

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