
Proposed reforms to the NPPF and other changes to the planning system

A response to the consultation by MHCLG by the TCPA
September 2024

1 Summary

The TCPA has developed a detailed body of evidence about the power of the planning system to positively support healthy lives, high quality affordable housing and climate resilient, fairer places that are vital to the nation's future. To achieve these ambitious outcomes, the TCPA believes the NPPF requires significant changes over and above those proposed in the current consultation. Our key messages relate to:

- A clear purpose for planning framed around a meaningful definition of sustainable development in which social inclusion and wellbeing are restored as key aspects of the concept, in line with the UN SDG goals.
- Ensuring robust demographic data is used as the foundation of housing forecasting.
- A more effective and defined role for the planning system in tackling the climate crisis.
- Meaningful operational policy on promoting health and well-being including a specific focus on reducing health inequalities and setting housing standards.
- Strong policy on community participation and enabling local community led development and regeneration.

2 Introduction

2.1 About the TCPA

The Town and Country Planning Association's vision is for homes, places and communities in which everyone can thrive. Our mission is to challenge, inspire and support people to create healthy, sustainable and resilient places that are fair for everyone. We do this by shaping policy and practice internationally, nationally, locally and through working with communities.

Informed by the Garden City Principles, the TCPA's strategic priorities are to:

- Work to secure a good home for everyone in inclusive, resilient and prosperous communities, which support people to live healthier lives.
 - Empower people to have real influence over decisions about their environments and to secure social justice within and between communities.
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- Support new and transform existing places to be adaptable to current and future challenges including the climate crisis.

The TCPA is a charity and a company limited by guarantee.

2.2 About this response

The Association recognises that this consultation covers a significant amount of material and asks for comments on both specific proposed textual changes, as well as responses to much more open questions. Wherever possible we have responded to the consultation questions relevant to our core priorities. This is set out in section 3 of this response. The exception is the importance of people's voice in the planning process, which does not feature in the consultation document but, we believe, remains the central precondition for the success of any planning reform package. This is covered in section 4 below.

It is also recognised that the new government made specific commitments in its election manifesto and elements of these proposals look to implement those commitments. While we support the need to secure more, high quality new homes in sustainable locations, we are concerned that setting higher housing targets for local authorities, in the absence of other support including effective mechanisms to enable strategic planning and greater diversity in the delivery of housing, will not achieve the government's stated aims.

We acknowledge that the planning system can and should be improved. A component of securing that improvement is that the system needs to be properly resourced. However, as we set out in our *Our Shared Future white paper*, seeking to increase housing consents without addressing other elements of the housing system will not result in a substantial increase in the number of homes being built, or tackle housing affordability. This analysis was reflected in the Competition and Markets Authority's report, *Housingbuilding Market Study*, which was published in February 2024.

To achieve an increase in the rate of housebuilding, and to secure more genuinely affordable homes, there is a need for the government to invest in socially rented homes and focus on effective delivery mechanisms to get homes built. This includes seeking to tackle skills and supply chain constraints. The modern planning system grants consents but has no power to ensure those consents are built out at a rate which meets the government's housing targets. Increases in targets for consent should not be imposed before the mechanisms to ensure they can be delivered sustainably, including strategic planning and support for new communities, are in place. A significant proportion of local planning authorities have no realistic prospect of meeting the new targets given the real constraints they face on issues such as flood risk. In the short term, ahead of introducing higher housing targets, the government should look to accelerate work being done on existing sub-regional plans, including by the Combined Authorities.

3 Responses to specific questions

Question 1: Do you agree that we should reverse the December 2023 changes made to paragraph 61?

Paragraph 6 of chapter 3 of the consultation document states that local planning authorities will be able to justify a lower housing requirement than the figure the standard method sets on the basis of local constraints, but that these would need to be evidenced and justified. This acknowledgement is welcome and reasonable. While we understand the motivation to make the proposed changes to paragraph 61, we are not clear where the amended NPPF recognises the important points set out in the consultation document that local constraints can and should be taken into consideration in determining the minimum number of homes needed. This needs to be stated in the NPPF explicitly.

Question 6: Do you agree that the presumption in favour of sustainable development should be amended as proposed?

No. We are concerned that the proposed new wording in paragraph 11d, coupled with the proposed new, higher housing targets, will:

1. Support a decision-making framework that encourages speculation and undermines the plan-led system. This will marginalise the voice of local people who have extremely limited opportunities to express their views in development management decisions.
2. Lead to a system dominated by 'planning by appeal' which is inefficient, inconsistent, unpopular and non-strategic.
3. Place too much reliance on policy in the current NPPF the majority of which is tailored for plan-making and which does not contain the kinds of specific standards which can uphold quality and sustainability in an appeal-led process.

One way to avoid this outcome is to make sure that the presumption in favour of sustainable development is related to a clear and established definition of the concept. Paragraph 7 of the current NPPF makes broad reference to the notion of sustainable development and the UN SDG goals. However, the policy marginalises the weight of SDGs (and associated targets) by stating it applies 'at a very high level', which suggests the idea should not be applied in the detail of local policy and decision making.

Previous iterations of national planning policy have contained a much clearer statement as to the overall purpose of the land use planning system. The TCPA recommends that such an objective should be restored in order to signal a determination to refocus the system on the holistic goal of sustainable development in the public interest. This would help ensure the planning system supports the delivery of the government's existing international commitments to sustainable development, including on climate change and the environment, while ensuring social justice is at the heart of the system. The proposed text change below provides a stronger basis for ensuring sustainable development is pursued as meaningful objective in all aspects of decision making.

Delete existing paragraph 7 and replace it with:

Sustainable development is the core purpose of the planning system. At the heart of sustainable development is the simple idea of achieving a better quality of life for everyone now while ensuring future generations have the same opportunities. Members of the United Nations – including the United Kingdom – have agreed to pursue

the 17 Global Goals for Sustainable Development in the period to 2030. These include goals and targets to address poverty reduction, ensure adequate, safe and affordable housing, gender equality, health and well-being, biodiversity and tackling the climate crisis⁵. All these goals are relevant to, and underpin, the planning system's objective to contribute to the achievement of sustainable development.

Amend paragraph 8b as follows:

b) a social objective – **to address the social determinants of poor health and reduce health inequalities through supporting** strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, **well-managed, accessible** beautiful and safe places, **in proximity to** with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

Transitional arrangements to make sure that all plans are not out of date the day the new targets are introduced are also very important.

We welcome the acknowledgement in paragraph 17 of chapter 3 of the consultation that the presumption in favour of sustainable development should not offer developers a route to create poor quality places. We support that objective set out in the additional text added into paragraph d(ii) of the presumption in favour. However, we would emphasise the inadequacy of the existing policy in the NPPF on design quality and sustainable transport in relation to decision taking.

Question 12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?

We welcome the government's recognition of the importance of strategic planning and its commitment to take the steps necessary to enable universal coverage. We are also pleased that the proposed amendments to paragraph 24 of the NPPF recognise the important role of effective planning across boundaries for climate resilience.

In order to direct housing growth to the most sustainable locations, the implementation of strategic planning should be accelerated as a priority, so that local plans have a strategic foundation.

In the interim is vital that government policy supports one of the first principles of good planning, which is that development should be guided by an infrastructure-first approach in order to secure sustainable development. The TCPA is particularly concerned at the changes to policy in original paragraph 27 of the NPPF which implies that local plans can be prepared without the full evidence of the likelihood of the delivery of infrastructure provision. While some measure of flexibility is important in the specific circumstances of long- term strategic housing development (see our response to question 13), there are some kinds of infrastructure which are key gateway tests. For example, the policy should make clear that development cannot be consented in flood risk areas without detailed and credible evidence as to the delivery of the necessary resilience measures.

Question 13: Should the tests of soundness be amended to better assess the soundness of strategic scale plans or proposals?

Yes, experience has shown that the current approach to strategic planning across local authority and local plan boundaries is not supporting long term, strategic growth and change is therefore needed. One such example is the examination of the Uttlesford District Council draft local plan 2019, which contained proposals for three new large-scale Garden Communities. The Inspectors highlighted the inability of the system to accommodate long-term strategic growth by stating that ‘the Garden Community approach predetermines the strategy long beyond the plan period and so is unduly inflexible’. Bedford Borough Council’s local plan examination was also paused in March 2024 until January 2025 at least in part due to the Inspector’s concerns about the delivery of strategic infrastructure and the build-out rate of the new settlements.

We recognise that the introduction of strategic planning should better support planning for strategic growth. But, if the government wants to support large scale development and get local plans in place more quickly, further thought needs to be given to amendments to the NPPF and PPG to enable local authorities to provide an appropriate level of evidence and justification to support longer term approaches. Not least because of the lead in times needed to enable large-scale development.

Question 14: Do you have any other suggestions relating to the proposals in this chapter?

A significant body of evidence shows that homes converted from non-residential uses to residential using permitted development rights can be poorly located, of poor quality, damaging to the health of their residents, and cut vital financial contributions to the wider community (see for example <https://www.tcpa.org.uk/permitted-development/>). Councils must be able to shape homes and neighbourhoods to support good health, support their local communities, local businesses, as well as affordable housing needs. The burdensome NPPF policy test for the use of Article 4 Directions to remove permitted development rights (existing paragraph 53) must be reviewed to enable this to happen.

Question 15: Do you agree that Planning Practice Guidance should be amended to specify that the appropriate baseline for the standard method is housing stock rather than the latest household projections?

No. The TCPA supports an evidence-based housing forecasting regime based upon up-to-date household formation data, with a strong emphasis on a meaningful definition of affordability based on income. As a result, we do not support the government’s proposals for a new standard method based on historic trends in the uplift of housing stock numbers. Detaching housing forecasting from its core evidential basis is illogical and creates serious risks of plan allocations departing from the reality of demographic trends. These trends, like a great deal of other data in planning, are dynamic and complex. For example, household formation rates have fallen in recent years alongside a long-term trend towards an ageing population. These factors all play out in a highly variable way across local authorities, and each implies a significantly different approach to the types and numbers of new homes required.

We understand that the rationale for the new approach is to simplify the process of local plan target setting by imposing a centralised system, but such an approach should not preclude demographic data as a starting point and certainly cannot credibly be based on an arbitrary uplift in existing housing stock.

It has been argued that the new methodology uses market demand reflected in a lack of affordability as a proxy for demographics. This is not a sound argument. First, there is no need to use a proxy when sophisticated demographic data is available through the ONS. Second, a lack of affordability as a reflection of market demand is not a good proxy for the complexities of demographic needs. Market demand for homes provides none of the fine grain data described above and is made-up of varying components which do not reflect housing need. These include pressures for second homes and short term lets. Neither does market demand reflect the needs of those on lower incomes whose need will not be met by market housing.

Question 19: Do you have any additional comments on the proposed method for assessment housing needs?

We are very aware that there has been coverage in the media of a return to ‘mandatory’ housing targets. Paragraph 6 of chapter 3 of the consultation states that local planning authorities will be able to justify a lower housing requirement than the figure the standard method sets on the basis of local constraints, but that these would need to be evidenced and justified. This acknowledgement is welcome and reasonable. It is important that the NPPF and PPG are clear that local constraints can and should be taken into consideration in determining the minimum number of homes needed.

Questions 23: Do you agree with our proposed definition of grey belt land? If not, what changes would you recommend?

No. In order to prevent a significant number of speculative applications and appeals, it is essential that the definition of grey belt is as clear as possible. We recommend therefore that the definition is amended to include only Previously Developed Land where its development does not conflict with the five Green Belt purposes. The inclusion of ‘any other parcels and/or areas of Green Belt land’ makes the definition vague and increases the risk of planning by appeal in the Green Belt.

Question 25: Do you agree that additional guidance to assist in identifying land which makes a limited contribution of Green Belt purposes would be helpful? If so, is this best contained in the NPPF itself or in planning practice guidance?

Yes, it is essential that further guidance is provided to try and reduce the likelihood of speculative applications and planning by appeal. In light of the public interest in Green Belt, it might be appropriate to include the guidance in the NPPF.

In addition to the purposes of Green Belt, any assessment of Green Belt land should also take into consideration if the land is being used informally for play and other recreational purposes which contribute to health and wellbeing, especially of children, and its potential to contribute to the aims of local nature recovery strategies.

Question 29: Do you agree with our proposal to make clear that the release of land should not fundamentally undermine the function of the Green Belt across the area of the plan as a whole?

Yes, we support the addition of this statement to paragraph 145 and new paragraph 152a.

Question 47: Do you agree with setting the expectation that local planning authorities should consider the needs of those who require social rent when undertaking needs assessments and setting policies on affordable housing requirements?

Yes, the needs of those requiring social rent should be explicitly considered. However, we are concerned that the government is focusing mainly on delivering affordable housing through developer contributions. While such contributions have an important role, we believe that government investment will also be needed to truly boost supply.

Question 48: Do you agree with removing the requirement to deliver 10% of housing on major sites as affordable home ownership?

Yes, we welcome the recognition that local authorities should have more flexibility to set out the mixture of affordable housing required to meet identified needs. However, the 10% minimum requirement for affordable housing in its broadest sense should remain, unless a local authority has required a higher percentage in its local plan policies.

The definition of 'local needs' for affordable housing should also be amended to reflect genuinely affordable rental and home ownership as defined by the ONS (see [here](#) and [here](#)) – based on average and below average levels of disposable income. See also our response to question 57.

Question 49: Do you agree with removing the minimum 25% First Homes requirement?

Yes, such homes should not be prioritised in policy.

Question 51: Do you agree with introducing a policy to promote developments that have a mix of tenures and types?

Yes. Places with a mixture of tenures and types of housing enable people, with diverse and life-long needs, to remain in the same place as their housing needs change throughout their lives, and support mixed and more stable communities.

Question 53: What safeguards would be required to ensure that there are not unintended consequences? For example, is there a maximum site size where development of this nature is appropriate?

For all developments it is essential to consider from the start, and then embed, approaches to long-term stewardship to support the long-term management and maintenance of the place.

Question 54: What measures should we consider to better support and increase rural affordable housing?

The current NPPF does not recognise the specific challenges of planning for rural areas and the particular housing issues which arise, not least the impact of short-term lets and second homes on housing affordability in particular communities. The NPPF should require a specific assessment of housing needs in communities with populations of 3,000 or fewer, leading to adoption of a specific target in the local plan for delivering rural affordable housing in these communities.

This is because the housing needs of rural communities are often disguised by the collection and analysis of data at local authority level which will include large towns. In consequence, strategic spatial development policies, site allocations and affordable housing policies often do not reflect the housing needs of rural communities. The resulting evidence base would increase the delivery of the right type of housing to meet rural housing needs by, for example, encouraging local planning authorities to allocate deliverable sites for development in smaller communities.

In order for this more tailored rural housing policy to succeed local planning authorities responsible for rural communities must be allowed to require an affordable housing contribution from sites of nine dwellings or fewer. This requires changes to the definition of 'designated rural areas', which is used in paragraph 65 of the NPPF and defined in the glossary. The definition in the NPPF needs to be amended to include parishes of 3,000 or fewer population and all parishes in National Parks and AONBs. Reflecting NPPF paragraph 64, the expectation should be that the contribution is as on-site provision, but with the ability to take a commuted sum of equivalent value to the affordable housing.

The removal of the ability to take affordable housing contributions from small sites resulted in a significant reduction in the delivery of rural affordable housing. In 2019, 61 local authorities, primarily those classified as mainly and largely rural, responded to a Rural Services Network survey which found 66% (29) respondents reported that since adopting a threshold in line with national policy the delivery of rural affordable housing had been reduced.

Question 55: Do you agree with the changes proposed to paragraph 63 of the existing NPPF?

Yes, but the government also needs to consider how local authorities can better seek to address the needs of people who are homeless and require temporary accommodation.

Question 56: Do you agree with these changes? [Strengthening support for community-led development]

Yes.

Question 57: Do you have views on whether the definition of 'affordable housing for rent' in the Framework glossary should be amended? If so, what changes would you recommend?

Yes, the definition of affordable housing should be amended to reflect household ability to pay for home ownership and rental costs, according to average and below average income levels. The ONS defines affordable home ownership according to annual disposal household income, differentiated by deciles, regions and UK countries. In terms of private rental affordability, the ONS have defined this as equivalent to 30% or less of household monthly income being spent on rent. These ONS definitions should be adopted throughout the NPPF.

Question 62: Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?

With the introduction of permitted development rights that enabled the conversion of commercial properties to housing, commercial buildings have been lost. This has been outside of the control of local planning authorities. To enable local plans to set out and implement an economic vision and strategy, such permitted development rights should be revoked and powers to permit change of use should be returned to local authorities so they are able to make strategic decisions about the best use of land and existing buildings.

Links in national policy should also be made between local plans and Local Growth Plans.

Question 69: Do you agree with the changes proposed to paragraphs 114 and 115 of the existing NPPF?

Yes. Motor vehicle transport influences people's health in many ways, including: discouraging the everyday physical activity that is essential for good health and is a government objective; contributing to poor air quality (a major cause of ill-health) by creating particles through exhaust emissions and tyre wear; and contributing to carbon emissions and therefore climate change (which in itself undermines human health in various ways).

Children and young people, who cannot drive, are also disproportionately affected by car-dominated streets and neighbourhoods. A vision led approach allows for design that reduces traffic danger by reallocating space for people over stationary and moving vehicles.

The National Model Design Code, and other central government guidance could do more to promote safe, welcoming, communal outdoor spaces on, or directly accessible from, families' doorsteps and walking, wheeling and cycling infrastructure and public transport options that allow children, young people and their families to get around easily on their own and reduce car-dependency. These needs are not currently addressed by the formulaic creation of conventional play areas (the approach taken in the current National Model Design Code).

Evidence shows that building roads can result in an increase in vehicle traffic (a phenomenon known as 'induced demand'), while the provision of safer and good quality paths for walking and wheeling benefit active travel and health. The discredited 'predict and provide' method of planning for transport needs (see for example [here](#)) is likely to contribute to induced demand and undermine efforts to support a modal shift away from motor transport and towards active travel and public transport. The 'vision and validate' method is more likely to support the creation and normalisation of the active travel and public transport infrastructure necessary for healthy, active environments.

Question 70: How could national planning policy better support local authorities in (a) promoting healthy communities and (b) tackling childhood obesity?

- a. National planning policy would better support local authorities in promoting healthy homes and communities if health was set out in the NPPF as a strategic priority for plan-making and decision taking. The NPPF should start with a clear statement that the role of planning is to support population and planetary thriving with the explicit aims of creating health and wellbeing and reducing health inequalities, and that all planning policies and decisions must be directly influenced by local health priorities and strategies. Stating this at the start of the NPPF would ensure that everyone involved in planning – from local communities to planning inspectors – would be clear that creating places that support good health is an essential part of the purpose of planning and not a ‘nice to have’ option. This could be achieved by stating that planning, at all levels, must support the delivery of the UN Sustainable Development Goals.

In Chapter 3, Plan-making, the NPPF should explicitly support local authorities to make plans that strategically, and in detail, respond to the health needs of their populations, positively promote health and wellbeing, and address local health inequalities.

Amend paragraph 16 by inserting a new point b) as follows:

Plans should:

a) be prepared with the objective of contributing to the achievement of sustainable development

b) address the social determinants of poor health and reduce health inequalities in line with locally prepared evidence and strategies

c) be prepared positively, in a way that is aspirational but deliverable; (cont.)

The NPPF should promote the delivery of good quality, well placed, genuinely affordable and secure homes in order to address the extensively evidenced health costs of poor housing. Homes and communities must be designed to meet all twelve of the Healthy Homes Principles, including ensuring climate resilience, accessibility, adaptability and inclusion, as well as access to amenities, public transport and nature.

- b. Childhood obesity is a complex problem with many drivers, including behaviour, environment, genetics and culture. The causes of obesity exist in the places where children live, learn and play, where they have limited autonomy due to their age and where food and the built environment often makes it difficult to make healthier choices. Restricting hot food takeaway uses close to schools is one way that planning policy can support healthier weight environments, and should be supported, but planning and wider local authority policy can also influence:
- housing design, to ensure adequate kitchen, dining, food preparation and storage space;

- neighbourhood design that promotes active travel (walking, wheeling and cycling) via safe routes to everyday facilities, including schools and local shops selling healthy food options influenced by local healthy menu schemes, and provides spaces and places where teenagers feel welcome;
- green infrastructure policies that support parks, allotments, community growing and edible landscapes; and
- policies that restrict advertising of unhealthy food.

Question 71: Do you have any other suggestions relating to the proposals in this chapter?

The planning system can and should do more to support the creation of healthy homes and communities, including supporting healthy childhoods and health across the life course.

Revisions to this chapter of the NPPF should:

- strengthen in detail the priority to consider health creation and reducing health inequalities in policy making and decision-taking, especially where this would address locally identified health and wellbeing needs and priorities (as identified in joint strategic needs assessments and local health and wellbeing strategies);
- require all new development to help achieve the government’s statutory commitment, as set out in the Environment Act 2021, that everyone should live within a 15-minute walk of good quality green or blue spaces by following the national Green Infrastructure Standards Framework; and local nature recovery strategies;
- encourage the creation of places that are complete, compact and connected so that most people can access the things they need for day-to-day living within easy walking, wheeling and cycling distance of their homes. Infrastructure to support active travel – for people of all ages, income levels and abilities, including children, disabled and older people – should be prioritised over infrastructure for vehicles and development should follow Active Design principles;
- require development to provide doorstep and public spaces, including streets, that are safe and accessible for children and young people, with places for formal and informal play and socialising.

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

We 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 also 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.

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

We support some, but not all, of the proposed changes.

We strongly support the proposed changes to existing paragraph 160b, 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.

We agree 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.

However, 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 make sure that local planning authorities are clear on how to balance the possible impacts (e.g. visual, heritage) against the benefits of larger scale onshore wind and solar developments.

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

We 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.

Specific amendments and additions to the NPPF which would significantly strengthen the policy approach to these priorities are set out at https://www.tcpa.org.uk/wp-content/uploads/2024/08/TCPAs-proposed-NPPF-changes-on-climate-mitigation-and-adaptation_August-2024.pdf

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*. The report explores 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 and homes. 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, housing, 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. We 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.

Local authorities 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.

The above demonstrates 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 regard 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 a 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.

We 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 be addressed simply through national policy.

This is all exacerbated by the major gap in funding for flood defences, which was revealed by the Public Accounts Committee report, *Resilience to flooding*, published 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:

- Shoreline Management Plans (SMPs) 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. The NPPF should ensure that plans and decisions on the coast do not undermine the long-term policies for managing coastal change contained within SMPs.
- The NPPF should have a stronger policy emphasis on the role of local plans to secure long term climate adaptation, including flood resilience. This would include stronger direction on assessing the need to safeguard land for future water management purposes, and the relocation of vulnerable communities.
- Policy tools such as 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.
- The NPPF and PPG should place a stronger policy requirement on local planning authorities to ensure they have an up-to-date Strategic Flood Risk Assessment (SFRA).
- Practice guidance for site-specific flood risk assessments should be reviewed so that 'required' mitigations are clearer and therefore easier to secure through conditions.

Alongside these policy challenges, the following actions would also improve the resilience of new development to flood risk:

- 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.
- Government should consider whether a mandatory minimum standard of property flood resilience measures should be required through building regulations.
- 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.

The TCPA's recent research into the performance of the planning system in relation to flood risk demonstrates 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 should be considered a priority), 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 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, while 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 Outcomes 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) does 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.

Question 89: Do you agree with the proposal to increase householder application fees to meet cost recovery?

Yes.

Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee? Please give your reasons in the text box below.

Yes. Local planning authorities should be able to set their own fees if they want to. As the consultation recognises, this approach would enable local planning authorities to set their own fees to cover the true costs specific to them.

This would only really create complexity for applicants making planning applications to multiple planning authorities. This is unlikely to be local organisations or homeowners. Large organisations are, we believe, capable of understanding and paying different levels of fees for different applications.

Question 95: What would be your preferred model for localisation of planning fees?

We support the option of local variation, which would mean that a nationally set fee is the default but local planning authorities are able to set local fees if they need to and have the capacity to do so. The consultation notes that requiring a local planning authority to publish and regularly review its own fee schedule will place a burden on the authority. The option of local variation would enable the planning authority to decide whether it can justify a different fee and has the capacity to undertake the work necessary to set its own fees.

Question 98: Do you consider that cost recovery for relevant services provided by local authorities in relation to applications for development consent orders under the Planning Act 2008, payable by applicants, should be introduced?

Yes. Local planning authorities are currently under resourced, and it is important that they are able to recover the cost from applicants of time-consuming and resource intensive work.

Question 103: Do you agree with the proposed transitional arrangements? Are there any alternatives you think we should consider?

Changes to planning legislation and to national policy create very significant delay to plan making. The TCPA is concerned that the impact of the changes to housing forecasting, combined with the implementation of a new local plan system and chronically under resourced planning services, will exacerbate this problem.

It is essential that transitional arrangements aim to make sure that well-progressed plans are not abandoned. In order to mitigate that impact, and not to undermine public confidence in the system, all plans which have undertaken a Regulation 18 consultation should be allowed to proceed under the current policy for housing forecasting.

In addition, the threshold for transitional arrangements should not be a blanket, arbitrary figure of 200 dwellings or more between the local authority's revised local housing need figure derived by the proposed new standard methodology and the figure set out in the adopted/ proposed plan. A more proportionate approach would be to set a percentage difference.

It is difficult to fully understand the implications of the proposed transitional arrangements. They appear to be complex and if the Ministry has not already done so, an assessment of all local development schemes should be undertaken to fully consider the number of plans that fall into each of the proposed transitional approaches. This should then inform an understanding of what appropriate measures need to be put in place to support local authorities and maintain progress with plan making. Perhaps of most importance in the short term is clarity about decisions on transitional arrangements. Local planning authorities are of course unclear when the updated NPPF will be published and therefore cannot accurately assess when 'one month after the revised Framework is published' will be, or what the implications of that will be on them.

Question 104: Do you agree with the proposed transitional arrangements?

We note that it is proposed that the planning system as set out in the Levelling Up and Regeneration Act will be rolled out from summer or autumn 2025 and plans that are being developed within the existing system would need to be submitted for examination no later than December 2026. To support local authorities to undertake their plan making function, complete clarity is needed about the elements of the new system that will, or will not, be progressed. This includes transparency as to the scope of national development management policies, the fate of the national infrastructure levy and other associated policy decisions such as the implementation of schedule 3 on SuDs and the final version of the Future Homes Standard.

Question 106: Do you have any views on the impacts of the above proposals for you, or the group or business you represent and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

In its manifesto, the government committed to raising 'the healthiest generation of children in our history'. This laudable objective will be undermined unless the homes, streets and neighbourhoods in which children develop, live and play are planned with their needs in mind, and with their views properly considered (using tools such as the Voice Opportunity Power youth engagement toolkit for example).

4 Empowering people and rebuilding public trust

To be successful the government's ambitions for planning reform must command public trust. The current NPPF, and the contents of the consultation documents, are largely silent on this issue and the tone of proposed national policy implies that decisions on energy and housing will be made without basic attention to a meaningful local dialogue. This risks reinforcing entrenched resistance to development and further harm the legitimacy of the planning system.

The TCPA urged the government to adopt in the NPPF a transparent and ambitious set of principles for public participation. Those principles should recognise the basic democratic right of citizens to have a voice in the future of their own community, but also the positive benefits of community action in the delivery a whole range of activities from flood defence to local food which are central to building their resilience. In many communities these projects are the only source of a meaningful and hopeful future.

The planning system creates opportunities to harness the aspirations of communities to improve their own lives. There are a diverse range of initiatives from local energy projects, cooperative and community-led housing, local food-growing and climate resilience projects which all have a proven track record in generating significant community benefits. These benefits include tackling social exclusion, reducing loneliness, increasing skills and entrepreneurship, reducing insurance costs and providing a wider sense of ownership and positive civic renewal. Many of these initiatives struggle because their needs are not recognised and supported in local planning policy. As a result, the TCPA supports the inclusion of a new chapter in the NPPF on community empowerment. As the suggested text below states explicitly, promoting community participation is not the same as creating a veto by one social group on development that is vital for the public interest. However, it is about promoting a process of co-creation in which the community understands its responsibilities, and where developers and planners genuinely respect and listen to community aspirations.

Chapter 7a – Empowering Community Action

Enabling community led development.

Local authorities should actively seek to encourage community led projects where they can demonstrate genuine public benefit. They should do this by:

- ***positively seeking to understand the specific needs of community and voluntary organisations who often operate in an environment where they do not have access to professional support and advice;***
- ***reflect the needs and aspirations of community led initiatives in specific local plan site allocations and supporting policy.***

Local authorities should actively consider the designation of specific sites for:

- ***community led co-housing and co-operative housing initiatives;***
- ***community led local food-growing initiatives on a permanent or temporary basis including on micro sites;***
- ***community led renewable energy production;***
- ***community led climate resilience and rewilding initiatives designed to absorb water and ‘slow the flow’ in vulnerable catchments.***

Promoting public trust through active community participation

The planning system is designed to uphold the public interest in a local democratic context. As such, planning plays an important part in local governance and can be a tool

for actively promoting civil renewal. The views of local people have always been an integral part of the planning process and the case for the community's voice to be heard is clear:

- *community participation leads to outcomes that better reflect the views and aspirations of the wider community in all its diversity;*
- *community participation helps promote social cohesion by making real connections with communities and offering them a tangible stake in decision making;*
- *public participation is a key element of a vibrant open and participatory democracy in which the citizen has right to be involved;*
- *public participation improves the quality and efficiency of decisions by drawing on local knowledge and minimising unnecessary and costly conflict;*
- *meaningful co-creation in decision making educates all participants about the needs of communities, the business sector and how local government works.*

Promoting community participation is not the same as creating a veto by one social group on development that is vital for the public interest. However, it is about promoting a process of co-creation in which the community understands its responsibilities to, for example, create a sufficient supply of socially rented homes, and where developers and planners genuinely respect and listen to community aspirations.

At its most simple level, community participation in the plan-making and development management process should ensure that people:

- 1. have access to accessible, appropriate, honest, clear and accurate information at the earliest possible stage of decision making so they can understand the context. There is a statutory framework for making information available which acts as minimum standard but digital media can create an opportunity to reach out to some groups who do not normally participate while traditional techniques continue to have value in avoiding digital exclusion.*
- 2. can take an active part in co-creating development proposals and options. It is not enough to focus on providing information and consultation on proposals that have already been developed to the point where it is difficult to take other views on board. The community must be able to put forward and debate options and help mould proposals before they are settled.*
- 3. can comment on formal proposals including being able to object and having a right to be heard in the plan making process.*
- 4. can get feedback and be informed about the progress and outcomes of a planning decisions.*

Effective participation cannot happen without a good understanding of the makeup, needs and interests of all those different groups and their capacity to engage. An inclusive approach is needed to ensure that different groups have an opportunity to participate and are not disadvantaged in the process. Consideration should be given to how people are most likely to get involved and what facilities are available to them and to working with agencies, such as Planning Aid for London, that can help communities. There is no one-size-fits-all solution if a genuine dialogue is to be established and

maintained. Identifying and understanding the needs of groups who find the planning system difficult to engage with is essential. (There is a rich set of techniques to respond to community needs from citizens assemblies to charrettes to Planning for Real.)

5 More information

For more information or to discuss any of the points raised in this response please contact:

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