

[Home](#) > [Housing, local and community](#) > [Planning and building](#)  
> [Planning reform](#)  
> [Strengthening planning policy for brownfield development](#)

[Department for  
Levelling Up,  
Housing &  
Communities](#)

Open consultation

# Strengthening planning policy for brownfield development

Published 13 February 2024

## Applies to England

### Contents

[Scope of consultation](#)

[Basic information](#)

- [1. Background – Brownfield planning policy](#)
- [2. Giving significant weight to the benefits of delivering homes on brownfield land](#)
- [3. Applying the presumption in favour of sustainable development to brownfield applications in major towns and cities](#)
- [4. Reviewing the threshold for referral of applications to the Mayor of London](#)
- [5. Public Sector Equality Duty](#)
- [6. List of questions](#)

[About this consultation](#)

[Personal data](#)



© Crown copyright 2024

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](https://nationalarchives.gov.uk/doc/open-government-licence/version/3) or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: [psi@nationalarchives.gov.uk](mailto:psi@nationalarchives.gov.uk).

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at <https://www.gov.uk/government/consultations/strengthening-planning-policy-for-brownfield-development/strengthening-planning-policy-for-brownfield-development>

# Scope of consultation

## Topic of this consultation:

This consultation seeks views on our proposed approach to updating national planning policies related to brownfield land in the National Planning Policy Framework, and reviewing the threshold for referral of applications to the Mayor of London.

## Scope of this consultation:

The Department for Levelling Up, Housing, and Communities is seeking views on how we might strengthen national planning policy to support our approach to brownfield development. It also seeks views on reviewing the threshold for referral of applications to the Mayor of London. See [list of questions](#).

In responding to this consultation, we would appreciate comments on any potential impacts on protected groups under the [Public Sector Equality Duty](#).

## Geographical scope:

These proposals relate to England only.

## Basic information

### Body/bodies responsible for the consultation:

The Department for Levelling Up, Housing and Communities.

### Duration:

This consultation will begin on 13 February 2024 and close at 11.45pm on 26 March 2024.

## Enquiries:

For any enquiries about the consultation please contact:  
[BrownfieldLandConsultation@levellingup.gov.uk](mailto:BrownfieldLandConsultation@levellingup.gov.uk)

## How to respond

Please respond via Citizen Space which is the department's online consultation portal and our preferred route for receiving consultation responses. We strongly encourage that responses are made via Citizen Space, particularly from organisations with access to online facilities such as local authorities, representative bodies and businesses. Consultations receive a high-level of interest across many sectors. Using the online survey greatly assists our analysis of the responses, enabling more efficient and effective consideration of the issues raised.

The online survey can be accessed on [Citizen Space](https://consult.levellingup.gov.uk/planning-policy-and-reform/consultation-on-strengthening-planning-policy/)  
(<https://consult.levellingup.gov.uk/planning-policy-and-reform/consultation-on-strengthening-planning-policy/>).

If you cannot respond via Citizen Space, you may send your response by email to: [BrownfieldLandConsultation@levellingup.gov.uk](mailto:BrownfieldLandConsultation@levellingup.gov.uk).

Written responses should be sent to:

Brownfield Land Consultation Team Planning Directorate – Planning Policy  
Division  
Department for Levelling Up, Housing and Communities  
Floor 3, Fry Building  
2 Marsham Street  
London  
SW1P 4DF

When you reply, it would be very useful if you please confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable)

- the name of organisation (if applicable)

Please make it clear which question each comment relates to, and also ensure that the text of your response is in a format that allows copying of individual sentences or paragraphs to help us when considering your view on particular issues.

Thank you for taking time to submit responses to this consultation. Your views will help improve and shape our national planning policies.

# 1. Background – Brownfield planning policy

1. Sustainable development is at the heart of our planning system, and this government is committed to meeting the housing needs of our communities by building the right homes in the right places and protecting the environmental assets that matter most. Making the most effective use of brownfield land (also known as ‘previously developed land’) will support the provision of the homes we need, and is key to regenerating our high streets and town centres, supporting economic growth in the hearts of our major cities and maximising the use of existing infrastructure.
2. The National Planning Policy Framework sets out the government’s planning policies for England and how these should be applied. It must be taken into account when preparing local plans and is a material consideration in planning decisions.
3. National policy provides strong support for development on previously developed land. It makes clear that planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and expects planning policies and decisions to promote an effective and efficient use of land in meeting the needs for homes and other uses. Local plans should set out a strategy for accommodating housing and other needs in a way that makes as much use as possible of brownfield land.
4. For the purposes of planning, the definition of previously developed land (also known as brownfield land) is set out in Annex 2 of the National Planning Policy Framework. In summary this is land which is or was occupied by a permanent structure, including the curtilage of the developed land. The full definition provides more detail and is clear that brownfield land does not include residential gardens.

## Role of planning reforms in supporting brownfield development

5. In recognition of the importance of development on brownfield land, the government's planning reforms have already introduced a range of measures to support brownfield development - including directing more housing growth towards urban areas through the urban uplift, requiring every local authority to publish a register of local brownfield land suitable for housing in their area and introducing "Permission in Principle" for brownfield sites on the registers to speed-up housing-led development. We have also revised permitted development and use class rules so that more homes can be created and commercial buildings can change more easily between uses, helping make best use of existing buildings.

6. More recently, our update to the National Planning Policy Framework (published 19 December 2023) further bolstered our longstanding position on brownfield. The revised Framework supports our objective of a planning system that delivers the new homes we need, whilst taking account of important areas, assets or local characteristics that should be protected or respected. To support the effective and efficient use of land within our towns and cities, we also revised planning policy to be clear that where the urban uplift applies, it should principally be met by the towns and cities concerned, rather than exported to surrounding areas – except where there is voluntary cross-boundary agreement to do so or a conflict with other policies in the Framework<sup>[footnote 1]</sup>.

7. The Levelling-up and Regeneration Bill: Reforms to National Planning Policy consultation (2022/23), which informed the updates published in December, highlighted a range of policy interventions and other incentives that could support brownfield development. The government response (published alongside the updated Framework) made clear that we will continue to review the detailed comments received as part of our on-going policy development work on supporting and incentivising the effective and efficient use of brownfield land. This consultation forms a central part of this ongoing work.

8. Alongside the publication of the updated Framework, the Secretary of State used a speech on 19 December 2023, [Falling Back in Love with the Future](https://www.gov.uk/government/speeches/falling-back-in-love-with-the-future) (<https://www.gov.uk/government/speeches/falling-back-in-love-with-the-future>), to set out the important role played by our cities in boosting economic growth, driving forward urban regeneration and delivering on long-term housing ambitions. In particular, he emphasised the critical role of London in providing the homes for those who wish to live and work in the capital, and the importance of delivering in line with housing requirements. The Secretary of State said that:

“ Radical action is required in London, where the homes we need are simply not being built. In the last 3 years the average number of net additional dwellings provided by the Mayor has been just 38,000. That is 15,000 fewer homes every year than the Mayor's own target in his London Plan. Not only that but it was over 63,000 homes lower than

actual need last year, as calculated by the standard method – the target-setting process by which we hold other local leaders to account.”

9. In order to address these challenges, the Secretary of State commissioned a review of the London Plan, to identify changes to policy that could speed up the delivery of much needed homes in the capital. The review was led by Christopher Katkowski KC, Cllr James Jamieson, Paul Monaghan and Dr Wei Yang. The singular recommendation from this review was a presumption in favour of brownfield development – specifically for authorities who have under delivered against their London Plan housing requirement, to ensure more homes are delivered where they are needed. The [London Plan Review \(https://www.gov.uk/government/publications/housebuilding-in-london-london-plan-review-report-of-expert-advisers\)](https://www.gov.uk/government/publications/housebuilding-in-london-london-plan-review-report-of-expert-advisers) was published on the 13 February 2024.

10. The government intends to act on the spirit of the recommendation made in the London Plan Review – but believes it is important to identify and tackle under delivery both in London, and also in our other major towns and cities, given the role they play in creating jobs and driving growth across the country, and our wider commitment to Levelling Up. We are therefore seeking views on two proposals, which are informed by both the London Plan Review and responses received to past consultations:

a. first, a change to national planning policy that would expect local planning authorities to give significant weight to the benefits of delivering as many homes as possible, and to be flexible in applying policies or guidance on the internal layout of developments especially for proposals on brownfield land. This policy would apply to **all authorities**; and

b. second, the application of the presumption in favour of sustainable development in respect of previously developed land **only for those 20 towns and cities subject to the urban uplift**, where their Housing Delivery Test score falls to 95% or below.

11. We welcome views on both proposals, which are set out in more detail below. In addition, and reflecting points made in engagement with the development sector over recent months, we are also seeking views on whether any changes are required to the unit threshold at which a residential planning application is referable to the Mayor of London, which is currently set at 150 homes or more.

12. In due course, we expect that any changes made to national planning policies for making planning decisions as a result of this consultation would become part of our proposals for National Development Management Policies. Proposals for National Development Management Policies would be subject to further consultation as part of their preparation.



## 2. Giving significant weight to the benefits of delivering homes on brownfield land

13. The [Levelling-up and Regeneration Bill: Reforms to National Planning Policy consultation](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/outcome/government-response-to-the-levelling-up-and-regeneration-bill-reforms-to-national-planning-policy-consultation) (<https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy/outcome/government-response-to-the-levelling-up-and-regeneration-bill-reforms-to-national-planning-policy-consultation>) (2022/23) showed strong support for making the best use of brownfield land. The responses however indicated that developing brownfield land faces a number of key barriers – particularly in relation to the variety and complexity of many brownfield sites, and the additional costs required to bring forward schemes (i.e. land assembly and remedial works). In combination, these barriers can reduce the attractiveness of brownfield sites – particularly for SMEs many of whom rely on small urban sites for their business. In some instances, these burdens can put development viability at risk and prevent sites from meeting their full development potential, or coming forward at all.

14. In response, we have considered how we can strengthen planning support for brownfield development, and further incentivise the effective and efficient use of brownfield land.

15. We propose a change to national planning policy to make clear that when considering planning applications, local planning authorities should give significant weight to the benefits of delivering as many homes as possible, especially where this involves land which is previously developed. Furthermore, that local planning authorities should take a flexible approach in applying planning policies or guidance relating to the internal layout of development in these circumstances, where they would otherwise inhibit making the most efficient use of a site. This would extend existing national policy related to the consideration of daylight and sunlight, and the efficient use of land, when determining planning applications. National policy would continue to expect that new development would provide acceptable living standards.

16. This proposal does not remove legal requirements nor the importance of other considerations relating to beauty or undermine wider considerations of character as part of the plan-making process.

17. We consider this change should only apply to policies and guidance related to internal layouts of development, and not apply to external design or layout standards of development. However, if we were to make a change to policy, we would welcome views on whether we should extend the additional flexibility to matters concerned with external, as well as internal layouts of development.

18. This change could be made by additional wording to paragraph 129c) of the Framework as shown below:

“ local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this

Framework, **especially where this involves land which is previously developed**. In this context, when considering applications for housing, authorities should **give significant weight to the benefits of delivering as many homes as possible and** take a flexible approach in applying **planning policies or guidance relating to daylight and sunlight and internal layouts of development**, where they would otherwise inhibit making **the most** efficient use of a site (as long as the resulting scheme would provide acceptable living standards).”

We would like views on the following questions:

**Q.1:** Do you agree we should change national planning policy to make clear local planning authorities should give significant weight to the benefits of delivering as many homes as possible [yes/no]? If not, why not?

**Q.2:** Do you agree we should change national planning policy to make clear local planning authorities should take a flexible approach in applying planning policies or guidance relating to the internal layout of development [yes/no]? If not, why not?

**Q.3:** If we were to make the change set out in question 2, do you agree this change should only apply to local policies or guidance concerned with the internal layout of developments [yes/no]? If not, what else should we consider?

19. Building on the Levelling-up and Regeneration Bill: Reforms to National Planning Policy consultation, we are continuing to consider how national planning policy could better support brownfield development, particularly in relation to small sites.

We would like views on the following questions:

**Q.4:** In addition to the challenges outlined in paragraph 13, are there any other planning barriers in relation to developing on brownfield land?

**Q.5:** How else could national planning policy better support development on brownfield land, and ensure that it is well served by public transport, is resilient to climate impacts, and creates healthy, liveable and sustainable communities?

**Q.6:** How could national planning policy better support brownfield development on small sites?

### 3. Applying the presumption in favour of sustainable development to brownfield applications in major towns and cities

20. The presumption in favour of sustainable development sits at the core of national planning policy, and is applied in specific circumstances, including as one consequence of the Housing Delivery Test, which assesses how well local authorities are delivering against their housing requirement. Currently, for applications involving the provision of housing, any local authority that scores below 75% in the Housing Delivery Test is subject to the presumption in favour of sustainable development.

21. The presumption in favour of sustainable development is set out at paragraph 11 of the National Planning Policy Framework. Where there are no relevant development plan policies, or those most important for determining an application are out of date, it says that permission should be granted unless certain important safeguards apply (which include protections for important environmental and heritage assets). The government remains committed to the restrictive policies set out in footnote 7 of the Framework, as well as other important considerations such as character and density.

22. The London Plan Review draws explicitly on the presumption in the National Planning Policy Framework, as inspiration for its recommendation to introduce a specific presumption on brownfield land into the London Plan itself. The London Plan Review notes at paragraph 4.17 that:

“ the proposed new policy presumption reflects an approach which is a well-established mechanism within the planning system. Most notably, a presumption is contained within the NPPF. This presumption in favour of sustainable development (an element of which is also known as the ‘tilted balance’) was introduced in March 2012.”

23. As set out above, the government is of the view that the principle of applying a presumption to brownfield development has merit, but that addressing any barriers to brownfield development should not be constrained to London alone. It is vital that we deliver housing in the right locations.

24. In 2020, the urban uplift was introduced as a change to the standard method for calculating housing need, applying a 35% uplift to the 20 most populous towns and cities in England. This change reflected the fact that development in our largest towns and cities can help to reduce the need to travel and contribute to productivity, regeneration and levelling up. Given the importance of ensuring sufficient housing in these major urban centres, and the economic and societal costs of failing to do so that are borne not just by the town or city in question but by the whole country, the government believes further action to address under delivery in these 20 urban areas is warranted.

We are therefore proposing changes to the way the Housing Delivery Test could operate in these areas.

25. The HDT currently applies a sequential approach with authorities scoring below 95% having to produce an action plan, below 85% having to apply a buffer and below 75% being subject to the presumption. Our proposed change would introduce an additional presumption trigger of 95% on previously developed land only and would apply to those 19 local authorities and all London Boroughs subject to the urban uplift (as set out in paragraph 62 of the National Planning Policy Framework).

26. A 95% threshold rather than 100% would allow for some fluctuations in delivery to take place while also holding authorities to a higher standard than at present. The existing HDT thresholds and consequences would continue to apply as they currently do. The table below sets out how these consequences would work:

<b>HDT Score</b>	<b>Consequence</b>
95% or over	None
Between 85% and 94%	Authority must produce action plan and is subject to presumption on previously developed land.
Between 75% and 84%	Authority must produce action plan, apply a 20% buffer to their housing land supply, is subject to the presumption on previously developed land.
Below 75%	Authority must produce action plan, apply a 20% buffer to their housing land supply, and is subject to the presumption in all cases.

27. This change could be made through amendments to footnote 8 of the Framework.

This includes, for applications involving the provision of housing, situations where:

(a) the local planning authority cannot demonstrate a 5 year supply (or a 4 year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or

(b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous 3 years; or

**(c) for applications on previously developed land in those cities and urban centres subject to the uplift in the standard method (as set out in paragraph 62), the Housing Delivery Test indicates that the delivery of housing was below 95% of the housing requirement over the previous 3 years.**

We would like views on the following questions:

**Q.7:** Do you agree we should make a change to the Housing Delivery Test threshold for the application of the Presumption in Favour of Sustainable Development on previously developed land [yes/no]?

**Q.8:** Do you agree the threshold should be set at 95% [yes/no]? Please explain your answer.

**Q.9:** Do you agree the change to the Housing Delivery Test threshold should apply to authorities subject to the urban uplift only [yes/no]? If not, where do you think the change should apply?

**Q.10:** Do you agree this should only apply to previously developed land within those authorities subject to the urban uplift [yes/no]?

**Q.11:** Do you agree with the proposal to keep the existing consequences of the Housing Delivery Test the same [yes/no]? If not, why not?

**Q.12:** For the purposes of Housing Delivery Test, the cities and urban centres uplift within the standard method will only apply from the 2022/23 monitoring year (from the 2023 Housing Delivery Test measurement). We therefore propose to make a change to the policy to align with the publication of the Housing Delivery Test 2023 results. Do you agree [yes/no]? If not, why not?

## 4. Reviewing the threshold for referral of applications to the Mayor of London

28. In addition to the above two proposals, we are also seeking views on whether the unit threshold that determines which applications for residential development are referred to the Mayor of London is set at the right level.

29. The Mayor of London has powers to intervene in relation to planning applications of potential strategic importance to complement his duty to prepare the London Plan. For these applications of potential strategic importance, London Boroughs as the local planning authority must consult the Mayor for his views about whether the application compiles with the London Plan; and

subsequently notify him of their proposed decision to grant or refuse permission. The Mayor has up to 14 days to decide whether to intervene by either:

- Directing the borough to refuse the application; or
- Taking over and becoming the local planning authority to determine the application himself.

30. The Town and Country Planning (Mayor of London) Order 2008 sets out the procedures for these intervention powers and the threshold criteria for an application of potential strategic importance. These thresholds fall into 3 key themes: large scale development, major infrastructure, and development which may affect strategic policies. As part of the large scale development theme, a threshold for large scale residential development was first set in the previous regulations in 2000 as development providing more than 500 houses, flats, or houses and flats or residential development on more than 10 hectares. In 2008, this threshold was reduced to 150 houses, flats or houses and flats.

31. Through engagement, the government is aware that in some instances this threshold is considered to be too low, requiring what may amount to duplicative interactions by developers with the relevant London Borough and with the Greater London Authority which is not always considered proportionate to the nature of the development in question.

32. The government wants to make sure that this threshold is set at the right level, in order that it adds value to the process of determining applications for potential strategic importance (especially for residential development), and does not inadvertently slow down or disincentivise developments that could be appropriately determined by the London Borough.

We would like views on the following questions:

**Q.13:** Do you think the current threshold of 150 residential units for referral of a planning application of potential strategic importance to the Mayor of London is the right level? [yes/no].

**Q.14:** If no, what would you set as the new threshold? [300/500/750/1000/other] Please explain your answer.

## 5. Public Sector Equality Duty

33. We are seeking views and information to understand any potential equalities implications that will help inform the development of this policy area.



**Q.15:** We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

## 6. List of questions

Q1. Do you agree we should change national planning policy to make clear local planning authorities should give significant weight to the benefits of delivering as many homes as possible [yes/no]? If not, why not?

Q2. Do you agree we should change national planning policy to make clear local planning authorities should take a flexible approach in applying planning policies or guidance relating to the internal layout of development [yes/no]? If not, why not?

Q3. If we were to make the change set out in question 2, do you agree this change should only apply to local policies or guidance concerned with the internal layout of developments [yes/no]? If not, what else should we consider?

Q4. In addition to the challenges outlined in paragraph 13, are there any other planning barriers in relation to developing on brownfield land?

Q5. How else could national planning policy better support development on brownfield land, and ensure that it is well served by public transport, is resilient to climate impacts, and creates healthy, liveable and sustainable communities?

Q6. How could national planning policy better support brownfield development on small sites?

Q7. Do you agree we should make a change to the Housing Delivery Test threshold for the application of the Presumption in Favour of Sustainable Development on previously developed land [yes/no]?

Q8. Do you agree the threshold should be set at 95% [yes/no]? Please explain your answer.

Q9. Do you agree the change to the Housing Delivery Test threshold should apply to authorities subject to the urban uplift only [yes/no]? If not, where do you think the change should apply?

Q10. Do you agree this should only apply to previously developed land within those authorities subject to the urban uplift [yes/no]?

Q11. Do you agree with the proposal to keep the existing consequences of the Housing Delivery Test the same [yes/no]? If not, why not?

Q12. For the purposes of Housing Delivery Test, the cities and urban centres uplift within the standard method will only apply from the 2022/23 monitoring year (from the 2023 Housing Delivery Test measurement). We therefore propose to make a change to the policy to align with the publication of the Housing Delivery Test 2023 results. Do you agree [yes/no]? If not, why not?

Q13. Do you think the current threshold of 150 residential units for referral of a planning application of potential strategic importance to the Mayor of London is the right level [yes/no]?

Q14. If no, what would you set as the new threshold? [300/500/750/1000/other] Please explain your answer.

Q15. We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

---

## About this consultation

This consultation document and consultation process have been planned to adhere to the [consultation principles](https://www.gov.uk/government/publications/consultation-principles-guidance) (<https://www.gov.uk/government/publications/consultation-principles-guidance>) issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the UK General Data Protection Regulation, and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of



your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Department for Levelling Up, Housing and Communities will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the consultation principles? If not or you have any other observations about how we can improve the process please contact us via the [complaints procedure](https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities/about/complaints-procedure) (<https://www.gov.uk/government/organisations/department-for-levelling-up-housing-and-communities/about/complaints-procedure>).

## Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

### 1. The identity of the data controller and contact details of our Data Protection Officer

The Department for Levelling Up, Housing and Communities (DLUHC) is the data controller. The Data Protection Officer can be contacted at [dataprotection@levellingup.gov.uk](mailto:dataprotection@levellingup.gov.uk) or by writing to the following address:

Data Protection Officer  
Department for Levelling Up, Housing and Communities  
Fry Building  
2 Marsham Street

London  
SW1P 4DF

## 2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

We will collect your IP address if you complete a consultation online. We may use this to ensure that each person only completes a survey once. We will not use this data for any other purpose.

### Sensitive types of personal data

Please do not share [special category](https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/#scd1) (<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/special-category-data/#scd1>) personal data or criminal offence data if we have not asked for this unless absolutely necessary for the purposes of your consultation response. By 'special category personal data', we mean information about a living individual's:

- race
- ethnic origin
- political opinions
- religious or philosophical beliefs
- trade union membership
- genetics
- biometrics
- health (including disability-related information)
- sex life; or
- sexual orientation.

By 'criminal offence data', we mean information relating to a living individual's criminal convictions or offences or related security measures.

## 3. Our legal basis for processing your personal data

The collection of your personal data is lawful under article 6(1)(e) of the UK General Data Protection Regulation as it is necessary for the performance by DLUHC of a task in the public interest/in the exercise of official authority vested

in the data controller. Section 8(d) of the Data Protection Act 2018 states that this will include processing of personal data that is necessary for the exercise of a function of the Crown, a Minister of the Crown or a government department i.e. in this case a consultation.

#### **4. With whom we will be sharing your personal data**

DLUHC may appoint a 'data processor', acting on behalf of the Department and under our instruction, to help analyse the responses to this consultation. Where we do we will ensure that the processing of your personal data remains in strict accordance with the requirements of the data protection legislation.

#### **5. For how long we will keep your personal data, or criteria used to determine the retention period**

Your personal data will be held for 2 years from the closure of the consultation, unless we identify that its continued retention is unnecessary before that point..

#### **6. Your rights, for example, access, rectification, erasure**

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have your data corrected if it is incorrect or incomplete
- d. to object to our use of your personal data in certain circumstances
- e. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/> (<https://ico.org.uk/>), or telephone 0303 123 1113.

Please contact us at the following address if you wish to exercise the rights listed above, except the right to lodge a complaint with the ICO:

[dataprotection@levellingup.gov.uk](mailto:dataprotection@levellingup.gov.uk) or

Knowledge and Information Access Team  
Department for Levelling Up, Housing and Communities  
Fry Building  
2 Marsham Street  
London  
SW1P 4DF

## 7. Your personal data will not be sent overseas

## 8. Your personal data will not be used for any automated decision making

## 9. Your personal data will be stored in a secure government IT system

We use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will remain on the Citizen Space server and/or be transferred to our secure government IT system for 2 years of retention before it is deleted.

---

1. See paragraph 62 of the [National Planning Policy Framework](https://www.gov.uk/guidance/national-planning-policy-framework/5-delivering-a-sufficient-supply-of-homes) (<https://www.gov.uk/guidance/national-planning-policy-framework/5-delivering-a-sufficient-supply-of-homes>).

[↑ Back to top](#)

---

**OGI**

All content is available under the Open Government Licence v3.0, except where otherwise stated

© Crown copyright