



Do Not “*Build, Build, Build*”!

Architects Climate Action Network (ACAN) protests the new laws on Permitted Development Rights (PDR) as being detrimental to meeting underlying climate targets and wants the Government to immediately stop the changes from coming into force on 31 August 2020 without enough scrutiny and before amendment of the current Building Regulations¹ and Planning Laws.

1. Introduction to new Changes to planning laws:

From September 2020 new PDR laws will mean planning applications will not be required in many instances where full approval currently regulates quality. Amongst the changes, the extended rights will allow the demolition of a vacant office, light industrial or residential buildings to redevelop the site for a residential building². Owners of many residential blocks and homes built between 1948 and 2018, will also be able to add up to 2 storeys to create new homes or additional space through a fast track approval process. This new power is partially managed with a requirement to ‘carefully consider’ the impact on neighbours and the appearance of the extension. The proposed changes to PDR were published as a consultation on 29 October 2018 and ran for a period of 11 weeks. Results of this consultation published in May 2019³ considered that *“such a right [PDR for the demolition and replacement build of commercial sites] would go beyond what is capable of or appropriate to be delivered through a national permitted development right and that it would require extensive prior approval considerations.”*⁴ Despite the responses to the consultation and the government’s response, these rights are being implemented and coming into force at the end of August 2020.

¹ Building Regulations are minimum legislative standards approval of which are mandatory for alterations, design and construction of almost every building (guidance can be found from <https://www.gov.uk/building-regulations-approval>). These guidelines are outlined and published by the government in ‘Approved Documents’ (AD). AD provide guidance that govern the energy performance, comfort, accessibility, safety, material and many other aspects of a building. Building Regulation Approval is different from Planning Permission and would still be required under the new PDR. The current Building Regulations are at the moment under review by the Government, as an example to set higher energy efficiency standards. The changes to PDR are coming into force before these amendments are made.

² To make use of the new PDR, the old buildings must:

- Have a footprint of no larger than 1,000SQ.M and be no higher than 18m
- Have been built before 1990
- Not be within a conservation area, national park, area of outstanding national beauty or a site of special scientific interest
- Have been vacant for at least 6 months before the date of the application for prior approval

³ Government response to consultation on Planning Reform: Supporting the high street and increasing the delivery of new homes, May 2019, Retrieved 25 August 2020, from: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/799220/Government_Response_to_Planning_Reform_Consultation.pdf

⁴ Ibid, page 17



Since the introduction of the new major changes to PDR on 21 July 2020, there has been an introduction of a new 'Use Class Order' which is coming into force on 1 September and proposed extension of the 'Permission in Principle' to speed-up building. On 6 August 2020, the Government also launched a 12-week Open Consultation on the new planning reforms; White Paper: Planning for the Future (PftF).

2. ACAN comments:

The construction industry currently is responsible for more than 40% of carbon emissions. The speed and nature of construction under the current Building Regulations prior to COVID-19 would not have allowed adhering to the UK 2050 targets to bring all greenhouse gas emissions to net zero. While the Building Regulations continue to be reviewed, the proposed new laws would take us further from meeting our targets; incentivising unregulated development in the mistaken notion of aiding the economy. It is negligent and short-sighted of this government to take such reckless action that will only serve to expedite catastrophic climate change to the detriment of the citizens of this country and as citizens of the world. The shortsightedness will have much higher costs to society and the economy in the future.

PDR changes that are coming into force have been rightly and extensively critiqued by researchers, organisations and campaigns such as TCPA⁵, LGA⁶, RIBA⁷ amongst the many others. Government commissioned research by UCL academics concludes that new housing created through PDR in England since 2013 is more likely to be characterised by worse quality than housing created under the full planning permission process⁸. These well-addressed criticisms mainly challenge the design, democratic and equitability, economic, social and well-being aspects of the PDR and its new proposed changes. ACAN fully acknowledges and supports these organisations' calls to review and revoke PDR.

The recent research conducted by Royal Town Planning Institute towards a sustainable and inclusive recovery post COVID-19 points out that although there has been a reduction in operational carbon emissions during the COVID-19 lockdown, "energy consumption could quickly rebound to pre-crisis levels as lockdown measures are lifted, while the wider economic impacts could create both challenges and opportunities for the transition to net zero carbon".⁹ The report recommended measures to include the deployment of low carbon energy production and storage infrastructure and higher standards for new homes alongside other interventions which will need to be integrated into local and strategic plans, to minimise the costs of decarbonisation¹⁰. All the reports and research

⁵ TCPA Campaign and Open Letter to Prime Minister voicing concerns about the extension of permitted development rights risks creating 'slums of the future', 3 August 2020, Retrieved 5 August 2020, from:

<https://tinyurl.com/y3auq9ke>

⁶ LGA calling on permitted development rules to be scrapped and local communities to be allowed to have a vital say on new developments in their area, 13 January 2020, Retrieved 6 August 2020, from:

<https://tinyurl.com/yvt8co6x>

⁷ RIBA reacts to disgraceful extension of PDR, 3 August 2020, Retrieved 5 August 2020, from:

<https://tinyurl.com/y3qca7yl>

⁸ Government publishes UCL-led research on permitted development housing quality, 21 July 2020, Retrieved 5 August 2020, from:

<https://tinyurl.com/y4bbcfk7>

⁹ RTPI, The contribution of planning to a sustainable, resilient and inclusive recovery", Retrieved 6 August 2020, from: <https://www.rtpi.org.uk/research/2020/june/plan-the-world-we-need/>

¹⁰ Ibid, page 31



show that there has not been enough scrutiny on the environmental and climate change aspects of the new PDR changes and are further proof that amendment of local and strategic plans should be prioritized before any changes come into force. At ACAN we are prioritizing our focus on the environmental aspects of the proposed changes and are campaigning against the PDR expansions coming into force before the related Acts, policies and regulations are amended.

The Government's proposal for a revised National Planning Policy Framework (NPPF) is promised to ensure mitigating and adapting to climate change and maximising environmental benefits and it is vital that the PDR changes should not be adopted before NPPF is amended. The new PDR laws also do not address the inadequacies of Building Regulations in relation to the climate emergency which has been highlighted in ACAN's previous and ongoing campaigns¹¹ and should not be adopted before these regulations are revised and amended. Part L and Part F of the Building Regulations which cover standards of energy and ventilation went under consultation last year are yet to be amended. It is hoped that the new Approved Documents Part L and Part F will set higher standards of energy efficiency and air quality. As an example there is currently no requirement to assess, report and reduce the embodied carbon of new buildings in this country. Over a 30-year period, embodied emissions account for more than 50% of the total carbon emitted for some building types¹², depending on the building type this figure could vary between 30 to 70 percent. To meet the UK's 2050 net zero GHG emission commitment, about an average 40% of the reduction in emissions should be from embodied carbon emissions. This is only achievable by assessment of embodied carbon and means for its reduction should be included in the Building Regulations.

The waste related to construction, demolition and excavation accounts for approximately 60% of total UK waste¹³. New laws on demolition and rebuild are not aligned with the Circular Strategy Approach, cited in the 'Design for Circular Economy Primer'¹⁴. Demolition of structures and buildings that are adaptable, and the knock-on effect from transport and building materials and the associated increase of unregulated energy consumption, will lead to a considerable increase of both embodied and operational carbon emissions and is considered incompatible with the UK's 2050 net zero greenhouse gas emission commitment and the recommended mid-term targets.

Currently there is a 20% VAT applied to most forms of refurbishment and renovation projects while this amount is between 0-5% for the new build projects applied under VAT relief. Financial and economic barriers are one of the common barriers highlighted by many reports on the matter of retrofitting¹⁵. This approach is against decarbonisation, and adapting the UK's housing stock is critical in meeting emissions reduction targets by 2050, due to the high embodied carbon of the new build projects. Changes to PDR with the current VAT relief would only further discourage retrofitting and favour new buildings with higher embodied carbon emissions and production of more waste.

¹¹ Architects Climate Action Network, Retrieved 6 August 2020, from: www.architectscan.org/home

¹² Embodied Carbon: Developing a Client Brief, UKGB, March 2017, Retrieved 19 August 2020, from: <https://www.ukgbc.org/sites/default/files/UK-GBC%20EC%20Developing%20Client%20Brief.pdf>

¹³ Design for Circular Economy Primer, Retrieved 5 August 2020, from: https://www.london.gov.uk/sites/default/files/design_for_a_circular_economy_web.pdf

¹⁴ Ibid

¹⁵ Scaling up Retrofit 2050 , Retrieved 20 August 2020, from: <https://www.theiet.org/impact-society/factfiles/built-environment-factfiles/retrofit-2050/>



3. ACAN Demands:

We are calling on the Government to:

- Immediately stop the extension of PDR in its current form from coming into force 31 August 2020
- Include the proposed changes to PDR into the PftF Public Consultation before they are adopted
- Prioritise amendment of NPPF and Building Regulations to include robust climate change mitigation and adaptation strategies (i.e. Introduction of Embodied Carbon limits into legislation)
- Update the 'Environment Act 1995' to align to achieving net zero carbon by 2050 before the enforcement of any new laws
- Vastly restrict PDR to only include near zero carbon or better retrofitting projects and to exempt demolition and new build
- To allow for demolition only if enough scrutiny has been conducted that retrofitting is not viable by including a Whole Life Cycle Analysis and incorporating the principles of Circular Economy to: design for adaptability, longevity, disassembly, re-use and recycling
- Remove the VAT relief from new build projects and allow VAT relief only on retrofit projects to create financial incentive and funding streams that support and promote retrofitting and adhere to a circular economy and a sustainable model of growth
- Provide all stakeholders with retrofitting design guidance and toolkits which should be applied for via the Prior Approval Notice process and would adhere to the climate change commitments

We urgently require the government to consider our proposals above to prioritise the amendment of current national, regional and local policies and regulations. We urge you to reconsider the current PDR proposals and stop the changes from coming into force at the end of August 2020 to adhere to meeting the UK's carbon emissions targets.

4. Endsay:

We have written an open letter to Robert Jenrick spelling out the severe environmental impacts of Government's proposals to extend PDRs. ACAN invites all industry professionals and members of the public to sign our open letter and to take part in the campaign to stop the new changes from coming into force at the end of August 2020.

We are also preparing a response to the White Paper: Planning for the Future consultation due in October 2020.

Here is how you can help:



1 - Read and sign our letter to Secretary of State *(2 minutes)*



2 - Write to your MP using this template *(10 minutes)*



ACAN Boiler Plate:

What is ACAN?

ACAN is a network of individuals within architecture and related built environment professions taking action to address the twin crises of climate and ecological breakdown.

Why is ACAN different?

The profession is not responding quickly enough to the climate emergency. As a network of individuals, ACAN directs personal expertise and singular efforts towards a common goal - systemic change in the profession and the construction industry at large. ACAN operates without commercial affiliations or support, allowing the network to act at pace and with autonomy. Through collective action, ACAN is working to demand, instigate and propagate the transformation of the construction industry.

ACAN's Aims

ACAN is driven by three aims:

- 1) **Rapid decarbonisation** of the built environment, through the transformation of the regulatory, economic and cultural system in which it is made, operated and renewed.
- 2) **Ecological regeneration**, through the immediate adoption of regenerative & ecological principles in order to green the built environment, prioritise communities and ecosystems at threat and promote the recovery and restoration of natural ecosystems.
- 3) **Cultural transformation** of the profession, by challenging and redefining the value systems at the heart of the industry and its educational system.

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