Town and Country Planning Association
Working to secure homes, places and communities where everyone can thrive

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The TCPA's initial responses to the NPPF consultation questions on climate change

August 2024

Introduction

The government published a consultation on proposed changes to the National Planning Policy Framework on 30 July 2024. The proposals include significant changes to way that renewable energy, and in particular onshore wind, are considered through the planning system. The consultation also seeks views on how the planning system could better address climate change.

This paper includes the TCPA's draft responses to questions 72 - 81 of Chapter 9 of the NPPF consultation on 'Supporting green energy and the environment'. The responses below draw on our recent research into the planning system's performance in addressing climate change mitigation and adaptation, securing flood resilience for new development and reflecting our experience of the key barriers facing local authorities that are seeking to implement ambitious strategies for addressing the climate crisis through spatial planning.

These responses are made available prior to the consultation closing date of **24 September** in case they are of benefit to other organisations with shared objectives.

A blog outlining the rationale for our response and the TCPA's view of the potential and priorities for planning to better address the climate crisis has also been published and is available here.

Bringing onshore wind back into the NSIP regime

Question 72: Do you agree that large onshore wind projects should be reintegrated into the s NSIP regime?

The TCPA support the ambition of the government to see a step change in the development of renewable energy, and consenting large onshore wind projects through the NSIP regime may be a useful avenue to provide certainty and consistency for industry to invest in onshore wind.

The TCPA supports a strategic approach to the planning and delivery of renewable energy infrastructure, which is starting to happen through the regional strategic plans for energy currently being consulted by OFWAT. However, the planning system should provide the basis for the strategic planning of renewables to be integrated alongside other national and

regional priorities within a spatial framework. Both Wales and Scotland have national spatial plans that indicate areas appropriate for large scale renewable energy developments. A similar spatial framework for England could provide clarity for developers and communities and create a plan that balances competing demands for land at a strategic scale.

We agree with the government that developers should 'use the most efficient planning route to consent their energy projects', and that an effective and efficient consenting regime for renewable energy is fundamental to achieving our net zero targets and clean energy transition. However, whether consented through the NSIP regime or through Town & Country Planning, this efficiency can only be achieved by addressing the significant resourcing and skills crisis affecting public sector planning. The government should think creatively about how specialist knowledge in renewables planning could be made rapidly available to the relevant authorities.

Supporting renewable deployment

Question 73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?

The TCPA strongly supports the proposed changes to paragraph 160b (now 161) which directs local plans to identify suitable areas for renewable and low carbon energy sources. This will ensure that opportunities for renewable energy are properly considered through plan making so the most appropriate sites are identified. We also support the strengthened weight given to renewable energy generation in paragraph 164.

The TCPA agrees with the government that the existing wording in the NPPF has acted as an effective ban on onshore wind development, which has put the brakes on a renewable energy source that is vital for our transition to net zero. Whilst the previous bar for community consent was set too high and singled out this form of development, it remains important that communities have a voice and opportunity to shape development in their areas, including plans for renewable energy generation. We encourage the government to consider how communities can participate meaningfully in planning for renewables and, where appropriate, benefit from renewable energy developments in their community.

A key part of community participation in this agenda is community led energy, which should be encouraged. We therefore do not agree with the deletion of paragraph 161.

Question 74: Some habitats, such as those containing peat soils, might be considered unsuitable for renewable energy development due to their role in carbon sequestration. Should there be additional protections for such habitats and/or compensatory mechanisms put in place?

A key function of the planning system is to consider what land uses are appropriate, and clear understanding of the important functions land serves in its current form is vital for this. It would clearly be inappropriate to develop renewable energy sites on land that provides important ecosystem services including habitats and carbon sequestration where the development would undermine these functions. The planning system therefore must ensure

such land is suitably protected and we suggest applies a precautionary approach to safeguarding such land where renewables may be unsuitable.

The most effective route to achieve this is through a plan led system and the allocation of land based on clear evidence. At the moment, there is no evidence required for plan making or decision making that accounts for carbon impacts, including land which offers benefits through carbon sequestration, which would clearly help identify land that provides important sequestration functions. (see our answer to questions 78 and 79).

Question 75: Do you agree that the threshold at which onshore wind projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50 megawatts (MW) to 100MW? And Question 76: Do you agree that the threshold at which solar projects are deemed to be Nationally Significant and therefore consented under the NSIP regime should be changed from 50MW to 150MW?

The rationale presented in the consultation seems sensible. However, as stated in response to question 72, both consenting regimes require adequate resourcing and skilled workforce in order to ensure the regimes are dealing with applications consistently in a way that reflects the transition to clean energy as a national priority. If more schemes are likely to be decided by local authorities, appropriate resourcing and clear guidance will help LPAs are clear on how to balance the possible impacts (e.g. visual, heritage) against the benefits of larger scale onshore wind and solar developments.

Tackling climate change

Question 78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?

The TCPA agree with the government that the planning system has a powerful role to play in accelerating the mitigation of, and adaptation to the effects of climate change. However, our view is that the current planning system in England is not fit for purpose in addressing the scale and urgency of this challenge, and that critical action is needed.

We suggest that the three issues below should be prioritised as part of the government's planning reform agenda:

1) The planning system must prioritise action on climate, and this should be articulated through a definition of the purpose of planning in the NPPF that reflects the crucial role of planning in securing our future in a changing climate;
2) The carbon impact of planning proposals must be accounted and inform planning decisions and plan making; and
3) The NPPF must be reviewed to give increased direction and urgency to the opportunities for planning and development to support resilience and adaptation.

Our submission is accompanied by suggested amendments and additions to the NPPF which would significantly strengthen the policy approach to these priorities.

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The TCPA recently co-authored a report with the Centre for Sustainable Energy for the Climate Change Committee on Spatial Planning for Climate Resilience and Net Zero. This explored in detail the current performance of the Town & Country Planning system in England in addressing and responding to climate change. The findings demonstrated that the current planning system is not delivering with the necessary speed and ambition to align with the government's wider climate change objectives.

The research reveals that most local plans are not fit for purpose in addressing climate change, and many of those in production are not considering mitigation and adaptation measures holistically. Only 13% of local authorities are able to quantify the carbon emissions that their local plan will create.

Our findings speak directly to the question raised in this consultation, and we have listed below **priority areas** where **national planning policy** could do more to address climate change mitigation and adaptation:

- Strengthen policy wording to emphasise and prioritise the requirement of plans to comply with the Climate Change Act. The current legal requirement is spread across different planning acts and referenced in a footnote in the NPPF, leaving its intent and purpose open to interpretation. This requirement is routinely deprioritised by planning authorities and given very little consideration by planning inspectors in planning appeals and plan examinations. This should be through the NPPF (for plan making) and could also be expressed as an NDMP (for decision making).
- Carbon accounting and assessment must be integrated into planning as a foundation of the planning system's approach to climate mitigation. This would include for:
    - Plan making: local plans should be required to evidence how their spatial strategies and policies contribute to legal requirements set out in the Climate Change Act.
    - Decision making: planning proposals should be required to calculate and present the carbon impacts of development, and demonstrate actions taken to reduce these.
- Net zero development must be enabled by revocation of the 13 December 2023 Written Ministerial Statement (WMS). This WMS acts as an unnecessary constraint on the ability of local plans to require highly energy efficient new buildings. This should be revoked and replaced by policy in the NPPF that explicitly permits local authorities to set targets for energy-based metrics in policy to achieve net zero operational buildings where they can demonstrate this is viable. This is identified as a barrier by the Climate Change Committee, which stated in its most recent progress report: 'A December 2023 written ministerial statement introducing new requirements for planning policies that propose local energy efficiency standards for buildings that go beyond national standards is likely to cause further confusion and delays around adopting local Net Zero policies, which is a setback.'
- The forthcoming UK Net Zero Carbon Buildings Standard provides an opportunity to create cross-sector understanding of net zero buildings. Once published, this should be recognised and promoted in the NPPF and PPG.

- Chapter 17 of the NPPF requires an urgent rewrite to limit new or expanded sites for oil, gas and coal extraction.
- The NPPF should make more comprehensive reference to climate adaptation and resilience measures that local plans and planning proposals are expected to address. Particular emphasis should be given as a priority to heat stress and water scarcity which currently receive limited coverage in the NPPF.

Because climate change can be addressed through so many planning policy areas (including design, transport, energy, food), our recommendation is that wholesale review of the NPPF is undertaken with a view to prioritising and accelerating action on climate change by embedding and reinforcing action that can be taken under policy topics. This should also recognise the inter-relationships and multiple benefits that arise from addressing climate change, such as enhancing green infrastructure and addressing health inequalities. Ultimately, the planning system should be repositioned as a key lever for addressing the climate crisis, supported by legislative changes to prioritise the planning system's contribution to achieving net zero and creating resilient places.

We believe this is echoed by the Climate Change Committee, which lists as a priority action in the latest mitigation progress report: 'Make overall planning policy consistent with Net Zero: Review and update the National Planning Policy Framework to ensure that Net Zero outcomes are consistently prioritised throughout the planning system, making clear that these should work in conjunction with, rather than being over-ridden by, other outcomes such as development viability.'

Question 79: What is your view of the current state of technological readiness and availability of tools for accurate carbon accounting in plan-making and planning decisions, and what are the challenges to increasing its use?

The government consulted on the principle of introducing carbon impact assessments into the planning process in late 2022, and received 'strong support' from respondents. There was also strong support for the government promoting a standardised approach. The TCPA believe this is one of the most powerful improvements to the planning system that could be made to support climate mitigation, and urgent action must be taken to address the fact that we are currently operating a system where plans are adopted, and decisions are made, with no understanding of the carbon impacts of development.

Whilst we are not experts on the technological aspects of this question, we would draw your attention to local authorities that are already using such tools to inform their local plans, which we believe demonstrates both a readiness and willingness to adopt such methods as standard practice:

- Central Lincolnshire have utilised a tool developed by Bioregional which models the spatial implications of proposed growth options, so that local authorities can understand the annual carbon footprint that would be generated from the spatial distribution of growth, depending on where development takes place and what policies are applied to it.

- Greater Cambridge Shared Planning developed a net zero evidence base for their local plan which draws on recommendations from the IPCC, the CCC and the Tyndall Centre, which provides a carbon budget for UK local authority areas which align with the Paris Agreement. The authority then analysed the contribution of different policy options in meeting these targets to inform local plan policy development.
- Other local planning authorities have drawn from evidence in support of authority wide Climate Action Plans, which have identified the potential contributions of policy interventions to achieve local and national carbon reduction targets. Many of these action plans have clearly identified the local plan as a key lever to support emissions reductions. One example is Leeds, where local evidence has been drawn on to justify local plan policies on embodied carbon, operational energy, sustainable construction, renewable energy and heating. Another example is Cornwall, which is one of the first local authorities to adopt a net zero carbon policy for new buildings within its local plan.
- The SCATTER tool has been developed to help local authorities calculate greenhouse gas inventories and report on carbon emissions, and also model carbon reduction pathways. Over 300 authorities are using this tool.
- A number of local authorities, such as Enfield, Essex, Cornwall and Bath and North East Somerset have commissioned modelling of building typologies to assess the carbon impacts of building to different design standards and demonstrate that net zero buildings are possible to achieve.

Whilst we are not in a position to recommend a specific tool the government could adopt, what the above demonstrates is that this activity is already happening, championed by proactive authorities seeking ambitious action on climate change. The challenge in applying more generally across plan making might be more about bringing together the best parts of different tools to achieve a more comprehensive carbon assessment regime, or drawing out from established modelling tools the specific policy areas that can be influenced through plan making.

Government guidance on the scope and implementation of carbon accounting for plan making will itself be a springboard for unlocking the technological advancements required and would secure a helpful level of consistency in approach to aid local planning authorities and the wider sector. Such a requirement would also trigger meaningful consideration of climate legislation through planning appeals and examinations. Whilst this may require a leap forward in terms of practice, the current situation of local plans and planning applications being approved with no understanding of the carbon impact of development cannot continue, as it undermines the legal requirement placed on local plans to contribute to the mitigation of and adaptation to climate change.

Question 80: Are any changes needed to policy for managing flood risk to improve its effectiveness?

The TCPA has recently researched the operation of the planning system in regards to flood risk, and found significant failings that range from the systemic (e.g. how the policy framework and system of flood risk management and coastal change operates) to the

detailed (including the failure of new development to provide suitable safeguards to mitigate against known flood risk issues).

Our recent research, commissioned by Flood Re, has considered the delivery of flood resilience measures through planning, and found that even when flood risk mitigations are agreed at planning consent, this is not guarantee of their delivery. Ongoing scrutiny by the Environment Agency secures delivery of some mitigations, such as raised floor levels, but scrutiny over other mitigations and approval of schemes to address surface water are much less consistent. The research highlights how the use of conditions is paramount to securing flood resilience measures for new development, but their effectiveness is limited because of complex post-consent processes and limited resource for ongoing oversight. It would be much more effective to agree flood resilience strategies upfront and see these as fundamental to the principle of development, rather than push details of mitigations to be agreed through conditions. The research indicates that the oversight of surface water flood risk as compared to tidal and fluvial flooding is weaker and more inconsistent. This echoes findings from the National Infrastructure Commission and CIWEM.

The TCPA has found similar challenges through a recent review of the current approach to planning for coastal change in England. Although some vulnerable coastal authorities are engaging in innovative and proactive approaches to planning for coastal change, overall the take up, scope and implementation of coastal planning tools (such as Coastal Change Management Areas) is not operating at the scale required to facilitate long term climate adaptation. Key policy tools, such as Shoreline Management Plans, are not awarded significant attention and weight in the planning system, and this is something that could addressed simply through national policy.

This is all exacerbated by the major gap in funding for flood defences revealed by the Public Accounts Committee earlier this year, which may well have significant implications for the ability of affected local planning authorities to bring forward housing development.

We therefore suggest that government considers the following changes to improve the effectiveness of the planning system in addressing flood risk and coastal change:

- Schedule 3 of the Flood and Water Management Act 2010 should be resourced and enacted without delay, with the NPPF reviewed to secure the delivery and oversight of SuDS.
- Shoreline Management Plans should be given more weight in the planning system to ensure plans and decisions are made in line with long term understanding of coastal change.
- Policy tools such National Development Management Policies, PPG or model conditions should be developed to secure higher levels of consistency in the use of conditions for securing flood resilience measures.
- There needs to be a stronger policy requirement on local planning authorities to ensure they have an up to date Strategic Flood Risk Assessments (SFRAs).
- There may be merit in integrating coastal risk into SFRAs in coastal areas – this should include an assessment of the long term deliverability of coastal defences.

- Guidance for site specific Flood Risk Assessments should be reviewed so that 'required' mitigations are clearer and therefore easier to secure through conditions.
- Government should consider whether a mandatory minimum standard of property flood resilience measures should be required through building regulations.

Alongside these operational challenges, the TCPA's view is that there are systemic problems in the way we currently plan for flood resilience. The framework put in place after the Pitt Review is not fit for purpose in the context of climate change, and this warrants an urgent, wholesale review of the framework applied to managing flood risk in England.

This should include in its scope a review of roles and responsibilities for flood risk management, the operation of the sequential and exceptions tests and consideration of a more precautionary approach to flood risk to avoid building more homes in flood risk areas. It should also consider how long term spatial visions for climate adaptation and resilience can be developed with meaningful community participation, and how delivery of these can be enabled by the planning system.

Question 81: Do you have any other comments on actions that can be taken through planning to address climate change?

Our research into planning and climate change has found that the root causes of the failure of planning to adequately address climate change are complex and interlinked, and go beyond a need to review national planning policy (although this is a good starting point), and also require a review of the legal basis for addressing climate change through planning, improved guidance for planning practitioners that gives more emphasis to a range of climate change considerations, and a long term strategy to address the skills and resourcing challenges across key agencies and authorities to enable planning to operate in a more proactive, rather than merely reactive, manner.

The paragraphs below present the TCPA's views on key areas that planning can be improved in order to better address climate change.

Strategic planning
Strategic planning presents a significant opportunity to more comprehensively address key climate change mitigation and resilience issues, as it reflects the spatial geographies of natural processes and the scale at which many measures will need to be delivered. These include strategic transport planning, nature recovery and green infrastructure, catchment-based flood risk planning, and shoreline management. Strategic plans will provide an opportunity to bring together currently fragmented issues and consider how they can be addressed spatially, whilst maximising opportunities to support climate resilience.

Viability
The NPPF must give priority to addressing climate change, and reform the viability assessment process to ensure that climate policy commitments are not watered down on the grounds of cost. Many policy requirements, such as energy efficient homes and flood resilience measures, are cheaper to install initially and very expensive to retrofit. The current system does not account for costs (and potential savings, e.g. from lower energy bills) and misconstrues high climate policy standards as additional costs to the developer. This acts as

a disincentive to build climate resilience into new development and falsely positions climate and housing objectives in opposition.

Environmental Outcomes Reporting
Sustainability appraisals and soon the Environmental Outcoming Reporting regime are a powerful tool in understanding the environmental impacts of development proposals. The introduction of EORs presents an opportunity to ensure that climate change risks, mitigation, adaptation and resilience are strongly incorporated into this regime.

A holistic consideration of adaptation and resilience
In other areas of climate adaptation, including overheating, drought and water availability, and the relocation of communities, guidance is insufficiently developed. Local authorities lack clear targets, standards, or data inputs to assist in assessing vulnerability, setting policies, or assessing proposals. The NPPF should include a requirement for local plans and decision making to be tested against a framework of resilience measures, with clear parameters set within the PPG so that performance can be measured against defined targets. This could be achieved through a framework that identifies climate risks (as the basis of a local climate vulnerability assessment) and suggests mitigation approaches that can be utilised to address them. In respect of the relocation of communities, key guidance on when and how to relocate communities, and how to plan for them in the meantime is missing. Furthermore, outside the issue of flooding, no official competent bodies like the EA exist to give advice.

One of the challenges is that the timeline of local plans (usually around 15 years) do not align with long term adaptation measures, and as result many challenging long term adaptation requirements are not being facilitated or enabled through local plans. Where plans with a longer time horizon exist, such as Shoreline Management Plans, these are given inadequate weight in planning and therefore their policies are often not embedded within plans or reflected in planning decisions. National planning policy should enable local authorities to reflect longer term adaptation actions within shorter term local plan policies, and provide guidance on how this can be justified and achieved.

Enabling policy and strengthening guidance

Our research for the Climate Change Committee identified a number of areas where the PPG could be updated to improve the performance of planning in addressing climate change. This includes areas where the planning system presents considerable levers to reduce emissions and yet are rarely reflected in the scope of local plans, because national policy does not direct or enable local authorities. These include:

- Sustainability appraisal.
- Embodied carbon.
- Operational emissions.
- On-site renewables.
- Resource efficiency.
- Allocation of land for adaptation measures.
- Housing typologies and net zero requirements.
- Food production and farming.
- Battery storage.

- Local area energy plans.

Guidance on these topics at a national level, which centres action on climate change as a key policy outcome, will give confidence to the vast majority of local authorities that are eager to take ambitious action on climate change.

For more information on this response, please contact Celia Davis, Senior Projects and Policy Manager: celia.davis@tcpa.org.uk