ICE submission to the Ministry of Housing, Communities & Local Government consultation on proposed reforms to the National Planning Policy Framework and other changes to the planning system

September 2024

Introduction

The Institution of Civil Engineers (ICE) is a 97,000-strong global membership organisation with over 200 years of history.

It is a centre of engineering excellence, qualifying engineers and helping them maintain lifelong competence, assuring society that the infrastructure they create is safe, dependable and well-designed. Its network of experts offers trusted, impartial advice to politicians and decision makers on how to build and adapt infrastructure to create a more sustainable world.

For more information, please contact:

Laura Cunliffe-Hall, Lead Policy Manager, ICE

policy@ice.org.uk

Summary

This submission to the Ministry of Housing, Communities & Local Government consultation on proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system focuses on the following key points most relevant to the infrastructure system:

- **Strengthening the 'duty to cooperate':** Local authorities should work together across administrative boundaries to accommodate housing needs as part of the 'duty to cooperate'. This is a welcome development that will support devolution. The proposed model will help elected mayors implement spatial development strategies for their areas.
- **Unlocking the development of PDL (Previously Developed Land) is important to create a more flexible planning system:** More dynamic processes can help planners adapt to uncertainty, particularly around climate and environmental effects. As the document states, it will also be important to protect the openness of the Green Belt, but unlocking development is necessary to secure better outcomes for communities and the environment in the longer term.

- **The government needs to implement Schedule 3 of the Flood and Water Management Act as soon as possible:** Implementing Schedule 3 is critical if we are to increase our resilience to flooding through Sustainable Urdban Drainage Systems (SuDS).
- **The delivery of accessible Blue-green infrastructure (BGI) is integral to securing benefits for nature and public access to green space where Green Belt release occurs:** Ensuring the public has equal access to BGI not only improves their health and well-being but also means they can play an active role in the net zero transition. Additionally, as more road space is allocated to BGI, active travel can increase. The vision-led approach to transport set out in the NPPF consultation is a welcome pivot, setting a fresh approach to spatial planning that offers accessibility over mobility.
- **Large onshore wind projects should be reintegrated into the NSIP regime:** Long-term certainty for the energy sector has been required for some time. A regular pipeline of onshore wind projects through reintegration into the NSIP regime is essential to meeting decarbonisation targets.
- **Climate resilience and adaptation measures must be prioritised within national planning policy:** The ICE has recommend making the Adaptation Reporting Power (ARP) mandatory and that National Policy Statements should include a list of climate hazards and desired standards of protection for selected climate scenarios to mitigate prospective climate risks.
- **The NPPF needs to focus more heavily on a nature-first approach in the design and delivery of infrastructure:** Proactive public engagement within infrastructure planning and decision-making can lead to increased support for infrastructure projects and deliver co-benefits such as habitat protection and the development of nature-positive solutions.

Q12: Do you agree that the NPPF should be amended to further support effective co-operation on cross boundary and strategic planning matters?

Local authorities should work together across administrative boundaries to accommodate housing needs as part of the ‘duty to cooperate’.

The NPPF consultation proposes not only strengthening the existing duty to cooperate, but also introducing new mechanisms for cross-boundary planning. This is a welcome development that will support devolution. The proposed model will help elected mayors implement spatial development strategies for their areas. This will also be important in delivering local growth plans and nature recovery strategies.

Q21: 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?

It is important to better support the development of Previously Developed Land (PDL) in the Green Belt. New homes are the spearhead of an ecosystem of commerce, services, infrastructure, and amenities. The planning system has previously been very inflexible, slowing down the necessary delivery of key infrastructure. Flexibility is important in major project planning to account for wider contextual changes and other land use requirements. For example, to consider the needs of other infrastructure sectors, economic development and issues like energy and food security.

More dynamic processes can help planners adapt to uncertainty, particularly around climate and environmental effects. As the document states, it will also be important to protect the openness of the Green Belt, but unlocking development is necessary to secure better outcomes for communities and the environment in the longer term.

Q28: 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?

As the consultation highlights, brownfield development alone will not be sufficient to meet England's housing needs. The proposed release of PDL and grey belt land will play a key role in helping to meet housing targets. The new system will also support the environmental requirements already in place for new developments, such as biodiversity net gain.

Functional infrastructure is essential to building and sustaining communities. A strategic view of sites is required to ensure the most sustainable development locations can be prioritised by local authorities. There are strong links here to long-term regional infrastructure strategies that join up housing and infrastructure planning and delivery.

At present, too many housing developments are being built with insufficient regard to the sustainability of the location. In particular, despite growing awareness of sustainability concerns, large greenfield developments continue to be built without quality access to dense, diverse public transport networks, and in locations where there are few practical alternatives to car ownership and use.

This tends to create a legacy of low-density, car-dependent housing, which will have long-term consequences for energy use, carbon emissions and air quality. Where housing is located can also lead to other, less obvious, consequences. The area required for car parking and roads determines the volume of run-off, impacting on the design of the drainage system, the potential to introduce sustainable urban drainage systems (SuDS), and the amount of land left over for publicly accessible open space. The government also needs to implement Schedule 3 of the Flood and Water Management Act as soon as possible. Implementing Schedule 3 is critical if we are to increase our resilience to flooding.

As the ICE's Resilience Community Advisory Board has highlighted, sustainable drainage systems (SuDS) are not as complicated or as expensive as many developers fear and legislation is not at odds with housing requirements. Many developers welcome the clarity implementing Schedule 3 would bring. Civil engineers have an important role to play in designing the most efficient systems to reduce the risk of flooding and sewage spills.[1]

Growth areas should be identified based on a strategic view of sites that are going to be most sustainable and most viable in terms of quality of life, the capacity of infrastructure, and integrated spatial factors such as availability of jobs. The ICE welcomes the focus on a new 'vision-led' approach outlined in the NPPF.

Q36: Do you agree with the proposed approach to securing benefits for nature and public access to green space where Green Belt release occurs?

As the consultation highlights, it is vital to ensure that the public has access to good-quality green spaces and nature. As stated in the ICE's 2024 policy programme on public behaviour and net zero, blue-green infrastructure (BGI) and public spaces play an important role in enhancing quality of life and community well-being, and public access to them is one of the biggest enablers to net zero.[2]

During the Covid-19 pandemic, there was a reassessment of how public spaces needed to change and regenerate to ensure they were fit for purpose due to the social and economic impacts of the pandemic. Over the duration of the pandemic, the importance of green space and connecting with nature was especially significant for improving individual health and well-being and gained increased recognition. Ensuring the public has equal access to BGI not only improves

[1] ICE (2023) Pressure from industry sees change to flooding law
[2] ICE (2024) APPGI and ICE policy paper: what are the public behavioural changes required to meet net zero?

their health and well-being but also means they can play an active role in the net zero transition. Additionally, as more road space is allocated to BGI, walking and cycling can become more attractive and accessible modes of transport, helping to increase active travel.[3] The vision-led approach to transport set out in the NPPF consultation is a welcome pivot, setting a fresh approach to spatial planning that offers accessibility over mobility.

All of this strengthens the likelihood of people making shorter trips by active means – improving public health, addressing social justice, and reducing environmental damage. However, the NPPF should refer to the Manual for Streets 3,[4] guidance for professionals who design, build, adopt, and maintain residential streets, including developers, highway authorities, and planners. Much has changed since the second document was published 14 years ago. An updated and more widely adopted version will help improve the design standard of streets and public places.

The Chartered Institution of Highways & Transportation (CIHT) has called for BGI guidelines for local authorities to follow in areas such as maintenance and funding for BGI total system solutions. Governments must also develop policy frameworks where decision-makers can balance and distribute the benefits of natural assets and enhanced urban amenities against additional costs, such as capital and operational costs. This will facilitate engagement with the public in the planning and design process. Policies that add value and benefit to the public, rather than cost, will favour nature-positive solutions over traditional built solutions and ensure that blue-green infrastructure projects meet their societal needs and values.[5] BGI is also essential to spatial planning to support improved climate resilience.[6]

Q59: 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?

The current NPPF includes references to ‘beauty’ in the built environment. MHCLG acknowledges beauty as an important objective of well-designed places.

However, the National Model Design Code (NMDC) and National Design Guide already provide a clear framework for local planning authorities, developers, and communities.

The ICE welcomes the removal of the subjective term ‘beauty’ from the NPPF. It is unnecessary and does not align with the need for a more strategic approach to infrastructure that lasts beyond individual political cycles.

[3] Chartered Institution of Highways & Transportation (2023) Green and Blue Infrastructure: a Transport Sector Perspective
[4] DfT and MHCLG (2007) Designing and modifying residential streets: Manual for streets
[5] New South Wales Government (2024) Valuing Green Infrastructure and Public Spaces
[6] ICE (2023) How Can the UK’s Infrastructure System Be Made More Climate Resilient?

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

The changes proposed to paragraph 100 of the existing NPPF that "significant weight should be placed on the importance of facilitating new, expanded, or upgraded public service infrastructure when considering proposals for development" are an important addition. The UK must adapt its approach to planning and delivering infrastructure to reduce delays and uncertainty across key infrastructure systems. Industry, businesses and the public need long-term plans, supported by evidence, long-term thinking on financing options and robust and consistent policy to achieve desired outcomes.

Q72: Do you agree that large onshore wind projects should be reintegrated into the NSIP regime?

Large onshore wind projects should be reintegrated into the NSIP regime. Long-term certainty for the energy sector has been required for some time. Although the UK has made great progress when it comes to energy security, in 2022 becoming the first major economy to halve greenhouse gas emissions from 1990 levels, driven largely by decarbonising energy, the task ahead when it comes to decarbonisation is still enormous. A regular pipeline of onshore wind projects through reintegration into the NSIP regime is essential to meeting these challenges. The ICE supported a National Engineering Policy Centre (NEPC) programme on grid decarbonisation highlighting that onshore wind needs to be added in locations that can readily be accommodated without new transmission lines, where possible.[7] The programme emphasised that the UK needs to significantly accelerate progress towards already stretching plans for 50 GW of offshore wind by 2030, from about 14 GW today, on the path to the level of capacity needed by 2050, which could be up to 125 GW. There is a pipeline of projects in train, but even delivering 50 GW – for which the transmission infrastructure is being put in place – would require significant acceleration of projects currently expected to deliver in the period 2031–33.

Q73: Do you agree with the proposed changes to the NPPF to give greater support to renewable and low carbon energy?

It is important to accelerate the transition to a net zero future and the amendments proposed to the NPPF to give greater support to renewable and low carbon energy can help deliver this outcome through a more integrated vision-led approach. Strategic and integrated infrastructure planning, as the ICE has previously outlined,[8] can act as a solution to some of the core challenges the UK faces.

However, there needs to be a greater focus on strategic spatial planning – how public bodies influence the social, economic, and environmental use and development of land – in key sectors such as energy and water and on the links between them. Statutory bodies, including regulators and the Planning Inspectorate, need to work more closely together to promote the delivery of renewable energy schemes.

[7] NEPC (2024) Rapid decarbonisation of the GB electricity system
[8] ICE (2020) ICE response to the Government's Planning for the Future consultation

Q78: In what specific, deliverable ways could national planning policy do more to address climate change mitigation and adaptation?

As the NPPF consultation highlights, climate change is one of the greatest challenges facing the world today and poses an immense existential threat to infrastructure. Even with progress towards net zero carbon emissions targets, climate change is happening and will continue to develop.

The UK's infrastructure is facing pressures that, for the most part, it was not designed to withstand. Without adaptation and improved planning to build in greater resilience, our infrastructure will lose its value, damage repairs will be costly and increasingly frequent, and infrastructure users will face high levels of disruption. The scale of the challenge facing us is not to be underestimated. However, by prioritising resilience and adaptation measures we can develop a stronger and more innovative infrastructure system, as outlined in the ICE's 2023 policy programme on resilience and adaptation.[9]

These measures could include:

- **Making the Adaptation Reporting Power (ARP) mandatory for infrastructure owners and operators**, as highlighted in the ICE's policy position statement on resilience and adaptation. Adaptation reporting is mainly qualitative, providing a challenging landscape for the UK government and regulators to compare how prepared different infrastructure owners and operators are. This means that less resilient assets may not be identified, leaving them vulnerable to future shocks. Making the ARP mandatory would focus resilience efforts on key material risks and fill an information gap for the UK government.
- **National Policy Statements should include a list of climate hazards and desired standards of protection for selected climate scenarios.** The NPPF consultation document mentions new and improved National Policy Statements coming forward, with a review process that provides the opportunity for them to be updated every five years to provide further certainty to developers and communities. These improved NPS documents should fill knowledge gaps for the government, by accurately reflecting the challenges and potential mitigations resulting from the impacts of climate change and set out requirements for necessary action. Areas of risk that need to be examined include extreme heat in summer months (alongside how the design and implementation of green infrastructure can address this), potential droughts and power outages.

Q80: Are any changes needed to policy for managing flood risk to improve its effectiveness?

Changes are required to close the climate resilience gap when it comes to improved methods of managing flood risk. The Environment Agency has suggested that annual investments of £1 billion a year will be needed to adapt flooding and coastal change infrastructure over the next 50 years.[10] Coastal flooding will see an 80 to 100% increase in annual economic damages by 2050 under a BAU (business as usual) emissions pathway.[11]

Current weak spots for the UK's infrastructure system include impacts from higher prolonged temperatures, drought and increased wind speeds. Utilities infrastructure is also threatened by coastal flooding and wind damage. Unless utilities become more resilient to extreme weather events, they face unnecessary risk in both physical and financial terms.

As highlighted in the response to Q28, the government must implement Schedule 3 of the Flood and Water Management Act as soon as possible to implement a process to ensure that any new development includes high-quality Sustainable

[9] ICE (2023) How Can the UK's Infrastructure System Be Made More Climate Resilient?
[10] Environment Agency (2021) Long-term Investment Scenarios (LTIS) 2019
[11] Sayers PB, Horritt M, Penning-Rowsell E and McKenzie A (2015) Climate Change Risk Assessment 2017: Projections of Future Flood Risk in the UK, Committee on Climate Change

Urban Drainage Systems (SuDS) to reduce surface water flooding and manage flood risk. SuDS are internationally recognised as the most effective way of managing both surface water flood risk and storm-related pollution.

It is also important that regulatory frameworks have flexibility and funding streams embedded within them, to enable infrastructure operators to build networks in an optimal way to avoid climate-related issues, such as being able to withstand floods. The Joint Committee on the National Security Strategy made a recommendation for cross-sectoral standards for resilience to be introduced to provide a basis for more effective future planning and investment. Any regulatory framework would need to reflect these to ensure appropriate incentives are in place, and for standards implemented to guide investment across critical national infrastructure.

With long-term, non-competitive and ring-fenced funding for climate adaptation measures such as managing flood risk, local authorities across the UK would be better placed to address infrastructure climate resilience and adaptation at a systems-wide level. Making infrastructure more climate resilient must become a priority for local authorities and support must be provided at the national government level to enable local leadership in this space and improve the effectiveness of solutions, especially in the areas heaviest hit by flooding such as Shropshire and Gloucestershire.

Q81: Do you have any other comments on actions that can be taken through planning to address climate change?

The NPPF needs to focus more heavily on a nature-first approach in the design and delivery of infrastructure. Integrating and regenerating natural systems in city neighbourhoods makes visiting, working, and living in them aspirational. It also makes them more functional, improving economic and environmental outcomes, helping to address the impacts of climate change.

Agile consenting processes are important to improve delivery, however proactive public engagement within infrastructure planning and decision-making can lead to increased support for infrastructure projects and deliver co-benefits such as habitat protection and the development of nature-positive solutions. It is important that the community voice is not eroded within the planning process and that policies to address climate change and accelerate net zero are tailored to people's lived experiences in their communities.[12]

[12] ICE (2024) APPGI and ICE policy paper: what are the public behavioural changes required to meet net zero?