

# RTPI response to ‘Proposed reforms to the National Planning Policy Framework and other changes to the planning system’

September 2024

## About the RTPI

The Royal Town Planning Institute (RTPI) champions the power of planning in creating sustainable, prosperous places and vibrant communities. We have over 27,000 members in the private, public, academic, and voluntary sectors. Using our expertise and research we bring evidence and thought leadership to shape planning policies and thinking, putting the profession at the heart of society's big debates. We set the standards of planning education and professional behaviour that give our members, wherever they work in the world, a unique ability to meet complex economic, social environmental and cultural challenges.

## Chapter 3 – Planning for the homes we need

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

**Yes / No**

Yes.

We previously raised concerns in our 2023 NPPF Consultation response ([RTPI, 2023](#)) that the December 2023 revisions would reduce incentives for LPAs to proactively plan for the number of homes needed to sustainably meet local need.

**Question 2: Do you agree that we should remove reference to the use of alternative approaches to assessing housing need in paragraph 61 and the glossary of the NPPF?**

**Yes / No**

Yes.

Simplification and consistency are vital in promoting a uniform approach to setting housing targets. Having said this, we welcome the suggestion of further guidance on specific circumstances where it would be necessary to use an alternative approach in limited cases.

**Question 3: Do you agree that we should reverse the December 2023 changes made on the urban uplift by deleting paragraph 62?**

**Yes / No**

Yes.

The proposed new approach better distributes growth across urban areas without the need for a specific urban adjustment. We raised concerns in our 2023 NPPF Consultation response ([RTPI, 2023](#)) about the 'urban uplift' - principally that:

- it required growth to be accommodated within single local authority areas;
- the calculation of housing targets was already intended to take account of how relatively populous places are through the application of statistical methods, which some authorities used as justification not to deliver; and that
- some urban authorities have very little viable land for development, making it almost impossible to achieve the uplift.

In our previous NPPF Consultation response we therefore emphasised the need for strategic planning across urban areas.

**Question 4: Do you agree that we should reverse the December 2023 changes made on character and density and delete paragraph 130?**

**Yes / No**

Yes.

This proposed change would address the 'pincer' on sustainable development that we previously identified ([RTPI, 2023](#)) as a key concern relating to the December 2023 changes to the NPPF concerning character and density. The two elements of this pincer were: a) reduced incentives for green belt reviews to meet housing need, alongside b) reduced justification for densifying urban areas if that densification would significantly change the character of an area. We argued that this left few incentives for some local decision makers to plan to meet their housing need, and would result in a reduction in overall housing delivery - particularly undermining the delivery of affordable and specialist housing.

**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?**

**Yes / No**

Yes.

Many local authorities do not have the resources to produce district-wide design codes. This proposal provides the opportunity for a more localised, targeted approach that focuses limited resources where they will make the most difference in planning terms.

These localised design codes would have to be in conformity with any existing district-wide code and the national model design code.

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

**Yes / No**

On balance, yes. However, the changes bring with them some significant risks which need to be monitored and mitigated in order to maintain both the delivery of new homes (and other developments) and the wider credibility of the planning system.

Our members strongly support:

- the proposed amended wording which clarifies that the presumption is triggered specifically by out-of-date land supply policies - this will bring clarity to decisionmakers and reduce uncertainty in the application of the presumption;
- the explicit references for the need to consider locational and design policies, alongside affordable home provision, as a safeguard for ensuring sustainable development; and
- the introduction of additional clarity on the 'adverse impacts' that provide exceptions for the triggering of the presumption, and that these concern location and design. Indeed, we share the government's concern that the presumption has been a route for some developers to build schemes that are of unacceptably low quality and in places not deemed suitable by communities. It is likely that this has resulted in local opposition to development and new plans.

More broadly, however, we are concerned that the package of measures outlined in this Consultation as a whole is likely to result in a very high percentage of local authorities being subject to the presumption for a long period of time. This will only be alleviated when the LPAs that are able to have produced up-to-date local plans, and when formal strategic planning has been brought in to address the distribution of housing targets which are presently - for some local authority areas - unrealistically high. Even with the very positive safeguards which we describe in the bullet points above, during this period there will be a significant amount of development in places that communities have not indicated their support for.

We understand the trade-offs being made and the importance of housing delivery not being undermined by a lack of up-to-date local plans (the presumption does provide a powerful incentive to get these in place). However we are concerned that this approach brings significant risks, both in terms of undermining the legitimacy of the planning system in the eyes of communities, and through the potential for LPAs to come to regard proactive plan making as a thankless task. It is therefore crucial that government does what it can to bridge the gap by:

- introducing a formal, strategic approach to assigning housing targets from appropriate higher level geographies to the local level as soon as possible;
- supporting LPAs to get up-to-date local plans in place; and
- enabling the public sector (including local authorities, combined authorities, and central government and its agencies) to play a more active role throughout the delivery cycle – not just granting permissions. This would ensure that schemes come forward which would otherwise not, that they would meet community needs, and that they would be in locations favoured by local communities.

Additionally, it will be important to robustly monitor whether, where, and how many LPAs become subject to the presumption due to non-delivery of new homes, despite allocating enough land and giving enough permissions.

**Question 7: Do you agree that all local planning authorities should be required to continually demonstrate 5 years of specific, deliverable sites for decision making purposes, regardless of plan status?**

**Yes / No**

Yes.

We welcome this amendment to ensure a continuous pipeline of deliverable housing sites across the country, regardless of plan status.

In our response to the 2023 NPPF Consultation ([RTPI, 2023](#)), we argued that LPAs should be continually reviewing their housing land supply as a matter of best practice. This certainty of a deliverable pipeline of forthcoming land is especially important for SMEs, who are naturally more susceptible to uncertainty. In that response, we also suggested that government should consider instructing LPAs, when plan making, to plan for a housing land supply that would be sufficient for longer than the lifetime of the plan. This would reduce uncertainty when plans are due to be renewed or replaced, and increase the likelihood of a sufficient pipeline throughout the plans' lifetimes.

Our members have raised questions about whether it would be possible for an LPA to have an up-to-date local plan that does not have a 5YHLS. We do not believe that this is the case, but such questions suggest that very clear guidance on the subject will be required for the avoidance of doubt.

**Question 8: Do you agree with our proposal to remove wording on national planning guidance in paragraph 77 of the current NPPF?**

**Yes / No**

Yes.

We support the removal of the reference to past oversupply being set against upcoming supply. In our response to the previous NPPF Consultation ([RTPI, 2023](#)), we stated that:

- It would be difficult to ascertain whether an LPA has 'oversupplied' when plans' lifetimes overlap.
- Historic targets, against which LPAs would have been delivering, are by nature out-of-date and less relevant. We believe that using these as the basis to determine over or undersupply could be problematic.
- Oversupply of, for example, market rate homes to buy does not fulfil the housing needs of different groups. We were therefore concerned that an oversupply of one specific housing type could mean that an LPA would no longer have to plan for a supply of land suitable for affordable and specialist homes.

**Question 9: Do you agree that all local planning authorities should be required to add a 5% buffer to their 5-year housing land supply calculations?**

**Yes / No**

Yes.

It is important to maintain some degree of consistency and contingency in planning for housing needs and land. The latter is important because the deliverability of sites is contingent upon a wide range of factors that can change significantly over time and after planning permission has been granted.

**Question 10: If yes, do you agree that 5% is an appropriate buffer, or should it be a different figure?**

**Yes (5% is an appropriate buffer) / No (It should be a different figure)**

Yes.

**Question 11: Do you agree with the removal of policy on Annual Position Statements?**

**Yes / No**

Yes.

**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 / No**

Yes.

As suggested in response to Question 6, we support the direction of travel for housing targets to be ultimately allocated at the strategic level. Given that the proposed reforms will result in some local authorities receiving extremely challenging housing targets, it will be crucial to distribute these figures at the strategic level to allow for a flexible and sustainable contribution. We therefore strongly welcome these amendments as a first step, prior to the introduction of legislation that formally embeds new strategic planning in governance arrangements.

Given the very high housing targets that many LPAs will face, and the number of LPAs that will both need to get an up-to-date plan in place and be subject to the presumption, it will be important for the government to:

- clearly communicate to the sector the timeline over which the new strategic planning regime will be introduced (this will give LPAs that are writing their local plans certainty and manage expectations);
- establish informal mechanisms, forums and guidelines for the operation of informal strategic planning arrangements in the interim, before formal strategic planning is introduced (as described in the timeline proposed above), which will need to work to clearly identified objectives; and
- develop these informal structures into the formal strategic planning structures that will follow – maintaining relationships and expertise in the process.

Research recently commissioned and published by the RTPI in its report *Strategic Planning in England* ([RTPI, 2024](#)), highlights that:

- **Strategic planning at present is highly fragmented which has led to sub-optimal outcomes.** Indeed, 40% of local authority survey respondents reported no statutory strategic planning activity and 25% reported no non-statutory strategic planning activity either.
- **There is a clear unmet need for a more effective approach to strategic planning between the national and local levels.** Strategic planning is widely regarded as vital for the management of key issues that cannot be addressed properly at the local scale; for building economic, climate and nature resilience; and for articulating long-term development and infrastructure needs. Effective strategic planning provides a long-term framework that derisks decision-making, providing more stable conditions for building investor confidence and delivering long-term government objectives.
- **Strategic planning should be mandated by government and implemented across England.** The absence of strategic planning in many areas has negatively impacted on local plan preparation, which in turn impacts decisions to invest due to the lack of certainty that a shared and long-term planning strategy provides.
- **Strategic planning should focus clearly on long-term vision and key cross-boundary issues. There should be sufficient flexibility to address local needs and allow innovation.** A long-term perspective helps avoid parochialism, and to build investor confidence.

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

**Yes / No**

Yes.

The we mention in response to Q12 - *Strategic Planning in England*, ([RTPI, 2024](#)), that:

“...the NPPF as presently drafted, which sets out rules for local plans, is not seen as an appropriate basis for testing strategic plans, particularly with respect to deliverability and viability requirements over the long term”.

There should instead be a separate testing process with accompanying clear guidance on developing SDSs and on how they will be tested. It will be crucial for this guidance to be published ahead of the implementation of the awaited strategic planning legislation.

This report ([RTPI, 2024](#)) also argues that a set of ‘strategic conditions’ should provide the basis of examination of a strategic plan, to include whether the plan is:

- founded on an integrated and long-term vision for the area;
- based on an appropriate and justified spatial planning approach that will bring about the desired spatial change;
- aligned with national, pan-regional, and regional objectives and priorities and consistent with the spatial strategies for neighbouring areas;
- clear in its intended impact, providing sufficient clarity for local plans, other plans and strategies, and to secure investor confidence in the area;
- capable of being implemented, with the necessary commitment of relevant infrastructure providers and delivery agencies (including government departments / government agencies) demonstrated.

It will be particularly important for these issues to be addressed before the government begins the designation and development of New Towns.

Though the tests for strategic and local planning should differ, it is important that they do not conflict.

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

*The need for interim strategic planning arrangements and facilitation*

We acknowledge that many LPAs will individually struggle to meet their housing targets, and we support the government’s transition to genuine strategic planning in the longer term. Indeed, across England, communities’ housing needs can only be fully met via a strategic approach that allows for flexible contribution across the most appropriate local authorities and areas.

However, it is clear that it will take time for these new, formal, strategic planning structures to be established and embedded in practice. It is therefore crucial that the government does what it can as soon as possible to enable cooperation in the interim period, and we welcome the government’s commitment to “setting a clear expectation of cooperation that we will help to structure and support [strategic planning]” in “priority groupings of authorities”. To be effective this support should:

- set clear objectives and measurable outputs;
- provide forums which can be evolved into more formal structures (rather than producing more flux); and
- be provided at the level of natural economic geographies.

*Ensuring that national policy does not undermine the delivery of schemes that support housing delivery and other crucial national objectives*

Separately, we have a long-standing concern that overwhelmingly housing-focused national policy is resulting in LPAs allocating land for housing at the cost of types of development that are crucial to

economic growth, communities' wellbeing, and the effective delivery of housing itself. New homes are of little value if they provide poor access to employment and are not well serviced by supporting infrastructure and logistics, for example. Similarly, we are concerned that homes are being allocated on sites which are most appropriate and sustainable for employment. A holistic approach to planning, focused on placemaking, is the most effective way of delivering both thriving communities and the government's housebuilding objectives.

## Chapter 4 – A new standard method for assessing housing needs

**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?**

### **Yes / No**

Maybe.

Overall, we agree that a new, simpler and more transparent standard method is needed, and that moving to a stock-based methodology makes sense as a starting point. Given that stock data is more regularly updated and more predictable than household projections, the proposed method provides consistency and certainty for local authorities. The stock-based approach also reinforces development in existing urban areas, and maximises the use of existing infrastructure.

The new standard method is therefore a reasonable starting point. It does, however, present some major challenges in practice. Most notably, modelling suggests that it will produce major 'anomalies' for some local authority areas, such as much higher targets for some places in which there is currently low demand for new housing (for example, they may have declining populations). In addition, the methodology does not consider local level constraints on delivery.

Each of these issues runs the risk of undermining this new approach both in the affected areas and more widely, and the government's wider planning reform and housing agenda.

The only way to address these local constraints and to deliver on the government's overall ambitions is for the standard method to be applied at the strategic level (in some areas the city region level will be most appropriate, in others a regional level may be). By doing so, figures generated at the city regional or regional level can be distributed to underlying LPAs according to their 'real' need, ability to sustainably accommodate those targets, and large-scale plans for new communities, etc.

While the proposed new standard method therefore provides a starting point, and we understand that all nationally applied methods will always have costs and benefits, the government should move to a strategically-applied new standard method as soon as is realistically possible. We warmly welcome its direction of travel on strategic planning, and as we argued in response to question 12, until there are formal strategic planning structures in place across the whole of England, the government should:

- clearly communicate to the sector a 'route map' for introducing the new strategic planning regime, which includes specific dates and measures – this will be particularly important for giving LPAs that are writing their local plans or calculating their housing needs certainty and reassurance;
- establish informal mechanisms, forums and guidelines for the operation of informal strategic planning arrangements in the interim, before formal strategic planning is introduced (as described in the timeline proposed above), which will need to work to clearly identified objectives; and  
develop these informal structures into the formal strategic planning structures that will follow – maintaining relationships and expertise in the process.

During the RTPI's member workshops in all regions of England, participants raised additional concerns and practical challenges related to the new methodology. These included that it:



- Does not take into account the quality, degree or efficiency of use of existing stock – factoring long-term vacancy rates into the formula may help to address this.
- Will result in inappropriate green belt sites being at risk of development due to the amended presumption. There is a real risk that many LPAs will not meet the 5-year housing land supply requirements, or new housing targets arising from the proposed standard method. At this stage the presumption will apply, and the sequential approach to green belt release won't be sufficient to prevent housing being built in rural locations with poor transport links, given the lack of guidance over what constitutes a 'sustainable' green or grey belt location.
- Does not break down headline housing numbers into the types of homes needed in different areas. Need varies greatly from one area to another, and there is little value in building lots of homes that do not meet local needs.
- May act as a de facto ceiling on development in some areas (particularly cities). LPAs may struggle to demonstrate the need to exceed this ceiling.

**Question 16: Do you agree that using the workplace-based median house price to median earnings ratio, averaged over the most recent 3-year period for which data is available to adjust the standard method's baseline, is appropriate?**

**Yes / No**

Yes.

We agree with the government's proposal, and with the principle of using regularly updated and national data that can ensure stability and certainty for local authorities. Given particularly low incomes in certain parts of the country, the ratio data used should be at the local authority scale, to allow for differences within regions.

Furthermore, we would be strongly in favour of rental affordability being considered within the affordability ratio.

**Question 17: Do you agree that affordability is given an appropriate weighting within the proposed standard method?**

**Yes / No**

No.

Our members have raised concerns over a lack of clarity as to where the affordability ratio has come from, i.e. what the evidence base is. Greater transparency would build certainty and support local decision makers.

**Question 18: Do you consider the standard method should factor in evidence on rental affordability? If so, do you have any suggestions for how this could be incorporated into the model?**

**Yes / No**

As a matter of principle, we are in favour of rental affordability being included within the standard method.



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

Our members have raised concerns about the proposed standard method not accounting for local land use constraints, or existing local infrastructure.

We strongly welcome the strengthening of strategic planning across England, and are of the view that the standard method should be deployed at this level as soon as possible, for the reasons we outline in response to question 12. Strategic planning is vital to ensure that housing delivery is directed to sustainable locations.

## Chapter 5 – Brownfield, grey belt and the Green Belt

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

Yes.

This will explicitly clarify the principle of development of brownfield sites across the country.

We are not able to comment on the introduction of 'brownfield passports' as a policy objective because the Consultation does not explain what they would be.

**Question 21: Do you agree with the proposed change to paragraph 154g of the current NPPF to better support the development of PDL in the Green Belt?**

**Yes / No**

No.

We are concerned about two aspects of the proposed changes:

1. The introduction of the term 'substantial harm' to the text, without criteria and a clear definition in guidance, adds a degree of interpretation which increases uncertainty and may be counter-productive to the sensitive development of these sites. The government should consider providing guidance on what 'substantial harm' constitutes.

2. PDL is often in unsustainable locations (for example, it can be isolated and car-dependent). Without additional safeguards in policy, there is a risk that these amendments would render development on such unsustainable sites appropriate. The NPPF needs to explicitly lay out policy protections against development on unsustainable PDL, even if it would 'not cause substantial harm to the openness of the green belt'.

**Question 22: Do you have any views on expanding the definition of PDL, while ensuring that the development and maintenance of glasshouses for horticultural production is maintained?**

No comment.

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

**Yes / No**

Overall, yes.

While we appreciate concerns that the proposed definition of grey belt may be open to local interpretation and challenge, we support the fact that it largely relates to the green belt's five purposes, rather than the aesthetic or amenity value of land. This maintains an emphasis on the green belt's core objective of urban containment.

We consider the green belt purpose '(d) to preserve the setting and special character of historic towns' most difficult to prove or disprove, so government may wish to remove the consideration of this green belt purpose from the definition of grey belt in order to reduce the scope for dispute.

We are, however, concerned that the proposed definition of grey belt leaves too much potential for sites in unsustainable location to come forward for development. To reduce this risk, land should only be identified as grey belt when it is in a sustainable location for development. We also make this case in response to questions 26 and 28.

**Question 24: Are any additional measures needed to ensure that high performing Green Belt land is not degraded to meet grey belt criteria?**

**Yes / No**

We are pleased that the government has settled on a definition of grey belt land that rests on the green belt land's five purposes. Because these concern its role as urban containment policy, and not its amenity, degradation should not be a concern. 'High performing' green belt land is that which effectively provides urban containment – this should be largely unaffected by it being degraded in terms of its amenity or appearance.

However, as we also argue in response to question 26, we are concerned that the proposed changes to the NPPF do not do enough to safeguard against sites which meet the grey belt criteria but are not sustainable being developed. Explicitly adding a requirement for sites to be in sustainable locations (taking into account local infrastructure) within the definition of grey belt land may help to alleviate this issue.

**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 and it should be contained within the NPPF / Yes and it should be contained within PPG / No**

Yes.

Additional guidance will be important to avoid the concept of 'limited contribution' being excessively tested in the courts due to it being subjective, new, and concerned with a politically-charged policy issue. This guidance should be contained in both the NPPF, to ensure that it has sufficient weight, and in the Planning Practice Guidance, so that it can be explained in sufficient depth.

**Question 26: Do you have any views on whether our proposed guidance sets out appropriate considerations for determining whether land makes a limited contribution to Green Belt purposes?**

**Yes / No**

The proposed sequential approach to releasing green belt land and the wider policy emphasis on releasing sites in sustainable locations are important, but potentially do not go far enough, given:

- a) how many sites make a limited contribution to the purposes of the green belt, and
- b) how many LPAs are likely to experience very strong development pressure on their green belts.

Explicitly adding a requirement for sites to be in sustainable locations (taking into account local infrastructure) in the definition of grey belt land may help to alleviate this issue.

**Question 27: Do you have any views on the role that Local Nature Recovery Strategies could play in identifying areas of Green Belt which can be enhanced?**

**Yes / No**

LNRSs could identify areas of low biodiversity green belt land for their strategic release and development, in order to both improve habitats and increase their connectivity. However, LNRSs could also play a role in identifying high-biodiversity green belt land that plays an important role in local ecosystems and should not be released.

More broadly, England's overall approach to BNG is market rather than plan-led. This means that improvements to habitats are made where they are most efficient for market actors, not for communities or wildlife. The fact that local plans must take into account LNRSs, but not vice versa, compounds this. The RTPI advocates for LNRS to be evolved into Local Environmental Improvement Plans (part 4.3: [RTPI, 2021](#)).

Local Environmental Improvement Plans would incorporate all relevant environmental strategies, inform and be informed by local plans, and proactively steer investment in nature to where it would be most valuable environmentally, socially, and economically. Identifying areas of green belt for enhancement would be an important part of this role, and doing so alongside other policy objectives would be more effective than LNRSs doing so in a siloed way.

**Question 28: Do you agree that our proposals support the release of land in the right places, with previously developed and grey belt land identified first, while allowing local planning authorities to prioritise the most sustainable development locations?**

**Yes / No**

Yes, broadly.

We agree that green belts should be reviewed when necessary, and support the proposed sequential approach to the release of land in the green belt. However, it will be crucial to prevent previously developed and grey belt land in unsustainable locations from being developed, and the proposals could do more to prevent this from occurring. See our suggestion in response to question 26 that green belt land should only be identified as green belt when it is in sustainable locations.

**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 / No**

On balance, in principle, and in the short term, yes. However, the level at which the green belt *should* function (i.e. the level at which it was intended to deliver on its five purposes), is the strategic level. Arguably, managing green belt release ad hoc and at the level of local authorities undermines the function of the green belt across the area of city regions as a whole. Therefore, green belt reviews should be undertaken at the strategic level, and government should move towards this when new strategic planning arrangements are brought in (we hope, as soon as possible).

Practically, it is unclear how officers could evidence that the release of land would undermine the function of the green belt across a whole plan area. A high bar could result in this safeguard being ineffectual, a low bar could result it being used by LPAs as an excuse to not release green belt land in order to meet their housing needs in full.

**Question 30: Do you agree with our approach to allowing development on Green Belt land through decision making? If not, what changes would you recommend?**

**Yes / No**

Yes.

We agree with the approach in principle and believe that the balance between plan making and development management is in the right place when taking the Consultation proposals as a whole.

**Question 31: Do you have any comments on our proposals to allow the release of grey belt land to meet commercial and other development needs through plan-making and decision-making, including the triggers for release?**

**Yes / No**

It is important that all types of development are treated equality in relation to green belt release. Indeed, without employment, commercial, logistical and infrastructure developments, new housing may be unsustainable.

**Question 32: Do you have views on whether the approach to the release of Green Belt through plan and decision-making should apply to traveller sites, including the sequential test for land release and the definition of PDL?**

**Yes / No**

No comment.

**Question 33: Do you have views on how the assessment of need for traveller sites should be approached, in order to determine whether a local planning authority should undertake a Green Belt review?**

**Yes / No**

No comment.

**Question 34: Do you agree with our proposed approach to the affordable housing tenure mix?**

**Yes / No**

Yes.

It is appropriate for local decision makers to determine the appropriate tenure split based on the local area – they are best placed to assess local needs and market conditions.

**Question 35: Should the 50 per cent target apply to all Green Belt areas (including previously developed land in the Green Belt), or should the Government or local planning authorities be able to set lower targets in low land value areas?**

**The 50% target should apply to all Green Belt areas (including previously developed land in the Green Belt) / The Government or local planning authorities should be able to set lower targets in low land value areas**

We have a strong preference for the latter option because, though it is reasonable for national policy to identify the delivery of affordable housing as a significant national policy, applying a blanket requirement for 50% affordable housing to all green belt areas could:

- Simply not be viable in many areas, without central government grant funding. The value of green belt land can vary significantly across the country, and even within regions (indeed, it is wrong to assume that development does not happen in the green belt at all, and that the market would not have priced the expectation of development in some areas in).
- Result in lots of costly and time consuming negotiations over viability between local authorities and developers.
- Result in suboptimal social outcomes in places where different mixes of housing types could have enabled development that, for example, is better located, high-quality or more closely matches local communities' housing needs. Indeed, decisions on the housing mix being pursued should be made according to local needs, economics, and the wider characteristics of an area – not arbitrarily limited to development in grey or green belt land.

For all these reasons it would be more effective for the percentage of affordable homes to be set through local plan policy. This should be backed through national policy that strongly supports LPAs to pursue high-percentage affordable housing developments in the green belt where this is desirable.

An alternative option may be to lay out in national policy that LPAs should seek to achieve an additional percentage of affordable housing (perhaps 10%) on top of that identified in the local plan, for residential developments on green belt land.

These options would mean that these locally-set targets would be viable (as their viability would have been tested through the plan-making process), and less prone to challenge by developers.

**Question 36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?**

**Yes / No**

Yes.

**Question 37: Do you agree that Government should set indicative benchmark land values for land released from or developed in the Green Belt, to inform local planning authority policy development?**

**Yes / No**

No.

While we fully support the government's intention behind setting an indicative benchmark land value (in conjunction with the proposals discussed in question 35, and more broadly, strengthened CPO powers), in practice there is high potential for it to have adverse and unintended outcomes.

As we note in response to question 35, green belt land values vary significantly across the country, and much green belt land has options agreements in place. This makes setting an appropriate benchmark land value extremely difficult.

Our members have expressed concerns that if this benchmark is too low it may induce a land strike, and if it is too high, less affordable housing than desired may come forward (particularly outside the South East of England).

We would argue that the current, post-2021 approach to viability and land values works relatively well.

So, overall, given the potential for the introduction of an indicative benchmark land value to reduce housebuilding over a significant period of time as business models adapt, and given our response to question 35, we do not support its introduction.

**Question 38: How and at what level should Government set benchmark land values?**

No comment.

**Question 39: To support the delivery of the golden rules, the Government is exploring a reduction in the scope of viability negotiation by setting out that such negotiation should not occur when land will transact above the benchmark land value. Do you have any views on this approach?**

**Yes / No**

No comment.

**Question 40: It is proposed that where development is policy compliant, additional contributions for affordable housing should not be sought. Do you have any views on this approach?**

No comment.

**Question 41: Do you agree that where viability negotiations do occur, and contributions below the level set in policy are agreed, development should be subject to late-stage viability reviews, to assess whether further contributions are required? What support would local planning authorities require to use these effectively?**

**Yes / No**

Yes. Though valuable, the calculations involved in late-stage viability reviews can be complex. Detailed advice in Planning Practice Guidance on the use of late-stage reviews will therefore be important.

**Question 42: Do you have a view on how golden rules might apply to non-residential development, including commercial development, travellers sites and types of development already considered 'not inappropriate' in the Green Belt?**

**Yes / No**

No comment.

**Question 43: Do you have a view on whether the golden rules should apply only to 'new' Green Belt release, which occurs following these changes to the NPPF? Are there other transitional arrangements we should consider, including, for example, draft plans at the regulation 19 stage?**

**Yes / No**

No comment.

**Question 44: Do you have any comments on the proposed wording for the NPPF (Annex 4)?**

**Yes / No**

No comment.

**Question 45: Do you have any comments on the proposed approach set out in paragraphs 31 and 32?**

**Yes / No**

No comment.

**Question 46: Do you have any other suggestions relating to the proposals in this chapter?**

**Yes / No**

No.

## **Chapter 6 – Delivering affordable, well-designed homes and places**

**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 / No**

Yes.

We would be in favour of this proposal. As laid out in our 2023 NPPF Consultation response ([RTPI, 2023](#)), our members support policy changes which support LPAs to plan for the delivery of social rent homes where needed.

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

**Yes / No**

Yes.

The mix of housing tenures on major sites should be assessed and set by local planning authorities because they are best placed to understand local needs, and these may not be for affordable home ownership. Indeed, this will help LPAs to meet some the most pressing forms of need across the country.

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

**Yes / No**

Yes.



We have previously expressed concerns in 2020 ([RTPI, 2020](#)) that the First Homes requirement does not offer sufficient flexibility for local authorities to secure a tenure mix to match their objectively assessed housing need.

LPAs should be free to meet this need in the best way possible. The NPPF and PPG should require affordable housing mix policies to be based on local evidence of need, and the framework for First Homes elevates them above other tenures, undermining the local plan-led approach.

**Question 50: Do you have any other comments on retaining the option to deliver First Homes, including through exception sites?**

**Yes / No**

As suggested above, we do not think the retention of First Homes should be a policy priority. As we wrote in our 2020 First Homes response ([RTPI, 2020](#)):

“There is a trade-off between supporting First Homes through developer contributions and supporting other affordable housing tenures. However, it is worth being more explicit that this will normally mean less responsiveness to locally identified need and less support for social and discounted rent housing. These proposals prioritise home ownership over other tenures – ignoring the role that rented tenures even in the private market and discount to market rents with assured tenancies and covenants can play in housing provision. This does not meet the most pressing need...”

If providing discounted first homes is a priority this could be funded directly by Government, for example by buying homes on the existing market, retrofitting them to current standards, and re-selling them as restricted price tenure. Alternatively, Section 106 funding for affordable housing could be reallocated to First Homes as proposed here and social housing could be funded through greatly increasing the amount of public grant available”.

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

**Yes / No**

Yes.

Research, including the Letwin Review, has found that developments with a mix of tenures and types result in more diverse communities and faster build out rates.

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

We believe that the government should consider direct grant capital funding to encourage the delivery of social rent homes. This would free up contributions via S106 for the delivery of supporting infrastructure, and there is a long-term business case for this model of delivering social housing: if built to the right standard and in the right places, the state would be building long-term assets that produce income, that reduce housing pressures and increase access to high productivity local economies.

**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?**

No comment.

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

The RTPI-funded report *Rural Planning in the 2020s* ([RTPI, 2022](#)) shows how local authorities can pursue innovative construction approaches that allow higher density development on rural sites, where appropriate. A key example is Derbyshire Dales District Council who worked to maximise their affordable housing delivery through the use of timber frames which enable higher density on site. The Council also worked closely with local communities to build support for housing.

Local authorities who have a Registered Provider arm and can work with a Rural Housing Enabler have found success delivering rural affordable homes on sites that private developers have considered unviable.

Government guidance and funding to support this, and to take advantage of the rural exceptions policy, would help support and increase rural affordable housing delivery.

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

**Yes / No**

Yes.

**Question 56: Do you agree with these changes?**

**Yes / No**

Yes. We would support the revised definition of community-led development and the removal of size limits for community-led exception sites (where specified in the development plan). We would encourage a more flexible approach within the NPPF with regard to community-led development, to reduce planning risk on exception sites and make finance more accessible for community groups.

**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 / No**

No comment.

**Question 58: Do you have views on why insufficient small sites are being allocated, and on ways in which the small site policy in the NPPF should be strengthened?**

**Yes / No**

Our member engagement on this Consultation has suggested that small sites are often not allocated because they form part of LPAs' windfall allowance, and because larger sites are prioritised by local authorities with very limited resources.

As we wrote in our Consultation response earlier this year on 'Strengthening planning policy for brownfield development' ([RTPI, 2024](#)), the government should fund LPAs across England to review and re-publish their brownfield land registers to identify additional capacity, as many registers are out of date or contain poor-quality data.

As we stated in our 2023 NPPF response ([RTPI, 2023](#)), LPAs should be encouraged to plan for small sites across their areas in a joined-up way, by pooling the sites and developing them via consortia of SME developers. This will make it easier to deliver supporting infrastructure through planning gain.

**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 / No / Partially agree**

Yes.

We endorse the intention to encourage well-designed places, but ‘beauty’ is an effective concept only if it is defined by strong, locally developed design codes, and must encompass ‘good design’ in both a technical and aesthetic sense. This change reinforces the link between the concept of good design and the role of design codes.

Our members have expressed concerns that the reference to beauty introduces too much inconsistency and subjectivity.

**Question 60: Do you agree with proposed changes to policy for upwards extensions?**

**Yes / No**

We agree with the amended wording to remove disproportionate emphasis on mansard roofs. We have previously expressed the view in our March 2023 NPPF response ([RTPI, 2023](#)) that mansard roofs are too granular an issue to warrant specific reference in national policy, and that the issue of mansards should be governed by local design guides.

However, we are concerned that the amended wording removing reference to “height... of neighbouring properties” could result in inappropriate upward extensions that have unacceptable impacts on the amenity of neighbouring residents and occupiers, as well as an unacceptable cumulative impact of upwards extensions on local infrastructure. The guidance needs to make clear that this would be unacceptable.

**Question 61: Do you have any other suggestions relating to the proposals in this chapter?**

**Yes / No**

No comment.

## **Chapter 7 – Building infrastructure to grow the economy**

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

**Yes / No**

Yes.

We support that these infrastructure projects should be actively planned for and particularly welcome that the draft NPPF recognises the importance for planning policies to “identify suitable locations” for these projects.

In our response to the DLUHC-DfT Call for Evidence ‘Freight, logistics and the planning system’ ([RTPI, 2023](#)), we highlighted that the needs of the freight and logistics sector have long been neglected.

We emphasised the need for the demand for logistics and freight sites to be understood at a sub-regional level because this is the scale at which the industry and markets operate within the UK.

The same applies to other types of infrastructure mentioned in the draft NPPF - laboratories, gigafactories, data centres, digital infrastructure. These projects are best planned for at a larger-than-local scale, with the regional employment market in mind as well as the supporting infrastructure needed to maximise their potential.

**Question 63: Are there other sectors you think need particular support via these changes? What are they and why?**

**Yes / No**

No comment.

**Question 64: Would you support the prescription of data centres, gigafactories, and/or laboratories as types of business and commercial development which could be capable (on request) of being directed into the NSIP consenting regime?**

**Yes / No**

At present, data centres, gigafactories and laboratories can already be consented through the NSIP regime, using provisions set out in Section 35 in the Planning Act (2008).

While this means no new prescription is required, we will support guidance to be updated to take into account changes in technology and to provide more concrete examples of types of projects that can be brought forward through Section 35. In addition to the types of projects named in the question, advanced manufacturing can also benefit from better guidance.

The development of data centres can in particular benefit from a combined project approach –e.g. with power generation or water infrastructure. Guidance in this area will be welcomed.

**Question 65: If the direction power is extended to these developments, should it be limited by scale, and what would be an appropriate scale if so?**

**Yes / No**

We support indicative – rather than prescriptive – guidance on the scale of these developments. Given the business nature of these developments, it is more appropriate to maintain the flexibility whereby scheme promoters can opt in or opt out of the NSIP consenting regime.

**Question 66: Do you have any other suggestions relating to the proposals in this chapter?**

**Yes / No**

A National Spatial Framework will help direct investments into these key infrastructure projects and coordinate between different funding streams.

It will also coordinate between local, regional and national planning and help resolve conflict that often arises in the planning process over these infrastructure projects.

As such, the RTPI would encourage the government to consider developing a National Spatial Framework for England that comprises of:

- Spatial plans for infrastructure and new towns.
- An overarching document that directs how these different sector-based plans should come together.
- A map that visualises the spatial implications of existing government policies.

The Strategic Spatial Energy Plan and the Land Use Framework currently being developed by DESNZ and Defra offer a good foundation for the development of a National Spatial Framework.

## Chapter 8 – Delivering community needs

**Question 67: Do you agree with the changes proposed to paragraph 100 of the existing NPPF?**

**Yes / No**

Yes.

**Question 68: Do you agree with the changes proposed to paragraph 99 of the existing NPPF?**

**Yes / No**

Yes.

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

**Yes / No**

We fully support the clarity that the draft NPPF provides for a vision-led approach towards transport planning. To maximise the effectiveness of such an approach, we would call on the government to:

- Update the section on “Travel Plans, Transport Assessment and Statements” in Planning Practice Guidance.
- Update the Manual for Streets. The CIHT has been commissioned to revise the Manual for Streets in 2020 but no publication date for the revised document has been given so far. The document provides critical guidance in the design and implementation of streets. The last edition was published in 2010 and is now out-of-date.
- Further publish guidance to align visions set out in local plans and other planning.

Our members have also suggested that a footnote that defines ‘vision-led’ will help improve clarity. The definition should state that such an approach prioritises people’s needs in the provision of transport infrastructure and departs from the ‘predict-and-provide’ approach.

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

*Ending the delivery of homes through permitted development rights*

There is now a very large body of evidence – including from research funded by the government (see [Clifford et al, 2020](#)), by the National Institute for Health and Care Research (see [Callway et al, 2024](#)), and Impact on Urban Health (see [Clifford and Pineo, 2023](#)), that enabling homes to be delivered through permitted development rights (PDRs) has systematically produced homes that are of lower quality than those produced through the ‘mainstream’ planning system, and many have attributes which seriously undermine their residents’ health. Delivering homes through PDRs also undermines LPAs’ ability to broadly shape places so that they are beneficial for public health and provide services crucial to communities’ wellbeing (see [Slade, 2020](#)). Ending the delivery of homes through permitted development rights would be an extremely positive step and indicate the government’s wider commitment to the delivery of high-quality homes.

*Supporting LPAs to address factors that harm communities’ health*

The Obesity Health Alliance argue that the existing wording in the NPPF states that planning policies should “enable and support healthy lifestyles”, with examples given of “safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling”, but does not include any reference to giving a priority to preventing ill-health from health-harming products. More could be done to ensure that local authorities do not believe that their responsibilities are solely to provide services to help people be healthier (for

example, by providing cycle lanes or community allotments), and not taking action to limit factors that cause health harms (e.g. unhealthy food outlets).

#### *Embedding the Healthy Homes Principles*

The Construction Industry Council, of which the RTPI is a member, has called for the government to adopt the Town and Country Planning Association's Healthy Homes Principles in policy ([CIC, 2024](#)). These flexible and cross-cutting standards describe the 12 attributes of homes that support their residents' health and wellbeing. Embedding them in national policy would make clear to planners and other decision makers that health outcomes should be a central consideration within the development process, what factors are the most significant determinants of health within this, and what quality of new homes should be expected ([TCPA, 2023](#)).

#### *Sources of guidance and best practice*

The RTPI has produced best practice guidance on mental health and town planning ([RTPI, 2020](#)), dementia and town planning ([RTPI, 2020](#)), and creating healthy places for children to grow ([RTPI, 2021](#)).

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

#### **Yes / No**

Under Paragraph 113 (in the new drafted version, 115 in the current NPPF), highway authorities have little scope to refuse a development because of poor transport outcomes other than concerns over capacity and safety. The additional wording of 'in all tested scenarios' creates further confusion and weakens the grounds on which a development can be rejected for transport reasons. The paragraph should be changed so that transport connectivity becomes a reason for which a development can be rejected. This will ensure new developments are in sustainable, well-connected locations.

## **Chapter 9 – Supporting green energy and the environment**

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

#### **Yes / No**

Yes.

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

#### **Yes / No**

Yes.

We welcome more support for low carbon energy in planning policy.

However, this should not come at the expense of genuine community engagement. We are concerned that there is a growing impression in the low carbon energy infrastructure sector that because national policy is likely to increase the certainty around such schemes being developed, community engagement and efforts to build local consensus around projects are less important. This is not the case. There is abundant evidence that there is no alternative to genuine community engagement: displacing opposition to later in the process and outside of formal settings can lead to worse delays and greater costs.

We do not support the removal of the original Paragraph 161 on community-led initiatives as these projects have an important role to play in the expansion of renewable energy ([Community Energy Scotland, Community Energy England, Cymunedol Cymri, 2024](#)). A clear definition of what is considered a community-led project will further improve the sector's impact.

**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?**

**Yes / No**

Yes.

Research by the RSPB suggests that little land is required for ambitious renewable deployment targets – particularly if multifunctionality of land is achieved (e.g. cropping and solar) ([RSPB, 2024](#)). Coordination of land use is hence of paramount importance. If done well, there is scope to offer protection to habitats that contribute to carbon sequestration and other environmental outcomes, while planning for clean energy.

In our answer to question 66, we suggested the development of a National Spatial Framework. Such a Framework – with the Land Use Framework currently under development by Defra being part of it – can provide a mechanism to coordinate between competing land demands, maximising the scope for co-benefits.

**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 / No**

Yes.

This will bring the threshold for onshore wind in line with that for offshore wind.

**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 / No**

No.

We agree that the threshold for solar projects should be changed but it should be 100MW so that it is consistent with offshore wind and the suggested onshore wind threshold.

The threshold should be determined by what the ‘nationally significant’ level of energy generation/contribution is. This should not vary across different types of technology. Hence, we find the number 150MW rather arbitrary.

**Question 77: If you think that alternative thresholds should apply to onshore wind and/or solar, what would these be?**

For reasons we state in response to question 76, the threshold for both onshore wind and solar projects should be 100MW.

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

There are several specific and deliverable ways in which national planning could do more on this crucial topic:

- There is currently a misalignment between the Town Planning Acts and the Climate Change Acts Legislative changes will be required to ensure that the Town Planning Acts are in full



regulatory alignment with the mitigation and adaptation actions which flow from the Climate Change Act. ([CSE and TCPA, 2023](#))

- The NPPF should set out a clear vision for net zero and ensure all relevant areas of national planning policy robustly secure emissions reductions in alignment with the Climate Change Act and the associated carbon budgets. ([CSE and TCPA, 2023](#))
- Considerations of embodied carbon should be incorporated into national planning policy to encourage retrofit.
- Offers of joint ownership with communities are an effective way of building consent for new onshore energy projects, bringing both financial benefits and the ability for communities to have a direct say in the development of their built environment. However, the ‘Newbury Principles’ (which state that only considerations directly related to the project itself can be considered material in planning decisions) preclude the benefit of joint ownership from being considered in planning decisions. There is scope to review the Newbury Principles so that joint ownership can be considered material in consenting renewable energy projects. It is important to note, however, that not all community benefits are appropriate. Bill discounts and cash handouts are, for example, inappropriate as these measures depart from the central planning principle that planning gains should be directed to improvements in the public realm and wider public interest, instead of individual benefits. Funding for public infrastructure improvement and shared ownership are some examples of appropriate community benefits.
- Building regulations should play a stronger role in driving forward climate change mitigation and adaptation through universally applied and transparent standards. Building regulations that ratchet towards our climate goals will drive consistency and clarity, creating a level playing field across the sector.
- To this end, the RTPI supports the introduction of Part Z to Building Regulations, so embodied carbon will form a part of the consideration in building construction.

**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?**

While technological readiness and availability of tools are important considerations, resources must also be made available for planners to make best use of these tools.

The RTPI would welcome the opportunity to work with government to deliver training materials for this purpose.

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

**Yes / No**

There is a balance to be struck between the need to deliver homes and to place them in locations that are safe from flood risks. Areas with high flood risk are often in sustainable locations for development in terms of connectivity, as traditionally towns were often developed near water bodies.

Our members have told us that they faced obstacles in bringing forward developments in areas classed as Flood Zone 3 despite the fact that robust flood defences were in place. They reflected that sometimes it felt like they were dealing with a ‘theoretical risk that doesn’t exist’. This suggests that there is sometimes a lack of up-to-date information accessible to LPAs when they determine a planning application, as research published by the TCPA recently found ([TCPA, 2024](#)).

Currently, the sequential approach means development cannot be built in higher-risk areas if a lower-risk option is available. If it is impossible for development to be located in areas with a lower risk of

flooding, the exception test may have to be applied. Without strategic planning, there continues to be pressure for local authorities to put new development in high flood risk areas to meet housing targets. The management of flood risk hence requires a strategic approach, so that new developments can be directed to locations that are not of high flood risk and will not exacerbate the risk of flooding for existing settlements.

After consent has been granted, the use of planning conditions is paramount for securing flood resilience measures for new development. However, their effectiveness is often limited because of complex post-consent processes and limited resources for ongoing oversight ([TCPA, 2024](#)).

Compared to tidal and fluvial sources, regulation and oversight of risk arising from surface water flooding is weaker ([TCPA, 2024](#)). This is despite the fact that the number of properties at risk is increasing quickly due to continuing urbanisation ([National Infrastructure Commission, 2022](#)). Institutional complexity, as well as variability of in-house knowledge and capacity across local flood authorities have contributed to the looser regulation and oversight of risk. Proper resourcing, for the Environmental Agency and other bodies involved in the management of surface water flooding, must be in place to improve flood resilience in the urban environment.

The implementation of Schedule 3 to the Flood and Water Management Act will make sustainable drainage systems mandatory for new development. Consultation work on this should be undertaken as soon as possible.

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

**Yes / No**

In recent years, there has been an emergence of Local Area Energy Planning across English Local Authorities. Unlike in Scotland and Wales, however, these plans are not statutory and there are no requirements for them to refer to local development plans.

Spatial planning has an important role to play in the national, regional and local levels of energy planning. The current disconnection between the two fields means that the potential of spatial planning – for example in the realisation of multifunctionality of land – is not fully utilised.

The RTPI is currently working on a research project which aims to:

- Bridge energy and spatial planning.
- Connect national policies with local delivery.

We would welcome opportunities to engage with government to explore how this piece of work will be most helpful for you.

**Question 82: Do you agree with removal of this text from the footnote?**

**Yes / No**

No comment.

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

**Yes / No**

See our answer to question 74.

**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?**

**Yes / No**

Yes.

The current provisions mean that most projects are brought forward through Directions given under section 35 of the Planning Act 2008. This situation has created additional burden for Defra and water companies.

The current threshold for water infrastructure projects to be consented through the DCO regime is a 'deployable output' of 80Ml/day. This is an annualised figure owing to how deployable output is defined, and is inappropriate for drought resilience projects (Paragraph 26a of this Consultation) as these operate at a lower flow most of the time and peak only during drought. The threshold should refer to the capacity of the facility, not an annualised figure. This will also bring water infrastructure in line with energy infrastructure – the threshold for which is set at the generating capacity.

With respect to Paragraph 26b, c and d, we agree that these projects should be automatically considered as NSIPs.

Water infrastructure is inherently connected to the provision of housing and growth. It is essential that there is integration between planning for water infrastructure and growth plans, land use strategies, industrial strategies, house building targets, etc.

In our answer to question 66, we suggested the development of a National Spatial Framework. This will enable the degree of coordination required for the effective delivery of water infrastructure.

**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?**

**Yes / No**

No comment.

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

**Yes / No**

Currently, projects that do not meet the set thresholds can opt in to be consented via the DCO regime, using the direction-giving process under section 35 of the Planning Act 2008. There is however not a route to opt out of NSIP status. As government proposes to raise the thresholds for onshore wind and solar projects, and to add more water projects to the NSIP regime, there is scope to consider whether a route to opt out can be created for projects that exceed the thresholds, so scheme promoters can propose to government that their projects should instead be consented under the Town and Country Planning Act regime, provided that good reasons are given. This can avoid the market distortion situation described in paragraph 13 of this chapter.

## Chapter 10 – Changes to local plan intervention criteria

**Question 87: Do you agree that we should we replace the existing intervention policy criteria with the revised criteria set out in this consultation?**

**Yes / No**

Maybe.

We are not concerned about replacing the current intervention criteria. More significant, in the interest of certainty and transparency, is being clear about what 'intervention' entails for the LPAs concerned and how that varies according to different issues/needs (proactive support for 'failing' authorities will be an important component of this).

**Question 88: Alternatively, would you support us withdrawing the criteria and relying on the existing legal tests to underpin future use of intervention powers?**

**Yes / No**

Maybe.

We are not concerned about replacing the current intervention criteria. More significant, in the interest of certainty and transparency, is being clear about what 'intervention' entails for the LPAs concerned and how that varies according to different issues/needs (proactive support for 'failing' authorities will be an important component of this).

## **Chapter 11 – Changes to planning application fees and cost recovery for local authorities related to Nationally Significant Infrastructure Projects**

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

**Yes / No**

Yes, we support this proposal given that householder applications make up a significant proportion of overall submissions, and in light of the urgent need to increase resources within planning departments.

In our response to the 'Stronger performance of local planning authorities supported through an increase in planning fees' Consultation ([RTPI, 2023](#)), we previously called for a greater increase for householder application fees to achieve cost recovery, as these applications typically represent a bigger resource drain than major applications. We further stated that application fees make up an extremely small percentage of the overall cost of building works, surveys and inspections for this kind of development. An increase would bring planning application fees in line with the fees paid for other services.

Indeed, following the expansion of permitted development and prior approval over several years, many smaller applications made by householders fall into that regime, meaning that only larger-value householder applications would be subject to this increase.

**Question 90: If no, do you support increasing the fee by a smaller amount (at a level less than full cost recovery) and if so, what should the fee increase be? For example, a 50% increase to the householder fee would increase the application fee from £258 to £387.**

**Yes / No**

No comment.

**Question 91: If we proceed to increase householder fees to meet cost recovery, we have estimated that to meet cost-recovery, the householder application fee should be increased to £528. Do you agree with this estimate?**

**Yes**

**No – it should be higher than £528**

**No – it should be lower than £528**

**no - there should be no fee increase**

**Don't know**

**Question 92: Are there any applications for which the current fee is inadequate? Please explain your reasons and provide evidence on what you consider the correct fee should be.**

**Yes / No**

In our response to the ‘Stronger performance of local planning authorities supported through an increase in planning fees’ Consultation ([RTPI, 2023](#)), we previously set out that the fees for the following applications are inadequate:

- Prior Approval and Prior Notification applications: we previously wrote to the Secretary of State along with Milton Keynes City Council to point out that the current “prior approval” system is both complex and a drain on resources. Fees for prior approval of permitted development should be raised considerably to reflect the fact that they involve professional and administrative activity.
- Applications for the approval of details reserved by a condition: as these frequently involve extensions of time and co-ordination with a range of consultees.
- Section 73 applications for the removal or modification of conditions: these applications can involve revisions of major schemes which can require prolonged work. These fees should therefore be more proportionate to the scale of work involved.
- Section 96a applications for non-material amendments to existing permissions: again, these applications can often involve more work than is accounted for.

**Question 93: Are there any application types for which fees are not currently charged but which should require a fee? Please explain your reasons and provide evidence on what you consider the correct fee should be.**

**Yes / No**

Our membership is divided on whether it would be appropriate to introduce a nominal administrative fee for the determination of Listed Building Consent (LBC) applications; these applications involve specialist knowledge which ideally should be cost-recovered. However, it is also acknowledged that LBC (alongside Tree Preservation Order (TPO) applications) are mandated through pre-existing designations imposed by statute.

In addition, government should encourage more take-up of Planning Performance Agreements (PPAs) as a further way to increase resources within planning departments. As we stated in our response to the ‘An Accelerated Planning System’ Consultation ([RTPI, 2024](#)), PPAs can be an effective way to encourage partnership working between LPAs and the applicant. The increased use of PPAs is supported by our members, as long as their use is regulated across LPAs through:

- standardised templates for PPAs service officers, so that is easier for applicants to understand what LPAs are offering, and for LPAs to set out realistic time frames;
- using these templates to encourage LPAs to use fee structures that reward the delivery of advice and milestone dates, rather fixed fee approaches; and
- enshrining Planning Advisory Service’s comprehensive guidance on the subject (see [PAS, 2024](#)) in official guidance and templates, so that it is more widely applied.

**Question 94: Do you consider that each local planning authority should be able to set its own (non-profit making) planning application fee?**

**Yes / No**

Yes, we have previously set out in our response to the 'Stronger performance of local planning authorities supported through an increase in planning fees' Consultation ([RTPI, 2023](#)), that there should be greater freedom for LPAs to set their own fees.

Our members have informed us that the recent increases in fees have not led to tangible improvements in the planning service, suggesting that they are still not proportionate to the level of work involved relative to the application type and to the level of capacity within the development management team.

Any further increases in fees must be ringfenced within the planning service to ensure that they benefit those services.

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

**Full Localisation – Placing a mandatory duty on all local planning authorities to set their own fee.**

**Local Variation – Maintain a nationally-set default fee and giving local planning authorities the option to set all or some fees locally.**

**Neither**

**Don't Know**

Local Variation.

A nationally-set default fee with the flexibility to enable local variation *within a range set by central government* is the most logical approach. This would:

- ensure that LPAs that see little development demand receive enough fee income to provide good-quality services, relative to other LPAs (i.e. they would not be compelled to set their fees at an unsustainably low rate); and
- maintain a degree of simplicity for applicants; while also
- enabling LPAs to take into account the actual cost of providing services when setting their application fees. This would make it more likely for them to be able to achieve cost recovery.

**Question 96: Do you consider that planning fees should be increased, beyond cost recovery, for planning applications services, to fund wider planning services?**

**Yes / No**

Our membership expressed mixed views on this proposal. Our members are in favour of the ends, rather than the means. Greater resourcing for the planning system is supported unanimously, but there are concerns over how this is achieved.

Any increase in planning fees should be addressed utilising a Local Variation approach, which we are in favour of, as per our response to the previous question.

Increased fees would only be acceptable if there was transparency and clarity for applicants in the form of costed schedules and clear improvement plans, demonstrating clearly how the increased fees would improve the service offered to applicants.

We have concerns over extending funding beyond development management, but we also wish to acknowledge that there are a range of wider planning services that need more support. These, like ecology, legal, and statutory consultees, are often necessary for the processing of applications, and when not funded properly, can act as bottlenecks, slowing down the system.

Increased fees could help fund wider planning services, but again, local authorities would need to provide clear evidence to applicants as to how this would result in a better service.

Lastly, increased planning fees must be ringfenced, to ensure that they result in direct improvements to planning services, and there must be transparency for applicants, so they know where their money is being spent.

**Question 97: What wider planning services, if any, other than planning applications (development management) services, do you consider could be paid for by planning fees?**

As mentioned in the previous question, we have concerns over the legitimacy of extending funding beyond development management. Our members emphasised the need for transparency around how income is spent. Clear improvement strategies, accompanied by charging schedules, specific targets, and metrics demonstrating how the fees help provide a better service, would mitigate this.

Given that local plan making is a public duty, our members were divided as to whether this should be funded by the public purse or by planning fees. Fundamentally, we believe that the best way to provide a sustainable, efficient planning system overall is through central government funding. Planning is a public good and it should be treated as such.

**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 / No**

Yes.

**Question 99: If yes, please explain any particular issues that the Government may want to consider, in particular which local planning authorities should be able to recover costs and the relevant services which they should be able to recover costs for, and whether host authorities should be able to waive fees where planning performance agreements are made.**

As we previously outlined in our response to the 'Consultation on operational reforms to Nationally Significant Infrastructure Project (NSIP) consenting process' ([RTPI, 2023](#)), many local authority planning departments lack sufficient resourcing and skill to effectively engage with the DCO process. There is a limited pool of planners with DCO experience who tend to move between local authorities working on different NSIPs as needed, preventing planning departments from building and sustaining local expertise.

Costs should be recoverable for crucial LPA functions within the DCO such as community engagement.

**Question 100: What limitations, if any, should be set in regulations or through guidance in relation to local authorities' ability to recover costs?**

No comment.

**Question 101: Please provide any further information on the impacts of full or partial cost recovery are likely to be for local planning authorities and applicants. We would particularly welcome evidence of the costs associated with work undertaken by local authorities in relation to applications for development consent.**

LPAs play several crucial roles in the DCO process, and being involved in it can have significant resource implications for them. This can produce knock-on effects for the other services they deliver.

As a general principle, therefore, LPAs should be reimbursed by the government for all their work within the consenting process. To ensure that this funding fully supports their work, and is spent



appropriately (i.e. to enable the process, rather than for political ends, etc), this funding should be tied to a schedule that stipulates specific outputs and outcomes related to the consenting process.

**Question 102: Do you have any other suggestions relating to the proposals in this chapter?**

**Yes / No**

As mentioned in our response to question 93, government should encourage more take-up of Planning Performance Agreements (PPAs) as a further way to increase resources within planning departments. As we stated in our response to the 'An Accelerated Planning System' Consultation ([RTPI, 2024](#)), PPAs can be an effective way to encourage partnership working between LPAs and the applicant. The increased use of PPAs is supported by our members, as long as their use is regulated across LPAs through:

- standardised templates for PPAs service officers, so that it is easier for applicants to understand what LPAs are offering, and for LPAs to set out realistic time frames;
- using these templates to encourage LPAs to use fee structures that reward the delivery of advice and milestone dates, rather than fixed fee approaches; and
- enshrining Planning Advisory Service's comprehensive guidance on the subject (see [PAS, 2024](#)) in official guidance and templates, so that it is more widely applied.

Additionally, the introduction of planning agencies would enable the pooling of resources at the strategic level and support the planning system in tackling issues best addressed at the larger-than-local level. There must be a focus on the most efficient level of governance for issues like housing and climate change. Focusing resources to strategic level agencies would have a greater impact than spreading resources thinly across all local authorities, and given the greater strategic reach and coordination, could be transformational in achieving this government's strategic planning objectives.

## Chapter 12 – The future of planning policy and plan making

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

**Yes / No**

No.

Though we are aware that it is very challenging to produce transitional arrangements that 'work' for all LPAs, are realistic, and encourage the continued production of local plans, our members have raised a number of concerns about these proposals.

First, we do not agree that a fixed shortfall of 200 dwellings or more between an LPA's revised Local Housing Need (derived from the new standard method) and that laid out in an adopted or proposed plan should be a 'trigger' for transitional arrangements to come into play. A trigger based on percentage difference between these two figures would be more reflective of local conditions.

Second, the proposals are generally complex and difficult to interpret. Given how important it is that they are consistently and easily interpreted by LPAs, we hope that the final arrangements are more clearly communicated, perhaps diagrammatically. More specifically:

- New paragraph 231 says that the 2012 NPPF will continue to apply for plans submitted before 24 Jan 2019. New paragraph 226 provides circumstances in which an emerging local plan would be examined under the 2023 NPPF. However, it appears that no provision has been made for existing plans that are already at examination to continue to be examined under other older versions of the NPPF (such as 2019, 2021). This may be an omission.
- Clause b. of new paragraph 226 appears to indicate that a part two local plan that does not set a new housing requirement can continue to apply policies in the 2023 NPPF as long as

the relevant local plan part one was also prepared under an older version of the NPPF. This could theoretically lead to a situation whereby the local plan part one is progressed but the strategic housing policies of the local plan part one are out of date. In such a scenario, the 'tilted balance' would apply for decision making and some of the policies in the part two local plan may be considered to be out of date immediately upon adoption. The merits of continuing to produce a part two local plan could be questionable. It may perhaps be prudent to alter clause b to refer to the relevant local plan part one having up to date strategic housing policies or similar.

- It is unclear whether the strategic housing policies of plans that are now progressing through the system and have a shortfall of 200 dwellings or more would be out-of-date on adoption. Current advice and opinion on this issue differs, and clarity would be very valuable. We would caution against such plans being out-of-date – this may disincentivise plan making as the strategic policies of plans currently at an advanced stage could be considered to be out-of-date immediately upon adoption of the Plan, meaning that the 'tilted balance' would apply in those areas.

Overall, given that the overall ambition should be to a) get plans which are close to adoption 'over the line' as soon as possible, thereby increasing plan coverage (particularly important in a plan-led system and to provide strong guidance for new development), and b) incentivise other LPAs to keep working on new plans as far as possible:

- We are concerned that the time period that LPAs have to submit plans that are not subject to transitional arrangements is now far too long. We understand that following the publication of this Consultation many LPAs that were working towards a June 2025 deadline for submitting their plans to examination have now slowed their work considerably. Our preference would have been for government to have maintained the original June 2025 deadline for these plans (because this would have maintained plan production in line with LPAs' previous expectation). While we realise this is no longer practical, we would welcome a sooner deadline. December 2025 may be suitable.
- We recommend that LPAs that have plans at the Regulation 19 stage which have a 200-or-more dwelling shortfall should not be required to revise them so that they conform to the new NPPF, but should submit under the currently applicable NPPF. Such plans should, however, then be subject to the standard method for development management purposes one year following adoption. Relevant LPAs should be expected to review their Local plan and submit it to the Planning Inspectorate within two years. This would incentivise LPAs to get plans in place while aiding the government's drive to significantly increase housing delivery across England.

We do, however, welcome the promise of additional funding for those LPAs that are required to undertake additional work on their plans and community engagement around them.

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

**Yes / No**

See our response to question 103.

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

**Yes / No**

No comment.

## Chapter 13 – Public Sector Equality Duty

**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?**

No comment.