

# Planning Prospectus and proposed changes to the National Planning Policy Framework –schedule of suggested response for Cornwall Council

## 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 22<sup>nd</sup> December 2022 and runs to 2<sup>nd</sup> March 2023. The Government will feedback on the response to consultation later in Spring.

## **This note sets out a suggested response to the contents of the consultation from Cornwall Council 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](#)).

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.

## 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.

### **Schedule of proposed changes and suggested responses:**

The proposed changes are summarised below where they are relevant to Cornwall. Consultation questions are set out under each relevant section and a recommended response for comments. The Planning Policy team will be submitting a response on behalf of Cornwall Council.

Comments on the proposed responses are welcomed and should be made to the Planning Policy Team: [localplan@cornwall.gov.uk](mailto:localplan@cornwall.gov.uk) before **5pm on the 25<sup>th</sup> February 2023**.

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### **Prospectus Chapter 3 – Providing certainty through local and neighbourhood plans**

The proposals set out are that 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.

**Questions and proposed responses:**

***Q.1: Do you agree that local planning authorities should not have to continually demonstrate a deliverable 5-year housing land supply (5YHLS) for as long as the housing requirement set out in its strategic policies is less than 5 years old?***

Yes. This would assist to reduce the administrative burden.

***Q.2: Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?***

Yes. Removing the buffer requirement makes it easier for authorities outside of an updated local plan to accommodate the often significantly higher requirements as calculated using the standard method.

***Q.3: Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on, or is there an alternative approach that is preferable?***

Yes. Taking any oversupply of homes into the equation is a little more complicated but makes the measure fairer over a longer period and will be easier for us to demonstrate.

***Q.4: What should any planning guidance dealing with oversupply and undersupply say?***

Any shortfall of excess against local plan targets should be added to the 5YHLS calculation. Shortfall over the plan period (the difference between the number of homes required at that point in a local plan to remain on target and the number of homes actually delivered) should be added to the identified requirement for that year's calculation. Similarly, any excess in delivery over the plan period can be deducted from that requirement.

***Q.5: Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?***

The Council agrees with the proposal, although in practice a requirement to update the local plan immediately after 2024 will mean that in practice NDPs will either become less effective in the light of revised policy or need updating.

## **Prospectus Chapter 4 – Planning for housing**

Whilst under the proposals 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 avoid areas with sufficient deliverable housing permissions having to meet the test and also 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.

**Questions and proposed responses:**

***Q.6: Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?***

The Council agrees that the chapters should emphasise the importance of planning for the homes and other developments required by communities, however the description currently proposed remains slightly unclear.

***Q.7: What are your views on the implications these changes may have on plan-making and housing supply?***

The Council does not believe that the proposals would have significant implications.

***Q.8: Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?***

The Council would welcome additional policy and guidance on this matter as a lack of general clarity would simply increase time debating the matter at Plan Examination, prolonging a process that the Government is proposing to streamline.

***Q.9: Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out-of-character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?***

The measures do not apply to Cornwall as it does not have any greenbelt designations.

***Q.10: Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out-of-character with the existing area?***

This measure is unclear. The assumption made by the Council is that the information would be drawn from Design Statements or Codes prepared for the authority area. In practice that method would add considerable burden in advance of a plan making process, particularly in larger authorities. It is assumed that the test would not be generally applicable to large rural

authorities or those without significant green belt designation. Produced at scale, the test could only really be met by a series of assumptions about the capacity of areas and the densities required – in practice this would be very difficult to evidence without significant work and may still be challengeable.

***Q.11: Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?***

This proposal does not appear to be particularly workable. Whilst there is certainly a case for reducing the burden of evidencing a plan there will still need to be a need to produce evidence to inform and explain the plan. This means that in practice it will be impossible to remove the need for justification and a proportionate evidence base, but the test should be supplemented with additional clear guidance to assess what might be necessary or a framework provided against which to measure the evidence.

***Q.12: Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?***

This will not affect the council but appears fair.

***Q.13: Do you agree that we should make a change to the Framework on the application of the urban uplift?***

***Q.14: What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?***

***Q.15: How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?***

Cornwall doesn't have one of the listed 20 largest towns and cities and the proposal would not impact the authority.

***Q.16: Do you agree with the proposed 4-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?***

***Q.17: Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?***

Neither questions 16 or 17 will affect the council but appears fair.

***Q.18: Do you support adding an additional permissions-based test that will ‘switch off’ the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?***

Yes. An authority only has some degree of control over the amount of homes that are permitted – they have little control over the number delivered within a given timeframe, notwithstanding the significant efforts that Council’s like Cornwall go to in terms of working with government to secure infrastructure funding to facilitate consented developments.

***Q.19: Do you consider that the 115% ‘switch-off’ figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?***

The Council agrees that a switch off metric should be applied, but questions the logic for imposing an additional 15% non-delivery against the base figure (e.g. a local plan requirement). This appears to be too steep a buffer and wouldn’t account for windfall developments which can generally be permissioned and built out rapidly, or any other housing streams outside of those requiring planning permission that may result in homes coming forward within the plan period. In addition the 15% contingency appears unreasonable on the basis that performance in any single year can be more variable than over a whole plan period.

***Q.20: Do you have views on a robust method for counting deliverable homes permissioned for these purposes?***

The Council would generally calculate this (and therefore recommend as a measure) as per its housing trajectory – assessing likely delivery rates on large sites within the plan period based on intelligence from case officers and applicants, and sites where the Council is directly intervening. For smaller sites (<10 dwellings), discounting total homes by 10% to allow for non-delivery, and assuming a rate of 1-2 homes per annum per site. This is based on past experience over a number of years. Outlines would be included if their projections still fall within the period.

***Q. 21: What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?***

The HDT results should be released as soon as possible, consequences frozen until publication of the 2023 test.

## **Prospectus Chapter 5 – 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 alms houses 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.

#### **Questions and proposed responses:**

***Q.22: Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?***

The Council is very supportive of this proposal. There is considerable unmet need for social rent. Cornwall has recently amended its typical tenure split to include a minimum 50% social rent alongside intermediate affordable housing products. This approach has been supported by viability work undertaken.

***Q.23: Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people’s housing?***

While the challenge of supplying older people's accommodation is recognised it is questioned whether the paragraph should be amended to be this specific. With 1 in 4 people being 65 or over by 2041, this is a large cohort of people with overlapping conditions and circumstances. With regards care homes and extra care facilities, choice is also a huge thing that it is difficult to account for in needs assessments alone, and the complexity of need is further muddled by the diversity of housing mix that might be appropriate for the cohort. For these reasons the use of 'older people' as referenced currently is adequate, without specifically disaggregating any further.

***Q.24 Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?***

Whilst the requirement is relatively clear the identification specifically of at least 10% of housing requirement on sites of less than 1 hectare is a challenge for larger authorities – The allowance to continue to provide for this through windfall development and support for subdivision of large sites would be supported.

***Q.25 How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?***

The Council doesn't have a comment related to this question.

***Q.26: Should the definition of "affordable housing for rent" in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?***

A main constraint currently for communities seeking to provide affordable housing for rent is having to be a Registered Provider in order to gain Homes England funding which would be required for traditional affordable housing for rent if delivered without the benefit of cross-subsidy. This is a lengthy process and massive burden for community led housing organisations. However, it does bring safeguards around standards for tenants.

It may encourage more Rural Exception Sites and small-scale delivery in rural areas if Councils were to allow Community Led Development groups or developers, who are bringing forward small schemes (that include say under 5 affordable homes), to deliver these as affordable housing for rent without an RP. It could have a condition that they would have to be managed through an approved managing agent. Typical s.106 obligations and restrictions would need to be in place, for example local connection, affordability, lettings etc. It may open up more affordable housing for rent options in very rural areas that will only see very small exception sites coming forward and where we may struggle to find an RP or CLH group to take on. The Council would not support the model of Private Intermediate Rent through Rent to Buy as it lacks many of the legal/planning restrictions necessary and desirable for politically and community supported rural / RES delivery.



***Q.27: Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?***

In general, Rural Exception Sites work really well. Cornwall delivers a considerable supply of affordable housing through this mechanism and it shows that this local policy is working. The right support to get Community Led Housing groups going and funding is the biggest problem for CLH groups, more so than the policy itself but a few thoughts include:

The Council has been discussing developing Permissions in Principle arrangements for RESs concept or creating site passports in small settlement and small sites (eg up to 15 units in settlements of under 3,000). We support this proposal in principle.

Co-housing and rural exception sites are currently tricky as generally the ones that are brought forward in the UK don't fit the standard policy approach when it comes to many things, some of the obvious are local connection, land take, Nationally Defined Space Standards and tenure. For example:

The people in the group are not generally from one area of a County and some will be from out of County (which is fine if it has open market provision on it) but local Parish Council approval is required to alter the Local Connection for allocations, which can sometimes be tricky. Therefore, if there was a national policy recognising that co-housing does not need to fit the Local Connection approach it would provide greater flexibility.

If renting they don't want to do this through an RP, they want to manage it as the Co-op so they have full control (see notes above).

They like to also include sale homes which they refer to as being affordable as you can buy a share but this share is in the co-housing scheme (not the individual house) but again this doesn't fit the model that the Council has for any of the sale products.

Land take and NDSS is an interesting part of this discussion as groups usually want both open shared space for growing food/orchards or general outdoor meeting spaces and there is usually communal space within a building. Groups therefore tend to argue that large properties that meet NDSS are not required with such shared spaces.

As with other RES schemes with AH they usually require a certain amount of OM to make AFH viable but because they are on a co-housing project with restrictions the OM values won't meet our normal values we gather when undertaking viabilities and therefore makes it difficult to assess.

Co-housing group usually want to deliver them to really high eco standards (as do other CLH groups) as they tend to be more climate conscious than general developers, which means schemes are usually quite expensive for the build, but obviously cheaper to run. Recognition of this in policy might be helpful.

As a note on international examples, co-housing is generally developed by RPs and Councils and then handed over to communities once completed and managed as a co-op which is set up by the members, whereas in the UK the community are trying to deliver schemes themselves which makes it harder.

***Q.28: Is there anything else that you think would help community groups in delivering affordable housing on exception sites?***

The Council would like policy and guidance to be clearer about exception site values/plots values which will assist with managing landowner expectations. The Council is currently undertaking a review on this for this purpose.

CLH groups delivering in small settlement often want to deliver small schemes and provide 100% affordable housing, rather than cross subsidise, but this can be tricky in terms of attracting a partner to deliver or take on the homes. It would be useful to investigate what incentive could be given to RPs to take on small clusters of homes in very rural areas.

***Q.29: Is there anything else national planning policy could do to support community-led developments?***

Giving Councils, Public Bodies, Faith Groups (such as Church of England) more freedom to dispose of land/buildings at below market value to CLH groups delivering AFH with less red tape – e.g. social value of a CLH schemes being better understood with benchmarks that allow LAs, Public Bodies and Faith Groups to assess easier.

***Q.30: Do you agree in principle that an applicant's past behaviour should be taken into account into decision making? If yes, what past behaviour should be in scope?***

Whilst the perception of this approach would be positively received by many it is not clear how the approach would help deliver development. Declining to determine an application would delay the development of sites. It is very unclear on what basis the LPA would be able to make an assessment of a person's character and this is likely to slow down the process and be very open to challenge. Clear guidance and criteria must be provided nationally for this proposal to be successful. It is suggested that it would make more sense to have better enforcement powers supported by adequate resources/extra burdens payments to ensure compliance to deter irresponsible behaviour in the first place.

***Q.31: Of the 2 options above, what would be the most effective mechanism? Are there any alternative mechanisms?***

It is unclear how this assessment can reasonably be made and how it will benefit the delivery of development. It is suggested that it would make more sense to have better enforcement powers supported by adequate resources/extra burdens payments to ensure compliance to deter irresponsible behaviour in the first place.

***Q.32 Do you agree that the 3 build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?***

Yes, and making it easier for authorities to know about commencements and completions is crucial to any plans to hold developers responsible for their previous rates. The use of independent inspectors currently makes this difficult. Having a robust and standardised (and digitised – this is the kind of area that would really benefit from this) mechanism where all developers are required inform authorities of commencements, proposed built out rates and actual delivery rates would be hugely helpful and would eliminate a massive amount of time and money where authorities and other parties must argue the case back and forth on likely delivery schedules.

## **Chapter 6 – 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.

### **Questions and proposed answers:**

***Q.33: Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?***

Yes, the Council strongly supports national policy which will help improve the quality of developments for the benefits of communities, the climate and wildlife. A national stance will help raise the baseline and provide clarity to developers, communities and local authorities. National policies must, as far as possible, be applicable to the breadth of design, landscape, townscape, seascape, heritage and cultural contexts across England. The approach must clearly link to evidence on the benefits to justify the approach and encourage compliance. We note there is only one specific reference to “placemaking” in the NPPF. This could be strengthened with a definition in the glossary.

***Q.34: Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word ‘beautiful’ when referring to ‘well-designed places’ to further encourage well-designed and beautiful development?***

The Council supports the changes. The Prospectus (Chapter 6, para 1) states beauty “...includes everything that promotes a healthy and happy life, everything that makes a collection of buildings into a place, everything that turns anywhere into somewhere, and nowhere into home.” which extends well beyond a traditional aesthetic definition, but this

explanation is not included in the NPPF. For clarity and maximum impact, the Government's full definition of the word "beautiful" should be included in the NPPF or via a link in another document.

***Q.35: Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?***

The Council supports the use of clear and accurate plans including their referencing in planning conditions as well as conditions on materials where appropriate. Nevertheless it can be a challenge to support some applicants to provide decent plans and enforcement resources are limited. Any change to require further monitoring of plans and compliance would need to be accompanied by additional burdens payments or increases in application or monitoring fees to ensure resource is available and sustained. It would be helpful if the national validation requirements and guidance are refreshed to support better quality plans and drawings and greater resources can be directed at proactive monitoring of 'as built' quality and post-occupancy surveys.

***Q.36 Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing Framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?***

The proposal is very specific and most likely applicable to certain metropolitan areas. Any specific reference to mansard roofs must maintain the proposed explanation and justification for where they are appropriate since this is only one example of how upward extensions can be achieved. They will not always be appropriate and may adversely affect the special architectural and historic interest of heritage assets and their settings.

## **Chapter 8 - 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.

***Q.37 How do you think national policy on small scale nature interventions could be strengthened? For example in relation to the use of artificial grass by developers in new development?***

The Council agrees that national policy on small scale nature interventions are important because of their anticipated substantial cumulative impact. In addition to tackling inappropriate artificial grass (exceptions such as sports pitches must be clearly stated), the NPPF could:

- Widen the list of impermeable and nature sterile surfaces to be avoided in order to promote biodiversity and reduce runoff and the subsequent flood risk impacts. The introduction of carbon assessments should incentivise natural grass over artificial grass, permeable natural surfaces over impermeable and natural above-ground SuDS over underground tanks.
- Remove permitted development rights for forming parking in front gardens of houses (even when permeable surfaces are used) as a way of further reducing 'urban creep' and loss of habitat.
- promote bat and bird boxes, bee and swift bricks and hedgehog highways. These are referred to in the National Model Design Code but would be given greater weighting and prominence through the NPPF.
- promote reasonable garden sizes, planting for pollinator species and plants which are resilient to climate change e.g. adding detail to para 177 d).
- At para 188 further emphasis and detail could be added on reducing light pollution for the benefit of nature conservation and human wellbeing. The timing, brightness and colouration of lighting can impact but nocturnal and diurnal species. There is increasing evidence of light pollution disrupting hunting, feeding, navigation, migration timings and breeding. A range of insects, amphibians, birds and mammals are affected. Insects such as moths can be particularly susceptible to the draw of artificial light which is

detrimental to other species that rely on them for food or pollination so can have many knock-on effects. There is also evidence to suggest that light pollution can impact seafloor ecosystems which provide vital ecosystem services.

In Chapter 7 of the Prospectus we have the following observations:

- Para 16: This point only mentions flood risk in the first part of the statement and should also reference coastal change
- Para 17: We agree and support this review in relation to the implementation of Schedule 3. We would urge the review to look at if implemented, how Schedule 3 will be funded and resourced.
- Para 18: Similar to the comment on para 16 we would request the inclusion on coastal change in this section.

***Q.38 Do you agree that this is the right approach to making sure that the food production value of high value farmland is adequately weighted in the planning process, in addition to current references in the Framework on best and most versatile agricultural land?***

The Council agrees that the availability of agricultural land used for food production should be a consideration. It should be made clearer in footnote 67 of the NPPF that the availability of the land is intended to be a factor only where significant development of agricultural land is being considered (as explained in the Prospectus). It would be useful to have national guidance on sources of evidence on the availability of agricultural land for food.

With climate change and other factors worsening the resilience of world food supplies retention of productive land is key. Policy should not encourage taking land permanently out of food production (although carefully controlled and entirely reversible temporary uses may continue to acceptable) as that can displace food production overseas, thereby increasing greenhouse gas emissions associated with transport there is no guarantee that food produced outside of the UK has a lower carbon footprint than the UK food it replaces and will not always be to the same animal welfare or environmental standards.

The current classifications of BMV land as Grades 1, 2 and 3a relate only to the quality of the soil when considering what can and cannot be grown in it. This approach is flawed as it does not take into account the climatic advantages of any given geographical area. Due to Cornwall's climatic advantages a wider range of crops (especially vegetables which is an important consideration given changing diets) can be grown over a longer growing season across a wider classification of land than much of the UK which will become an increasing advantage as the climate continues to change and the global population increases. BMV classifications assume that all areas are the same but in Cornwall BMV 3b land is just as, if not more than, productive as grade 3a land elsewhere in the UK and should therefore have the same level of protection. In Cornwall much of our fresh produce (cauliflower, cabbage,

potatoes, etc) and flowers and much of our dairy, beef and sheep production is produced on 3b land.

In addition, as ALC classifications at local level are not available at sufficient spatial scale necessary to clearly identify what is 3a and 3b land surveys are often inconclusive or errs on the side of caution. The removal of the sub-categorisation or inclusion of both grades 3a and 3b in the definition of BMV land would help to resolve this common issue.

**Q.39: What method and actions could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?**

**Carbon impact assessment for the plan-making process:** We would support the introduction of a carbon impact assessment for Local Plans to be carried out during the plan-making process. Such a process should:

- Enable the estimation of the carbon impact of emerging Local Plans sufficient to inform decision-making at both the level of individual policies and the whole plan itself.
- Facilitate the evaluation of the impact the proposed policies contained within an emerging Local Plan are likely to have on the plan area's contribution to achieving the UK's net-zero target and any local authority targets relevant within the area.
- Form one part of a local quantifiable carbon reduction planning triumvirate, covering:
  - o Local Plan carbon impact assessment (addressing the planning system and its interface with the local energy and transport systems)
  - o Local Transport Plan Quantifiable Carbon Reductions (addressing the transport system)
  - o A formalised approach to Local Area Energy Plans (addressing the energy system).  
The government could consider making Local Area Energy Plans:
    - A standardised and statutory plan-making process over time
    - Subject to independent review by an expanded Climate Change Committee.

Much of the work in planning a local areas' net zero policy framework can be carried out by including quantified carbon reduction requirements and tests with Local Transport Plans and Local Area Energy Plans.

The introduction of carbon impact assessments within the Local Plan plan-making process should be focused on how the proposed local planning policies will impact (positively or negatively) the plan area's contribution to achieving net zero. Consideration should be given to the potential carbon impact of proposed local planning policies in terms of:

- Operational emissions associated with development likely to be permitted by the policies proposed in the Local Plan
- Embodied emissions (and over time whole-life emissions) associated with development likely to be permitted by the policies proposed in the Local Plan
- Emissions associated with changes in land use permitted by the policies proposed in the Local Plan

The Government should develop and consult on clear guidance and a nationally defined framework covering the basic principles and approach that planning authorities should undertake when introducing carbon impact assessments into the planning decision-making process. We would welcome national standardisation concerning principles and methodology. However, we would encourage the Government to develop a national carbon impact assessment framework, which includes sufficient flexibility to enable local planning authorities to define their own performance thresholds and decision-making criteria, i.e. whilst working within a nationally defined framework, planning authorities should be able to determine what should be considered an acceptable carbon impact of any proposed Local Plan policy or development in their area based on local priorities and considerations.

The decision-making criteria proposed by planning authorities in emerging Local Plans could be subject to a test of their effectiveness and proportionality concerning supporting the delivery of the UK Climate Change Act.

When Government is developing the carbon impact assessment methodology, it should be recognised that the necessary information and capabilities may not initially be available to planning authorities to enable them to conduct rigorous carbon impact assessments immediately at the point of the requirement's introduction. One way of dealing with this would be to initially introduce a relatively high-level carbon impact procedure and then tighten requirements over time as the necessary competencies and datasets needed to enable the more robust measurement of the carbon impact of policies and developments emerges.

**Carbon impact assessment for planning decisions:** We support the recommendation made in [MISSION ZERO - Independent Review of Net Zero \(Skidmore, 2023\)](#) that “the planning system should move towards implementing a test for all developments to be net zero compliant, ensuring enough lead-in time to prevent adverse economic consequences or stalling of current development plans”. This should include embodied and operational impacts, with specific guidance on non-residential development such as minerals and waste operations which are intrinsically carbon-intensive.



A simple standardised national approach to measuring embodied carbon impacts would be welcomed where this is supported by an evidence base and leading bodies such as LETI and UKGBC ([Net Zero Carbon Buildings Framework](#)). It should allow local authorities the option to also take into account local factors where suitably justified. Modelling should include:

- Carbon impact of development plan document strategies
- Embodied carbon of new major developments (with an option to introduce these for smaller scale developments)
- (over time) Whole-life carbon impact could be introduced

For operational energy use, Cornwall Council's [Climate Emergency DPD](#) (Policy SEC1) applies an energy metric (kWh) instead of carbon because this is a clearer approach which can be readily quantified and verified through meters and bills once buildings are occupied. Measuring operational energy (rather than carbon) is in line with guidance from bodies including CSE, CCC, RIBA, CIBSE, LETI and UKGBC so is considered best practice, supports lower utility bills and is becoming the norm in new planning policies. Measuring in carbon adds unnecessary complexity e.g. due to carbon factors changing and varying levels of renewables/nuclear power in the grid. We therefore recommend that the Government advises local planning authorities to apply an energy metric to operational energy.

In addition to modelling, national thresholds for acceptable embodied carbon impact and operational energy use which go above and beyond what is required by Building Regulations are urgently needed. Ideally the Future Homes Standard being introduced through the Building Regulations should be more ambitious and reflect best practice to robustly support the Government's ambition to achieve net zero carbon emissions by 2050. Failing that, there should be a focus on the high efficiency of new buildings through the NPPF. This would help establish universal expectations and ensure land values reflect this.

The details of the 2025 FHS have not been finalised but are expected to include:

- Lower levels of energy efficiency than current best practice guidance (e.g. that advocated by the Committee on Climate Change, as required for the UK to achieve net-zero by 2050) - instead "zero carbon ready" means relying on grid decarbonisation which is flawed because lower building efficiency will undermine the decarbonisation and result in higher bills, decarbonisation will take time (residual carbon is anticipated post 2035) and there are harder to treat sectors which will be dependent on the grid.
- Not accounting for unregulated energy (i.e. not incentivising efficient fixed appliances)
- Insufficient levels of building mounted PV, which is essential to decarbonise the electricity grid given constraints on use of greenfield sites.

- Potentially not requiring renewable energy at all – if a heat pump is used to comply with FHS it is likely that no solar PV would be required at all (at least for the 2021 Building Regulations). This fails to align with the British Energy Security Strategy which states “we will design performance standards to make installation of renewables, including solar PV, the presumption in new homes and buildings”. Micro generation for buildings is important because decarbonising of the electricity grid is needed for hard-to-treat sectors such as existing buildings, before it should be used by new development. It also helps to tackle fuel poverty and unnecessary spend on energy.
- Potential for continued installation of gas boilers, which will need to be replaced with low carbon heating systems before the end of their useful life. Installing heat pumps avoids expenditure on gas infrastructure (boilers, pipe, meters) that will become redundant.
- Problematic performance gaps due to modelling methods (compounded by performance gaps due to build out quality, commissioning and handover)

***Q.40 Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?***

On Chapter 14 of the NPPF, we have a number of specific recommendations:

- New para 154: The use of ‘transition’ would read better and be more well-rounded if it was coupled with a reference to adaptation, as adaptation is referenced in later policy points. Transition to a low carbon future is not acknowledging that we cannot mitigate all of the impacts of a changing climate through planning policy, and in a large number of instances adaptation will be needed if new development is to continue at acceptable levels of risk. Where the text states ‘encourage the reuse of existing resources (where practicable)’ there is the potential that in some cases sometimes re-use of existing resources (e.g. existing buildings) can lock us in to current and future levels of risk limit. This in turn may limit the scope for adaptation (e.g. coastal squeeze) and can continue the cycle of vulnerability. Flexibility therefore needs to be maintained.
- New para 156a: This needs reference to resilience as well as adaptation as the two terms do not mean the same thing and should not be interchangeable. For example installing property flood resilience (PFR) when development is allowed in vulnerable areas is a resilience measure not an adaptation measure. A definition for climate change ‘resilience’ and ‘adaptation’ in planning terms would be helpful.
- New para 161: We support this addition for energy resilience and would like to see a parallel/similar point for improving resilience in existing buildings at flood risk. For example where alterations are made to existing buildings located in flood risk zones Property Flood Resilience and resistance measures should be encouraged.

- New para 164: The requirement for flood risk resilience measures in developments that are allowed to proceed in vulnerable areas i.e. Property Flood Resilience in buildings passing the sequential and exception tests.
- New para 172: This could be more specific on the requirements for sustainable urban drainage systems to increase their effectiveness and range of functions including amenity and biodiversity with a preference for non-buried systems. They should be designed to manage surface waterflows, improve water quality, educate and improve the wellbeing of communities.
- New para 173: The Shoreline Management Plan is missing from the documents which should be taken into account in decisions and plan making; it is as important as the policies mentioned. The reference and inclusion of coastal change, the Shoreline Management Plan and surface water needs to be much stronger in planning policy compared to how they are currently considered/represented. In Cornwall we have formalised the use of the Shoreline Management Plan through a Chief Planning officers note on [Planning for Coastal Change](#) and our [Climate Emergency Development Plan Document](#) as well as further adaptation measures to be introduced by the Adaptation Strategy following the [Cornwall Climate Risk Assessment](#)
- New para 174b: The paragraph specifies Coastal Change Management Areas but does not safeguard/protect locations that infrastructure may be required to be moved/directed to. There is a strong argument for the need for 'relocation zones' that need to be protected and linked to the CCMA as they may well sit outside of them.
- Para 175: This paragraph should specify that in terms of coastal erosion, development must not contribute to 'coastal squeeze' i.e. where areas of natural habitat and biodiversity between the coastal edge and existing structures are reduced in area or quality by erosion. Development should be mindful of natural processes and not affect the natural balance and stability of the coastline or exacerbate the rate of shoreline change to the extent that changes to the coastline are increased nearby or elsewhere.

Furthermore on water management:

- Developments of significant size should assess potential in catchments for Natural Flood Management/nature Based solutions opportunities.
- We would urge the implementation, funding and resourcing of Schedule 3 of the Flood and Water Management Act (2010).
- Whilst we support the implementation of Schedule 3 of the Flood and Water Management Act, we would urge the consideration of the implications of its enactment (including funding, resources and responsibility).

- Ensure that a Drainage Strategy is submitted to support all planning proposals which have drainage implications. This should not just be limited to those applications which require a Flood Risk Assessment.
- Prioritise the use of SuDS, and appreciate their importance in sustainable design.
- Place more emphasis on SuDS which are fully integrated throughout development proposals and not concentrated in one place.
- Irrespective of the size or nature of the development, some form of SuDS should be included.
- Ensure that sufficient space is set aside within development masterplans to ensure that SuDS can achieve the four pillars (management of water quantity, improvement in water quality, provision of amenity and encourage biodiversity) and not just manage water quantity alone.
- Recognise the importance of groundwater monitoring in locations where development is proposed. The presence of raised groundwater should be considered within Flood Risk Assessments as a source of flood risk, and Drainage Strategy's to guide SuDS selection. Assessment should be based on factual monitoring results and not theoretical mapping alone.
- Priority should be given to nature-based surface SuDS for example, basins, ponds, swales, rain gardens, green roofs etc, with sub-surface engineered structures for example, geocellular crates, tanks and oversized pipes sitting lower in the SuDS hierarchy.
- Ensure that robust management and maintenance regimes are in place. Where maintenance companies are proposed, "fall back" arrangements, including financial provisions, should be in place should the maintenance company fail.

Further emphasis and detail could also be added on green infrastructure and the design of buildings:

- High levels of green infrastructure should be central to the design of schemes, ensuring permeability of the site for wildlife and protection from more extreme weathers (e.g. through shade, cooling, wind/storm/flood protection) including through surface water management, whilst creating a multi-functional network of spaces and uses including active travel, leisure and amenity. For example, canopy provision helps to keep buildings warmer in the winter and reduce overheating in the summer as well as providing vital habitat species, boosting air quality, intercepting rainfall and reducing run-off rates, attenuating noise pollution and improving the appeal of developments.

- There should be greater emphasis on the importance of retaining existing trees and hedges to maintain climate change resilience. It can take new trees 30 years to replace the same level of ecosystem services as established mature trees. The value of Cornish hedges and hedgebanks (and other 'unique habitat types' across the country) as ecosystem service providers also needs greater recognition than the current Biodiversity Net Gain assessment allows.
- Green infrastructure plans should use local character features as a starting point including existing planting, trees, groups of trees, copses, wetland, hedgerows and opportunities for wild food foraging. These should be retained, reinforced and embedded into the design of developments to create distinctive places with permeable boundaries that reference, reflect and enhance the local environment. Provisions should be in place for on-going maintenance.
- Consideration could be given to promoting Environmental Gain which analyses ecosystems services, building on the processes for Biodiversity Net Gain.
- For buildings, there should be a new emphasis on the design, resilience and sourcing of materials, siting, orientation, green/brown roofs, water efficiency and efficiency of cooling, ventilation and heating in addition to the current proposals for improving the performance of existing buildings which are largely not under the control of the planning system. It is significantly easier to construct buildings efficiently in the first place than retrofit (where possible) at a later stage, plus the benefits will not be accrued in the meantime. Permeable surfaces (e.g. for driveways) should also be promoted.

In Chapter 7 of the Prospectus we have the following observations:

- Para 16: This point only mentions flood risk in the first part of the statement and should also reference coastal change
- Para 17: We agree and support this review in relation to the implementation of Schedule 3. We would urge the review to look at if implemented, how Schedule 3 will be funded and resourced.
- Para 18: Similar to the comment on para 16 we would request the inclusion on coastal change in this section.

## **Renewables**

***Q.41: Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?***

Yes, the Council agrees with the changes as they will make upgrading old turbines with more powerful and efficient models easier. Wind is an important, cheap source of renewable energy which will contribute to meeting national net zero and grid decarbonisation targets.

***Q.42: Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?***

The Council agrees with the changes that will make upgrading old turbines with more powerful and efficient models easier. Wind is an important, cheap source of renewable energy which will contribute to meeting national net zero and grid decarbonisation targets. Any proposals for baselining sites should ensure that they do not unfairly disadvantage the development of new sites for renewables.

***Q.43: Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?***

The Council supports efforts to create the conditions to increase the number of suitably located wind turbines to support the aim to increase renewable deployments.

We believe that the proposed changes in relation to new turbines do not go far enough to truly unlock the potential benefits of onshore wind to provide the UK with cheap, clean and secure power and help meet the 2035 net zero grid target. As proposed the areas still require prior identification, which is restrictive and potentially artificially constrains new technologies or demand being accommodated because the resultant areas cannot be expanded without a new plan. It may also be hard for authorities to reflect developers' future needs. The development of suitable areas takes time to put into place and locks in more hurdles than other infrastructure faces, including fossil fuel driven energy. With a growing appetite for decarbonisation (fuelled by rising awareness of the climate emergency, fuel insecurity and dramatic price rises) a more fundamental review of the NPPF's approach is recommended. A focus on ensuring any planning impacts identified by the affected local community in relation to individual proposals have been made acceptable would be more positive and supportive of the essential shift to net zero carbon.

In relation to footnote 62, we question the viability and speed of Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders (footnote 62) as new mechanisms for granting wind energy development applications – and therefore their effectiveness. These mechanisms place considerable burden and costs on LPAs and communities rather than the developer of the infrastructure due to the mechanism effectively granting planning permission – they are therefore unlikely to be taken up readily.

The supplementary planning document pathway (existing footnote 54 / proposed footnote 63) will be severely hampered both by SPDs requiring a development plan policy which supports renewables and SPDs becoming nationally obsolete because they can only operate

until a new style development plan is required despite the intensive resources needed to identify the areas for wind. It is not clear if the proposed Supplementary Plans will provide a route to allocating areas for wind but even so these will be less agile than SPDs because they will be subject to independent examination.

If proposed footnote 63 is to be retained, we would strongly support the provision of further information in the planning practice guidance to explain how the planning impacts identified by the affected local community have been satisfactorily addressed and the proposal has community support. This would provide the necessary certainty for investors, communities and authorities.

***Q.44: Do you agree with our proposed new Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?***

Yes, the Council agrees with new Paragraph 161 to support energy performance improvements to existing buildings since these are a substantial contributor to carbon emissions. Nonetheless existing buildings largely fall outside of the planning system's remit and other measures including public awareness, financial incentives, investing in skills and supporting supply chains are needed to drive retrofitting. Greater action is also needed for new buildings since constructing efficient buildings is easier than retrofitting them (where possible) later, plus the benefits will not be accrued in the meantime.

In line with the recommendations made in the Independent Review of Net Zero, we would be keen to see Government bringing forward:

- All consultations and work to mandate the Future Homes Standard being introduced through the Building Regulations to prevent further delays and to ensure the standard applies to all developments.
- A consultation on mandating new homes to be built with solar, alongside the introduction of a Net Zero Homes Standard and Net Zero Performance Certificate as future benchmarks for energy efficient homes. Ensuring that the NPPF is flexible enough to enable this. The Net Zero Homes Standard should be more ambitious than the Future Homes Standard to reflect best practice and support the Government's ambition to achieve net zero carbon emissions by 2050. Failing that, there should be a focus on the high efficiency of new buildings through the NPPF. This would help establish universal expectations and ensure land values reflect this.

## **Chapter 9 - 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.

#### **Questions and proposed answers:**

***Q.45: Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?***

Clarity is required for the expectations on plans which are greater than five years old but have been found up to date by a review. This is implied through the new footnote 44 of the revised NPPF, but clarity in relation to this in setting the timetable would be welcomed and important. Where a new plan is required (i.e. the existing plan is more than 5 years old), it would be preferable for local authorities to have the option to begin to prepare new style plans so that they are not overtaken by revisions to the NPPF and the forthcoming national development management policies; otherwise the plan may quickly become out of date. Publishing the full details of the new system and fully revised NPPF as soon as possible will help us gear up for a new-style local plan in advance of making a formal start.

***Q.46: Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?***

Whilst it is stated that 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 begin straight away under the proposed system, we understand from previous communications that there is limited capacity within the Planning Inspectorate to cope with all of the older plans being progressed or replaced at the same time. For any authority not already preparing a local plan under the old system it would be very difficult for a complete local plan to be produced and submitted in the timescale of June 2025 as proposed. This would mean a considerable number of authorities having to commence plan making at the same time. We therefore expect there to be managed phasing of plans being prepared. It would be helpful to have the timeframe confirmed and any arrangements for phasing of new plan starts to be confirmed as early as possible so that we can prepare for our next local plan accordingly.



Whilst the Cornwall Local Plan is over 5 years old it has been reviewed and found to be up to date in accordance with current Regulations. As per the answer to Q.45 it would be helpful to have confirmation that the review process being confirmed would mean that the Council has an up-to-date Local plan even if it is more than 5 years old. It is likely to be the preference of a number of Councils that their next local plan to be under the new system to help ensure it is up to date for as long as possible. Publishing the full details of the new system and fully revised NPPF as soon as possible will help authorities gear up for a new-style local plan in advance of making a formal start.

***Q.47: Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?***

The Council is content with the proposed timeline, however as Neighbourhood Plans can take a significant length of time to produce, details of exactly what that new legal framework looks like should be made available as soon as possible so that groups may make an informed choice regarding their review processes and options.

***Q.48: Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?***

Given the limited weight of supplementary planning documents it would seem appropriate for them to carry some weight up until the plan it relates to has actually been replaced (or otherwise expired). Consideration could be given to simply reducing the weight of SPDs where the Government's deadlines have been exceeded (although in practice this will occur in any case if the policies that they supplement are not consistent with the revised NPPF).

## **Chapter 10 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.

#### **Questions and proposed answers:**

##### ***Q.49 Do you agree with the suggested scope and principles for guiding National Development Management Policies?***

The Council would wish to be assured that national policies will be limited to the situations set out in the consultation paper (i.e. limited to key, nationally important issues commonly encountered in making decisions on planning applications across the country (or significant parts of the country) and retain flexibility for LPAs to have specific policies to enable development that is appropriate for their circumstances. National policy should not be set in such a way as to limit local discretion around local priorities or issues or reflection of local market conditions. For example, Cornwall has an excellent record of delivering Rural Exception Sites because of the local policy approach taken that reflects local markets and need.

As duplication will not be allowed of national policies, clarity should be provided on how areas of potential overlap between national and local policy should be interpreted.

##### ***Q.50 What other principles, if any, do you believe should inform the scope of National Development Management Policies?***

As per the response to question 49, ensuring that they are drafted to enable flexibility for LPA's to respond to local circumstances.

Whilst the Council agrees in principle that the new policies and guidance allows authorities to go above certain minima set through building standards and other regulation, an approach built around optional technical standards should be carefully considered so that they are easier to access and set into policy or supplementary documents – the current approach of advancing through a local plan is expensive and cumbersome to implement, requiring duplication of effort by the LPA of a standard that is recognised to be applicable and meet an identified need for additional controls (e.g. water saving, nationally described space standards etc).

National policy should also set out clear, consistent approach to value expectation such that past transaction values on potential development land should not be considered in viability appraisals. Also, that viability appraisals should only be acceptable if prepared by RICS qualified surveyors in accordance with prevailing RICS guidance and standards, to ensure that appraisals and underlying valuations take in to account the full policy burden of infrastructure and other requirements around quality. At present there is far too much opportunity to lose value from the system through early land trading and speculation at the expense of delivering the other public goods set out in the current and proposed planning systems. Without addressing this issue, there will be too many opportunities to negate the positive outcomes otherwise hoped for.

Control permitted development in town centres, to allow Councils to better control quality. The Council fully supports increasing residential use and conversions of town centre property, but is concerned that permitted development rights can too often lead to a cumulative effect of a less than well rounded community, housed in sub-standard accommodation, which collectively contributes to anti-social behaviour and the need for further social care interventions.

***Q.51: Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?***

Yes, the Council agrees that selective additions should be made to support areas that are generally silent in existing policy and to bring forward national priorities such as net zero. Cornwall has gone further in terms of carbon reduction in new developments and would wish national policy to at least replicate or exceed that ambition.

***Q.52: Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?***

Making it easier for community groups to bring forward affordable housing schemes.

## **Chapter 11 - 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

#### Questions and proposed answers:

##### ***Q.53: What, if any, planning policies do you think could be included in a new Framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?***

Planning can have a direct impact on several of the levelling up missions, there are two areas where we consider that policy could have a significant impact, specifically:

Pride in Place – the focus on beauty and design and a greater use of design coding is welcomed and needs to be reflected in national practice guidance and determination of planning appeals. Community involvement in determining the type of development that is acceptable is welcomed, however there are concerns that the tests applied to demonstrating that design codes have been properly prepared and adopted have not yet been published. The advice on this needs to be clear and allow for a simple and effective adoption process. The concern is that locally produced design codes will carry only limited weight in planning decisions (unless they have been identified in neighbourhood plans or local plans) and would welcome national policy that supports local design codes by giving weight where that code has been approved by the Local Planning Authority. In addition, whilst the focus on design is welcomed there is concern that without additional funding to help deliver codes and visions authorities will lack the resources and expertise to realise it across geographically diverse areas.

Housing – the intention to increase home ownership for first time buyers is supported but in Cornwall where average wages are significantly below the national average and property prices are above national averages, home ownership will not be a reality for everyone. Alternative forms of tenure, including social rent should be a key priority for delivery and should not be constrained by requirements for fixed percentages of low cost ownership. Whilst delivery of first homes as part of the overall solution to the housing crisis is supported it should not be mandated as they will not always be a preferred tenure in places like Cornwall. A secure, warm, and affordable home is a precursor to wellbeing and so improving our housing stock and the options available to residents should lead to improvements in health and wellbeing.

Additional controls are needed in and alongside the planning reforms to address the high numbers of second and holiday homes pushing up property prices and private rents in Cornwall. Significant numbers of new homes have been delivered (indeed the number of homes in Cornwall has increased by over 12% since 2010<sup>1</sup>) but the removal of housing stock to accommodate holiday lets and second homes significantly reduces the availability of homes required to deliver our ambition of a secure and affordable home for all.

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<sup>1</sup> Number of dwellings 2022 295,574; number of completions 2010-2022 32,041; source Power BI reporting)

***Q.54: How do you think the Framework could better support development that will drive economic growth and productivity in every part of the country, in support of the levelling up agenda?***

A key role of the planning system is to help provide the economic infrastructure to enable local entrepreneurship and inward investment, which includes high quality employment space. In Cornwall, as with many locations across the UK, significant investment, including public sector investment, is required to service employment land and support the development of commercial buildings; however there is significant pressure to use allocated or existing employment land for housing due to the greater value and viability of housing development. This has been exacerbated by additional planning freedoms through permitted development rights reform. This not only reduces the economic opportunities within our communities, but creates even greater pressure on the public sector to subsidise new commercial land/buildings to make up for the losses, as well as provide the economic growth that we all aspire to. The planning system should not unnecessarily protect commercial land/buildings that have no prospect of a future commercial use, we feel that a strengthening of national policy around the protection of commercial land and buildings either in its current or amended form, with a greater onus on the applicant to demonstrate why it should, be released from that use would help with the ambitions relating to creating sustainable communities, as well as boosting productivity, jobs and pay.

The 12 Levelling Up ambitions includes missions relating to improved public services and pride of place. The development industry plays a critical role in supporting this delivery, including the provision of infrastructure / developer contributions. Areas of deprivation often have the greatest need for improved infrastructure, such as health facilities, education, open space etc, but housing developments in these locations usually offer the least opportunity to secure developer contributions to support their delivery due to viability. This exacerbates the disparity between wealthy and deprived areas. Whilst continued and increased financial support from government is critical, the planning system can also support this issue further. Reform is required to the current system of assessing viability and expectation of profit. This needs to be linked to the proposed Infrastructure Levy to ensure that over-spending on land acquisition is not rewarded by reduction in infrastructure and other requirements. It could also give greater certainty to developers; enable LPAs to act if the advice is not sought or is ignored; it could also help to accelerate the decision-making process.

***Q55: Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?***

Whilst flexibility to increase densities or building heights above existing levels in areas where that is appropriate (town centres etc.) are a helpful part of this, the holistic regeneration of town centres as great places to live requires responsible and planned coordination to ensure that the right balance of uses is retained and encouraged. This doesn't mean that unrealistic expectations of use We would not support further expansion

of permitted development rights in town centres as this can have negative consequences and affect quality of place.

Some brownfield land has, over time, often attracted informal amenity uses and some degree of green infrastructure value. Whilst the latter would be accounted for through BNG requirements, there is a risk that too intensive a use of brownfield land removes breathing spaces from communities.

Our Local Plan already encourages development on previously developed land in preference to undeveloped land, we also have policies in our Climate Emergency DPD that encourage densification and (sensitive) redevelopment in town centre areas, including encouragement to develop the space above buildings. Successive iterations of national policy have *encouraged* the use of previously developed land, but there is no formal preference or mechanism for this to happen – outside of the most viable and high value areas of the country, without a sequential approach and incentive to reusing previously developed land the benefits of using greenfield land will not be outweighed and PDL will continue to be second choice for development.