

Response to Consultation on Proposed Reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system

24 September 2024

Summary

This document includes our response to selected questions in [this consultation](#). In particular, our response highlights:

- The importance of ensuring there are strong protections for the setting of Protected Landscapes. The revised NPPF should include a reference to the new duty (in Section 245 of the Levelling Up and Regeneration Act 2023) on public bodies to seek to further the purposes of Protected Landscapes as this applies to local planning authorities making decisions on development on, or close to, the borders of Protected Landscapes.
- The need to ensure that National Park Authorities are fully involved in the arrangements for strategic planning which affect their area, and that the proposed strategic account takes full account of the additional protections which apply in Protected Landscapes and places a strong emphasis on the opportunities to plan for nature's recovery.
- A number of changes that should be made to planning policy in order to support rural afford housing and strengthen the planning system's role in tackling the nature and climate emergency.

Responses to selected questions

Question 5: Do you agree that the focus of design codes should move towards supporting spatial visions in local plans and areas that provide the greatest opportunities for change such as greater density, in particular the development of large new communities?

No. Design codes can have merit in a range of settings, and it is essential that local planning authorities have the flexibility to develop design codes that are appropriate for the particular circumstances of their area and which allow them to take into account the impact of increased density on the local natural and historic environment. This is particularly important in areas such as Protected Landscapes and their settings where additional planning

protections apply, and local planning authorities will need to be able to adopt design codes which take account of these.

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

No. We are concerned that the changes to Paragraph 11 and to Footnote 9 which strengthen the presumption in favour of (potentially unsustainable) development shift the balance of the NPPF away from considering the three pillars of sustainable development (economic, social and environmental) in an integrated and holistic way.

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

Yes, we support the amendments to NPPF paragraphs 24 and 27 strengthening cross-boundary cooperation and effective strategic planning across local planning authority boundaries. However, it is not clear how an approach which places such a strong presumption on infrastructure delivery would take account of the additional planning protections which apply in Protected Landscapes and their settings, including the presumption against major development in Protected Landscapes. To ensure these additional protections are properly taken into account, it is absolutely essential that relevant local planning authorities (National Park Authorities and those covering National Landscapes) are fully involved in the development and implementation of strategic cross-boundary plans which affect Protected Landscapes.

We also want to see a much stronger emphasis on the opportunities to plan for nature recovery as part of the proposed strategic approach. Ecosystems and landscapes extend beyond local planning authority boundaries, but the current land use planning system does not address issues effectively at an ecosystems or landscape-scale. Water quality is one example of this where pollution in one part of a river catchment can have significant impacts further downstream. We would, therefore, like to see the development of strategic planning approaches which support the delivery of a wider range of environmental, as well as social and economic benefits. To ensure this happens, Paragraph 24 should also specifically reference 'ecological resilience' or 'environmental' resilience, alongside economic and climate resilience.

We also welcome the proposed introduction of universal coverage of strategic planning so long as it includes environmental considerations and is developed using appropriate environmental expertise. There are other existing plans, such as Local Nature Recovery

Strategies (LNRs) and catchment management plans, and other proposed mechanisms, such as the Land Use Framework, which should be integrated into the proposed approach to universal coverage of strategic planning.

In particular, it will be essential to have an effective Land Use Framework in place to inform spatial planning. This should be an overarching, England-wide spatial document which identifies where and how different land uses can be aligned to maximize co-benefits and ensure that national environmental targets, and other national targets with land use needs or implications, are met. It should also clearly identify National Parks as priority areas for nature, where additional planning protections.

Question 20: Do you agree that we should make the proposed change set out in paragraph 124c, as a first step towards brownfield passports?

No, we do not agree with the proposed change in Paragraph 124C to give acceptability in principle in planning policies and decisions to proposals for homes and other identified needs on suitable brownfield land. We agree in principle that many brownfield sites are suitable for development and that national policy could go further in promoting brownfield first development on suitable brownfield land in order to reduce pressure on greenfield sites, but a blanket principle in favour of development risks sites of high environmental value being lost. Brownfield sites can be valuable for biodiversity and should not be seen as automatically suitable for development without assessment.

There is no evidence that failure to identify brownfield sites suitable for development is a blocker to development. Sites should be assessed on a case-by-case basis and not based on land classification. Other factors will also need to be considered in order to determine whether brownfield land is a suitable location for homes or other identified needs, including whether it is a sustainable location from climate, transport, and economic points of view, or whether there are potentially other more beneficial uses of particular brownfield sites. Adding 'acceptability in principle' to planning policies and decisions reduces or removes the opportunity for the decision-maker to weigh environmental and other considerations in the planning balance. Paragraph 124c should specify that brownfield land of high environmental value is not suitable brownfield land for development and include a definition in the NPPF of 'high environmental value'.

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

We are pleased to see that the proposed definition appears to suggest that land in Protected Landscapes could not be designated as Grey Belt but the way the definition is worded is somewhat confusing, in particular the use of footnote 7 to identify the areas for exclusion, given that this also refers to Green Belt, and we would like to see a clearer definition which avoids this problem.

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

Yes.

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

No, Although we agree with the principle of not limiting the affordable requirement to ownership, we do not support the removal of a minimum requirement for the proportion of affordable housing to be delivered as part of major developments.

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

Yes, in principle, but the mix of tenures, types, sizes and affordability should be informed by clear, up-to-date evidence of genuine local needs including demographic data and information on household size and composition and local incomes.

Question 52: What would be the most appropriate way to promote high percentage Social Rent/affordable housing developments?

The most appropriate way to promote this would be to introduce a policy requirement for a high level of affordable housing to be delivered as part of new developments and to ensure that local planning authorities seek high levels of affordable housing, and that their requirements are underpinned by clear, up-to-date local needs evidence. It will also be important to give local planning authorities the support they need to hold developers to these requirements, and to encourage community-led housing developments.

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

The measures set out in our response to Question 52, including making it a policy requirement for a high level of affordable housing to be delivered on new developments, would support rural affordable housing.

The text at paragraph 65 should also be strengthened by allowing local planning authorities to set their own evidence-based threshold, for the size of development which are exempt from affordable housing requirements. Enabling local planning authorities to apply local or principal occupancy clauses would also help, particularly, in Protected Landscapes and other areas where there is high demand for second homes and holiday lets.

Net additions to the housing stock should meet genuine needs, including in relation to type, tenure, size, location and cost. They should be delivered in a range of ways, with greater priority given to supporting community-led housing, making more effective use of the existing stock and the use of brownfield land and existing buildings. This should include taking opportunities for the subdivision of large properties and addressing the loss of the existing housing stock to second homes and holiday lets through licensing schemes as well as the use of principal and local occupancy clauses.

Question 59: Do you agree with the proposals to retain references to well-designed buildings and places, but remove references to ‘beauty’ and ‘beautiful’ and to amend paragraph 138 of the existing Framework?

Yes, we agree with the proposals to retain references to ‘well-designed’ places and reinforce the importance of the National Model Design Code (NMDC) but remove references to ‘beauty’ and ‘beautiful’, as these are subjective terms. In the context of nature and the built environment, some interpretations of ‘beautiful’ could result in interventions that damage nature. For example, removing grass verges or scrubby invertebrate-rich brownfield sites or unmanaged green spaces that can be the last undisturbed spaces for wildlife, or introducing inappropriate artificial lighting. There are a number of other instances, where the same reasoning for removing this words would equally apply, including para. 8b, proposed para. 75b, proposed paras. 127, 128 and 130.

In addition, the NMDC should be strengthened by placing greater emphasis on the importance of nature and biodiversity in mitigating and adapting to climate change, in creating thriving and connected habitats for wildlife, in managing environmental risks (e.g., heat, flooding), and in delivering health and wellbeing benefits for local people and communities. It should also include details on how landscape character will be taken into account in the design process.

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

We support the move away from a ‘predict and provide’ approach to transport planning. However, we would like to see the word ‘promoting’ removed from the proposed changes to

paragraph 114, as including this risks developers and local planning authorities placing too much emphasis on simply promoting sustainable transport rather than delivering developments which are truly sustainable in transport terms. The text should be amended to read “A vision-led approach to sustainable transport is taken, taking account of the type of development and its location”. The change should be accompanied by a glossary definition to ensure it is clear what is meant by a vision-led approach, in contrast to ‘predict and provide’.

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

Measures should support mental health as well as physical health, including recognising the importance for mental health of access to nature, protecting and enhancing tranquillity and reducing light pollution.

Planning policy can do this by supporting nature recovery, properly recognising what tranquillity is and putting policies in place to protect it from harm, and by setting out strong policies regarding lighting in new development.

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

Our understanding is that the proposal is for onshore wind projects of 100MW scheme or above to be taken through the NSIP process, and if that is correct, then we agree. This would mean that most proposals would still be determined by local planning authorities, making it easier for the general public and local stakeholders to engage with them. We would expect local evidence on a site’s suitability for wind energy developments to be taken into account in the determination of any wind farm proposals regardless of whether the consenting process was undertaken locally or through the NSIP regime. It is essential that authorities have the necessary resources in order to allow them to consider such schemes effectively, and that local planning authorities in areas adjoining Protected Landscapes are aware of the additional protection afforded these areas and their settings.

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

We welcome in principle the proposed support for delivering more renewable energy and the fact that the consultation document makes it clear that renewable energy proposals would still be subject to the policy requirements of the NPPF and other environmental safeguards. If renewable energy infrastructure is planned and delivered poorly and results in damage to habitats that are important for nature and carbon storage, this could undermine efforts to meet net zero as well as adding to the biodiversity crisis. It is essential that measures to give greater support to renewable energy take full account of the environmental safeguards in

planning policy and the additional restrictions that apply to development in certain locations including Protected Landscapes. There must also be a strong emphasis on considering the cumulative impact of energy developments which individually might be considered to be small scale.

The planning system should ensure that all new development is designed and built to the highest environmental standards and that there is a strong emphasis on optimising the land available. For example, we would like to see the inclusion of a 'roof first' approach to solar, including a requirement for solar on the roofs of all new developments and strong support and incentives for retrofitting solar to existing roofs.

We support the proposal at new para.161 to require local plans to identify suitable areas for renewable and low carbon energy rather than just asking them to 'consider' doing so. However, this should be informed by integrated strategic planning across land uses and areas should be identified with specific reference to the type of renewable energy they are suitable for i.e. an area would be identified as being suitable for wind, not just as being suitable for renewable energy, as the impacts and considerations are very different for different types. It should also be absolutely clear that full account needs to be taken of environmental considerations including the presence of sensitive habitats as identified in Q74 and the impact on adjoining areas of land even if these are the responsibility of a different local planning authority. To be effective as a requirement, the words "where this would help secure their development" should also be deleted from 161b to ensure that this is not used as a loophole to avoid identifying such areas.

Whilst the removal of footnote 59 removes text that reinforced the idea that repowering and extension of life of wind farm developments could be lumped together, it would be helpful to be clear about the difference between 'repowering' (replacing existing wind turbines with usually newer, more efficient turbines) and 'extension of life' (keeping the same turbines but replacing parts), perhaps through additions to the glossary. As repowering schemes usually involve replacing existing turbines with much larger ones, the two approaches have very different impacts, and a misunderstanding or lack of recognition of the difference has resulted in poor decisions in the past.

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?

We welcome the fact that consultation document acknowledges (in Chapter 9, para 9) the need to protect valuable habitats that provide carbon sequestration and are important for

biodiversity, including peatlands. It is absolutely essential to ensure that there are strong additional protections in place for such habitats.

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?

Yes, setting the threshold at 100MW will allow most schemes to be considered by local planning authorities making it easier for the general public and local stakeholders to engage with them. However, it is essential that authorities have the necessary resources in order to allow them to consider such schemes effectively.

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?

Yes. Setting the threshold at 150MW will allow most schemes to be considered locally making it easier for the general public and local stakeholders to engage with them. However, it is essential that authorities have the necessary resources in order to allow them to consider such schemes effectively.

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

- *The NPPF should include an overarching purpose for the planning system to recover nature and tackle climate change and should provide strong support for the protection and enhancement of habitats which play a vital role in tackling climate change.*
- *There should be a requirement for solar on all new developments and strong support and incentives for retrofitting solar to existing roofs and including opportunities such as installing solar canopies over car parks.*
- *There should be stronger policies regarding lighting and preventing light pollution in new development. The current NPPF reference at para. 191c to 'intrinsically dark landscapes' is frequently interpreted as meaning that light pollution should only be of concern in designated dark sky areas. This needs to be corrected to ensure the benefits of good lighting and preventing light pollution are secured as part of all development, for climate change (through energy use reduction), human health (through avoiding exposure to artificial light at night) and for biodiversity and landscape character.*

- *Developments should include the installation of batteries to store energy from the grid during periods of low or negative pricing (where customers are paid to use excess electricity). As they are charged overnight and used or exported to the grid at peak times during the day, batteries can help to balance production, supply and demand.*
- *There should be a requirement for full life-cycle carbon footprint assessments of development proposals, including the carbon impact of any loss of storage/sequestration resulting from loss of habitat and greenfield land and the carbon impact of new journeys etc. It will be impossible to reach net zero if we continue to allow new development which increase carbon emissions.*
- *There should be a strong presumption in favour of reuse of materials, buildings and land, and efficient use of land. Planning permissions should be required for the demolition of property to support greater prioritisation of reuse rather than rebuild.*
- *National planning policy must recognise that building more roads simply increases traffic which increases carbon emissions, and there should instead be a strong emphasis on development in locations with good public transport access and the inclusion of safe active travel routes in all new developments.*
- *New development should also be designed to minimise water usage, with requirements for all new homes to incorporate water saving measures not just those in 'water stressed areas' as in current building regulations. Water treatment is an energy intensive process and reducing demand would reduce emissions. Requirements should include rainwater and grey water capture which both reduces water demand and reduces demands on the sewage system during high rainfall, ameliorating flooding and reducing untreated discharges. Sustainable urban drainage should be mandatory for new developments.*
- *There should be no new coal-fired power stations, gas power stations, coal mines, oil wells, fracking or conventional gas wells.*
- *All developments should be designed to maximise solar gain for heating and with integrated passive cooling to minimise energy demands in both hot and cold weather.*

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

There needs to be far more focus on natural flood management (NFM) at catchment scales and prioritising upstream measures to alleviate flood risk and build resilience through slowing the flow of water and holding more of it in the environment. Heavily engineered options should be a last resort which is only used after NFM and upstream measures have been maximised. Measures to protect and restore the natural functions of catchments, floodplains, and water systems are often cheaper to implement, and deliver many other social and environmental benefits.

Question 83: Are there other ways in which we can ensure that development supports and does not compromise food production?

The adoption of effective Land Use Framework would help manage some of the competing demands for land. This should be an overarching, England-wide spatial document which identifies where and how different land uses can be aligned to maximize co-benefits and ensure that national environmental targets, and other national targets with food and land use needs or implications, are met. It should also clearly identify National Parks as priority areas for nature, where additional planning protections apply.

Question 84: Do you agree that we should improve the current water infrastructure provisions in the Planning Act 2008, and do you have specific suggestions for how best to do this?

Historic underinvestment means that water infrastructure is not resilient, too much water is lost to leaks and sewerage and wastewater systems have failed to keep pace with population and climate change. Sewage spills from storm overflows that are intended only for use during extreme rainfall have become habitual. The [Health Check report](#) we published earlier this year found high levels of sewage spills in National Parks, which are partly caused by the fact that the infrastructure in these areas has not been designed to take account of the high number of visitors. Changes are needed to ensure that infrastructure in sensitive environmental areas, such as Protected Landscapes, is designed to a higher standard and the number of sewage spills are reduced.

Question 85: Are there other areas of the water infrastructure provisions that could be improved? If so, can you explain what those are, including your proposed changes?

The metrics used to determine how much priority water companies give to tackling sewage spills should be amended to ensure that greater priority is given to those in Protected Landscapes and other sensitive environmental areas.

Question 86 : Do you have any other suggestions relating to the proposals in this chapter?

We welcome the fact that the additional planning protections for Protected Landscapes as set out in paragraphs 182 and 183 are to be retained. We are also pleased to see the retention of the NPPF wording on limiting the scale and extent of development both in Protected Landscapes and in their settings. Given the strong emphasis on supporting new housing and infrastructure elsewhere in the NPPF, there is likely to be increased pressure for development on, or close to the boundaries of National Parks. The protection for the setting should be extended to the plan-making process by requiring Local Plans for areas adjacent to National Parks to include policies that protect the adjoining protected landscape from the adverse impacts of inappropriate development. In addition, it is vital that the local planning authorities for areas adjoining Protected Landscapes understand their responsibilities with regard to the new duty in S245 of the Levelling Up and Regeneration Act (LURA) 2023 which requires them to seek to further the purposes of National Parks when making decisions which affect the land in these areas (which would include planning decisions in areas on, or close to, their boundaries). There is an opportunity to include a reference to this important new duty as part of these revisions to the NPPF to make sure that all relevant local planning authorities are aware of it.

Question 105: Do you have any other suggestions relating to the proposals in this chapter?

If the planning system is going to deliver effectively for nature and climate, then it is absolutely essential that local planning authorities have the necessary skills and resources to assess the environmental impacts of new development and ensure that planning conditions are properly implemented. It is also essential that regulatory bodies – Natural England and Environmental Agency – have the necessary resources to fulfil their roles effectively.

For further information about any of the points we have made in this response, please contact Ruth Bradshaw, Policy and Research Manager, Campaign for National Parks (email: ruthb@cnp.org.uk)