

North Devon Council & Torridge District Council

Report Date: 22 March 2024

Topic: National Planning Policy Framework – 2023 revisions

Report by: Planning Policy Officer (TDC)

1. INTRODUCTION

- 1.1. The National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied. The NPPF was revised twice in 2023, once in September and again in December.
- 1.2. The September NPPF revisions were limited to changes in relation to renewable energy, low carbon development and heat in England, with some specific changes in relation to onshore wind development. The December revisions were more extensive, and they were broadly made in response to the 'Levelling-up and Regeneration Bill: reforms to national planning policy consultation'.
- 1.3. The topics covered by December revisions are diverse and include, for example, reforms to housing delivery, protection from 'out of character' residential development, more reference to 'beautiful' development and design codes, energy efficient building improvements, and changes regarding allocation of agricultural land for development.
- 1.4. The NPPF was previously revised in 2021, where changes included an increase in focus on design quality of places as a whole. Firmer terminology was also introduced on protecting and enhancing the environment and promoting a sustainable pattern of development. It introduced a requirement for district-wide design codes, and revised policies relating to 'opting out' of permitted development through Article 4 directions (where justified and in the smallest geographical area possible). Further revisions were made in relation to the use of masterplans and design codes, and the importance of the contribution of trees in development.
- 1.5. Most notably for this Committee, the combined revisions to the NPPF contain a significant body of provisions that could, in due course, have wide-ranging implications for the discharge of planning functions by the two local planning authorities.
- 1.6. This Report seeks to introduce the provisions of the 2023 revisions of the NPPF, recognising that it is essential for Members of the Committee to remain up-to-date and be familiar with the changing national context within which they are operating.
- 1.7. It is important to note that the Report can only provide an overview of the provisions and many of them will require further reading of the December 2023 NPPF as a whole, in combination with associated planning practice guidance and other relevant documents published by the government.

2. RECOMMENDATIONS

- 2.1. Members of the Joint Planning Policy Committee are recommended to:

- (a) note the content of this Report relating to the revisions to the NPPF in 2023.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To ensure Members are kept apprised of the national planning policy context and the potential implications for North Devon and Torrige.

4. REPORT

- 4.1. The National Planning Policy Framework (NPPF) was first published on 27 March 2012, and set out the government's planning policies for England and how they were expected to be applied. It was revised in 2018, 2019, 2021, and twice in 2023.

- 4.2. Since 2018, the NPPF has been split into 17 topic-based chapters, containing 231 individual paragraphs, and supplemented by 3 supporting Annexes. Of notable direct interest to this committee are likely to be the revisions to:

- (a) Chapter 1: Introduction
- (b) Chapter 2: Achieving sustainable development
- (c) Chapter 3: Plan-making
- (d) Chapter 5: Delivering a sufficient supply of homes
- (e) Chapter 6: Building a strong, competitive economy
- (f) Chapter 8: Promoting healthy and safe communities
- (g) Chapter 11: Making effective use of land
- (h) Chapter 12: Achieving well-designed and beautiful places
- (i) Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- (j) Chapter 15: Conserving and enhancing the natural environment
- (k) Annex 1: Implementation
- (l) Annex 2: Glossary
- (m) Wider planning changes and reforms

- 4.3. This Report to Committee will now go on to address each NPPF chapter listed above in turn, highlighting the main revisions made in 2023. It will then conclude by outlining a number of implications for plan-making and the interests of this committee.

Chapter 1: Introduction

- 4.4. The 2023 revisions to this chapter of the NPPF include:

- (a) An **amendment** to paragraph 1 that increases the emphasis on the need to prepare and maintain an up-to-date plan by highlighting that “*preparing and maintaining up-to-date plans should be seen as a priority in meeting the objective*” of providing sufficient housing and other development in a sustainable manner.
- (b) An **amendment** to paragraph 6 adds a specific reference to the Written Ministerial Statement - Affordable Homes Update (24 May 2021) which contains policy on First Homes; recognising that this may be material when preparing plans or deciding applications.

Chapter 2: Achieving sustainable development

4.5. The 2023 revisions to this chapter of the NPPF include:

- (a) An **amendment** to paragraph 7 means it now states: “The purpose of the planning system is to contribute to the achievement of sustainable development, ***including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.***” The paragraph still summarises that, at a ‘very high level’, sustainable development means: ‘meeting needs of the present without compromising future generations’ and that the UK have agreed to pursue the UN 17 Global Goals for Sustainable Development up to 2030 which address social progress, economic well-being and environmental protection.
- (b) **Amendment** to footnote 7 to state: “This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (*or a four year supply, if applicable, as set out in paragraph 226*) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was *below 75%* of the housing requirement over the previous three years. **This is explained further in this report when changes to paragraphs 76, 77 and 226 are addressed.**

Changes to protections against speculative development for areas with adopted neighbourhood plans where the presumption of paragraph 11d applies:

- (c) **Amendment** to paragraph 14 (a) and **deletion** of paragraph 14 (c) and (d): The changes are in relation to deciding planning applications in situations where there is an adopted neighbourhood plan **and** where the presumption of paragraph 11d applies: i.e. where there are no relevant or up-to-date development plan policies. In such situations, the changes seek to remove two of the criteria that are required to be met to allow a neighbourhood plan to afford protections against speculative development. The changes remove the requirement for links to wider five-year housing land supply and Housing Delivery Test performance and the changes extend the period that a neighbourhood plan can afford protection from two years to five years. Note that the requirement for the neighbourhood plan to contain policies and allocations to meet its identified housing requirement remains. **This means that it is easier for neighbourhood plans to provide protection from**

speculative development in neighbourhoods with adopted neighbourhood plans.

Chapter 3: Plan-making

4.6. The 2023 revisions to this chapter of the NPPF include:

- (a) **Amendment** to paragraph 15 to increase emphasis on '**meeting**' housing needs as opposed to **merely 'addressing'** housing needs. Economy, social and environmental priorities remain issues to be *addressed*. **This means that there is an increased focus on meeting housing need whilst still addressing economic, social and environmental issues.**
- (b) The **amendment** to paragraph 20 means that there is increased emphasis on ensuring that *outcomes support beauty and placemaking*, when making strategic policies for overall strategy for pattern, scale and design quality of places. **Amendments to paragraph 140 in Chapter 12 reinforce and compliment these changes further.**

Chapter 5: Delivering a sufficient supply of homes

4.7. The 2023 revisions to this chapter of the NPPF include:

Flexibility for local planning authorities when assessing local housing needs:

- (a) **Amendments** to paragraph 60 clarify that the overall aim of local authorities, in the context of delivery homes, should be to "*meet as much of an area's identified housing need as possible*".
- (b) **Amendments** to paragraph 61 relate to how the minimum number of homes needed are calculated. First, a local housing need assessment should inform strategic policies and should be conducted using the **standard method** in national planning guidance. The amendments explain that the outcome of the standard method is only an '**advisory starting-point**' for establishing housing requirement for the area. **This means that Local Authorities have greater flexibility to plan for fewer or higher number of homes than the standard method indicates. Although an advisory starting-point (implying reduced significance), adoption of an alternative method is only acceptable under 'exceptional circumstances'. Currently, it is not clear as to what will constitute 'exceptional circumstances' and we await further guidance on this matter, although an example of 'exceptional circumstances' is given in footnote 25 of an island with no land bridge and a significant proportion of elderly residents.**
- (c) A **new insertion** of paragraph 62 relates to urban uplifts in the standard method for certain cities and urban centres (Plymouth and Bristol are our nearest cities identified in [this government response](#) to a previous consultation). It states that the uplift should be accommodated within the city or urban centres themselves except where there **are voluntary** cross boundary agreements or where it would conflict with policies in the NPPF. This means that, in relation to certain cities and urban centres, exporting housing need to

neighbouring authorities without mutual agreement is therefore no longer possible. **Given northern Devon's geographic relationship with those larger urban areas, the new paragraph isn't likely to be directly relevant for North Devon and Torridge.**

- (d) The **amendments** to paragraph 67 mean that when establishing a housing requirement figure for the whole plan area and when showing the extent to which the need can be met over plan period, there is now added explanation that the requirement may be higher than the identified housing need if, *“for example, it includes the provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment.”*

New requirement for specific consideration of housing types when identifying need:

- (e) **Amendments** to paragraph 63 which highlights and clarifies the requirement to assess housing need for a range of types of housing, adding an emphasis on the ageing population by *including those who require retirement housing, housing-with-care and care homes.* **Any policies should then reflect by addressing the need.**

Support for community-led development, self-build and custom build when identifying land for homes:

- (f) **Amendments** to paragraph 70 set out that local planning authorities should now seek opportunities, *“through policies and decisions, to support small sites to come forward for **community-led development** (now defined in Annex 2 of the NPPF) for housing and self-build and custom-build housing.”*, indicating that **Permission in principle**, amongst other tools (area-wide design assessments and local development orders are still given as examples), should be used to help bring small and medium sites forward.
- (g) **Amendments** to paragraph 73 mean that local planning authorities should, on land that is not already allocated for housing, **support** development of exception sites for **community-led housing development** *“on sites that would not otherwise be suitable as rural exception sites”*. This amendment **removes** reference to *“entry-level exception sites, suitable to first time buyers (or those looking to rent their first home), unless the need for such housing is already being met within the authority's area”*. **Instead**, it now explains in paragraph 73 a) that community-led housing development should: *“comprise community-led development **that includes one or more types of affordable housing** as defined in Annex 2 of this Framework. **A proportion of market homes may be allowed** on the site at the local planning authority's **discretion**, for example where essential to enable the delivery of affordable units without grant funding”*. Such development **should** still be adjacent to existing settlements and proportionate in size, comply with design policies and standards, and **should not** compromise protected areas or assets as defined in the NPPF. **Members may therefore want to consider, when identifying land for homes through strategic housing land availability assessment, where such developments may be considered.**

Five-year housing land supply updates:

- (h) The **amendments and additions** to paragraphs 75 and 76 effectively remove the requirement, **in some instances**, for local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes (the five-year housing land supply). This is subject to the following criteria being met: a) *'their adopted plan is less than five years old;* and b) *'that adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.'* **This means that, under these paragraphs, the demonstration of a five-year housing land supply remains a requirement for the NDTLP, which was adopted October 2018. However, further provisions are made in paragraphs 77 and 226, which are set out below.**
- (i) **New insertion** paragraph 77 states that: *"In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old¹".*
- (j) The provisions of **paragraphs 77 and 226** mean that local planning authorities who have submitted emerging local plans for examination, or who have reached **Regulation 18 or 19 stage** (with a policies map and proposed allocations towards meeting housing need) **may only need to demonstrate a 'four-year' housing land supply** instead of the usual five-year housing land supply (with a buffer of 20% if applicable). **This means that, progressing to carry out a Regulation 18 consultation with a policies map and proposed allocations, may, subject to future work, present an opportunity for North Devon and Torrige to only need to demonstrate a four-year housing land supply instead of a five-year housing land supply, although this is a matter for future consideration and will not be immediate.**
- (k) **Importantly**, paragraph 226 also states that, *"These arrangements will apply for a period of two years from the publication date of this revision of the Framework."* **This means that, if a local planning authority meets the criteria of reaching Regulation 18 or 19 stages** (with a policies map and proposed allocations), then they only need to demonstrate a four-year housing land supply, **and that position would be protected until 19 December 2025 (two years' from the date of the publication of the December 2023 NPPF).**
- (l) **Subsequently published Planning Practice Guidance clarifies** that in both five- and four-year housing land supply scenarios, authorities should assess the supply of deliverable housing sites against the five-year housing land supply requirement. **In the four-year housing land supply scenario, authorities would effectively only need to demonstrate 80% of the deliverable supply that would be required in an equivalent five-year housing land supply scenario.**

¹ Unless these strategic policies have been reviewed and found not to require updating.

- (m) Note that footnote 42 under paragraph 77 clarifies that where strategic policies more than five years old have been reviewed and found not to require updating **(as is the case with the NDTLP)**, supply continues to be demonstrated against the housing requirement (as per previous arrangements). Furthermore, paragraph 77 removes the need to add 5% or 10% buffers to the housing requirement when calculating the five-year housing land supply. **This leaves a 20% buffer as the only applicable buffer**, which is required when there has been 'significant under delivery', as measured against the Housing Delivery Test.
- (n) Note that preparing and maintaining an up-to-date plan should be seen as a priority as set out in paragraph 1.

Housing Delivery Test updates:

- (o) **Amendments** to paragraph 79 confirm and consolidate previous arrangements requiring local planning authorities to monitor development progress of sites with planning permission for housing using the Housing Delivery Test. If housing delivery in a district falls below the housing requirements over the previous 3 years, then the following consequences apply:
- Where it falls below 95% of need, an action plan should be prepared;
 - Where it falls below 85% of need, a buffer of 20% is added to the land supply requirement and an action plan should be prepared; and
 - Where it falls below 75% of the need, the presumption in favour of sustainable development applied in addition to the 20% buffer and action plan.
- (p) **Amendment of previous paragraphs and insertion of paragraph 80** which sets out that the Housing Delivery Test consequences set out in paragraph 79 will apply the day following the annual publication of the Housing Delivery Test results.

Support for community-led development in rural areas:

- (q) **Amendments** to paragraph 82 mean that, **in rural areas, policies and decisions** should be responsive to local circumstances and support housing developments that reflect local need. This should now include support for proposals for **community-led development** (now defined in Annex 2 of the NPPF) for housing. **This means that when preparing policies and making decisions on planning applications, there should now be support for inclusion of community-led development where it reflects local needs.** Further additions to the NPPF relating to 'community-led development' are explained in section 4.7 (f) & (g) of this Report.

Chapter 6: Building a strong, competitive economy

4.8. The 2023 revisions to this chapter of the NPPF include:

- (a) **Amendments** to paragraph 88. The paragraph still states, in relation to supporting a prosperous rural economy, that planning policies and decisions should also enable well-designed buildings and now adds that these should also be *'beautiful'*.

Chapter 8: Promoting healthy and safe communities

4.9. The 2023 revisions to this chapter of the NPPF include:

- (a) **Amendment** to paragraph 96: Planning policies and decisions should still aim to achieve healthy, inclusive and safe places, but should also now aim for *'beautiful' buildings*. In addition, in relation to part (b) of paragraph 96, safe places and beautiful buildings should be safe and accessible, prevent crime and fear of crime from undermining quality of life, through for example, *'beautiful'* rather than *'attractive'* clear and legible pedestrian and cycles routes and high quality public space.

Chapter 11: Making effective use of land

4.10. The 2023 revisions to this chapter of the NPPF include:

- (a) **Amendment** to paragraph 124 (e), which sets out that policies and decisions should support opportunities to use the airspace above existing premises and specifically *'mansard roof extensions'* (now defined in Annex 2 of the NPPF) *"on suitable properties where the external appearance harmonises with the original building..."*.
- (b) **New insertion** of paragraph 130 which provides, when applying paragraph 129a (density standards), that significant uplifts in the average density of residential development in an existing urban area may be inappropriate if it will result in *'wholly out of character'* built form that is of inappropriate density uplifts. **Such circumstances should be evidenced through an authority-wide design code. 'Wholly out of character' should therefore be defined through preparing a design code and plan-making.**

Chapter 12: Achieving well-designed and beautiful places

4.11. The 2023 revisions to this chapter of the NPPF include:

- (a) **Amendment** to paragraph 138 increases the emphasis on **design codes** which should be *'the primary tool'* for assessing and improving design of development, in line with the National Model Design Code. **This means that the Councils will be required to prepare a design code or codes to benefit from the changes to the NPPF in 2021 and 2023.**
- (b) **Amendment** to paragraph 140 which aims to increase clarity on design expectations through use of conditions, visual tools, clear and accurate plans. This is to *"provide greater certainty for those implementing the planning permission on how to comply with the permission and a clearer basis for local planning authorities to identify breaches of planning control."* **This means that there may be the possibility of exerting greater control on developments by requesting detailed plans and material information for applications.**

Having such plans may allow for greater scrutiny of proposals and refusal if not satisfactory. As a result, more information and detailed drawings can be linked to planning conditions which could allow for greater monitoring and clarity in relation to breaches of conditions.

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

4.12. The 2023 revisions to this chapter of the NPPF include:

Re-powering and life-extension of renewable, low carbon energy and heat sites

- (a) **New Insertion** of footnote 57 states, in relation to determining planning applications for renewable and low carbon development, that **“Wind energy development involving one or more turbines can also be permitted through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders. In the case of Local Development Orders, it should be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.” This means that there is an increase in accepted routes to achieve wind energy sites.**
- (b) **Amendment** to paragraph 160 to add that plans must, in relation to increasing use and supply **renewable and low carbon energy and heat**, provide a positive strategy that also caters for *“their future re-powering and life extension”*. **This means that when plan-making, the re-powering and life extension of existing renewable energy sites should be catered for in new local plan policies.**
- (c) **New insertion** to paragraph 163 that explains that when determining planning applications for **renewable and low carbon development**, that local planning authorities should: *“c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.” This means that there is an increased weight to be given to re-powering and extending life of existing renewable sites.*

Energy efficiency and low carbon energy provisions on existing buildings

- (d) **New insertion** of paragraph 164. This requires local planning authorities to, when determining planning application, give **‘significant weight’** to supporting proposals to **improve energy efficiency and low carbon heating** provisions for existing buildings.

Chapter 15: Conserving and enhancing the natural environment

4.13. The 2023 revisions to this chapter of the NPPF include:

- (a) **Amendment** to paragraph 181. Footnote 62 requires local planning authorities, when allocating sites for development, **to consider the availability of agricultural land used for food production**. If significant development of agricultural land is demonstrated to be necessary, areas of poorer quality of land should be preferred to those of a higher quality. **This means that the availability of land used for food is now explicitly part of the allocation exercise and evidence could be required from developers to demonstrate they meet the requirement. In doing so it may help balance consideration of land for competing uses such as food production, housing, renewable energy and habitat creation.**

Annex 1: Implementation

4.14. The 2023 revisions to this chapter of the NPPF include:

- (a) **New insertion** of paragraph 226, relating to four- and five-year housing land supply, and consequences are explained in more detail in the section of this Report relating to amendments to Chapter 5.
- (b) **New insertion** of paragraph 229, relating renewable and low carbon energy and heat. It explains that paragraph 160 will not apply if an emerging plan had reached the Regulation 19 stage before 5 December 2024. **This means that paragraph 229 transitional arrangements will not apply because we are at the early stages of plan-making.**
- (c) **New insertion** of paragraph 230 sets out which version of the NPPF should be used to examine plans submitted on certain dates. **The consequence for North Devon and Torridge is that any future plan for the area will need to be examined under the December 2023 NPPF**, subject to any future NPPF revisions.
- (d) **Removal** of paragraph 222 from Annex 1 of the 2021 NPPF relating to the **Housing Delivery Test**. See section 4.7 (n) of this Report for other amendments to the Housing Delivery Test.

Annex 2: Glossary

4.15. The 2023 revisions to this chapter of the NPPF include the following changes to definitions:

- (a) **New insertion** of 'Community-led developments' definition
- (b) **New insertion** of 'Competent person' definition
- (c) **Deletion** of 'Entry-level exception site' definition
- (d) **Amendment** to 'Housing Delivery Test' definition

- (e) **New insertion of 'Mansard Roof' definition**

Wider planning changes and reforms

- 4.16. Members should be aware that the changes to the NPPF form part of a wider programme of planning reforms which has been, and continues to be undertaken, by the Government.

Levelling-up and Regeneration Act

- 4.17. The Committee will have an associated interest in wider aspects and implications of planning reform such as the provisions of the Levelling-up and Regeneration Act (LURA), which in a large part was covered in the report to the [Joint Planning Policy Committee Meeting of 8 December 2023](#).
- 4.18. It is important to note that a significant amount of change and reform to planning is ongoing. Some of the proposed changes are subject to later introduction upon a specified date or are predicated upon associated secondary Regulations being laid before Parliament and coming into force. Others are still awaiting government response following public consultation or subject to still open consultation.
- 4.19. In relation to the planning aspects of the LURA, parts came into force two months after the Act was passed (i.e. 26th December 2023), with most aspects, including those associated to plan-making, also contingent upon the subsequent introduction of subservient Regulations, policy and guidance.
- 4.20. One of the provisions of the LURA is about the introduction of National Development Management policies. These may be published in a 2024 revision of the NPPF. The Committee will therefore want to remain informed of the ongoing changes to planning in England within and beyond the NPPF.

Changes to Permitted Development

- 4.21. The Committee may also be interested in one imminent and proposed future changes to the [Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) (the GPDO).

Imminent changes to Permitted Development

- 4.22. The ['Consultation on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification'](#) closed on 25 September 2023 and contained 88 questions relating to, amongst other things, the changing of certain existing buildings to residential use, agricultural diversification, development on agricultural units, extensions to commercial and service premises, erection of industrial and warehouse buildings, amendment to temporary use of land rights, nature-based solutions, and the application of local design codes to certain permitted development rights. The government has not yet fully responded to the consultation, although there will potentially be implications for North Devon and Torrige.

4.23. However, the Committee may wish to be made aware that on **5 March 2024**, [as a result of the consultation, Statutory Instrument 2024 No. 141](#) will amend [Schedule 2, Part 3, Class MA](#) (commercial, business and service uses to dwellinghouse) of the GPDO to remove the requirement for the building to be vacant for a (continuous) period of at least 3 months (immediately prior to the date of the application for prior approval), and to remove the requirement that no more than 1,500m² of floor space can change use under this Class.

Consultations on proposed changes to Permitted Development

4.24. A new consultation opened on 13 February 2024: '[Strengthening planning policy for brownfield development](#)', and closes on **26 March 2024**. It seeks views on changes to national policy "to strengthen planning support for brownfield development". It contains three proposals: 1) To change national planning policy "*to give significant weight to the benefits of delivering as many homes as possible and take a flexible approach in applying planning policies or guidance relating to the internal layout of development.*" 2) To change the way "*the Housing Delivery Test operates in the 20 towns and cities subject to the uplift in the standard method. This would introduce an additional presumption trigger where their Housing Delivery Test score falls below 95%. In these circumstances the presumption in favour of sustainable development would apply to applications on previously developed land.*" 3) To review "*the threshold for referral of applications to the Mayor of London*". **Members have an item elsewhere on their agenda to consider a response to this consultation.**

4.25. Another new consultation opened on 13 February 2024: '[Changes to various permitted development rights: consultation](#)', and closes on **9 April 2024**. Using 53 questions, it seeks views on proposed changes to permitted development rights which enable householders to "*improve and enlarge their homes*", by, for example, allowing bin and bike stores to the front of dwellings, and by increasing the distance by which householders can extend to the rear of their dwellings. It also seeks views on proposed changes to permitted development rights which enable householders to build upward extensions, demolish certain buildings and rebuild as dwellings, install electrical outlets and upstands for recharging electric vehicles, and install air source heat pumps.

5. CONCLUSIONS

- 5.1. The Government has embarked on an extensive programme of planning reform, built around the Levelling-up and Regeneration Act 2023. This has included immediate changes to the national planning policy context within which local authorities operate.
- 5.2. One of the significant revisions to the NPPF is the removal of the presumption in favour of sustainable development (or 'tilted balance') for local planning authorities who have a plan that is less than five years old. The North Devon and Torrige Local Plan is now over five years old and therefore cannot benefit from this particular provision. However, North Devon and Torrige may be able to benefit from the transitional arrangements within the NPPF, in relation to plan-making which provides some scope for local planning authorities with significantly advanced plans, which are moving through the local plan preparation process and reaching Regulation 18 or 19 (with a policies map and proposed allocations towards meeting

housing need), to be excluded from the requirement to demonstrate a five-year housing land supply, and instead demonstrate a four-year housing land supply.

- 5.3. Local planning authorities would need to do so within two years of the publication of the December 2023 NPPF. If a local planning authority meets the criteria of reaching Regulation 18 or 19 stages (with a policies map and proposed allocations), then they only need to demonstrate a four-year housing land supply, and that lower requirement would then remain until 19 December 2025 (two years' from the date of the publication of the December 2023 NPPF).
- 5.4. Note that whilst the above is being explored, Local Planning Authorities are still incentivised to keep their plans up-to-date in order to avoid the need to apply the "tilted balance".
- 5.5. In addition, there is increased emphasis on the need for local planning authorities to prepare design codes which now should be the primary means of assessing and improving the design of development, and to ask developers to provide detailed and clear plans through which consideration, monitoring and enforcement of planning applications may become more effective. Design guides and codes are likely to require detailed engagement with communities.
- 5.6. Greater consideration for the land available for food production is expected by the changes to the NPPF. Also, a greater emphasis on community-led development will require the councils to become familiar with these concepts.
- 5.7. Further, there are changes which relate to the repowering and life-extension of existing renewable energy developments which are likely to have an impact on decisions regarding renewable energy in the districts. As a result of the changes to the NPPF, applications in relation to renewable energy and energy efficiency on existing buildings should be supported through policy and decision-making. There is also an increase in the number of routes to achieving wind energy development involving one or more turbines, through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders.
- 5.8. It is important to be mindful of the revisions to national planning policy and to give some forethought to the potential implications. It remains challenging to prepare fully for their implementation, given that changes are ongoing, that the NPPF is intended to be subject to further changes to refocus it on plan-making and for the expected introduction of National Development Management policies that are still to be published.
- 5.9. Officers will continue to scrutinise the revisions of the NPPF, along with any subsequent revisions to policy and guidance that may be forthcoming. Arrangements will be made to respond to any associated consultations in collaboration and consultation with Members as appropriate. Officers will seek to keep Members appraised of the emerging planning reforms and NPPF changes as and when further information becomes available.

6. RESOURCE IMPLICATIONS

- 6.1. There are potential resource implications arising from the subject of this report. The revisions to the NPPF provide the basis for some changes to plan-making and how application decisions are made. This includes the potential for the transition to the

use of different systems and processes introduced by the revisions to the NPPF, primarily in relation to the preparation of a new local plan and formulation and use of design guides and codes. These may have an impact on the scale and nature of resources that need to be applied or deployed by the Councils. Given that the NPPF may be further revised in 2024, and other planning reforms are anticipated in association with the LURA, it is not yet clear as to wider extent of any such resource requirements. It will be important to keep the planning reforms and national policy changes under review and to ensure that adequate and appropriate resources are in place.

7. EQUALITIES ASSESSMENT

7.1. The report does not have any direct equality implications, given that it simply reports on the revisions on national policy. Given the extensive nature of the revisions contained within the NPPF, there is scope for different aspects to have varying implications for differing elements of northern Devon's communities. The specific implications are however unlikely to become clear until further detailed plan-making is carried out and until further policy and guidance are available.

8. ENVIRONMENTAL ASSESSMENT

8.1. The report does not have any direct environmental implications, given that it simply reports on the revisions on national policy. Given the extensive nature of the provisions contained within the NPPF, including aspects associated to climate change, ancient woodland and biodiversity net gain, there is scope for environmental implications. The specific implications are however unlikely to become clear until subsequent regulations, policy and guidance are available and until such time as they are applied through plan-making and decision taking.

9. CONSTITUTIONAL CONTEXT

9.1. Schedule 2 of the Agreement for a Joint Planning Policy Committee (North Devon Council and Torridge District Council, dated 22nd October 2021); Section 10 of Annex 1 – Powers and Duties of Committees, Constitution (North Devon Council, May 2023); and Terms of Reference and Functions of the Joint Planning Policy Committee, Constitution (Torridge District Council, October 2023).

10. STATEMENT OF CONFIDENTIALITY

10.1. This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

11. BACKGROUND PAPERS

11.1. The following background papers were used in the preparation of this report: (The background papers are available for inspection and kept by the authors of the report):

- (a) Policy Paper: National Planning Policy Framework; published 19 December 2023; available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- (b) Policy Paper: National Planning Policy Framework; published 5 September 2023; available at:
<https://webarchive.nationalarchives.gov.uk/ukgwa/20230929122015/https://www.gov.uk/government/publications/national-planning-policy-framework--2>
- (c) Levelling-up and Regeneration Act 2023 (website); available at:
<https://www.legislation.gov.uk/ukpga/2023/55/enacted>
- (d) Consultation on additional flexibilities to support housing delivery, the agricultural sector, businesses, high streets and open prisons; and a call for evidence on nature-based solutions, farm efficiency projects and diversification (website); published 24th July 2023; available at:
<https://www.gov.uk/government/consultations/permitted-development-rights/consultation-on-additional-flexibilities-to-support-housing-delivery-the-agricultural-sector-businesses-high-streets-and-open-prisons-and-a-call-f>
- (e) Changes to various permitted development rights: consultation (website); published 13 February 2024; available at:
<https://www.gov.uk/government/consultations/changes-to-various-permitted-development-rights-consultation/changes-to-various-permitted-development-rights-consultation#changes-to-the-permitted-development-rights-for-householder-development>
- (f) Strengthening planning policy for brownfield development (website); published 13 February 2024; available at:
<https://www.gov.uk/government/consultations/strengthening-planning-policy-for-brownfield-development>
- (g) Planning for the future Consultation (website); published 6th August 2020; available at: <https://www.gov.uk/government/consultations/planning-for-the-future>

12. STATEMENT OF INTERNAL ADVICE

12.1. The author confirms that advice has been taken from all appropriate Councillors and Officers:

- (1) Cllr M Prowse, Lead Member for Economic Development and Strategic Planning Policy; Deputy Chair of Joint Planning Policy Committee (NDC)
- (2) Cllr R Hicks, Lead Member for the Economy; Chair of Joint Planning Policy Committee (TDC)
- (3) Helen Smith, Planning Manager (TDC)
- (4) Sarah- Jane Mackenzie-Shapland, Head of Place, Property and Regeneration (NDC)

13. APPENDICES

13.1. This report is not supported by any appendices.