly, to demonstrate consistency, commitment, and cross-departmental working, the definition of sustainable development should make reference to and be aligned with the **UN Sustainable Development Goals**, which the UK government has committed to deliver.
- There should be more emphasis on **health and wellbeing** and how the built and natural environment can significantly contribute to improvements in this area; in particular, health **should** be included as part of the essential strategic considerations in plan-making.
- The multiple environmental, health and place-making benefits of **green infrastructure** (including trees) should be better reflected throughout, and objectives should be better aligned with the 25 YEP.
- We strongly recommend reverting to the current NPPF wording on the **Climate Change Act**, i.e. that policies should be “in line with objectives and provisions of the 2008 Climate Change Act”, not the current proposed revised wording that they should be set “within the context of” the Act – this is far too loose a wording and indeed almost anything could be presented as being “in the context” of the Climate Change Act, even if contradictory to it.
- Whilst we recognise the importance of addressing housing needs in terms of numbers, this should not be to the detriment of **quality and sustainability**, which are essential rather than desirable issues. We have highlighted specific areas of concern in our responses, including references to guidance on how to deliver both housing numbers and broader social and environmental objectives.
- Plan-making, decision making, implementation and monitoring will rely on **local authority resources**. These have been under constant and significant strain for several years, compounded by additional responsibilities such as those of health under the Health and Social Care Act 2012. The new government ambitions for housing delivery embodied in the draft NPPF could exacerbate this. We strongly recommend MHCLG to review the current situation and provide more adequate support to local authorities to ensure the NPPF is delivered, consistently and without undue delays in the planning process, and including the delivery of environmental and social benefits. We would stress the importance of **implementation and monitoring**, which should be given equal importance to plan-making and decision-making. If local authorities are not given the resources to support the changes to the plan, then there is little justification for making those changes or for absorbing stakeholder resources in a potentially futile exercise. This cannot all be done without some additional skilled and knowledgeable resource in the local authorities.

## CHAPTER 1 - INTRODUCTION

### Q1 - Do you have any comments on the text of Chapter 1?

#### CIBSE response

Paragraph 6 states that “other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission”. We strongly recommend that this should also **refer to the 25 Year Environment Plan (25 YEP) and Clean Growth Strategy**, which are clearly material and need to (not may) be considered. These two strategic documents set out a long-term vision; they need specific policies and reviews on shorter-term cycles to be delivered in practice; the NPPF is one such key policy instrument, offering the opportunity for implementation from the neighbourhood to the regional level, and with the cross-disciplinary reach that is required to deliver the 25 YEP and Clean Growth Strategy.

We would also highlight our recommendation set out in a previous open letter<sup>1</sup> to the Chancellor that a professional with natural environment expertise should be appointed to join the National Infrastructure Commission; we reiterate this recommendation as no such member has been appointed on the NIC. This would help ensure that the potential of green infrastructure is fully integrated in national infrastructure plans, bringing the most value and with the most efficient use of financial and natural resources.

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<sup>1</sup> Letter to the Chancellor re. *Request for an additional Commissioner for the National Infrastructure Commission*, 5<sup>th</sup> September 2017

## CHAPTER 2 – ACHIEVING SUSTAINABLE DEVELOPMENT

**Q2 - Do you agree with the changes to the sustainable development objectives and the presumption in favour of sustainable development?**

### CIBSE response

*We note that whilst reference to the 2005 UK Sustainable Development Strategy has been removed, there is currently no replacement reference to the **UN Sustainable Development Goals**, which the UK has signed up to. As highlighted in the 25 Year Environment Plan, “delivering the relevant environmental aspects of UN Sustainable Development Goals (Agenda 2030) for the UK requires cross-government, cross-industry and individual participation”; the planning system is a crucial part of this, and the UN SDGs should therefore be referenced and reflected throughout the revised Framework.*

**Q3 Do you agree that the core principles section should be deleted, given its content has been retained and moved to other appropriate parts of the Framework?**

### CIBSE response

*On the face of it and in theory, this seems reasonable, provided our other comments on this chapter are taken into account. However, it is important to ask what impact this might have on users of the guidance. Unless it is made very clear that this section has not been removed, but has been dispersed into the document in other places, it may convey the impression that the principles have indeed been dropped. This would be profoundly unhelpful. It may therefore be more appropriate to use the section to indicate what the overall core principles are, that they remain in place, and to identify where in the revised Framework they are now being addressed. This would make the document much more user friendly.*

**Q4 Do you have any other comments on the text of Chapter 2, including the approach to providing additional certainty for neighbourhood plans in some circumstances?**

### CIBSE response

**Paragraph 8 – Objectives:** *We support the objective of **environmental gain**. We would highlight that, as the Natural Capital Committee advised Government<sup>2</sup>, it is important that a **natural capital net gain principle** is established within the spatial planning regime for housing and infrastructure; the NPPF should seek to make this a stronger requirement than is currently proposed, and should reference upcoming guidance. We look forward to the consultation on a mandatory net gain for nature which was pledged in the 25 YEP.*

*The environmental objectives should refer to and be based on **the 25 Year Environment Plan**, as the NPPF is a significant opportunity to put the vision of the 25 YEP into practical implementation. The following 25 YEP objectives and upcoming guidance should in particular be echoed in the NPPF:*

- *“Supporting Local Authorities to **assess green infrastructure provision** against these new standards” – in reference to standards that would be established by summer 2019 by a cross-government project led by Natural England.*
- *“Working with stakeholders to develop and implement a **manual for local authorities and other urban tree-planting organisations** to shape their procurement and maintenance practices for urban trees”.*
- *“Introduce new requirements to ensure councils properly consult if they are considering **removing street trees**”.*
- *“Working with the Ministry of Housing, Communities and Local Government to see how our commitments on **green infrastructure** can be incorporated into national planning guidance and policy.”*

*In addition to giving overarching prominence to the 25 YEP here, we have also highlighted where more specific reference could be made to it in our response to individual chapters, as relevant.*

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<sup>2</sup> Natural Capital Committee, *Advice to Government on the 25 Year Environment Plan*, September 2017  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/677872/ncc-advice-on-25-year-environment-plan-180131.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/677872/ncc-advice-on-25-year-environment-plan-180131.pdf)

**Paragraph 9** – we disagree with the statement that the objectives listed in paragraph 8 “are not criteria against which every decision can or should be judged”; this could be dangerously extrapolated and misapplied and so we would strongly encourage including caveats to ensure that environmental and social objectives are explicitly considered and addressed within every decision, whilst recognising that the specific translation of these objectives into decision criteria will be context-dependent.

### CHAPTER 3 - PLAN MAKING

**Q5 - Do you agree with the further changes proposed to the tests of soundness, and to the other changes of policy in this chapter that have not already been consulted on?**

CIBSE response

**Paragraphs 17-19 - Plan-making framework; paragraph 30 - local policies:** paragraph 18 states that “to address more detailed issues local policies may be produced for inclusion in a local plan, or in a neighbourhood plan, and paragraph 30 states that “local policies can be used”: this appears to be a downgrade of the importance of the local plan, and it is unclear whether the new wording means that specific policies may be produced (to be included in a local plan that would be produced anyway), OR whether it means that a local plan may be produced. Currently many local authorities are under tight financial constraints, so there is a risk they will not put in place a local plan if it is not a policy requirement.

The current hierarchy of strategic – local – neighbourhood planning ensures a base level of strategic policies be implemented through the mandatory and legal requirement of a local plan. Since neighbourhood plans are voluntary, they are insufficient on their own, and the local plan is vital in providing a strong framework for local policy issues such as design quality, place-making, and sustainability.

We recommend that **local plans should be produced to cover local implementation issues as well as strategic ones, and this should be unambiguous in the NPPF wording.** This would:

- Help to ensure consistency of policy implementation
- Avoid a significant policy gap to cover local implementation issues such as trees, sustainable urban drainage systems), place-making, and design quality.
- Avoid policy uncertainty before the production of neighbourhood plans, which can take a long time to emerge from local communities.

**Paragraph 20 – Strategic policies:** the strategic policies and site allocations are currently focused on development; we strongly recommend that strategic policies should also cover the delivery of **green infrastructure** (including trees and blue infrastructure), and **health and wellbeing objectives**. These are significant omissions. Both require planning at the strategic level to be effective, as well as more detailed local policy (as discussed in our previous comments on paragraphs 17-19). In addition, within §20-f, specific reference should be made to the 25 Year Environment Plan so that environmental objectives are aligned with it and help turn its vision into practice, and to early considerations of energy infrastructure, including low-carbon energy generation.

**Q6 - Do you have any other comments on the text of Chapter 3?**

CIBSE response

As also highlighted elsewhere in our response, effective plan making will rely on **local authority resources**. These have been under significant strain over the past few years, a fact which could in practice jeopardise the implementation of the NPPF. We would strongly recommend a review of this situation by MHCLG to ensure adequate resources and support to local authorities.

**Paragraph §34 – development contributions:** Energy infrastructure should be included alongside the other listed infrastructure needs.

## CHAPTER 4 DECISION-MAKING

**Q7 - The revised draft Framework expects all viability assessments to be made publicly available. Are there any circumstances where this would be problematic?**

CIBSE response

*We generally welcome transparency, as we think this can lead to better and more consistent outcomes, reduced uncertainty, and fewer delays; we are not aware of circumstances where this would be problematic. If valid reasons came to light through this consultation, this could be accommodated in the NPPF through carefully restricted caveats limiting them to exceptional circumstances, but there is a serious risk to transparency and accountability in allowing viability assessments to be kept secret.*

**Q8 - Would it be helpful for national planning guidance to go further and set out the circumstances in which viability assessment to accompany planning applications would be acceptable?**

CIBSE response

*No comment*

**Q9 - What would be the benefits of going further and mandating the use of review mechanisms to capture increases in the value of a large or multi-phased development?**

CIBSE response

*This would seem sensible, with as much clarity as possible on review mechanisms to ensure consistency, reduce uncertainty, and limit further burdens on local authority resources; it is not within our core expertise to comment specifically on the circumstances in which this should be mandatory.*

**Q10 - Do you have any comments on the text of Chapter 4?**

CIBSE response

**Paragraph 42 - Pre-application engagement and front loading:** *green infrastructure (including trees) should be mentioned alongside infrastructure as one of the issues benefiting from early stage engagement.*

**Paragraph 45 - Information requirements:** *while we agree with the need to limit the burden on applicants and on local authority resources, the information should be **sufficient to establish with confidence that policy objectives have been incorporated and can be implemented through the development proposals**; therefore, the information should include documents such as ecological and tree surveys, air quality impact assessments, flood risk assessments, and carbon reduction strategies, among others and as relevant to the local authority and development.*

**Paragraph 56 – pre-commencement conditions:** *the text currently states “conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification”: we think this risks delaying decision making and, potentially, enabling sub-optimal development.*

*The current wording does not reflect the initial intent of the proposed reforms to section 100ZA(4-6) of the Town and Country Planning Act (1990) i.e. to speed up decision making, promote collaboration and eradicate challenges by developers later in the process. In an ideal scenario, the use of pre-commencement conditions would not be required. However, within the current planning system, pre-commencement conditions will inevitably be needed in some instances to make developments acceptable and will play a crucial role in enabling faster approval and delivery times overall. We strongly recommended the wording be amended from ‘avoided’ to ‘kept to a minimum and agreed through meaningful dialogue with the developer’.*

**Paragraph 59 – Implementation:** *We very much agree that **policy implementation should be monitored**, and this should be more strongly encouraged in the NPPF both at the local authority level and through monitoring*

*of planning conditions on individual schemes. As also highlighted in Q29, it is essential to maintain attention on quality throughout the design development and construction, and the implementation of decisions post-planning will rely on **local authority resources**. These have been under significant strain over the past few years, a fact which could in practice jeopardise the implementation of the NPPF. We would strongly recommend a review of this situation to ensure adequate resources and support to local authorities.*

## CHAPTER 5 DELIVERING A WIDE CHOICE OF HIGH QUALITY HOMES

**Q11 - What are your views on the most appropriate combination of policy requirements to ensure that a suitable proportion of land for homes comes forward as small or medium sized sites?**

### CIBSE response

*How best to meet overall housing needs is not within CIBSE's core area of expertise; we are focused on delivering, operating and maintaining the homes to meet those needs to a high standard. We cannot therefore comment on specific policy tools, however we would generally support the intention to encourage a variety of delivery models, in particular if this encourages user- and community-led housing, as the UK is hugely out of step with other countries on this and this could help deliver housing that better meets needs, as well as encourage more attention to long-term quality & sustainability<sup>3</sup>.*

**Q12 - Do you agree with the application of the presumption in favour of sustainable development where delivery is below 75% of the housing required from 2020?**

### CIBSE response

*As a professional institution we are very aware of the difficulty of gaining access to housing of appropriate quality and cost, particularly in London and other large urban areas; the building services engineering professions and the wider construction sector have to compete with other industries to attract and retain talented, skilled and creative workers. We therefore welcome measures to ensure that housing costs and availability do not contribute to further skill shortages in the sector.*

*We however see the potential for **negative unintended consequences in a blanket threshold policy linked to housing delivery numbers**, as proposed currently. Housing delivery (or lack of it) is the result of several factors, of which land allocation and planning permission are only part. It is well evidenced, in particular, that a large number of sites already have planning permission for housing, without development going forward<sup>4</sup>. The current policy proposal could encourage threshold effects and "gaming the system", slowing development on some sites which are less favoured by developers (e.g. brownfield land where remediation is required, with associated costs) and forcing development on others which had initially been protected from development for well thought-through and evidence-backed reasons, such as environmental or amenity value. Should such a policy be adopted, we would recommend very careful consideration, preferably without a set and arbitrary threshold, and with **strong safeguards** to ensure the same sustainability objectives are applied on alternative sites that would be released for housing development as a result.*

**Q13 Do you agree with the new policy on exception sites for entry-level homes?**

### CIBSE response

*No comment*

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<sup>3</sup> See for example the key findings from the *Cohousing: Shared Futures* report by the Economic & Social Research Council, 2016:

"Cohousing communities often perform better in economic and ecological terms than conventional speculative owner-occupied housing. These communities can be more affordable because facilities and resources are shared. They can reduce energy demand, waste and consumption by supporting sustainable practices."

<sup>4</sup> The Housing White Paper states, page 13: "This Government's reforms have led to a large increase in the number of homes being given planning permission. But there is a large gap between permissions granted and new homes built. More than a third of new homes that were granted planning permission between 2010/11 and 2015/16 have yet to be built", with reference to Glenigan planning permissions data and DCLG Live Table 120 (new build completions).

Q14 Do you have any other comments on the text of Chapter 5?

[CIBSE response](#)

*No comment*

## CHAPTER 6 BUILDING A STRONG, COMPETITIVE ECONOMY

Q15 Do you agree with the policy changes on supporting business growth and productivity, including the approach to accommodating local business and community needs in rural areas?

[CIBSE response](#)

*No comment*

Q16 Do you have any other comments on the text of chapter 6?

[CIBSE response](#)

*No comment*

## CHAPTER 7 ENSURING THE VITALITY OF TOWN CENTRES

[CIBSE response](#)

*We would make the general comment that a number of measures proposed elsewhere, including mixed-use development, favouring walking and cycling, the provision of easily accessible green spaces, and green infrastructure (including trees), can all contribute to the vitality of town centres, including increased footfall and retention time<sup>5</sup>.*

Q17 Do you agree with the policy changes on planning for identified retail needs and considering planning applications for town centre uses?

[CIBSE response](#)

*No comment*

Q18 Do you have any other comments on the text of Chapter 7?

[CIBSE response](#)

*No comment*

## CHAPTER 8 PROMOTING HEALTHY AND SAFE COMMUNITIES

Q19 - Do you have any comments on the new policies in Chapter 8 that have not already been consulted on?

[CIBSE response](#)

***Paragraph 92 - The built and natural environments have a fundamental role to play in preventative public health approaches, and this should be strongly encouraged through the planning system; we therefore***

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<sup>5</sup> See for example Trees Design & Action Group, *Trees in the Landscape – A Guide for Decision Makers*, 2012

welcome the recognition that the planning system has a role to play in delivering health and wellbeing, and that planning “should aim to achieve healthy, inclusive and safe places”. We also point to our previous comment on Chapter 3 that **health and wellbeing objectives should be included within strategic policies**.

In particular, we support the reference in 92-a to mixed-used developments and in 92-c to the contribution from green infrastructure to health and wellbeing needs, especially as it can help deliver a number of other objectives such as sustainable drainage, biodiversity, carbon storage and air quality. We think the **wording should be strengthened**, for example to follow that of the 25 Year Environment Plan objective to “make sure that there are high quality, accessible, natural spaces close to where people live and work, particularly in urban areas”.

We think it would be very beneficial for MHCLG to provide further guidance on this, for example via PPG documents and on the topic of Health Impact Assessments, to ensure that developments that do integrate beneficial features such as well-designed and well-maintained outdoor space and green infrastructure are encouraged and rewarded, since they will in the long-term benefit the community and reduce the burden on public services such as transport, air pollution, healthcare needs etc<sup>6</sup>.

#### **Q20 - Do you have any other comments the text of Chapter 8?**

##### CIBSE response

We think there are opportunities at the local authority level to better support decisions for positive public health outcomes. The following paragraphs set-out examples.

##### **Local Authority Resources**

The Health and Social Care Act 2012 places responsibility for health within the remit of local authorities. Delivering this in practice relies on adequate support, training and resources to take account of this new remit. As highlighted in other places of this response, local authority resources have been under significant strain over the past few years, a fact which could in practice jeopardise the implementation of the NPPF. We would strongly recommend a review of this situation to ensure adequate resources and support to local authorities.

##### **Health and Social Care Act and local health and wellbeing boards**

It is our understanding that the health and wellbeing boards set-up as a result of the Health and Social Care Act 2012 are intended to better support long-term healthcare and public health decisions through long-term and multi-disciplinary decisions.

We have not carried out a systematic review, however evidence indicates that the current typical set-up of health and wellbeing boards does not maximise opportunities; from anecdotal feedback and from a high-level and randomized review of the composition of these boards, it is apparent they typically do not include representatives from the planning and transport departments. Their composition implies a focus on healthcare provision, with limited attention to preventive approaches to public health, including how built environment, green infrastructure and transport decisions can best support healthy lifestyles and environmental improvements.

We would recommend this is reviewed more systematically, and options considered to maximise the opportunities created by these health and wellbeing boards to encourage collaboration and inform decisions at a local level that impact health and environmental issues.

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<sup>6</sup> See for example: WHO, *Urban Green Spaces and Health – A Review of Evidence*, 2016, and the iTree valuation model, and its recent application to London: Tree, *Valuing London’s Urban Forest - Results of the London i-Tree Eco Project*, 2016



## Health Impact Assessments

Health Impact Assessments (HIAs) could contribute to plan-making, development, and decision-making. We understand that the adoption of HIAs is currently limited, and that Local Authorities would greatly benefit from additional resources (e.g. staff, training, guidance) on the application of HIAs.

In the future, as knowledge and evidence build on the long-term impact of decisions in the planning process, options could be examined to better reward and incentivise decisions which support better outcomes, for example through developer contributions.

**Paragraph 95 – Schools:** Local Authority planning for schools should take account of the 25 Year Environment Plan objective to “develop a Nature Friendly Schools programme for schools in our most disadvantaged areas with input from stakeholders that can be opened to schools from autumn 2018.” Alternatively or in addition, this could be referenced in Chapter 15 of the NPPF.

## CHAPTER 9 PROMOTING SUSTAINABLE TRANSPORT

**Q21 - Do you agree with the changes to the transport chapter that point to the way that all aspects of transport should be considered, both in planning for transport and assessing transport impacts?**

### CIBSE response

Yes.

**Paragraphs 103-104:** We support the statement that transport issues should be considered from the earliest stages of plan-making and development proposals, with an assessment of impacts and the identification and adoption of opportunities for walking, cycling and public transport. We also strongly support the statement that significant development should be focused on locations which are or can be made sustainable. This point should be reinforced in paragraph 103, and a point added that **transport impacts should first be minimised** (e.g. through mixed-use development and site allocation in line with paragraph 104), rather than these impacts simply being “addressed” as per current wording.

**Q22 - Do you agree with the policy change that recognises the importance of general aviation facilities?**

### CIBSE response

We cannot comment in detail on the appropriateness and importance of general aviation facilities. Please see our response to Q23 for more general comments.

**Q23 - Do you have any other comments on the text of Chapter 9?**

### CIBSE response

The impact of transport infrastructure should be considered in a holistic manner, taking account of issues such as noise, air pollution, and carbon emissions. Moreover, as the ease of mobile working increases vastly, it should not be assumed that gains in journey times necessarily relate to increased productivity; this should be taken into account in decisions on transport infrastructure (be it aviation or other transport modes).

## CHAPTER 10 SUPPORTING HIGH QUALITY COMMUNICATIONS

**Q24 Do you have any comments on the text of Chapter 10?**

### CIBSE response

No comments

## CHAPTER 11 MAKING EFFECTIVE USE OF LAND

Q25 - Do you agree with the proposed approaches to under-utilised land, reallocating land for other uses and making it easier to convert land which is in existing use?

CIBSE response

No comments

Q26 - Do you agree with the proposed approach to employing minimum density standards where there is a shortage of land for meeting identified housing needs?

CIBSE response

No comments

Q27 - Do you have any other comments on the text of Chapter 11?

CIBSE response

*Beyond a certain level, density can impact on the delivery of other important planning policy objectives, including daylight/sunlight, open space, and green infrastructure. The detailed implications of delivering high housing densities are not CIBSE's core expertise; however, we note that what is an appropriate level of density is highly context dependent; this reinforces the importance of local plans, as detailed in our response to Chapter 3 – Q5.*

***Paragraph 123c:** We are concerned about the statement that “authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site”; efficiency of development must be **of suitable, high-quality development**, not just a certain quantity of housing units or development floor area. The NPPF should recognise the benefits of daylight in energy efficiency, sustainability and occupant health. Daylight and sunlight are particularly important in housing, because adequate exposure to wide spectrum light during daylight hours is essential for regulation of the circadian system (or ‘body clock’) and helps facilitate healthy sleep duration and quality. Inadequate exposure to daylight in the winter months can contribute to psychological illnesses, such as seasonal affective disorder (SAD). Some sun exposure is necessary in humans throughout the year in order to synthesise adequate levels of Vitamin D. CIBSE recommends that authorities should ensure that adequate daylight and sunlight are provided in buildings. This should not be relegated to the short and loosely worded footnote 37, and should cover both new buildings and existing buildings that may lose daylight and sunlight as a result of their construction. CIBSE's Lighting Guide 10 ‘Daylighting- a guide for designers’ and the BRE's “Site Layout Planning for daylight and sunlight” list the benefits of daylight and provide important guidance in this area, including early design and site layout.*

*Making effective use of land **should** include the incorporation of **green infrastructure (including trees and accessible green space)**, which is not mentioned in this chapter and which can perform many functions, contributing to a number of objectives including the creation of attractive places, flood risk management, air quality improvements, carbon emissions reduction and storage, reduction of the urban heat island effect and associated overheating risk, and biodiversity improvements.*

***Paragraph 118 – Environmental gains:** as noted in Q4, we support the objective of **environmental gain**. As the Natural Capital Committee advised Government<sup>7</sup>, it is important that a **natural capital net gain principle** is established within the spatial planning regime for housing and infrastructure; the NPPF should seek to make this a stronger requirement than is currently proposed, and there should be a reference to upcoming additional*

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<sup>7</sup> Natural Capital Committee, *Advice to Government on the 25 Year Environment Plan*, September 2017  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/677872/ncc-advice-on-25-year-environment-plan-180131.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/677872/ncc-advice-on-25-year-environment-plan-180131.pdf)

guidance on this. We look forward to the consultation on a mandatory net gain for nature which was pledged in the 25 YEP.

## CHAPTER 12 ACHIEVING WELL-DESIGNED PLACES

Q28 - Do you have any comments on the changes of policy in Chapter 12 that have not already been consulted on?

CIBSE response

No comments

Q29 - Do you have any other comments on the text of Chapter 12?

CIBSE response

We support the general objective for high quality buildings and places. We cannot comment in detail, but we would stress that in general, this will rely on plans that incorporate policies at the local level, not only strategic – see more detail in our response to Chapter 3 – Q5.

We would also stress that it is essential to maintain attention on quality throughout design development, construction, and operation. While the mention of frameworks and tools is useful, such tools and frameworks cannot be solely relied upon; the design review process at pre-planning stages and the implementation of decisions will rely on **local authority resources**. These have been under significant strain over the past few years, a fact which could in practice jeopardise the implementation of this Chapter. We recommend a review of this to ensure adequate support and resources to local authorities.

Ultimately, we want to deliver good buildings and places, not just good design. The Independent Review of Building Regulations and Fire Safety currently being undertaken by Dame Judith Hackitt has noted the frequent disconnection between design and construction and the operating life of buildings. We would encourage MHCLG to take full account of Dame Judith’s final report when it is published. It may be that some aspects of her report will be able to inform the final text of the NPPF and associated guidance.

**This chapter in general, and paragraph 126 in particular:** planning policies and decisions should also ensure that developments **incorporate green infrastructure (including trees)**; this will contribute to the current objectives for well designed spaces with a high level of amenity, as well as others including flood risk management, air quality improvements, carbon emissions reduction and storage, reduction of the urban heat island effect and associated overheating risk, and biodiversity improvements.

## CHAPTER 13 PROTECTING THE GREEN BELT

Q30 Do you agree with the proposed changes to enable greater use of brownfield land for housing in the Green Belt, and to provide for the other forms of development that are ‘not inappropriate’ in the Green Belt?

CIBSE response

No comments

Q31 Do you have any other comments on the text of Chapter 13?

CIBSE response

No comments

## CHAPTER 14 MEETING THE CHALLENGE OF CLIMATE CHANGE, FLOODING AND COASTAL CHANGE

### Q32 Do you have any comments on the text of Chapter 14?

#### CIBSE response

**Paragraph 147:** We agree that “The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change”, however it should also take account of **overheating risk**, one of the main risks identified by the UK Climate Risk Assessment<sup>8</sup> – the NPPF must make this clear by an addition to paragraph 147.

**It is essential to appropriately cover overheating risk in the NPPF**, as early site planning and design is fundamental to limit the risks of overheating, now and in the future. Technical overheating risk is currently inadequately covered in Building Regulations. The broader planning aspects of orientation, form and density should be covered in a PPG, as highlighted in the 2012 National Adaptation Plan, to cover early design measures and overheating risk assessments at the design develops. CIBSE provides extensive guidance on this, including Technical Memoranda 52<sup>9</sup> and 59<sup>10</sup>; we have been working with MHCLG on this topic for a number of years and we would be happy to continue to do so to inform this NPPF and production of associated guidance.

**Paragraph 148 and footnote 39:** We strongly agree that “Plans should take a proactive approach to mitigating and adapting to climate change”. The associated footnote 39 adds that this should be done “within the context” of the **Climate Change Act**. We think this wording risks being open to interpretation and would strongly recommend reverting to the wording of the existing NPPF, “in line with objectives and provisions of the 2008 Climate Change Act”. The targets in this chapter should also take account of **the Clean Growth Strategy**.

**Paragraph 149:** We strongly agree with the need to plan new developments in ways that “ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure”. We welcome the reference to green infrastructure, as this can provide a number of benefits for climate change adaptation, including mitigation of flood risk **and** overheating risk (by local cooling effect, especially valuable in urban areas).

#### Paragraph 149-b – see also Q33

**Paragraph 150:** we think the wording should be amended to provide clearer and stronger guidance that, in addition to individual developments, the opportunities for renewable and low carbon energy (thermal and electrical) need to be identified **at the very early stages of plan making**, including site allocation and identification of community energy opportunities. Leaving it to the development stages would significantly reduce technical and financial feasibility of some options.

**Paragraph 152:** we think the wording should be amended so that it reads “local planning authorities should expect new development to take account of landform **and to design the** layout, building orientation, massing and landscaping to minimise energy consumption”. Passive design is a fundamental element of reducing energy use and carbon emissions, it needs to be incorporated at the early design stages and it needs to be supported by planning policy.

**Paragraph 153-b:** we agree that community views need to be taken into account in the planning process; however, we would highlight that objections are often a result not only of the scheme itself, but also of the way it has been developed, including how and whether consultation has happened, and whether any benefits are

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<sup>8</sup> UK Climate Change Risk Assessment 2017 <https://www.theccc.org.uk/tackling-climate-change/preparing-for-climate-change/uk-climate-change-risk-assessment-2017/>

<sup>9</sup> CIBSE TM52 “The limits of thermal comfort: avoiding overheating in European buildings” provides a definition of overheating and comfort criteria to be used in the assessment of overheating risk in non-domestic buildings

<sup>10</sup> CIBSE TM59 “Design methodology for the assessment of overheating risk in homes” provides a detailed methodology for assessing overheating risk in homes

offered to the community (e.g. shares or other financial benefits from the renewable energy scheme). Using community views as a reason for objection, while valid in some cases, may therefore result in a number of schemes being rejected when a better managed process and long-term benefits could change the decision and ensure community support. This should be reviewed by local authorities as part of decision making, so that renewable energy development is not unduly limited.

**Energy efficiency:** Chapter 14 – §95 of the current NPPF states ‘... actively support **energy efficiency improvements to existing buildings...**’. This seems to have been omitted in the new consultation draft. It is essential that this is reinstated. Energy efficiency improvements to the existing building stock are crucial to meet carbon targets set by the Climate Change Act, reduce fuel poverty, and generally align with the Clean Growth Strategy.

**Paragraphs 154-163 Planning and Flood Risk:** We would strongly recommend that the NPPF mentions the positive contribution that **green and blue infrastructure** can make to reducing the risk of flooding, as well as multiple other benefits. This should be included in the text, with more information in PPG. We also note that the 25YEP states that PPG will be amended ‘to clarify construction and ongoing maintenance of SuDS in new developments’; this is not reflected in the revised sections of PPG, and should be.

See also comments on green infrastructure in Chapter 15.

### **Q33 Does paragraph 149b need any further amendment to reflect the ambitions in the Clean Growth Strategy to reduce emissions from buildings?**

#### **CIBSE response**

Yes. We would strongly support an amendment if Government is to deliver on the ambitions of the Climate Change Act and Clean Growth Strategy. As highlighted by the Committee on Climate Change<sup>11</sup>, achieving carbon emissions targets urgently requires a tightening in standards for new buildings, and improvements to the existing stock. While this should ultimately be achieved through Building Regulations (see more below), in the meantime there are local authorities that can and wish to apply more ambitious standards, sooner. This should be encouraged in view of benefits for carbon emissions, empowering local authorities, and using early adopters to drive technical and financial improvements that the rest of the market can then also adopt and benefit from.

The situation has not been helped in recent years due to confusing messages, in particular by the Deregulation Act **and** by the fact that the relevant section of the Act has not yet been implemented, leaving local authorities uncertain of the overall direction of travel, and whether policies requiring further improvements would be exposed to legal challenges. Clarity is urgently needed.

While multiple and inconsistent standards between local authorities should be avoided, a framed approach could be taken so the overarching goals and methodology are a common reference across the country, with local authorities able to reflect their individual circumstances and request further improvements than minimum national standards. This is for example the case in Greater London, Cambridge, Brighton, or Exeter, where the nature of the market allows more ambitious carbon targets without affecting viability. We would add that this approach need not be limited to carbon, but should also be available on other sustainability aspects, such as water efficiency.

We recommend to revisit the approach alongside the Part L consultation expected late 2018; in the meantime, we would recommend a note is added to this effect in the NPPF, so that flexibility can be incorporated in local plans and decisions.

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<sup>11</sup> Committee on Climate Change, *An Independent Assessment of the UK's Clean Growth Strategy*, January 2018

## CHAPTER 15 CONSERVING AND ENHANCING THE NATURAL ENVIRONMENT

**Q34 Do you agree with the approach to clarifying and strengthening protection for areas of particular environmental importance in the context of the 25 Year Environment Plan and national infrastructure requirements, including the level of protection for ancient woodland and aged or veteran trees?**

### CIBSE response

*We cannot comment in detail but agree in principle that areas of particular environmental importance need to be protected if objectives including those of the 25 YEP are to be delivered.*

**Q35 Do you have any other comments on the text of Chapter 15?**

### CIBSE response

**Paragraph 168** - *We strongly agree that “planning policies and decisions should contribute to and enhance the natural and local environment”. In addition to benefits for the natural environment itself, including reversing decades of natural environment losses<sup>12</sup>, this would contribute to meeting a number of other objectives within the NPPF, including health and wellbeing. We also support the recognition of the impact that development can have on **air quality**, and therefore support measures throughout this NPPF such as mixed-use communities (§92) and planning for sustainable transport (chapter 9).*

*The **objective for net environmental gain needs to be clearly and unambiguously added** (not only in terms of biodiversity, as currently in §168-d), and the **wider benefits of natural capital must be recognised**, not only in the context of agricultural land and the countryside as is implied by the current wording. A reference to further upcoming guidance should also be made, and we look forward to the consultation on a mandatory net gain for nature which was pledged in the 25 YEP.*

*Another significant comment is the missed opportunity to **align the objectives of the NPPF, and of this chapter in particular, with those of the 25 Year Environment Plan**. The NPPF can and should be a significant tool for turning the vision of the 25 YEP into practical implementation, as highlighted by the 25 YEP itself in its objective to “work with the Ministry of Housing, Communities and Local Government to see how our commitments on green infrastructure can be incorporated into national planning guidance and policy”<sup>13</sup>. It would also help ensure that government is seen to **give a clear and consistent message** on its environmental objectives, from long-term vision through to detailed practical implementation on shorter cycles.*

*The following 25 YEP objectives<sup>14</sup> should be echoed in this chapter, through **clear guidance to local authorities, including the need to incorporate protection measures, set and implement improvement objectives, and identify sites for wildlife-rich habitats and woodland; this should be accompanied by support to Local Authorities through resources (training, staff) as well as PPG:***

- *“restoring 75% of our one million hectares of terrestrial and freshwater protected sites to favourable condition, securing their wildlife value for the long term;*
- *creating or restoring 500,000 hectares of wildlife-rich habitat outside the protected site network, focusing on priority habitats as part of a wider set of land management changes providing extensive benefits*
- *taking action to recover threatened, iconic or economically important species of animals, plants and fungi, and where possible to prevent human induced extinction or loss of known threatened species in England;*
- *increasing woodland in England in line with our aspiration of 12% cover by 2060: this would involve planting 180,000 hectares by end of 2042”;*
- *improving soil management, including the use of natural capital thinking: while a brief mention of **soils and geodiversity** is made in **§168 and §172**, it is not clear that the NPPF aligns with these objectives. This*

<sup>12</sup> DEFRA, *A Green Future: Our 25 Year Plan to Improve the Environment*, December 2017, in particular Chapter 2 on losses over the past 50 years

<sup>13</sup> DEFRA, *A Green Future: Our 25 Year Plan to Improve the Environment*, December 2017, page 77

<sup>14</sup> DEFRA Policy Paper, “*At a glance: summary of targets in our 25 year environment plan*”, Updated 1 February 2018  
<https://www.gov.uk/government/publications/25-year-environment-plan/25-year-environment-plan-our-targets-at-a-glance>

should be made clearer, at the very least with a reference to the 25 YEP and to further guidance (in PPG or elsewhere);

- “developing a Nature Friendly Schools programme for schools in our most disadvantaged areas”: this should be included here as a consideration for local authorities; alternatively or in addition, this could be referenced in Chapter 8 of the NPPF;
- “enhancing biosecurity to protect our wildlife and livestock, and boosting the resilience of plants and trees”, including “managing and reducing the impact of existing plant and animal diseases; lowering the risk of new ones and tackling invasive non-native species; and reaching the detailed goals to be set out in the Tree Health Resilience Plan of 2018”.

**Paragraph 169** - “Plans should: allocate land with the least environmental or amenity value, where consistent with other policies in this Framework”: we think this needs to be reworded as it currently seems to imply that environmental or amenity value could be of low consideration, compared to other policies. **Environmental objectives need to be one of the key considerations**, in line with the 25 YEP and with the statements in Chapter 2 §8 of this draft revised NPPF.

## CHAPTER 16 CONSERVING AND ENHANCING THE HISTORIC ENVIRONMENT

**Q36 Do you have any comments on the text of Chapter 16?**

CIBSE response

*These changes to §182 and §189 seem welcome.*

*Note the historic environment also includes trees, woodlands and landscapes and other green amenity spaces; this should be specifically mentioned, instead of the current wording which defines it as “sites and buildings”.*

## CHAPTER 17 FACILITATING THE SUSTAINABLE USE OF MINERALS

**Q37 Do you have any comments on the changes of policy in Chapter 17, or on any other aspects of the text of this chapter?**

CIBSE response

**Paragraphs 204-206 - Oil, gas and coal exploration and extraction:** We note that paragraph 204a requires Local Authorities to ‘recognise the benefits of onshore oil and gas development, including unconventional hydrocarbons’; this **must** be balanced by a requirement to recognise and mitigate the negative impacts in planning policies and decisions, including environmental impacts.

*As a general note, we would add that CIBSE support Research & Development efforts and investment in **reducing energy consumption in the first place**, rather than investing in expensive and complex solutions such as fracking, which prolong the fossil fuel economy and carry substantial environmental risk including water consumption and pollution.*

**Q38 Do you think that planning policy on minerals would be better contained in a separate document?**

CIBSE response

*No response*

**Q39 Do you have any views on the utility of national and sub-national guidelines on future aggregates provision?**

CIBSE response

No response

## TRANSITIONAL ARRANGEMENTS AND CONSEQUENTIAL CHANGES

Q40 Do you agree with the proposed transitional arrangements?

CIBSE response

No response

Q41 Do you think that any changes should be made to the Planning Policy for Traveller Sites as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

Q42 - Do you think that any changes should be made to the Planning Policy for Waste as a result of the proposed changes to the Framework set out in this document? If so, what changes should be made?

CIBSE response

Yes, the Planning Policy for Waste should be updated to better reflect the needs and objectives of the circular economy and to be in line with the **25 Year Environment Plan objectives**<sup>15</sup> to “minimise waste, reuse materials as much as we can and manage materials at the end of their life to minimise the impact on the environment”, and to do so by:

- “working towards our ambition of zero avoidable waste by 2050
- working to a target of eliminating avoidable plastic waste by end of 2042
- meeting all existing waste targets – including those on landfill, reuse and recycling – and developing ambitious new future targets and milestones
- seeking to eliminate waste crime and illegal waste sites over the lifetime of this Plan, prioritising those of highest risk; delivering a substantial reduction in litter and littering behaviour; significantly reducing and where possible preventing all kinds of marine plastic pollution – in particular material that came originally from land”.

## GLOSSARY

Q43 Do you have any comments on the glossary?

CIBSE response

As noted in our response to a few questions and as highlighted by the Natural Capital committee, the concept of **environmental gain** needs to be defined, and therefore added to the glossary. This could be highlighted as a temporary definition with reference to work by the Natural Capital Committee, until more detail is available following the consultation on a mandatory net gain for nature which was pledged in the 25 Year Environment Plan.

As noted in our response to Chapter 15, a significant omission in this NPPF is the alignment with the 25 Year Environment Plan, including objectives in terms of **biosecurity**, which is completely omitted from the current draft. Biosecurity should be considered within the NPPF and then added to the glossary.

**Natural Capital** should be added to the glossary. This should preferably be done by reference to the work of the Natural Capital Committee<sup>16</sup> and Natural Coalition<sup>17</sup>.

<sup>15</sup> DEFRA, A Green Future: Our 25 Year Plan to Improve the Environment, December 2017, page 29

<sup>16</sup> <https://www.gov.uk/government/groups/natural-capital-committee>

<sup>17</sup> <https://naturalcapitalcoalition.org/>



**Green infrastructure:** *the definition proposed here is much too limited; it should be amended, for example to be in line with the updated definition published in PPG since 2016. The benefits of green infrastructure should not be limited to the local community, as in the current definition. When it is well-planned and coordinated, it can have much wider effects, from local to regional. The definition should also encompass a much wider range of features than simply “green space”, and should include blue infrastructure unless the NPPF wording is amended throughout to “green and blue” infrastructure.*

**Affordable housing:** *we are aware that other professional organisations have raised concerns about the change of wording, which points towards a further loosening of the definition, and less likelihood of truly affordable housing. This is not our core area of expertise, and we would refer to others on this, e.g. the RIBA.*

**END**

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**Please do not hesitate to contact us for more information on these responses.**