

Milly Southworth

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To: 'Milly Southworth'
Subject: FW: Local Council Planning Training - 8 February - Helping local councils understand planning changes 2023
Attachments: Briefing Note - Planning Prospectus Consultation.pdf; Briefing Note - NPPF Consultation.pdf

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Subject: Local Council Planning Training - 8 February - Helping local councils understand planning changes 2023

Information Classification: CONTROLLED

Dear clerks/chairs

In late December, the Government published two consultations that will affect the planning system. The proposals consist of interim changes to the National Planning Policy Framework, likely to be published in Spring and longer term changes that will follow on from Royal Assent for the Levelling Up and Regeneration Bill, including proposals for a new Local Plans system. A briefing note has been produced for both by the Planning Policy Team and are attached. We will also circulate the Council's consultation response when available.

Following these consultations on the revised NPPF and changes in the Levelling Up and Regeneration Bill (LURB), we would like to invite all local councils to an event on **Wednesday 8 February, 16.30-17.30, Helping Local Councils understand the Govt consultation on planning changes 2023**. This will be an online event via Teams and aims to help you respond to the consultation that closes on 3 March.

Microsoft Teams meeting

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 372 545 438 282 Passcode: XV9jh5

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Or call in (audio only) [+44 20 7660 8305](tel:+442076608305),[776019709#](tel:+442076608305) Phone Conference ID: 776 019 709#

This email provides the joining link to all Clerks and Chairs – there is no need to book and places are not limited for each council. Please share these emails with your local councillors so they can attend. If you have any questions about the event, please email positiveplanning@cornwall.gov.uk

If you have any comments or questions on the briefing notes, please contact the Policy Team at: localplan@cornwall.gov.uk

Kind regards

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www.cornwall.gov.uk 'Onen hag oll'

Please note that I work part-time. My normal working days are Tuesdays, Wednesdays, Thursdays.

To keep up-to-date with changes in Planning, please check [Planning and Building Control - Cornwall Council](#) and [What's new in planning - Cornwall Council](#)

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Briefing note

Planning Prospectus

January 2023

Introduction

The Department for Levelling Up, Housing and Communities (DLUHC) is consulting on a proposed approach to updating the planning system and the National Planning Policy Framework (NPPF). The consultation started on 22nd December 2022 and runs to 3rd March 2023. The Government will feedback on the response to consultation later in Spring.

A suggested response to the contents of the consultation from Cornwall Council will be circulated separately for comments.

The proposals include a [Prospectus](#) for wider changes to the planning system linked to the Levelling Up and Regeneration Bill that sets out amongst other matters:

- Future changes to plan-making (detail to be published later in 2023),
- The likely scope of New National Development Management Policies (detailed proposals to be set out separately in a future consultation),
- Policy areas that will form the basis of future changes to the National Planning Policy Framework (beyond those currently being consulted as part of an [interim update to the NPPF](#) (these are covered in a separate briefing note and not set out in this note).

The changes follow on from debate around the content Levelling Up and Regeneration Bill (LURB). These are particularly focused on making sure the planning system capitalises on opportunities to support the natural environment, respond to climate change and deliver on levelling up of economic opportunity. The broad proposals signals areas that are likely to be considered in the context of a wider review of the National Planning Policy Framework following Royal Assent of the Bill.

Summary of key proposals:

The specific proposals which are set out in the prospectus consultation (and are considered applicable to Cornwall) are summarised below:

Policy Objectives

The consultation sets out that the proposals for change are built around the following objectives for change:

- **Building beautiful and refusing ugliness** – good design and placemaking promoted through a statutory requirement for each authority to have a design code for its area.
- **Securing the infrastructure needed to support development** – the introduction of an Infrastructure Levy and a requirement for each authority to create an Infrastructure Delivery Strategy (to be consulted on separately).
- **More democratic engagement with communities on local plans and decision making** – Local Plans will have a two-year timetable for production and increased community engagement requirements. National planning policies will increase the speed of plan-making. Expectations will be set out for increased engagement in the planning decisions.
- **Better environmental outcomes** - including changes to address climate change mitigation and adaptation, nature recovery and deliver the Environment Act through planning.
- **Empowering communities to shape their neighbourhoods** through increased weight to Neighbourhood Plans and introducing Neighbourhood Priorities Statements and Street Votes
- **Deliver more homes in the right places supported by infrastructure** – considering how national policy can be support smaller developers, self- and custom-build developers and other innovators to enter the market, building a competitive house building market with high standards, strong rules and clear accountability.

Further consultations are promised on the new Infrastructure Levy and changes to the plan preparation process, plan-making principles and the importance of effective community engagement.

Proposed changes

The proposed changes are summarised below where they are relevant to Cornwall. Many are subject to consultation questions and following consideration of the likely implications for Cornwall from the proposals, further analysis and a recommended response will be prepared and circulated.

Providing certainty through local and neighbourhood plans

From Spring 2023 changes will be made to the five-year housing land supply rules in areas with up-to-date plans and where communities have made neighbourhood plans. This means that in those areas authorities will no longer be expected to demonstrate a five

year supply of housing land. Areas with plans over 5 years old will continue to be expected to demonstrate a supply of land, but buffers for previous under-delivery will be removed and historic over-supply against target will be taken into account in calculating the five year supply.

Protections for Neighbourhood Plans will be increased in line with Local Plans, so that demonstration of a housing land supply will not be required before the plan is five years old even if the local authority no longer has a five year land supply.

Planning for housing

Whilst the standard method formula for calculating housing figures will be retained, the data will be reviewed in line with the 2021 census to form the basis of an update to the method formula by 2024. Further to changes proposed to the NPPF for Councils currently developing a local Plan under the current system (which Cornwall is not), guidance will be produced that sets out the ability to reduce the housing requirement where certain local constraints can be evidenced.

The Housing Delivery Test will be reformed to reduce the impact on housing supply for authorities where developers are developing slowly. This would prevent areas with sufficient deliverable housing permissions to meet the test and avoid having their plan deemed out of date and the presumption in favour of sustainable development being triggered. A test will be introduced through changes to determine whether there is a sufficient deliverable housing supply (thought to be around 115% of the total required by the test). At this time Cornwall would appear to continue to meet that test.

A planning system for communities

Proposals are made to rebalance the focus from delivering numbers of homes to meeting the needs for different types of homes identified by communities and increasing diversity of types, including affordable housing and housing for older people.

Changes through revisions to the NPPF will increase focus on delivering social rented housing alongside affordable home ownership by giving it greater weight in decision making.

To address supply issues with older persons housing an additional specific expectation will be added to the NPPF ensuring that the needs of older people are met, and that particular regard is given to retirement housing, housing-with-care and care homes to support our ageing population

It is proposed that the NPPF could be strengthened from a current expectation that plans should provide at least 10% of development on small sites to encourage greater use of

small sites, particularly in urban areas, to speed up the delivery of housing (including affordable housing), give greater confidence and certainty to SME builders and diversify the house building market.

In terms of supporting community-led development the definition of “affordable housing for rent” could be amended to make it easier for community-led developers and almshouses to develop new affordable homes. Proposals are being considered to make it easier for community groups to bring forward exception sites for affordable housing in rural areas.

Housebuilders will be required to formally notify the Council when they commence development and existing powers to serve a completion notice will be streamlined. Data will be collected and published on failure to build out on certain sized sites. Delivery will be a material consideration and proposals with a slow delivery trajectory may be refused. Two possible options are set out to address developer accountability; the first being that irresponsible developer behaviour would be a material consideration in the determination of planning applications; or secondly Local Planning Authorities would be able to decline to determine applications from developers who have behaved irresponsibly in the past. This would require primary legislation in order to be implemented. Separate consultation will be held on financial penalties for slow build out of permissions.

Asking for beauty

An emphasis is placed on beauty, good design and place-making. Many of the changes proposed are through the proposed update to the NPPF, such as including reference to the role of beauty and place-making. Local authorities will be required to have at least one design code for their area. Existing permitted development rights with design or external appearance prior approvals will be amended to take into account local design codes.

Protecting the environment and tackling climate change

The Prospectus reiterates the Government’s commitment to improving the environment and tackling climate change through the planning system including through national and local policies and design coding. A full review of the NPPF will be undertaken once the LURB receives Royal Assent to ensure that national planning policies contribute to climate change mitigation and adaptation.

Nature Recovery will be supported through policy including the role of design coding in delivering improvements and identifying limits on artificial grass in non-sports settings. Further guidance will be provided on how Nature Recovery Strategies (Cornwall was one of five pilot areas to create a Strategy) will be taken into account in plan making and planning decisions.

A carbon impact assessment process will be investigated to ensure that a process can be created that is useful to decision making but proportionate. Proposals will be consulted on separately, but alongside Quantifiable Carbon Reductions guidance for Local Transport Plans. Changes to the NPPF in future will include those required to reflect the third National Adaptation Programme, Government's policy response to the latest assessment of UK climate risk and the third Climate Change Risk Assessment.

Future changes to the NPPF will seek to recognise the benefits of protecting and enhancing habitat and nature recovery and promoting layouts and locations that contribute to healthier lifestyles and energy and resource efficiency consumption in a holistic way, for example by reducing the need to travel, promoting active travel i.e. walking, wheeling and cycling as well as addressing climate change impacts such as overheating and water scarcity.

Preparing for the new system of plan-making

The Levelling-up and Regeneration Bill sets out reforms to local plan-making to simplify their content and make them quicker to produce.

From late 2024, authorities with a plan older than 5 years must either be working on a plan under the current system (for submission by 30 June 2025) or straight away begin plan-making under the proposed new system. For Cornwall this is likely to mean that a new Local Plan will need to be commenced in late 2024.

Neighbourhood plans submitted for examination after 30 June 2025 will be required to comply with the new legal framework. 'Made' neighbourhood plans prepared under the current system will continue to remain in force under the reformed system until they are replaced (in the case of Cornwall's plan, up to 2030).

In the reformed planning system, supplementary planning documents will be replaced by Supplementary Plans that are to be afforded the same weight as a local plan.

National Development Management Policies

The new system will include the introduction of National Development Management Policies, meaning that certain areas will no longer need to be covered by policies at local level. The policies could cover those planning considerations which are regularly applied in decision-making across England, such as, conserving heritage assets or preventing inappropriate development in high flood risk areas. The Government also proposes that the policies could cover current 'gaps' in policy such as carbon reduction in new development.

It is envisaged that the National Development Management Policies would be given the same weight in certain planning decisions as the local plan, neighbourhood plan and other

statutory plan policies. The aim is to save repetition at local level and increase consistency for developers.

The National Development Management Policies would adhere to a number of principles such as covering only matters that have a direct bearing on the determination of planning applications and limited to nationally important issues encountered across England. Thoughts and limited examples are provided around the scope and content of possible National Development Management Policies.

A list indicating the areas of current NPPF policy and possible amendments can be viewed at [Levelling-up and Regeneration Bill: reforms to national planning policy - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy). The table is indicative, not exhaustive, and the Government is not consulting on specific changes at present.

The Government will undertake a full consultation on a revised NPPF and the proposed National Development Management Policy once the Levelling Up and Regeneration Bill has completed its passage through parliament.

Enabling Levelling Up

The prospectus seeks to understand how the planning framework can help to deliver the ambitions of the levelling up agenda. It notes that well designed and attractive places can contribute to social change including improvements to health and well-being, and to economic growth by improving transport and digital connectivity.

The future review of the NPPF, will be aligned with the economic vision in the Levelling Up White Paper, which will:

- ensure local plans support new business investment and support business growth and expansion
- support the sectors and businesses that drive up productivity
- spread financial capital and investment to places, projects and people that need it most

Creating a response to the proposed changes

The Planning Policy Team will be producing a draft formal response to the consultation, and this will be shared closer to the deadline for responses.

Prepared by:
Planning Policy
16 January 2023



Briefing note

Proposed changes to the National Planning Policy Framework

January 2023

Introduction

The Department for Levelling Up, Housing and Communities (DLUHC) is consulting on a proposed approach to updating the planning system and the National Planning Policy Framework (NPPF). The consultation started on 22nd December 2022 and runs to 3rd March 2023. The Government will feedback on the response to consultation later in Spring.

A suggested response to the contents of the consultation from Cornwall Council will be circulated separately for comments.

The proposals include an [interim update to the NPPF](#), which is covered in this note, but also set out a [Prospectus for wider changes](#) linked to the Levelling Up and Regeneration Bill that sets out amongst other matters:

- Future changes to plan-making (detail to be published later in 2023),
- The likely scope of New National Development Management Policies (detailed proposals to be set out separately in a future consultation),
- Proposals for:
 - building beautiful and refusing ugliness
 - securing the infrastructure needed to support development
 - more democratic engagement with communities on local plans
 - Better environmental outcomes, including climate change mitigation and adaptation, nature recovery and climate change adaptation
 - Empowering communities to shape their neighbourhoods through increased weight to neighbourhood and introducing Neighbourhood Priorities Statements and street votes

These proposed wider reforms provide the context for the draft NPPF revisions, but for clarity are covered in a separate briefing note.

The proposed changes to the NPPF set out in the consultation are in advance of a 'fuller' review of the framework, that will follow implementation of the Government's proposals for wider change to the planning system and progression of the Levelling-up and Regeneration Bill. There will be further consultation on those broader changes at some point during 2023.

Summary of key changes:

The specific changes which are proposed to the NPPF (and are considered applicable to Cornwall¹) are summarised below:

Housing

- New detail on how local plan housing figures should be derived, that the standard methodology for calculating the housing requirement is a starting point and the situations where a reduced figure might be acceptable, including how past 'over-delivery' and local circumstances can be taken into account;
- Changes to the annual housing delivery test and five-year housing land supply requirement, including taking into account past 'under or over-delivery';
- The presumption in favour of sustainable development will not be applied where permissions have been granted in excess of 115% of the housing requirement over the required period (for context: Cornwall's total is currently 125% for 2022/23);
- Increasing protection for Neighbourhood Plans up to 5 years old by removing current associated housing land supply and delivery tests where a local plan is out of date;
- In determining housing need, an increased focus on planning for older peoples' housing including retirement housing, housing with care and care homes; and
- Additional support for community-led housing groups.

Plan making

- Reducing the evidence burden on creating new local plans by removing the 'justified' test (i.e. considering reasonable alternatives and proportionate evidence) from the tests of soundness.

Beauty

- Further emphasis on promoting more beautiful homes and supporting infrastructure, including through gentle density;
- Promoting Design Codes as the primary tool for assessing and improving the design of development; and
- Ensuring that planning conditions are visually clear over the design quality and materials to allow easier enforcement.

¹ Cornwall does not have any Green Belt Designation or have an uplifted housing requirement for the top 20 most populated cities and urban centres. Proposals for these have been omitted from this briefing.

Environment (including renewables)

- Clarification and new support for repowering of wind turbines;
- Setting out additional routes for allocating areas for new wind turbines (including through Supplementary Planning Documents and Neighbourhood Plans);
- Ensuring that development resulting in significant loss of agricultural land consider the availability of agricultural land for food growing alongside other policies in in the NPPF;
- Providing significant weight to energy efficiency improvements to existing buildings.

What are the implications for Cornwall?

The remainder of this note sets out the potential implications for Cornwall of key changes in each relevant chapter of the NPPF.

Chapters 1 and 3: Introduction and Plan-making

These chapters emphasise the priority given to preparing and maintaining an up-to-date plan to support delivering sufficient homes.

Changes are also proposed in chapter 3 to streamline and simplify the examination process for local plans, removing the need for a plan to be 'justified' and provide proportionate evidence in order to be found sound (subject to transitional arrangements) and amendments to the 'positively prepared' test to insert that a plan needs to only meet its objectively assessed needs "so far as possible".

In the case of Cornwall, any future Local Plan is very likely to be prepared under a new Local plans system, so the implications here are more about maintaining a sufficient supply of housing against our existing Local Plan.

Chapter 2: Achieving sustainable development

There is greater emphasis proposed on the provision of homes and supporting infrastructure within this chapter. A significant change for Cornwall is the change proposed to allow past 'over supply' to be deducted from the housing requirement figure when assessing housing need for a future Local Plan.

This chapter also proposes to boost the status of neighbourhood plans that make housing allocations or housing policies by increasing their protection against development that conflicts with their policies where they remain less than 5 years old. In practice this means that Neighbourhood Plans will not be considered out of date for five years (by removing the housing land supply and delivery tests that were previously applied to NDPs) even if the Cornwall Local plan were to be deemed out of date during that time.

Chapter 5: Delivering a sufficient supply of homes

This chapter sets out proposed changes to the five-year land supply tests. Because the Cornwall Local Plan is now in excess of 5 years old, an annual housing supply test will

continue to be applied, but the various buffers applied to supply to recognise any previous under-supply of housing or market fluctuations will be removed, further increasing housing supply that may be taken into account.

The Housing Delivery Test will be changed and its consequences revised. Where the test indicates that delivery has fallen below 95% of the LPAs housing requirement over the previous three years an action plan is required to assess the causes of under-delivery and actions to increase delivery in future years; where delivery falls below 75% of the LPAs housing requirement over the previous three years the presumption in favour of sustainable development would apply along with an action plan unless the authority is able to demonstrate that permissions have been granted in excess of 115% of its housing requirement over the Housing Delivery Test monitoring period. Cornwall currently comfortably exceeds this test with a score of 125% over the latest calculation period.

There is further support for community-led housing proposals in rural areas and there is a definition of 'community-led' included in Annex 2. This would further support the approach of the Climate Emergency Development Plan Document.

Chapters 8 and 11: Promoting healthy and safe communities and making effective use of land

Minor changes are proposed to chapters 8 and 11 reinforcing the Government's commitment to creating beautiful buildings and places and support for mansard roof extensions. These are likely to have no particular impact on Cornwall.

Chapter 12: Achieving well design and beautiful places

The title of this chapter has been amended to include reference to beautiful places, along with additional text to support the preparation of local design codes. Further changes are proposed to ensure that relevant planning conditions refer to accurate plans and drawings to provide visual clarity about the design of the development, the approved use of materials to make enforcement easier.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

This chapter retains the requirement for wind energy developments to be identified in an area identified as suitable for wind energy development in either the development plan or a supplementary planning document (with policy support in a plan) as well as the requirement for community support. It provides specific support for repowering and life extension of existing renewables sites where impacts are or can be made acceptable (from the baseline existing on site).

There is additional text proposed in this chapter relating to energy efficiency improvements, with significant weight given to energy efficiency improvements in existing buildings.

The revised provisions support the Climate Emergency Development Plan Document that already identifies broad areas for wind energy and provides specific policy on renewables and retrofitting.

Chapter 15: Conserving and enhancing the natural environment

This chapter proposes to provide greater weight to the significant use of agricultural land for food production when considering the suitability of sites for development. This appears to mean that poorer areas should be used in preference to higher quality where it outweighs significant benefits under other policies of the NPPF.

Chapters 5, 6, 7, 8, 10, 13, 16 and 17

There are no specific changes proposed to chapters 5, 6, 7, 9, 10, 16 and 17. Chapter 13 relates to Green Belt which is not present in Cornwall.

Annex 1: Implementation

The proposed transitional arrangements relating to housing needs calculations and tests of soundness would not apply to Cornwall as it is not currently developing a new Local Plan.

Creating a response to the proposed changes

The Planning Policy Team will be producing a draft formal response to the consultation and this will be shared closer to the deadline for responses.

Prepared by:
Planning Policy
Planning and Housing
16 January 2023