



Work of the Ad Hoc Committees in 2015–16: House of Lords National Policy for the Built Environment Committee

Summary

The House of Lords National Policy for the Built Environment Committee published its report [Building Better Places](#) on 19 February 2016. In the report's summary, the Committee highlighted its key recommendations, including proposals to:

- Address the gap between planning permissions granted and new homes built, and other barriers to increasing the number of housing completions.
- Create better places, promote design quality and enhance the resilience and sustainability of new developments.
- Appoint a Chief Built Environment Adviser, appointed to integrate policy across central government departments, to act as a champion for higher standards and to promote good practice.
- Address funding, promote skills and raise capacity, and promote the concept of proactive planning at the local level.
- Improve streets, highways and the public realm and promote greater joint working between health and planning professionals and better local monitoring of health impacts resulting from the built environment.

The Government responded to the Committee's report in November 2016, and the House debated both the report and the Government's response in January 2017.

This House of Lords Library Briefing provides an overview of the conclusions reached and recommendations made by the National Policy for the Built Environment Committee in [Building Better Places](#) and the Government's response. It also summarises the debate on the report held in the House in January 2017 and the content of letters recently exchanged between Lord McFall of Alcluith, in his capacity as Senior Deputy Speaker and chair of the House of Lords Liaison Committee, and the Government. It concludes with an overview of recent activity relating to the policy areas considered in the report.

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I. Background

The House of Lords National Policy for the Built Environment Committee was appointed on 11 June 2015, on the recommendation of the House of Lords Liaison Committee.¹ Baroness Whitaker (Labour) and Baroness Andrews (also Labour) had earlier proposed that an ad hoc select committee be established to examine policy toward the built environment at the national level, the framework for which they argued had not been examined as a whole since the passage of the Town and Country Planning Act 1947. In line with this suggestion and the House of Lords Liaison Committee's subsequent recommendation, the new Committee, to be chaired by Baroness O'Cathain (Conservative), was asked to "consider the development and implementation of national policy for the built environment" and to make recommendations.²

As part of its inquiry, the Committee took evidence from 58 witnesses during 27 evidence sessions and received 187 written submissions.³ It also carried out two visits to sites in Birmingham and the London Borough of Southwark.⁴ The Committee was supported during its inquiry by Matthew Carmona, Professor of Planning and Urban Design at the Bartlett School of Planning, University College London, who served as a specialist adviser.

The Committee published its report, [Building Better Places](#), on 19 February 2016. In this wide-ranging 100-page report (excluding appendices), the Committee considered the framework for national policy for the built environment. It provided 66 conclusions and recommendations in total, organised within five chapters focused on the following themes: recent trends and emerging challenges in the built environment; design, quality and standards; sustainability and resilience; delivering more housing; and local leadership, delivery and skills.⁵

The Government responded to the Committee's report in November 2016.⁶ Following the publication of the Government's response, the House of Lords held a debate to take note of the Committee's report on

¹ [HL Hansard, 11 June 2015, cols 891–3](#); and House of Lords Liaison Committee, [Review of Select Committee Activity and Proposals for New Committee Activity](#), 5 March 2015, HL Paper 127 of session 2014–15, p 14.

² [HL Hansard, 11 June 2015, col 893](#).

³ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 8. The names and affiliations of witnesses are listed on the Committee's website: House of Lords National Policy for the Built Environment Committee, '[Built Environment Committee: Timeline](#)', accessed 21 February 2018. A full list of evidence taken is available on the Committee's website: '[Built Environment Committee: Publications](#)', accessed 4 April 2018.

⁴ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 8.

⁵ *ibid.*, pp 1–2.

⁶ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347.

24 January 2017.⁷ Since then, there has been a recent exchange of letters between Lord McFall of Alcluith, in his capacity as the Senior Deputy Speaker and chair of the House of Lords Liaison Committee, and the Government on the subject of the Committee's recommendations. In addition, the Government launched a consultation on new planning reforms on 5 March 2018, as detailed in section 4 of this Briefing.⁸

2. Overview of Report and Government Response

The Committee began its report by setting out the rationale for the inquiry as follows:

The built environment affects us all. The planning, design, management and maintenance of the built environment, and its interaction with the natural environment, has a long-term impact upon people and communities. The quality of life, prosperity, health, wellbeing and happiness of an individual is heavily influenced by the place in which they live or work and, in this way, place shapes us. Striving to develop a built environment where all people can live well and make a full contribution to society should be a key objective for decision makers.⁹

The Committee added that it had confined the scope of its inquiry to the built environment in England given the extent of devolution across relevant policy areas. The conclusions and recommendations reached by the Committee, and the corresponding government response, are summarised below.

2.1 Built Environment: Recent Trends and Emerging Challenges

The Committee observed that it had undertaken its work at a time when significant changes were taking place in the planning system, and at a time when the Government had “intensified its focus on increasing and speeding up the supply of housing”.¹⁰ However, the Committee stressed that it had sought to focus not only on increasing the quantity of housing during its deliberations, but also on considering the need for quality and high standards in new provision. The Committee went on to acknowledge that the issue of housing had dominated coverage of the subject areas relating to the built environment in recent years, but added that it had attempted to balance this

⁷ [HL Hansard, 24 January 2017, cols GC 97–146.](#)

⁸ Ministry of Housing, Communities and Local Government and Prime Minister's Office, [‘Prime Minister Launches New Planning Rules to Get England Delivering Homes for Everyone’](#), 5 March 2018.

⁹ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 5.

¹⁰ *ibid*, p 19.

focus by giving “equal weight to the many other components [...] which help to place housing in its proper context”.¹¹

The Committee reached two key concluding remarks about the trends and challenges in the built environment. The first was that it welcomed and supported the Government’s focus on increasing and speeding up the supply of housing.¹² Secondly, however, the Committee expressed concern that the focus on the quantity of housing “must not work to the long-term detriment of planning for the whole of the built environment and the delivery of high quality development”. It cautioned that “moves towards deregulation of the planning system, coupled with an intensification of housebuilding, have the potential to exert significant enduring impacts upon the built environment in England”. The Committee further emphasised that a theme across much of its report was the “need for quality, as well as quantity, and the need to think about long-term implications for ‘place’, as well as the important and more immediate need for more housing”.¹³

In its response to the Committee’s report, the Government acknowledged that there was “no doubt” that governments of all political compositions had built an insufficient number of homes to meet the country’s needs in recent decades, and that the UK must therefore increase the supply of new housing.¹⁴ It added that “improving the housing market”, including in terms of supply, remained a “top priority”. However, the Government also stated that it did not want “development at any cost” and indicated its agreement with the Committee’s view that a balance should be struck between building new homes while maintaining “strong environmental protections”. This position was summarised as follows:

Development is not all about numbers. It is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations.¹⁵

The Government continued by stating that although it held a “leadership responsibility” for setting the overall framework for development, “all sections of society” had a role in delivering a high quality built environment. The Government concluded by thanking the Committee for its “comprehensive inquiry and detailed report”.¹⁶

¹¹ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 19.

¹² *ibid.*

¹³ *ibid.*

¹⁴ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 5.

¹⁵ *ibid.*

¹⁶ *ibid.*

2.2 Creating Better Places: Design, Quality and Standards

Coordination and Leadership

Regarding design, quality and standards, the Committee argued that the UK needed to be “much more ambitious when planning, designing, constructing and maintaining” its buildings.¹⁷ It contended that there were two “critical elements currently missing” in national policy in this area: a sufficient level of coordination across multiple government departments that “effect and respond” to the built environment; and a national organisation with the capacity to “undertake research, develop guidance and build the networks necessary to raise standards and drive better performance”.¹⁸

For these reasons, the Committee recommended that the Cabinet Office should initially play a role in coordinating built environment policy across government.¹⁹ However, in order to deliver “long-term coordination”, the Committee also recommended the appointment of a Chief Built Environment Adviser. This individual would be a “recognised expert” who would be tasked with coordinating relevant policy across central government departments, act as a champion for higher standards and promote good practice across the UK.²⁰ The Committee recommended that this individual should produce annual reports “providing high-level monitoring of quality and delivery within the built environment, and establishing priorities for research, policy and action”. In the Committee’s view, this individual should also lead a new and fully funded “small, strategic unit to conduct, commission and disseminate research and guidance on architecture and design within the built environment”.²¹

In its response, the Government argued that there was already “strong policy coordination of matters affecting the built environment” across government.²² The Government contended that existing structures, such as cabinet committees and a ministerial housing taskforce, were sufficient for the monitoring and delivery of its priorities in this area. In respect of the proposed Chief Built Environment Adviser, the Government argued that the *National Planning Policy Framework*, future development of the current Chief Planner role, and the transfer of responsibilities for architecture from the Department for Culture, Media and Sport (now the Department for Digital, Culture, Media and Sport) to the Department for Communities and Local Government (now the Ministry for Housing, Communities and Local Government) would be a “better use of resources than creating a specific

¹⁷ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 20.

¹⁸ *ibid*, p 24.

¹⁹ *ibid*.

²⁰ *ibid*, pp 24–5.

²¹ *ibid*, p 25.

²² Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 6.

new senior role”.²³ It also argued that a number of bodies and networks already supported design in the built environment: the Design Council CABE, the body formed by the 2011 merger of the Design Council and the Commission for Architecture and the Built Environment; a government-supported network of built environment experts; and a Design Advisory Panel. The Government concluded by reiterating that it would “consider the existing role of the Chief Planner taking on responsibilities of a Chief Built Environment Adviser”.²⁴

Government Strategy on Architecture and Construction

In respect of overall strategy for architecture and construction, the Committee argued that it was “important that the Government sets high standards for the built environment, and provides the vision, aspiration and leadership to enable others to deliver against those standards”.²⁵ For this reason, the Committee recommended that the Government should “publish, consult on and adopt a high-level policy for architecture and place quality in England”. This policy should be an early priority for the mooted Chief Built Environment Adviser who would, thereafter, keep it under review.²⁶

The Committee went on to contend that the Government, and other major public-sector commissioners of buildings, should “lead by example” by setting the “highest possible standards in major construction projects”.²⁷ To this end, the Committee recommended that the *Government Construction Strategy*, first published in 2011, should be reviewed.²⁸

In its response, the Government argued that it had become a “better client” of the construction industry since the publication of the *Government Construction Strategy*, in large part because it had since communicated work programme requirements more effectively.²⁹ It added that a new strategy had been published in March 2016, which set out its ambitions for “smarter

²³ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 7. See also: Ministry of Housing, Communities and Local Government, [National Planning Policy Framework](#), 27 March 2012; and ‘[Consultation: Draft Revised National Planning Policy Framework](#)’, 9 March 2018.

²⁴ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, pp 6–8.

²⁵ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, pp 25–6.

²⁶ *ibid*, p 26.

²⁷ *ibid*.

²⁸ *ibid*, pp 26–7. See: Cabinet Office, [Government Construction Strategy](#), May 2011.

²⁹ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 8.

procurement, fairer payment, improving digital skills, reducing carbon emissions and increasing client capability”.³⁰

Health and Built Environment

On the subject of health and the built environment, the Committee noted the importance of planners and policy makers, including those working in housing, taking into account the health impacts of their decisions, before urging “proper integration between planning and health”.³¹ The Committee recommended that such integration should be “informed by a robust evidence base”.³² For this reason, the Committee also recommended that the Government should, within the national planning practice guidance, “set out a common framework of health indicators for local planning authorities to monitor”. It also welcomed the increasing use of health impact assessments in decision making on major planning applications.³³

In response, the Government agreed on the importance of considering health as part of the planning process. It noted that Health and Wellbeing Boards could “play a strong local role in helping to create the conditions in which there is genuine collaboration across local areas”.³⁴ It stated that the Department for Communities and Local Government would continue to work with the Department of Health on this issue. It added that local planning authorities were required to take into account health evidence in plan-making. To this end, they could use indicators contained within the *Public Health Outcomes Framework* and a library of new and existing health impact assessments maintained by Public Health England. The Government concluded its response by stating that it believed the current system for monitoring health impacts was “sufficiently robust” and primary responsibility lay with local authorities to “develop locally-led solutions”.³⁵

Streets, Highways and the Public Realm

The Committee noted that decisions regarding streets and highways have a major impact upon the built environment, as well as on air quality and

³⁰ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, pp 8–9. See also: Infrastructure and Projects Authority, [Government Construction Strategy 2016–20](#), March 2016.

³¹ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 29.

³² *ibid*, p 30.

³³ *ibid*, pp 29–30.

³⁴ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 9.

³⁵ *ibid*, pp 9–11.

pedestrian safety. For this reason, it recommended that local authorities should fully adopt, and adhere to the policies within, the *Manual for Streets*.³⁶ The Committee also recommended that local authorities should give one cabinet member (or senior officer) responsibility for coordinating services which “impact upon street quality and the public realm” to mitigate against poor quality.³⁷

The Government responded by noting that a second *Manual for Streets* had been published in 2010 and that the *National Planning Policy Framework*, introduced in 2012, had since changed national planning policy. However, it encouraged those involved in the design of residential and other streets to still take note of the technical advice contained within the manuals. The Government went on to agree with the Committee’s recommendation for more coordination at the local authority level, but argued that it was the responsibility of local authorities to “decide how to deploy their resources to deliver a quality service for their communities”.³⁸

Integrated Transport Infrastructure

The Committee welcomed the establishment of the National Infrastructure Commission and the capacity that it was expected to provide to take a longer-term view of infrastructure needs. However, it cautioned that “transport infrastructure in particular needs to be properly integrated into its local surroundings”.³⁹ For this reason, the Committee suggested that the Commission should “develop an approach to engaging with local communities, and mechanisms to encourage community support for projects”.⁴⁰

In its response, the Government stated that the National Infrastructure Commission, which was established on a permanent basis in January 2017, would “engage with the public, policy-makers, infrastructure experts and relevant bodies openly and transparently”.⁴¹

³⁶ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 31. See: Department for Communities and Local Government, Department for Transport and Welsh Assembly Government, [Manual for Streets](#), 2007.

³⁷ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 32.

³⁸ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 11.

³⁹ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 34.

⁴⁰ *ibid.*

⁴¹ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 12.

Design Review, Permitted Development Rights and Permission in Principle

The Committee made several recommendations in respect of design review, permitted development rights and permission in principle, all under the heading of “delivering and safeguarding quality”. These recommendations included that the Government should:

- make design review mandatory for all major planning applications;
- review and remove some of the restrictions which make it difficult for local authorities to prevent office to residential development if this is deemed inappropriate at a local level; and
- “carefully consider” the impact of its deregulatory approach to planning permission could have on the relationship between “principle and detail” in the planning system.⁴²

In response, the Government stated that it did not mandate the use of design review because it believed that “local authorities are best placed to make local planning decisions”.⁴³ However, it expected an increase in its use. Regarding office to residential development, the Government contended that the system in place for local authorities to protect office accommodation, if deemed necessary, was not “costly or burdensome”. Indeed, it argued that the procedures in place struck the “right balance” between parties.⁴⁴ Finally, in relation permission in principle, the Government stated that the “need to assess the impact of development properly” before full planning permission was granted had not been removed.⁴⁵

2.3 Building for the Long-term: Sustainability and Resilience

Lifetime Homes and Neighbourhoods

The Committee made a number of recommendations in respect of ‘lifetime homes’; that is, those adaptable for use at any time of life. These included:

- that the Government should incentivise and increase the provision of specialist retirement housing and consider exempting such housing from certain payments;

⁴² House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, pp 34–40.

⁴³ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 13.

⁴⁴ *ibid*, p 14.

⁴⁵ *ibid*.

- that local authorities should be required, within their local planning policies, to set “appropriately ambitious targets for the delivery of Lifetime Homes”; and
- that the Government and local authorities should set a “appropriately high standard” in terms of accessibility in the built environment.⁴⁶

In response, the Government stated that the *National Planning Policy Framework* already required local planning authorities to “plan for a mix of housing based on current and future populations” and encouraged inclusive design.⁴⁷ It added that it considered there was “sufficient flexibility” for exemptions on charges, such as the Community Infrastructure Levy, to be set at the local level.⁴⁸ The Government also added that planning guidance on accessible housing had been issued and that it would “continue in our efforts to improve inclusive design through collaboration with industry”.⁴⁹

Resilience of Town Centres and High Streets

Regarding the resilience of town centres, the Committee recommended that planners should continue to encourage retail development in existing town centres. It urged local authorities to “begin to think more proactively, and creatively, about other ways to stimulate additional activity and footfall” in these areas.⁵⁰

In response, the Government stated that it recognised that high streets were facing “significant structural challenges”.⁵¹ However, it added that there were signs that high streets were “starting to recover”. The Government contended that existing guidance already encouraged local authorities to “plan positively to support town centres”.⁵² It then summarised a range of measures that it argued would assist the resilience of local areas, including encouraging permitted development in town centres and introducing ten minute parking grace periods to encourage more people to visit local high streets. The Government concluded by stating that “ultimately the protection of town centres rests with local authorities and their local communities”.⁵³

⁴⁶ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, pp 41–4.

⁴⁷ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 14.

⁴⁸ *ibid*, p 15.

⁴⁹ *ibid*, p 16.

⁵⁰ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, pp 45–6.

⁵¹ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 16.

⁵² *ibid*, p 17.

⁵³ *ibid*, pp 17–8.

Heritage

On heritage, the Committee recommended:

- that a pro-active, long-term national strategy for managing the historic built environment should be articulated;
- more joint leadership and proactive joint working between the Department for Culture, Media and Sport and the Department for Communities and Local Government, which share responsibility for different areas of heritage policy;
- that planning and development policy “should reflect more explicitly the fact that our historic environment is a cultural and economic asset rather than an obstacle to successful future developments”; and
- that the Government should review the rates of VAT charged on repairs to listed buildings.⁵⁴

In its response, the Government argued that, through a combination of regulatory controls, policy and fiscal incentives, it had already “set in place frameworks that promote” the conservation and management of the historic environment.⁵⁵ The Government added that heritage matters featured prominently in its *Culture White Paper* published in March 2016; that it was bringing “national arts and heritage lottery funders together to work on a new Great Place scheme to back local communities who want to put culture at the heart of their local vision”; and that it had also provided funding for the Architectural Heritage Fund which supported heritage organisations providing advice on the use of historic buildings.⁵⁶ In addition, the Government undertook to work closely with Historic England and others on the historic environment and stated that it would, through them, encourage the incorporation of heritage with new development.⁵⁷

Regarding the Committee’s proposal for a review of VAT, the Government stated that exemptions to the standard rate, currently 20 percent, were “strictly limited by revenue considerations” and that until negotiations on the UK’s departure from the European Union were complete the UK would continue to apply the EU’s VAT rules.⁵⁸

⁵⁴ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, pp 47–8.

⁵⁵ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 18.

⁵⁶ *ibid*, pp 18–19. See also: Department for Culture, Media and Sport, [Culture White Paper](#), March 2016, Cm 9218.

⁵⁷ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, pp 19–20.

⁵⁸ *ibid*, p 18.

Protecting Against Flood Risk

Regarding flood mitigations, the Committee recommended:

- that the Government take a more proactive approach to the provision of sustainable drainage systems; and
- that steps should be taken to reduce the number of new properties built in areas of flood risk and the Government “should promote a coordinated programme of retrofit for the growing number of existing properties in such areas”.⁵⁹

In response, the Government indicated that it agreed with the intention behind the recommendations. However, it believed that there was already a “strong package of measures in place to ensure the use of sustainable drainage systems in new developments”.⁶⁰ It noted that the Housing and Planning Act 2016 placed a duty on the Government to review policy and legislation in this area and any changes would be based on the outcomes of this review process. The Government also contended that flood risk was already an important consideration in the planning system and that there were “strong policy safeguards in place” in respect of ensuring developments were safe and resilient. It also commented on a number of measures it had undertaken in relation to retrofitting and repairing properties affected by flooding.⁶¹

Sustainable Design and Construction

Regarding sustainable design and construction, the Committee recommended that the Government:

- reverse its decision to remove the requirement for new homes to generate no net carbon emissions and set out and implement a “viable trajectory towards energy efficiency and carbon reduction in new homes”; and
- be more proactive in supporting retrofit measures for existing buildings.⁶²

⁵⁹ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 50.

⁶⁰ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 21.

⁶¹ *ibid*, pp 21–3.

⁶² House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, pp 52–3.

In its response, the Government stated that it recognised the “important contribution that the energy efficiency of buildings makes to reducing the impacts of climate change”.⁶³ However, it qualified this response by adding that the UK needed to “substantially increase housing supply” and, while these new homes should be sustainable, it did not want to make building these homes “more difficult than necessary”. The Government added that it was “committed to creating a more stable, more coherent and more affordable policy framework for the long term” in respect of sustainability, and that it would be looking at a “range of policy levers” during consideration of future policy options.⁶⁴

Green Infrastructure

The Committee recommended that the Government “protect and promote” green infrastructure, including trees, in national policy and guidance.⁶⁵ It urged the Government to encourage local authorities to set minimum standards for green infrastructure provision and management in local plans and in planning decision-making.⁶⁶ In response to this recommendation, the Government stated that it had expanded its planning practice guidance on green infrastructure in February 2016.⁶⁷ It added that it did not deem it appropriate to specify minimum standards, as this was a “matter for local discretion” and would be “influenced by the nature and characteristics of each local area”.⁶⁸

2.4 Delivering More Housing

National Housing Policy

On the subject of national housing policy, the Committee recommended:

- that, in addition to measures to support increased private sector development and encourage home ownership, the Government should also focus on how policy could support mixed communities including through the provision of long-term affordable rented housing; and

⁶³ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 23.

⁶⁴ *ibid.*, pp 23–4.

⁶⁵ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 55.

⁶⁶ *ibid.*

⁶⁷ See: Ministry of Housing, Communities and Local Government, ‘[Natural Environment](#)’, updated 11 February 2016.

⁶⁸ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, pp 24–5.

- that this should include housing associations in their aspiration to increase housing supply.⁶⁹

In its response, the Government outlined measures it had taken to increase the supply of affordable housing and reiterated that it wanted to see a “range of housing delivered across all tenures: homes for rent, homes for shared ownership and discounted starter homes to buy outright”.⁷⁰ It added that details of a Shared Ownership and Affordable Homes Programme for the period 2016–21 would be published later in 2016.⁷¹

Local Authority Role

Following consideration of the role of local authorities in delivering more housing, the Committee noted that they had “largely lost their ability to contribute to new supply” in recent decades.⁷² This led to a recommendation that the Government should “take steps to ensure that local authorities are able to fulfil their potential as direct builders of new mixed tenure housing”, in part through a review of the impact of borrowing restrictions and social rent reductions.⁷³

In response, the Government accepted that local authorities had contributed less to new housing supply in recent decades. However, it argued that the Housing Revenue Account self-financing settlement was a “step forward” that was “supporting councils to build more homes”.⁷⁴ The Government added that it did not agree with the Committee’s recommendations to review the impact of borrowing restrictions and social rent reductions on local authorities’ ability to deliver housing. It stated that borrowing limits were part of its plan to reduce public sector debt and that the decision on social rent reductions was “based on the need to put welfare spending on a sustainable footing”.⁷⁵

Site Delivery and Land Assembly

Regarding site delivery and land assembly, the Committee made recommendations in relation to both small and large sites. These included

⁶⁹ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 59.

⁷⁰ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 25.

⁷¹ *ibid*, p 25. See: Homes and Communities Agency, ‘[Shared Ownership and Affordable Homes Programme 2016 to 2021: Guidance](#)’, 13 April 2016.

⁷² House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 60.

⁷³ *ibid*, p 61.

⁷⁴ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 26.

⁷⁵ *ibid*, pp 26–7.

that the Government should:

- review the *National Planning Policy Framework* and national planning practice guidance “with a view to encouraging local authorities to identify and facilitate development on smaller sites”, with small and medium-sized enterprise (SME) builders being encouraged to develop such sites where appropriate;
- identify the barriers to access facing SME builders and review how access to finance for this sector could be improved; and
- expand its review of compulsory purchase procedure set out in the Housing and Planning Bill then passing through Parliament.⁷⁶

The Government responded by setting out measures it had taken to support SME builders, including financing support offered through the Housing Growth Fund. It added that developers of small sites would help deliver homes “more quickly”, before stating that it had proposed changes to the *National Planning Policy Framework* to “make it easier for proposals on small sites to come forward”.⁷⁷ Regarding compulsory purchase procedure, the Government contended that various measures, including those in the Neighbourhood and Planning Bill then passing through Parliament, would “make a significant change” to the way in which compulsory purchase orders were delivered.⁷⁸

Brownfield, Greenfield and Green Belt

The Committee made recommendations about brownfield, greenfield and green belt land, including that the current national planning framework policy on the green belt should remain. In addition, the Committee argued that the Government should:

- publish clearer guidance on the definition of the ‘exceptional circumstances’ in which green belt boundaries may be revised; and
- consider “strengthening” the priority given to brownfield development, including considering the reintroduction of a “brownfield first” policy at national level.⁷⁹

The Government welcomed the perceived endorsement of its policies toward the Green Belt. However, it argued that the *National Planning Policy*

⁷⁶ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, pp 62–5.

⁷⁷ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, pp 27–8.

⁷⁸ *ibid*, p 28. See also part 2 of the Neighbourhood Planning Act 2017.

⁷⁹ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 67.

Framework had been “designed to be locally interpreted and applied, with a minimum of essential supporting guidance”.⁸⁰ Regarding brownfield development, the Government added that it intended to use powers available under the Housing and Planning Act 2016 to “require local authorities to compile and maintain registers of brownfield sites suitable for housing, to ensure that all possible opportunities for brownfield development are pursued” amongst other measures.⁸¹ However, it also added that a reintroduction of a “rigid ‘brownfield first’ policy nationwide would not help to deliver housing”. Instead, the Government argued that local authorities were best placed to identify suitable brownfield land for development in their local areas.⁸²

Development Management Procedures

The Committee recommended the following development management procedures:

- that, in the light of declining resources, smaller planning authorities should be encouraged to share resources and built environment expertise with neighbouring authorities; and
- that the Government should “consider the potential for expanding the Development Corporation model to other major sites in England, whether larger housing sites might benefit from having a single delivery authority with stronger powers and where local authorities are supportive”.⁸³

The Government agreed that planning authorities should be flexible in how they “deliver their growth and housing priorities”, for example sharing services with a neighbouring authority when suitable.⁸⁴ On this point, the Government noted that it “makes sense” for local authorities to share planning services in order to benefit from operating such services at scale. The Government added that it expected to publish its response to a consultation on fee flexibility to encourage service transformations (which it did in March 2018); and that changes had been introduced by the Housing and Planning Act 2016 to “modernise and speed up the process of establishing New Town Development Corporations and Areas”.⁸⁵

⁸⁰ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 28.

⁸¹ *ibid*, p 29.

⁸² *ibid*.

⁸³ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, pp 69–70.

⁸⁴ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 30.

⁸⁵ *ibid*, p 30. See: Ministry of Housing, Communities and Local Government, [Government Response to the Planning for the Right Homes in the Right Places Consultation](#), March 2018.

Unbuilt Sites with Planning Permission

On the subject of unbuilt sites with planning permission, the Committee recommended that the Government “must consider measures to help accelerate the delivery of housing on sites with planning permission”, including permitting the charge of council tax rates for properties scheduled for the site in certain circumstances.⁸⁶ The Government did not explicitly respond to this recommendation, though it commented on the importance of viability in the context of the Committee’s recommendations in this area.⁸⁷

Viability and Affordability

As indicated above, the Committee made recommendations in respect of viability as well as affordability. It argued that the Government should:

- revise the *National Planning Policy Framework* and national planning practice guidance to make clear that the process of viability assessment should not be used to compromise the ability of local authorities to meet housing need, including affordable housing need, which would reduce the “unreasonable use of viability assessments to avoid funding of affordable housing and infrastructure”;
- publish a nationally consistent methodology for viability assessment;
- reconsider its proposal to include starter homes within the definition of affordable housing; and
- revise its proposal to “require starter homes on every reasonably sized development site”, which would allow local authorities to prioritise long-term affordable housing over starter homes where appropriate.⁸⁸

In its response, the Government argued that “sustainable development” required “careful attention to viability and costs in both plan-making and decision-taking”.⁸⁹ It contended that development “stalled due to unviable requirements delivers no regeneration, no community benefit and no new housing, affordable or otherwise”, though this did not mean that “development should be approved at any cost”. The Government added that

⁸⁶ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 72.

⁸⁷ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, pp 30–1.

⁸⁸ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, pp 74–6.

⁸⁹ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 30.

planning obligations on developers “must be grounded in an understanding of viability” and, according to existing guidance, flexibility should be forthcoming in cases where an obligation would “cause the development to be unviable”.⁹⁰ It went on to encourage local authorities to be “flexible in applying policy requirements wherever possible” when the viability of a development was in question.⁹¹

In its response to the Committee’s remaining viability and affordability recommendations, the Government noted that existing guidance required that a “collaborative approach” to viability should be taken by all involved in planning decisions.⁹² On starter homes, the Government stated that it had consulted on this issue, though it believed that the definition should “continue to include a range of affordable products for rent and for ownership for households whose needs are not met by the market”, though “without being unnecessarily constrained by the parameters of products that have been used in the past which risk stifling innovation”.⁹³ It added that local authorities would need to abide by statutory requirements in respect of starter homes, but that other forms of affordable housing, like affordable homes for rent, could also be built if viable.⁹⁴

Skills Shortages

Regarding noted skills shortages in the construction industry, the Committee recommended that the Government take measures to “remedy this situation”.⁹⁵ These could include: the expansion of apprenticeships; the promotion of construction trades in courses offered by university technical colleges; and increased support for outreach programmes within educational institutions to encourage more young people to enter the industry. The Government responded that apprenticeships were its priority for addressing skills shortages in a number of industries, including the construction sector.⁹⁶

2.5 Local Leadership, Delivery and Skills

Skills, Local Vision and ‘Proactive Planning’

The Committee made a number of recommendations on local leadership, delivery and skills. The Committee noted that proactive local planning could

⁹⁰ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, pp 30–1.

⁹¹ *ibid*, p 31.

⁹² *ibid*.

⁹³ *ibid*, pp 31–2.

⁹⁴ *ibid*, pp 32–3.

⁹⁵ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 77.

⁹⁶ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 33.

“play an important part in defining a ‘vision’ for a local area and improving the built environment”.⁹⁷ It recommended that local authorities should “consider mechanisms that would help them to develop the capacity to do this, including the potential for working outside the statutory planning system to raise the status of planning and regeneration in their area”.⁹⁸ These mechanisms may, for example, include the production of design frameworks, masterplans or strategies. Linked to this, the Committee recommended that both national and local government should take steps to increase the capacity of the planning sector as a whole, “including through educational outreach programmes as well as partnerships with the private sector, universities and neighbouring authorities”.⁹⁹

The Committee also recommended that the Government should consider “how best it might support the development of place-making capacity within local authorities”.¹⁰⁰ Suggested measures included support for the public service initiative proposed by a board member of the Planning Officers’ Society (designed to be similar to the Teach First and Frontline schemes in the fields of education and social work, respectively) and the introduction of bursaries to students of planning.¹⁰¹

The Government responded positively. It stated that it agreed with the sentiments of the Committee in respect of strengthening capacity within the planning sector. The Government argued that existing guidance featured a “strong focus on design and clearly encourages the use of masterplans and briefs as effective planning tools to achieve good design”.¹⁰² It added, however, that it was incumbent upon local authorities to decide on the most appropriate approach to building the capacity of their planning sections. It followed this statement by commenting on a range of activity which it contended showed a commitment to the development of place-making capacity within local authorities.¹⁰³

Resourcing and Capacity

Regarding resourcing and capacity, the Committee recommended:

- that the Government should explore how a localised fee regime would help local authorities to deliver a more efficient planning service, with less public subsidy, and also explore how local fees

⁹⁷ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 80.

⁹⁸ *ibid*, p 81.

⁹⁹ *ibid*.

¹⁰⁰ *ibid*.

¹⁰¹ Finn Williams, [Public Service](#), March 2015, p 3; and Michael Donnelly, ‘Pilot ‘Teach First’-style Planning Initiative to Launch in Autumn’, [Planning Resource](#), 2 April 2015.

¹⁰² Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 33.

¹⁰³ *ibid*, pp 33–4.

could be regulated to ensure planning applications remained cost-effective for applicants;

- that national fees should be set at a level which moved closer to ‘full cost recovery’ for local authorities; and
- that local authorities should explore the potential for commercial activity and premium planning services such as the fast tracking of applications, in order to increase revenue for their planning departments.¹⁰⁴

In response, the Government stated that it agreed that an effective and efficient planning service was essential at the local level. However, it argued that fees, whilst making an important contribution, were “only one side of the resourcing equation”.¹⁰⁵ The Government contended that, if it were to implement a localised fee regime, there would be “no guarantee that the additional income would go into planning services or would lead to an improvement in the efficiency, effectiveness and performance of that service”. It added that a balance needed to be struck between charging a fair fee for the processing of planning applications and not dissuading people from submitting applications. The Government continued by outlining ways in which local authorities could raise additional revenue from planning activities.¹⁰⁶

Local Plan-making Process

On the subject of the local plan-making process, the Committee concluded that the “fundamental approach of a plan-led system should remain unaltered”, but recommended that national and local government should “explore opportunities to make local plan-making more dynamic and responsive to changing conditions”.¹⁰⁷ It added that the Government should consider the introduction of “additional measures to allow for the partial review, or incremental adoption, of local plans, to avoid the need for a lengthy, resource intensive full plan review when underlying circumstances change”.

In response, the Government stated that it shared the Committee’s desire to see plan-making simplified. It argued that the amount of planning policy had been reduced during its tenure, though it conceded that the “process of getting local plans in place can sometimes seem lengthy and complicated”.¹⁰⁸

¹⁰⁴ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 83.

¹⁰⁵ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 35.

¹⁰⁶ *ibid*, pp 35–6.

¹⁰⁷ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 85.

¹⁰⁸ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 36.

The Government noted that, at the time of its response, it was giving consideration to a number of recommendations from an expert group on streamlining the length and process of local plans.

Spatial Frameworks and ‘Larger than Local’ Planning

The Committee made the following recommendations:

- that local authorities should explore working together on joint spatial frameworks on the model of Greater Manchester;¹⁰⁹ and
- that, in cases where this was not suitable, the Government should provide “stronger incentives and guidance to ensure that local authorities cooperate effectively on cross-boundary planning matters” and that such cooperation did not lead to delays in the planning system.¹¹⁰

The Government responded to these recommendations by arguing that the Greater Manchester model was “not appropriate in all areas as it relates to the preparation of a formal mayoral statutory plan”.¹¹¹ It contended that “each locality needs to develop its own, proportionate and appropriate approach to joint working in their area, taking into account any opportunities that devolution discussions offer for increased collaboration”. The Government added that it supported calls for local authorities to work collaboratively, though it was not considering incentives to encourage such cooperation.¹¹²

Community Frameworks and Neighbourhood Planning

The final recommendations made by the Committee related to community and neighbourhood planning. These included:

- that the Government should give “stronger weight to emerging neighbourhood plans in planning policy”;
- that the Government and local authorities should take measures to “streamline and simplify the neighbourhood planning process”, including providing resources for promoting the establishment of neighbourhood forums;
- that there be “stronger policy support for early community engagement” in both local plan making and planning

¹⁰⁹ See: Greater Manchester Combined Authority, ‘[Greater Manchester Spatial Framework](#)’, accessed 9 April 2018.

¹¹⁰ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, p 88.

¹¹¹ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 36.

¹¹² *ibid*, pp 36–7.

- decision-making; and
- that the Government should consider the introduction of a community right of appeal in certain specified circumstances, “such as when a planning decision conflicts with an emerging neighbourhood plan or deals with a site unallocated by the local plan”.¹¹³

The Government responded to these recommendations by stating that, although it was of the opinion that it was important to take account of emerging neighbourhood plans as a material consideration in planning decisions, it would “not be right” to impose a moratorium on new planning applications coming forward until new plans were in place. It added that the Committee’s proposals would “remove the incentive for communities to complete neighbourhood plans” and would “serve to encourage those that oppose a development to start the process with no intention of completing a plan, simply as a means to prevent development”.¹¹⁴ The Government added that it was putting in place a range of measures in respect of the other recommendations made in this section. It concluded by ruling out the suggested community right of appeal, arguing that it doubted the planning system would benefit from such a mechanism.¹¹⁵

3. House of Lords Debate

The House debated the Committee’s report, in the light of the Government’s response, on 24 January 2017.¹¹⁶ Baroness Andrews (Labour), who had played a role in supporting Baroness Whitaker’s suggestion that the built environment be the subject of a committee inquiry, opened the debate in the absence of the Committee’s chair, Baroness O’Cathain (Conservative).¹¹⁷ Baroness Andrews began her remarks by setting out the context in which the Committee undertook its work:

To my knowledge, there has not been a national discussion on the development and future of the built environment as a whole for many years, if ever, despite the fact that our built environment is under unique and massive stress and constant change and shapes every aspect of our lives [...]

¹¹³ House of Lords National Policy for the Built Environment Committee, [Building Better Places](#), 19 February 2016, HL Paper 100 of session 2015–16, pp 90–1.

¹¹⁴ Department for Communities and Local Government, [Government Response to the Report of the House of Lords Select Committee on the Built Environment](#), 8 November 2016, Cm 9347, p 37.

¹¹⁵ *ibid*, pp 37–9.

¹¹⁶ [HL Hansard, 24 January 2017, cols GC 98–146](#).

¹¹⁷ Baroness O’Cathain set out her views on the Government’s response at the time of its publication. See: House of Lords National Policy for the Built Environment Committee, [‘Long Awaited Government Response to Built Environment Report Published’](#), 10 November 2016.

There have been foresight studies, housing reviews and endless partial reviews of planning, which are still going on, but there has been a complete failure to think in the long-term about how to improve our urban and rural environments, make them more resilient, balance the use of scarce resources and future-proof housing and planning so they serve people of all ages and get the best for the future. At the same time, unlike the majority of countries in Europe, we have no national spatial strategy, and regional planning was abandoned in recent years. Our capacity to plan intelligently is further compromised by the fact that planning departments are being cut to the bone, and our inquiry was made more urgent by a housing market in crisis and extremely ambitious housing targets.¹¹⁸

Baroness Andrews continued by noting the complex nature of the issues considered by the Committee, before adding that the public and professional response to the Committee's report had been "swift and positive".¹¹⁹ This included a public welcome for the report by Jane Duncan, then President of the Royal Institute of British Architects (RIBA). However, Baroness Andrews went on to lament the unusually long delay in the Government's response and its quality:

The usual period of reply [to a committee report] is two months. We waited nine months for a reply to this report. We received it in November—a record delay and a record silence from government. But what is really striking and, for me, saddening, is the tone of the response when it finally emerged and the failure of the Department for Communities and Local Government to engage with the scale, the urgency and the spirit of the report. I feel that it failed to respond as seriously to us as we tried to do to the scale of the challenges we were addressing. With the exception of a very few instances where the Government commit to consider a recommendation—and the commitment is usually of a partial nature—the department has simply ridden over the evidence or the argument, whether it concerns a failure or possibilities for positive change.¹²⁰

She continued by citing "measured comment" on the Government's response by an expert who had given evidence to the Committee during its inquiry.¹²¹ This was to the effect that the response was "mainly a defence of existing government policies". Baroness Andrews continued:

I am sorry to say that the routine response throughout the report is to tell the Select Committee what it already knew was happening—for example, explaining policy positions which were often the starting point for our recommendations; or providing a defence of the need to

¹¹⁸ [HL Hansard, 24 January 2017, col GC 97.](#)

¹¹⁹ *ibid*, col GC 98.

¹²⁰ *ibid*, cols GC 98–9.

¹²¹ *ibid*, col GC 99.

go no further on the grounds that what is being done is sufficient. This can only reinforce the sense we got from our witnesses that they were concerned that the Government genuinely lacked the courage to address the systemic failures of the present system and the necessary, though difficult, solutions that were being put forward, the necessity for adapting to climate change being only one example.¹²²

Baroness Andrews then focused her remarks on three issues raised by the Committee: national policy-making, local policy-making and housebuilding. On national policy-making, she welcomed the Government's offer to consider the role of the Chief Planner to take on responsibilities suggested for a Chief Built Environment Adviser. However, this welcome was qualified by a doubt that the expanded Chief Planner role would be sufficient to "facilitate a single cross-cutting policy for the built environment" in government.¹²³ On local policy-making, Baroness Andrews summarised the recommendations relating to community engagement and increasing the capacity of planning sections. However, on the latter point, Baroness Andrews alleged that the Government had "made no response to this crisis in planning".¹²⁴ She called the Government's responses on this issue "inadequate". Lastly, on housebuilding, Baroness Andrews noted that the Government had "explicitly rejected" the Committee's recommendation that local authorities be permitted to borrow money in order to build housing. She continued by criticising the perceived inadequacy of the Government's response to other Committee recommendations in this area.¹²⁵ Concluding her remarks, Baroness Andrews stated that the Committee was of the view that the Government had "for the most part not heeded its advice", and had instead resorted to a "defence of the status quo".¹²⁶

Baroness Andrews was followed by a number of speakers who served on the Committee, including Lord Inglewood (Conservative), Baroness Whitaker (Labour), Baroness Parminter (Liberal Democrat), Baroness Rawlings (Conservative) and the Earl of Lytton (Crossbench). A number of these speakers echoed Baroness Andrews' criticism of the perceived delay associated with the Government's response. In addition, a number of speakers echoed her earlier criticism of the quality of the Government's response. For example, Lord Inglewood called the response "very flimsy", while Baroness Whitaker called it "piecemeal" and counselled that the Government had "missed the opportunity to do something imaginative about [national leadership in the design of place-making], to our national detriment".¹²⁷ Baroness Parminter characterised the response as "disappointing", while Lord Howarth of Newport (Labour), who was not a member of the Committee, called it "miserable" and stated that the

¹²² [HL Hansard, 24 January 2017, col GC 99.](#)

¹²³ *ibid*, cols GC 99–100.

¹²⁴ *ibid*, col GC 101.

¹²⁵ *ibid*, cols GC 101–2.

¹²⁶ *ibid*, col GC 102.

¹²⁷ *ibid*, cols GC 102 and GC 105–7.

response implicitly indicated a “contempt for planning” by the Government.¹²⁸

However, a number of speakers welcomed aspects of the Government’s response. For example, Baroness Whitaker indicated that there were areas in which the Government was “on the same wavelength” as the Committee, including on the provision of homes for an older population; accessibility for them and people with disabilities; the importance of high streets; and on the subject of the UK’s historic environment.¹²⁹ However, Baroness Whitaker qualified this welcome by stating that the Government’s “warm words do not amount to a coherent vision within which policies could be ordered and prioritised”.¹³⁰ She added, too, that “not enough” of the measures the Committee thought essential to improve housing policy has been “taken seriously”. Meanwhile, Baroness Rawlings stated that she found the Government’s response to the Committee’s report “mixed”.¹³¹

Lord Kennedy of Southwark (Labour) spoke on behalf of the Opposition. He began by characterising the Committee’s report as “excellent”, before calling on the Government to explain the “record delay for a department’s response”.¹³² Lord Kennedy welcomed both the debate and some recent announcements from the Government, particularly relating to increasing the number of homes across a range of tenures. However, he then stated that the Government’s “silence” on the Committee’s proposals in respect of speeding up the delivery of housing was “incredible”.¹³³ He made a number of points relating to the private rented sector, green infrastructure, the importance of the built environment on health and wellbeing, quality in the built environment and sustainability. He concluded with a critique of the Government’s response to the Committee’s proposal for a Chief Built Environment Adviser:

One of the most disappointing aspects [...] is the rejection of the idea of appointing a Chief Built Environment Adviser to integrate policy across central government departments, act as a champion for higher standards and promote good practice. That is a matter of much regret.¹³⁴

Responding on behalf of the Government, Lord Bourne of Aberystwyth, Parliamentary Under Secretary of State at the Department for Communities and Local Government, thanked the Committee for its report before apologising for the delay in publishing the Government’s response. Lord Bourne stated that the response had been withheld until after passage of the

¹²⁸ [HL Hansard, 24 January 2017, cols GC 107](#) and GC 115.

¹²⁹ *ibid*, cols GC 105–7.

¹³⁰ *ibid*, col GC 107.

¹³¹ *ibid*, col GC 121.

¹³² *ibid*, col GC 136.

¹³³ *ibid*, col GC 137.

¹³⁴ *ibid*, col GC 139.

Housing and Planning Act 2016 had been completed and that this, together with events such as the referendum on the UK's continued membership of the EU and the change of Prime Minister, had contributed to the long delay.¹³⁵ Lord Bourne continued by observing that a number of speakers had commented on the complexity of the issue at hand and that, as a result, addressing the issue as a whole involved a number of other government departments.

In terms of addressing specific issues raised during the course of the debate, Lord Bourne stated that the Government expected to publish its housing white paper in the near future and that he would examine how to move forward in respect of the points made on the Chief Planner role. He concluded his remarks by thanking the Committee for its report, repeating his apology for the delay in responding, and undertaking to continue engagement on the subject of the built environment.¹³⁶

4. Recent Developments

4.1 Legislation

The Housing and Planning Act 2016 received royal assent on 12 May 2016. The Act made provision in respect of matters including housing, estate agents, rent charges, planning and compulsory purchase. Through this Act, the Government stated that it aimed to “take forward proposals to build more homes that people can afford”, “give more people the chance to own their own home”, and “improve the way housing is managed”.¹³⁷ A number of the Act's provisions are yet to be implemented.¹³⁸

The Neighbourhood Planning Act 2017 received royal assent on 27 April 2017. The Act contained measures relating to planning and compulsory purchase.¹³⁹ In the case of the latter, these included clarification of the statutory framework for compensation and technical changes relating to the temporary possession of land and compulsory purchase orders.¹⁴⁰

Other legislation considered by Parliament since the publication of [Building Better Places](#) has included measures which would affect the built environment. This includes the Energy Act 2016, which included provision about the placement of onshore wind turbines. More recently, the Automated and Electric Vehicles Bill 2017–19 includes provision relating to the placement of charging infrastructure.

¹³⁵ [HL Hansard, 24 January 2017, col GC 139](#).

¹³⁶ *ibid*, cols GC 139–45.

¹³⁷ [Explanatory Notes](#), 12 May 2016, p 9.

¹³⁸ House of Commons Library, [Implementation of the Housing and Planning Act 2016](#), 19 February 2018.

¹³⁹ [Explanatory Notes](#), 27 April 2017, p 4.

¹⁴⁰ *ibid*.

4.2 Housing White Paper

Two weeks after the House debated the Committee's report the Government published its housing white paper.¹⁴¹ Entitled [Fixing Our Broken Housing Market](#), it set out a number of proposed measures relating to increasing housing supply. In relation to housing specifically, proposals in the white paper included:

- building homes where there is an identified need, based on a new standard methodology for calculating 'objectively assessed need', and encourage councils to plan on this basis;
- building homes faster by streamlining the planning process;
- diversifying the housing market by opening it up to smaller builders, encouraging local authorities to build again, encourage institutional investment in the private rented sector and promote more modular and factory built homes; and
- introducing measures to support first time buyers, renters and preventing homelessness.¹⁴²

The white paper also included proposals relating to planning, to be implemented via changes to the *National Planning Policy Framework*. Proposals in the white paper included:

- giving local authorities the opportunity to have their housing land supply agreed on an annual basis and fixed for a one year period;
- further consultation on introducing a standardised approach for local authorities in assessing housing requirements;
- changing the *National Planning Policy Framework* to introduce a housing delivery test which would highlight whether the number of homes being built was on target;
- increasing nationally set planning fees; and
- further consultation on introducing a fee for making a planning appeal.¹⁴³

4.3 Recent Exchange of Letters

On 6 November 2017, Lord McFall of Alcluith, in his capacity as Senior Deputy Speaker and chair of the House of Lords Liaison Committee, wrote to Alok Sharma, then Minister of State at the Department for Communities and Local Government, following up on the Committee's report and the Government's response. In his letter, Lord McFall asked Mr Sharma for an

¹⁴¹ Department for Communities and Local Government, [Fixing Our Broken Housing Market](#), 7 February 2017, Cm 9352. See also: Ministry of Housing, Communities and Local Government, '[Collection: Housing White Paper](#)', accessed 5 March 2018.

¹⁴² House of Lords Library, [Housebuilding in the UK](#), 5 January 2018, pp 10–1.

¹⁴³ House of Commons Library, [Planning Reform Proposals](#), 12 July 2017, p 3.

update on the status of recommendations made by the Committee, including those relating to the appointment of a Chief Built Environment Adviser; design standards and ensuring good design in the built environment; the role of Health and Wellbeing Boards in planning and the relationship between planning and health generally; viability assessments; ‘land banking’ by developers; and drainage and managing flood risk.¹⁴⁴

In his response, dated 6 December 2017, Mr Sharma responded to the issues raised by Lord McFall as follows.

Appointment of a Chief Built Environment Adviser

Mr Sharma reiterated the Government’s view that the Chief Planner was “best placed” to undertake the role of driving policy and standards for place and design quality, with support from an internal team in the Planning Directorate.¹⁴⁵ He provided more detail of this new team:

An architectural adviser with over ten years of experience at the helm of a large reputable architectural practice was appointed in March [2017] to assist the Chief Planner in developing policy and activity to raise design standards. A civil servant that was employed by Design Council CABE has been appointed to the Planning Directorate and is contributing skills to the planning reform activity. We are in the process of appointing a Built Environment Adviser and supporting team that will report to the Chief Planner. The Built Environment Adviser will work with other government departments to develop a cross-departmental approach to design quality.¹⁴⁶

On 31 January 2018, Lord Bourne of Aberystwyth confirmed that the Government had recently appointed the Built Environment Adviser. This individual will lead a team of four, reporting to the Chief Planner. Lord Bourne added that the successful candidate was an “architect from private practice with a research background and has experience of projects in the public sector”.¹⁴⁷

Government Lead in Setting High Design Standards

On this issue, Mr Sharma stated that the Government was revising the *National Planning Policy Framework* to “place a stronger emphasis on the

¹⁴⁴ House of Lords Liaison Committee, ‘[Letter from the Senior Deputy Speaker to Alok Sharma MP on the Select Committee on National Policy on the Built Environment](#)’, 6 November 2017, pp 1–3.

¹⁴⁵ Department for Communities and Local Government, ‘[Letter from Alok Sharma MP on the Select Committee on National Policy for the Built Environment](#)’, 6 December 2017, p 1.

¹⁴⁶ *ibid.*

¹⁴⁷ House of Lords, ‘[Written Question: Planning](#)’, 31 January 2018, HL4906.

importance of design quality in all developments”.¹⁴⁸ He added that the Government’s new delivery agency, Homes England, was “looking at how the quality of design can be taken into account in making decisions about the schemes that it supports”.¹⁴⁹

Discussions with Built Environment Professional Institutes

Mr Sharma wrote that “strong ties” had been established between the Royal Institute of British Architects (RIBA), the Royal Town Planning Institute and the Landscape Institute.¹⁵⁰ He added that there had been engagement between the Government and developers, local authorities, professional institutes, design professionals and other departments; and that the Government was also commissioning research on the value of good design from academia, urban design and architecture agencies.¹⁵¹

Impact of Planning Decisions on Health

On this issue, Mr Sharma wrote that the Government supported the work that the NHS and Public Health England were doing on encouraging healthy environments. He added that the Built Environment Adviser would “seek to integrate policies between government departments” to address this issue.¹⁵²

Viability Assessments

On the subject of viability assessments, Mr Sharma wrote that the Government had recently concluded a consultation on a “revised approach to standard viability assessments so they are simpler, quicker and more transparent”.¹⁵³ He argued that the Government’s proposals “set out that when viability has been tested by local authorities at the plan-making stage, it should not usually need to be tested again”.¹⁵⁴

Land Banking

Mr Sharma stated that the issue of land banking had been acknowledged in the Government’s housing white paper, published in February 2017.

¹⁴⁸ Department for Communities and Local Government, ‘[Letter from Alok Sharma MP on the Select Committee on National Policy for the Built Environment](#)’, 6 December 2017, p 1.

¹⁴⁹ *ibid.*

¹⁵⁰ *ibid.*

¹⁵¹ *ibid.*, pp 1–2.

¹⁵² *ibid.*, p 2.

¹⁵³ *ibid.* See: Ministry of Housing, Communities and Local Government, [Government Response to the Planning for the Right Homes in the Right Places Consultation](#), March 2018, p 27.

¹⁵⁴ Department for Communities and Local Government, ‘[Letter from Alok Sharma MP on the Select Committee on National Policy for the Built Environment](#)’, 6 December 2017, p 2.

He added:

We have consulted on a series of measures that will speed up the building of new homes, including the Local Housing Need consultation: *Planning for the Right Homes in the Right Places*. This may include shortening the timescale to implement a permission for housing development. Planning policy may also be amended to encourage local authorities to give greater consideration of how realistic it is that a developer will implement a planning permission.

At Budget 2017, alongside measures to speed up discharge of planning conditions and provide a national register of planning permissions, we announced a review of build out, chaired by the Rt Hon Sir Oliver Letwin MP. This will make recommendations to speed up the rate of build out and will set out its findings in 2018.¹⁵⁵

Regarding the latter measure, Sir Oliver set out the preliminary findings of his independent review in a letter published on 9 March 2018.¹⁵⁶ He indicated that the rate of built out of large sites was slowed by a number of constraints, including, but not limited to: limited availability of skilled labour, building materials and capital; constrained logistics on sites; the slow speed of installations by utility companies; and difficulties of land remediation. Sir Oliver stated that he hoped to publish the results of his review by the end of June 2018.¹⁵⁷

Flood Resilience

On the subject of flood resilience, Mr Sharma wrote that Department for Communities and Local Government (DCLG) officials were part of an industry group that was preparing a code of practice and guidance for property flood resilience. He stated that officials were engaged in this activity to help shape the guidance so that it could be used for regulatory purposes if necessary. The guidance was expected to be completed in April 2018. In addition, Mr Sharma wrote that the DCLG had been carrying out a review of national planning policies on the provision of sustainable drainage in new developments.¹⁵⁸

¹⁵⁵ Department for Communities and Local Government, '[Letter from Alok Sharma MP on the Select Committee on National Policy for the Built Environment](#)', 6 December 2017, p 2.

¹⁵⁶ Sir Oliver Letwin, '[Letter from Sir Oliver Letwin to the Chancellor of the Exchequer and the Secretary of State for Housing, Communities and Local Government](#)', 9 March 2018.

¹⁵⁷ *ibid.* See also: Ministry of Housing, Communities and Local Government, '[Review of Build Out: Terms of Reference](#)', 14 January 2018.

¹⁵⁸ Department for Communities and Local Government, '[Letter from Alok Sharma MP on the Select Committee on National Policy for the Built Environment](#)', 6 December 2017, pp 2–3.

4.4 Revision of the National Planning Policy Framework

On 5 March 2018, the Prime Minister, Theresa May, announced plans to overhaul the *National Planning Policy Framework*. As part of this work, the Government has launched a consultation on the draft revised framework. It has asked for responses to be submitted by 10 May 2018.¹⁵⁹ In a press release accompanying the Prime Minister's announcement, the Government stated that the revised framework would provide:

[...] a comprehensive approach for planners, developers and councils to build more homes, more quickly, in the places people want to live. Councils and developers will now be required to work with community groups to ensure those affected by new developments will have a say on how they look and feel. It will focus on the following areas:

- Greater responsibility.
- Maximising the use of land.
- Maintaining strong protections for the environment.
- Ensuring the right homes are built.
- Higher quality and design.
- More transparent planning process.¹⁶⁰

However, shortly after the Prime Minister's announcement, Labour criticised the proposals as "feeble".¹⁶¹

Since the announcement, the Government has continued to publish material relating to planning policy.¹⁶²

¹⁵⁹ Ministry of Housing, Communities and Local Government and Prime Minister's Office, '[Prime Minister Launches New Planning Rules to Get England Delivering Homes for Everyone](#)', 5 March 2018; and '[Draft Revised National Planning Policy Framework](#)', 5 March 2018. See also: BBC News, '[Theresa May: Young Are 'Right to be Angry' About Lack of Homes](#)', 5 March 2018.

¹⁶⁰ Ministry of Housing, Communities and Local Government and Prime Minister's Office, '[Prime Minister Launches New Planning Rules to Get England Delivering Homes for Everyone](#)', 5 March 2018.

¹⁶¹ BBC News, '[Theresa May: Young Are 'Right to be Angry' About Lack of Homes](#)', 5 March 2018.

¹⁶² Ministry of Housing, Communities and Local Government, '[Announcements](#)', accessed 4 April 2018.

5. Further Reading

- House of Lords Library, [Housebuilding in the UK](#), 5 January 2018
- House of Commons Library, [Implementation of the Housing and Planning Act 2016](#), 28 March 2018
- House of Commons Library, [Stimulating Housing Supply: Government Initiatives \(England\)](#), 19 March 2018
- House of Commons Library, [Tackling the Under-supply of Housing in England](#), 12 March 2018
- House of Commons Library, [Stimulating Housing Supply: Government Initiatives \(England\)](#), 3 December 2017
- House of Commons Library, [What is Affordable Housing?](#), 14 November 2017
- House of Commons Library, [Planning Reform Proposals](#), 12 July 2017
- House of Commons Library, [Planning for Housing](#), 14 June 2017
- House of Commons Library, [Tackling the Under-supply of Housing in England](#), 9 June 2017
- House of Commons Library, [Planning Reform in the Housing White Paper](#), 8 February 2017