

TfSE draft response to the consultation on proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system

1. Introduction

1.1 Transport for the South East (TfSE) welcomes the opportunity to respond to the consultation on proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system. This draft officer response will be presented to our Partnership Board on 28 October 2024 for their approval. A further iteration may therefore follow.

1.2 TfSE is a sub-national transport body (STB) for the South East of England, Our principal decision-making body, the [Partnership Board](#), brings together representatives from our 16 constituent local transport authorities, district and borough authorities, protected landscapes, business representatives, Highways England, Network Rail and Transport for London.

1.3 We have a vision led [Transport Strategy](#) in place to influence government decisions about where, when and how to invest in our region to 2050. This strategy is currently being refreshed.

1.4 Our [Strategic Investment Plan](#) provides a framework for delivering our Transport Strategy setting out transport infrastructure and policy interventions needed in our region over the next three decades.

1.5 Although TfSE does not have any responsibility for land use planning, the close interaction between land use and transport systems means that changes to the national planning policy framework will have impacts on the travel patterns of people and goods. One of the Strategic Priorities identified in TfSE's Transport Strategy and Strategic Investment plan is the need for more integrated land use and transport planning to enable the regions housing, employment and regeneration needs to be met more sustainably. As a consequence there are certain aspects of the proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system that are of interest to TfSE in its role as an STB. This response therefore focuses on those questions related to changes that will affect the interaction between the land use and transport systems. Our response therefore focuses on four aspects of the consultation:

- maintaining effective cooperation;
- a new Standard Method for assessing housing needs;
- building a modern economy; and
- a 'vision-led' approach to transport planning.

2. TfSE's draft consultation response

2.1 Maintaining effective cooperation

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

TfSE supports the proposed amendments to paragraphs 24-27 to ensure that the right cross boundary engagement is occurring on strategic planning matters. The Duty to Cooperate has not always worked well or effectively achieved collaboration. This is because neighbouring local planning authorities have differing priorities and visions so the Duty to Cooperate has hindered the delivery of cross-boundary solutions. More effective cross boundary co-operation will be needed if the Government is to secure its growth ambitions. It has a vital role in addressing key spatial issues – including meeting housing needs and delivering transport and other strategic infrastructure. Both TfSE's Transport Strategy and Strategic Investment Plan make the case for larger scale transport investment proposals that cross local authority boundaries. The proposed amendments will help secure the delivery the sustainable, effective and integrated infrastructure that works cross-boundary to deliver economic growth. A specific requirement has been added in paragraph requiring policies to be consistent with bodies where a strategic relationship exists "unless there is a clear justification to the contrary"; although Paragraph 11b and Footnote 7 continue to provide opportunities to avoid planning to meet this need.

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

TfSE supports the proposals set out in the consultation document that accompanies the proposed amendments to the NPPF, to enable universal coverage of strategic land use planning across England.

This would see the Spatial Development Strategies that are currently available to elected Mayors and Combined Authority (e.g. the London Plan) introduced across the entire country. Employing a strategic planning approach through the development of SDSs would assist in identifying constraints, setting housing requirements, identifying strategic employment sites and identifying corresponding infrastructure needs that would ensure Local Plans are effective, deliverable and sustainable. It will also overcome some of the shortcomings of the current 'duty to co-operate'.

The Government is yet explore the most effective arrangements for developing SDSs outside of mayoral areas including the identification of the most appropriate geographies that should be used covering 'functional economic areas', as well as the right democratic mechanisms for securing agreement.

TfSE welcomes the Government's commitment to work with local leaders and the wider sector to consult on, develop and test these arrangements in the months ahead before legislation is introduced, including consideration of the capacity and capabilities needed.

2.2 A new Standard Method for assessing housing needs

Consultation question 19 - Do you have any additional comments on the proposed method for assessing housing needs?

Although it is not appropriate for TfSE to comment on the proposed approach to calculating housing needs, it is vital that housing delivery is not prioritised to the detriment of other land uses that are vital to achieving sustained economic growth.

In addition, significant housebuilding should be focused in areas where there is adequate capacity in existing transport infrastructure, or if there is not adequate capacity, then transport infrastructure should be invested in alongside new houses.

The level of infrastructure improvements needed to support existing levels of housing growth, particularly the large-scale and cross-boundary improvements, requires funding far beyond the ability of Local Plans to deliver. Without adequate funding / delivery from other sources, this pressure will only be exacerbated by any increase in housing numbers. However, further reforms, including strategic planning (set out elsewhere in this consultation) and improved levels of, and procedures for, funding infrastructure provision could go some way to meeting those needs.

2.3 Building a modern economy

Consultation question 62 - Do you agree with the changes proposed to paragraphs 86 b) and 87 of the existing NPPF?

TfSE supports the proposed amendments to paragraph 86b that identify additional sectors for which sites should be identified to meet emerging needs and drive economic growth. The amendments require LPAs to identify "appropriate sites" for needs of the modern economy, with "laboratories, gigafactories, data centres, digital infrastructure, freight and logistics". This amendment identifies them as essential economic infrastructure.

TfSE's Freight Logistics and Gateways strategy recognises the vital role of this sector in facilitating economic growth in the region. As set out in the consultation document, nationally this sector contributes £84.9 billion in Gross Value Added each year and employs nearly 1.2 million people. It relies upon a national network of storage and distribution infrastructure to facilitate local, regional, national and international operations. Provision is needed at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation.

A shortcoming in current planning practice is how many LPAs go about estimating the future needs and demands for economic development land, with the guidance not having kept pace with rapid changes in industry and business needs. The new policy provisions will need to be accompanied by an update in guidance on how the needs of these sectors should be calculated.

The NPPF already recognises the importance of providing lorry parking facilities at existing paragraph 113 “taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance”. TfSE’s Lorry Parking Study identified the current and future levels of shortfall in the provision of lorry parking provision in different parts of TfSE area. It is therefore vital that when local planning authorities are identifying “appropriate sites” for freight and logistics activity that this will include sites for lorry parking that also provide driver welfare facilities and infrastructure for recharging and refuelling alternative zero emission vehicles. New guidance on how the needs of the sectors that have been added into the NPPF will be needed and should include how provision should be made for lorry parking facilities.

Paragraph 87b has been amended to require the provision of “storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, especially where this is needed to support the supply chain, transport innovation and decarbonisation”. This paragraph should be further amended to include the following text at the end of the paragraph “including sites for the provision of lorry parking, driver welfare facilities and HGV zero emission recharging and refuelling.”

2.4 A ‘vision-led’ approach to transport planning

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

TfSE supports the proposed changes to paragraphs 114 and 115.

In assessing sites that may be allocated for development in plans, or specific applications for development, the proposed changes to paragraph 114 now seek to ensure that ‘A vision led approach’ promoting sustainable transport modes is taken, taking account of the type of development and its location. TfSE utilised a vision led approach in the development of its Transport Strategy, through the development of a 2050 Vision for the region supported by the policy and infrastructure interventions that would be needed to realise it.

Planning decisions are currently made using a ‘predict and provide’ approach with transport infrastructure, and in particular highways, designed to deal with the ‘worst case’ forecast future traffic flows derived by extrapolating past growth trends.

The accompanying consultation document outlines how this vision led approach should work in practice “It means working with residents, local planning authorities and developers to set a vision for how we want places to be and designing the

transport and behavioural interventions to help us achieve this vision.” However, it is unclear precisely what actions will be needed in order to demonstrate that proposals have been produced in accordance with a vision led approach. Further guidance will be needed on this to define the roles of developers, local planning authorities, local transport authorities to avoid misinterpretation. This guidance will also need to set out how the vision that is developed for a particular development should take account of the local plan, local transport plan and regional transport strategies produced by Sub-national Transport Bodies .

Turning to the proposed amendments to existing paragraph 114, the current requirement that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, has been amended by the addition of the wording ‘in all tested scenarios’. This would overcome the current practice of designing new places defensively around worst-case highways assumptions. The effect of this proposed change would be to ensure that the worst-case scenario should not necessarily be used to determine the application. Instead, for a refusal to be justified on highways grounds, there will need to be unacceptable highway safety impacts, or severe residual cumulative impacts on the road network, in all tested scenarios. However, the phrase “in all tested scenarios” is too vague. Changing it to “in all agreed scenarios” alongside a proposed methodology for local planning authorities and transport authorities to agree the scenarios early, and together. In addition, the impact on the highway network would remain the prime focus whereas there is a need to shift to a consideration of impacts on the whole transport network.

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