

COUNCIL BUSINESS COMMITTEE

National Planning Policy Framework and National Model Design Code: Consultation Proposals

Thursday 25th March 2021

Director of Economic Growth and Regeneration

PURPOSE OF REPORT

To inform members of the consultation on draft revisions to the National Planning Policy Framework (NPPF) and the consultation on a new National Model Design Code. Both documents have been prepared by the Ministry of Housing, Communities and Local Government with comments required by the 27th March 2021.

The review of the NPPF is not a wholesale review of national planning policy. The changes proposed relate mostly to policy on the quality of design and focus on ensuring that the planning system creates and facilitates the development of more attractive buildings and places. This is supported by a number of additional environment-related changes including amendments on flood risk and climate change.

The consultation is also seeking views on the draft National Model Design Code. The draft code expands on the ten characteristics of good design set out in the National Design Guide and seeks to provide detailed guidance on the production of design codes, guides and policies. The National Model Design Code is intended to form part of the government's planning practice guidance. It is not a statement of national policy. However, once finalised, the government recommends that the advice on how to prepare local design codes and guides is followed.

Officers proposed response to this consultation is appended to this report.

RECOMMENDATIONS

- (1) That the comments raised in appendix 1 of the Report are submitted to the Ministry of Housing, Communities and Local Government as a formal response from the City Council**
- (2) That officers keep Members informed of progress on the implementation of these revisions**

1.0 Introduction

- 1.1 In 2018 the Government convened the Building Better, Building Beautiful Commission. The commission was charged with championing beauty in the built environment with three primary aims established:

- To promote better design and style of homes, villages, towns and high streets, to reflect what communities want, building on the knowledge and tradition of what they know works for their area;
 - To explore how new settlements can be developed with greater community consent; and
 - To make the planning system work in support of better design and style, not against it.
- 1.2 Following a detailed review of current guidance, the commission published its final report 'Living with Beauty' on the 30th January 2020. This proposed three overall aims: ask for beauty, refuse ugliness and promote stewardship. The Government have accepted all three aims and agreed to the delivery of a stronger focus on beauty in national planning policy.
- 1.3 The current consultations seek to deliver this commitment firstly through revisions to the National Planning Policy Framework (NPPF) focussed on making beauty and place making a central component of planning and then secondly through the preparation of a new National Model Design Code aimed at providing detailed guidance on the production of local design codes, guides and policies to promote successful design.
- 1.4 In addition to the promotion and strengthening of good design within the NPPF the consultation does also take the opportunity to present several wider changes to the NPPF including amendments on flood risk and climate change. The amendments also include a small number of very minor changes arising from legal cases, primarily to clarify policy.
- 1.5 This report provides an overview of the changes proposed and describes Officers comments on the consultation document (appendix 1), which subject to this committee's agreement will be submitted to the Ministry of Housing, Communities and Local Government as Lancaster City Council's formal response to the consultation. The consultation documents can be viewed from the following link [National Planning Policy Framework and National Model Design Code: consultation proposals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals)

2.0 Proposal Details

National Planning Policy Framework (NPPF) Review

- 2.1 The proposed revisions to the NPPF take forward the Government's commitment to make beauty and place making a strategic theme in national planning policy. Through the revisions proposed the Government are seeking to place good design at the forefront of decision making to ensure that the planning system helps to create more attractive buildings and places, while also maintaining the NPPF's existing strong focus on delivering the housing and other development which communities need.
- 2.2 Importantly the consultation does not represent a wholesale review of the NPPF. The consultation is targeted at implementing the recommendations of the Building Better, Building Beautiful Commission and seeks to put good design at the forefront of planning decisions. A fuller review of the NPPF is expected. The full review will take account of wider reforms to the planning system as explored through the Planning for the Future White Paper which was consulted on in August 2020.
- 2.3 Whilst focused on good design the current review does explore several further

amendments. These include:

- Changes to strengthen environmental policies – including those arising from the review of flood risk with Defra.
- Minor changes to clarify policy, to address legal issues.
- Changes to remove or amend out of date material.
- Amendments to reflect a recent change made in a Written Ministerial Statement about retaining and explaining statues.
- Clarity in relation to the use of Article 4 directions.

2.4 A series of 16 consultation questions have been prepared. Officers proposed response to these can be found in appendix A and subject to the agreement of this committee will be submitted to the Ministry of Housing, Communities and Local Government as Lancaster City Council's formal response to the consultation.

2.5 The main points to note from the review are:

- It is proposed that the Presumption in favour of Sustainable Development be expanded to include reference to the importance of climate change mitigation and adaptation. The proposed change to Paragraph 11(a) states that “all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects”.
- The review places a greater emphasis on the importance of well-designed, beautiful and safe places in achieving social objectives of sustainable development (this is a recurring theme throughout the proposed Framework). The consultation proposed that development that is not well designed should be refused, especially where it fails to reflect local design policies.
- The review calls for policies to include a longer-term vision (30 years) for larger-scale developments such as new settlements. This is obviously of particular importance to the City Council in relation to Bailing Garden Village. Currently policies plan for a 15 year period.
- It proposes to include new caveats on Article 4 powers, involving change of use to residential, aimed at curbing Council's increased use to limit the effects of the recent Permitted Development Right changes. It states, Article 4 areas should be “...restricted to the smallest geographical area possible”. Such an approach would limit the Councils ability to apply restrictions to limit permitted development rights in particular areas.
- The review calls for infrastructure for large scale developments such as new settlements or significant extensions to include a “genuine choice” of transport modes. When planning such development, the review states that, authorities should set clear expectations for the quality of the places to be created and how this can be maintained. Again, this is of particular interest in the creation of Bailrigg Garden Village.

- The consultation proposes that there should be recognition that quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and efforts to address climate change.
- Amendments to Paragraph 104(d) supports the Building Better, Building Beautiful Commission's recommendations on encouraging walking and cycling. Paragraph 91(b) includes minor changes to help to clarify Government's expectations for attractive pedestrian and cycle routes. This supports the Building Better Building Beautiful Commission's recommendations on supporting walkable neighbourhoods.
- The review places an emphasis on the use of masterplans and design codes (as well as area-based character assessments) to create "beautiful and sustainable places", where land is also used efficiently.
- Paragraph 12 of the NPPF – 'Achieving Well-Designed Places' is proposed for whole scale revision to reflect the new status of the proposed National Model Design Code and indicates how this, and the National Design Guide, should be used to create local Design Guides/Codes. In the absence of a local document, it will be the national documents that will "...be used to guide decisions on applications". Further information on the National Model Design Guide is provided below.
- Paragraph 130 of the NPPF seeks to ensure that streets are tree lined with an expectation that all new streets should be treelined and that there are improvements in biodiversity and access to nature through design.
- It is proposed that the flooding related paragraphs in the NPPF be revised. Reference is made to plans taking account of "all sources of flood risk" and using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding.
- The consultation proposes to introduce a mechanism to assess any proposal to remove or alter a historic status, plaque or memorial, irrespective of whether the feature is listed.
- Also included is a new Annex 3 which sets out the Flood Risk Vulnerability Classifications (e.g. what comprises essential infrastructure; what uses are 'Highly Vulnerable, 'More Vulnerable', 'Less Vulnerable' and 'Water-Compatible Development").

2.6 Officers are generally supportive of the amendments suggested with these seen as important revisions aimed at improving the overall quality of development. Whilst generally supportive concern has been expressed regarding the resource implications for local authorities in the preparation of local design guides, amendments made in relation to flood risk and proposed restrictions on the use of Article 4 directions.

2.7 While the preparation of local design guides and codes is supported it is proposed that the Council's response highlights the need to ensure that local authorities are adequately resourced and funded to undertake this work. The preparation of such documents will require substantial community and industry involvement and are likely to be vulnerable to significant scrutiny and challenge unless prepared correctly. It is therefore vital that authorities are sufficiently resourced to undertake this work and

that the process through which such guides and codes will be assessed and tested is fully understood. Concern has also been expressed regarding the potential time it may take to prepare such documents and the implications that this will have on the preparation of future Local Plan documents and the determination of planning applications.

- 2.8 Additional clarity has been requested in relation to amendments concerning flood risk. Several additional amendments are proposed by Officers including the need to ensure that it is made clear that development must be steered away from areas at risk from surface and ground water flooding and areas where climate change allowances would increase the level of flood risk in the future. It is also requested that the revisions be further amended to ensure that new development reduces flood risk on and off site.
- 2.9 The proposed response also notes concern regarding proposed amendments to the application of Article 4 directions. Article 4 directions can be used by local authorities to remove national permitted development rights. Officers believe that the proposed revisions in relation to the scale of area they can be applied to seeks to water down their application and their effectiveness, limiting an authority's ability to use them.

National Model Design Code

- 2.10 In addition to the proposed revisions to the NPPF the Government are also consulting on a new National Model Design Guide. This follows amendments to the NPPF which include an expectation for all local authorities to develop local design codes. A design code is described as a set of simple, concise, illustrated design requirements that are visual and numerical wherever possible and provide specific, detailed parameters for the physical development of a site or area.
- 2.11 The intention is that these will be produced for areas or sites providing detailed information on the design considerations that should be provided.
- 2.12 In order to assist this process the Government have published the draft National Model Design Code for consultation. This expands on the Government's 10 characteristics of good design set out in the National Design Guide and sets out a common overarching framework for design which local authorities can use to provide their own local design codes. It aims to provide a toolkit to guide local authorities on the design parameters and issues that will need to be considered.
- 2.13 The National Model Design Code sets out a baseline standard of quality and practice which local planning authorities are expected to take into account when developing their own codes and guides and determining planning applications. This includes consideration of the following:
- the layout of new development, including street pattern;
 - how landscaping should be approached including the importance of streets being tree-lined;
 - the factors to be considered when determining whether façades of buildings are of sufficiently high quality;
 - the environmental performance of place and buildings ensuring they contribute to net zero targets;
 - the local vernacular and heritage, architecture and materials of an area.
- 2.14 Importantly the revised NPPF states that in the absence of local design guidance, local

planning authorities will be expected to defer to the National Design Guide, National Model Design Code and Manual for Streets in making decisions.

- 2.15 The National Model Design Code provides information on the process that local authorities will be expected to follow in preparing their own local documents. Engagement with local communities and developers is recognised as essential to this process. The Code notes that local authorities may collaborate with developers and land-owners on design codes for specific sites. In either instance local authorities should identify an overarching design vision and objectives that can inform design codes whether these are subsequently provided by the local authority themselves or by other parties.
- 2.16 The National Model Design Code provides comprehensive coverage on the main issues that will be expected to be covered. These are expanded further in an accompanying Guidance Note which has also been prepared to support the code. The main topic areas covered are:
- Movement – The code notes that well-designed places should be accessible and easy to move around. It notes that this can be achieved through a well-connected network of streets, good public transport, the promotion of walking and cycling and well considered parking and servicing.
 - Nature - The need for nature and green spaces to be woven into the fabric of development is highlighted as is the importance of planning for water and drainage and the promotion of net gains for biodiversity.
 - Built form – The need to consider the three-dimensional arrangements of buildings, blocks, streets and spaces is highlighted.
 - Identity – The code recognises that the identity of an area comes from not just its built form and public spaces but also from the design of its buildings. It recognises that identity comes out of respecting and enhancing the existing character of an area and also from adapting and shaping to develop new character.
 - Public space – The code recognises that the quality of public space relates to the way they are designed with further information on key considerations provided.
 - Use – the mix of uses proposed is recognised as being important in the creation of sustainable places.
 - Homes and Buildings – the importance of design in ensuring that buildings are functional, accessible and sustainable is highlighted.
- 2.17 Whilst supportive of the Code the proposed response notes concerns regarding the resource implications involved in the preparation of local codes and guides. The need to ensure that local authorities are adequately resourced and funded to undertake this work is highlighted. Concern has also been expressed regarding the potential time it may take to prepare such documents and the implications that this will have on the preparation of future Local Plan documents and the determination of planning applications.

3.0 Details of Consultation

- 3.1 Both documents are currently out to consultation with comments requested by the 27th March 2021. The full documents are available to view from the following link [National Planning Policy Framework and National Model Design Code: consultation proposals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals)
- 3.2 Following the consultation, a decision will be taken as to whether to proceed with the

described approaches.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: To formally respond to the Ministry of Housing, Communities and Local Government with the comments provided in Appendix 1 of this report.	Option 2: To formally respond to the Ministry of Housing, Communities and Local Government with any other comments	Option 3: To provide no comment to the consultation exercise
Advantages	That the views and opinions of the City Council are duly considered in the consultation process and preparation of the any revised guidance.	That the views and opinions of the City Council are duly considered in the consultation process and the preparation of any revised guidance.	No advantages
Disadvantages	That whilst the City Council submit comments there is no guarantee that these comments will be included.	That whilst the City Council submit comments there is no guarantee that these comments will be included.	That the views/opinions of the City Council will not be taken into account and future opportunity to feed into the process is lost.
Risks	The report may not be revised in light of the comments received from the City Council.	The report may not be revised in light of comments received from the City Council.	The report may not be revised in light of the comments received from the City Council and future opportunity to feed into the process is lost.

5.0 Officer Preferred Option (and comments)

5.1 Option 1 is the preferred Officer option. This option ensures that the City Council remains part of discussions and that future iterations are shaped by its involvement.

6.0 Conclusion

6.1 It is recommended that the response set out in Appendix 1 is submitted to the Ministry of Housing, Communities and Local Government as the City Council's formal response to the consultation.

CONCLUSION OF IMPACT ASSESSMENT (including Health & Safety, Equality & Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing):

If taken forward the proposed revisions will have an impact on the determination of planning applications in this district and in the preparation of the Local Plan. The Council will need to ensure that its decisions are in line with any future revisions. The general steer of the consultation is however consistent with the City Council's own priorities of ensuring high quality development and meeting the needs of its residents.

LEGAL IMPLICATIONS

There are no legal implications arising directly from this report.

FINANCIAL IMPLICATIONS

The purpose of the report, at this stage, is to gain approval to respond to the proposed changes to the National Planning Policy Framework (NPPF) and the consultation on a new National Model Design Code. There are therefore no financial implications at this stage.

Should the proposed changes be adopted by the Council there may be a requirement for additional resources to ensure that the service can be delivered. These details along with any other financial implications will be quantified in a further report once the changes have been agreed.

OTHER RESOURCE IMPLICATIONS, such as Human Resources, Information Services, Property, Open Spaces

The preparation of local design codes will have human resource implications. Resources will need to be in place to ensure that codes can be prepared. Preparation is likely to be resource intensive with the documents subject to community and developer scrutiny. Several stages of engagement will be required.

SECTION 151 OFFICER'S COMMENTS

The Section 151 has been consulted and has no comments to add

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments to add

BACKGROUND PAPERS

Available to view from the following link

[National Planning Policy Framework and National Model Design Code: consultation proposals - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Contact Officer: Rebecca Richards
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Appendix 1 – Proposed City Council questionnaire response to the consultation

(The proposed response to questions are highlighted in bold below)

National Planning Policy Framework and National Model Design Code: Consultation proposals

Proposed changes to Chapter 2: Achieving sustainable development

The revised text reflects the Government's response to the Building Better Building Beautiful Commission, and makes a small number of other minor changes:

The wording in paragraph 7 has been amended to incorporate the 17 Global Goals for Sustainable Development which are a widely-recognised statement of sustainable development objectives, to which the UK has subscribed.

Paragraph 8(b) has been amended in response to the Building Better Building Beautiful Commission recommendations to emphasise the importance of well-designed, beautiful and safe places in achieving social objectives of sustainable development.

The wording in paragraph 8(c) has been strengthened to emphasise the role of planning in protecting and enhancing our natural, built and historic environment.

The wording of the presumption in favour of sustainable development (paragraph 11(a)) has been amended to broaden the high-level objective for plans to make express reference to the importance of both infrastructure and climate change.

The final sentence in footnote 8 (referred to in paragraph 11(d)) has been removed as the transitional arrangements for the Housing Delivery Test no longer apply.

1. Do you agree with the changes proposed in Chapter 2?

Yes

Please provide comments:

The City Council support the amendments made within Chapter 2. The amendments rightly recognise the need to deliver sustainable patterns of development that meet the development needs of an area while also reflecting infrastructure capacity, improvements to the environment and climate change considerations.

Proposed changes to Chapter 3: Plan-making

The revised text reflects the Government's response to the Building Better Building Beautiful Commission, and recent legal cases:

In response to the Building Better Building Beautiful Commission recommendations, paragraph 20 has been amended to require strategic policies to set out an overall strategy for the pattern, scale and design quality of places.

Paragraph 22 has also been amended in response to the Building Better Building Beautiful Commission recommendations to clarify that councils who wish to plan for new settlements and major urban extensions will need to look over a longer time frame, of at least 30 years, to take into account the likely timescale for delivery.

Paragraph 35(d) has been amended to highlight that local plans and spatial development strategies are 'sound' if they are consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the Framework, and other statements of national planning policy where relevant. This ensures that the most up to date national policies (for example, Written Ministerial Statements) can be taken into account.

2. Do you agree with the changes proposed in Chapter 3?

Yes

Please provide comments:

The City Council welcome the changes suggested and support the establishment of visions set within longer time horizons for large scale developments. Such an approach will ensure that longer term infrastructure capacity and needs are fully considered together with environmental and climate change considerations.

Proposed changes to Chapter 4: Decision making

The revised text aims to clarify the policy intention for Article 4 directions:

In order to ensure Article 4 directions can only be used to remove national permitted development rights allowing changes of use to residential where they are targeted and fully justified, we propose amending Paragraph 53, and ask for views on two different options.

We also propose clarifying our policy that Article 4 directions should be restricted to the smallest geographical area possible. Together these amendments would encourage the appropriate and proportionate use of Article 4 directions.

3. Do you agree with the changes proposed in Chapter 4?

No

Which option relating to change of use to residential do you prefer and why?

The City Council do not support the proposed changes in Chapter 4 with regard to the application of Article 4 directions. The use of such approaches, where it is appropriately justified, can provide an essential tool for local authorities to manage proposals which can be considered damaging and inappropriate. The revisions proposed as part of this consultation seek to water down application and effectiveness of Article 4's and is considered to run contrary to the Government's proposed approach to delivering high quality place making.

Notwithstanding these concerns, the Council would have a preference toward the first option which provides more clarity in terms of the application of Article 4

Proposed changes to Chapter 5: Delivering a wide choice of high quality homes

The revised text aims to clarify the existing policy and reflects the Government's response to the Building Better Building Beautiful Commission and recent legal cases:

New paragraph 65 has been amended to clarify that, where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. This is to address confusion as to whether the 10% requirement applies to all units or the affordable housing contribution.

New paragraph 70 has been amended to remove any suggestion that neighbourhood plans can only allocate small or medium sites. This was not the policy intention, so the wording has therefore been amended to clarify that neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with new paragraph 69a) suitable for housing in their area.

New paragraph 73 has been amended to reflect Chapter 9: "Promoting sustainable transport" in ensuring that larger scale developments are supported by the necessary infrastructure and facilities including a genuine choice of transport modes. New paragraph 73(c) has also been amended in response to the Building Better Building Beautiful Commission's recommendations to clarify that when planning for larger scale development, strategic policy making authorities should set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles) and ensure that masterplans and codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community. Footnote 40 (referred to in new paragraph 74(c)) has been updated to reflect that the Housing Delivery Test has now come into effect.

New paragraph 80(d) has been amended in response to legal cases in order to clarify that the curtilage does not fall within the scope of this policy.

New paragraph 80 (e) has been amended in response to the Building Better, Building Beautiful Commission's policy proposition 1 e) that it opens a loophole for designs that are not outstanding, but that are in some way innovative, and that the words 'or innovative' should be removed. This change is not proposed to rule out innovative homes, rather that it will ensure that outstanding quality can always be demanded, even if an innovative approach is taken.

4. Do you agree with the changes proposed in Chapter 5?

Yes

Please provide comments:

The City Council support the proposed amendments. The clarity provided by amendments to paragraphs 65 and 80 are welcomed.

Proposed changes to Chapter 8: Promoting healthy and safe communities

The revised text seeks to clarify existing policy:

New paragraph 92(b) includes minor changes to help to clarify Government's expectations for attractive pedestrian and cycle routes. This supports the Building Better Building Beautiful Commission's recommendations on supporting walkable neighbourhoods.

New paragraph 97 has been amended to emphasise that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and efforts to address climate change.

5. Do you agree with the changes proposed in Chapter 8?

Yes

The proposed amendments are supported by the Council and are a welcomed addition to the framework.

Proposed changes to Chapter 9: Promoting sustainable transport

The revised text reflects the Government's response to the Building Better Building Beautiful Commission:

New paragraph 105(d) has been amended to support the Building Better, Building Beautiful Commission's recommendations on encouraging walking and cycling.

New paragraph 109(c) and supporting footnote 45 has been amended to prevent continuing reliance by some authorities on outdated highways guidance. Our amended wording states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that the design of schemes and standards applied reflects current national guidance, including the National Design Guide and National Model Design Code.

6. Do you agree with the changes proposed in Chapter 9?

Yes

Please provide comments:

The City Council support the proposed amendments. The need to reflect current and more up to date guidance is supported.

Proposed changes to Chapter 11: Making effective use of land

The revised text reflects the Government's response to the Building Better Building Beautiful Commission:

New paragraph 124 has been amended to include an emphasis on the role that area-based character assessments, codes and masterplans can play in helping to ensure that land is used efficiently while also creating beautiful and sustainable places.

7. Do you agree with the changes proposed in Chapter 11?

Yes

Please provide comments

The emphasis on area based and local evidence and guidance is supported. This will ensure that local considerations are properly considered when making future decisions regarding the use of land.

Proposed changes to Chapter 12: Achieving well-designed places

The revised text reflects the Government's response to the Building Better Building Beautiful Commission:

New paragraphs 125 and 127 have been amended to include the term "beautiful" in response to the Building Better Building Beautiful Commission's findings. This supports the Building Better Building Beautiful Commission's recommendation for an overt focus on beauty in planning policy to ensure the planning system can both encourage beautiful buildings and places and help to prevent ugliness when preparing local plans and taking decisions on planning applications

New paragraph 126 has been amended to clarify the role that neighbourhood planning groups can have in relation to design policies.

New paragraph 127 has been amended to emphasise that all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code and which reflect local character and design preferences.

A new paragraph 128 has been added in response to the Building Better Building Beautiful Commission's recommendations and our manifesto commitment to give communities greater say in the design standards set for their area. This reflects the Government's proposals for a National Model Design Code, which will include a model community engagement process, and will create a framework for local authorities and communities to develop a more consistent approach which reflects the character of each place and local design preferences. It also clarifies that the National Design Guide and the National Model Design Code should also be used to guide decisions on planning applications in the absence of locally produced guides or codes.

A new paragraph 130 has been added to reflect the findings of the Building Better Building Beautiful Commission and the Government's ambition to ensure that all new streets are tree-lined, and that existing trees are retained wherever possible.

New paragraph 132 and footnote 50 have been updated to refer to Building for a Healthy Life.

New paragraph 133 responds to the Building Better Building Beautiful Commission's recommendations to make clear that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design. In addition, it clarifies that significant weight should be given to development which reflects local design policies and government guidance on design.

8. Do you agree with the changes proposed in Chapter 12?

Yes

Please provide comments

Whilst the preparation of local design guides and codes is supported the Government will need to ensure that local authorities are adequately resourced and funded to undertake this work. The preparation of such documents will require substantial community and industry involvement and are likely to be vulnerable to significant scrutiny and challenge unless prepared correctly. It is therefore vital that authorities are sufficiently resourced to undertake this work and that the process through which such guides and codes will be assessed and tested is fully understood.

Proposed changes to Chapter 13: Protecting the Green Belt

The revised text seeks to clarify existing policy:

New paragraph 149(f) has been amended slightly to set out that development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order, is not inappropriate in the Green Belt provided it preserves its openness and does not conflict with the purposes of including land within it.

9. Do you agree with the changes proposed in Chapter 13?

Yes

Please provide comments

The Council welcome the clarity provided by this addition.

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

The revised text seeks to strengthen environmental policies, including clarifying some aspects of policy concerning planning and flood risk.

The changes proposed are in part, an initial response to the emergent findings of our joint review with the Department for Environment, Food and Rural Affairs (Defra) of planning policy for flood risk. The government's [Policy Statement on flood and coastal erosion risk management](#) sets out a number of actions to maintain and enhance the existing safeguards concerning flood risk in the planning system. Informed by this, we will consider what further measures may be required in the longer term to strengthen planning policy and guidance for proposed development in areas at risk of flooding from all sources when our review concludes.

On planning and flood risk, new paragraphs 160 and 161 have been amended to clarify that the policy applies to all sources of flood risk.

New paragraph 160(c) has been amended to clarify that plans should manage any residual flood risk by using opportunities provided by new development and improvements in green and other

infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management).

The Flood Risk Vulnerability Classification has been moved from planning guidance into national planning policy (set out in Annex 3 and referred to in paragraph 162). It is considered that this classification is a key tool and should be contained in national policy.

New paragraph 163 has been amended to clarify the criteria that need to be demonstrated to pass the exception test.

New paragraph 166(b) has been expanded to define what is meant by “resilient”.

10. Do you agree with the changes proposed in Chapter 14?

No

The inclusion of all sources of flood risk into the sequential approach (new paragraph 160 and 161) is supported. This approach will also need to be included within the planning practice note and associated guidance and additional guidance provided with regard to the sources of flood risk and how these should be addressed in the sequential test. It should be made clear that development must be steered away from areas at risk of surface and ground water flooding and areas where climate change allowances would increase the level of flood risk in the future.

The changes in new paragraph 160c are supported. However, there should be a clear requirement for development to reduce the causes and impacts of flooding on and off-site. There must also be a clear requirement for all development proposals to include green/blue infrastructure measures to reduce the causes and impacts of flooding on and off site.

New paragraph 166 should be amended to ensure that new development reduces flood risk on and off site. Simply ensuring flood risk is not increased elsewhere does not adequately address the consequences of climate change. Every opportunity to reduce flood risk should be taken.

New paragraph 166 and associate changes to the planning practice note should ensure that Flood Risk Assessments are required for a wide range of applications to ensure that the consequences of climate change allowances and future changes to flood zones are adequately taken into account for smaller schemes.

New paragraph 168 should be amended to ensure that smaller schemes also incorporate SuDS.

New paragraph 168d) should be amended to ensure multifunctional benefits are provided unless there is clear evidence that this could not be achieved.

The amendments to the NPPF, and the necessary associated changes to the planning practice guidance, should take the opportunity to redefine SuDS and ensure development provides above ground SuDS which deliver multi-functional benefits, rather than provide underground storage tanks or pipes. The drainage hierarchy should be amended to include above ground multi-functional SuDS above underground techniques.

The revised text seeks to clarify existing policy and reflects the Government's response to the Building Better Building Beautiful Commission:

New paragraph 175 has been amended in response to the [Glover Review of protected landscapes](#), to clarify that the scale and extent of development within the settings of National Parks and Areas of Outstanding Natural Beauty should be sensitively located and designed so as to avoid adverse impacts on the designated landscapes.

New paragraph 176 has been separated from the preceding paragraph to clarify that this policy applies at the development management stage only.

New paragraph 179(d) has been amended to clarify that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around other developments should be pursued as an integral part of their design, especially where this can secure measurable net gains for biodiversity and enhance public access to nature.

11. Do you agree with the changes proposed in Chapter 15?

Yes

Please provide comments

Recognition of the need to consider the scale and extent of development within the setting of National Parks and AONBs is supported.

Amendments to paragraph 179 (d) are also supported although the Council would have preferred to have seen the use of the word 'provided' rather than 'pursued'. This would have added strength to the policy and the delivery of net gains for biodiversity.

Proposed changes to Chapter 16: Conserving and enhancing the historic environment

The revised text seeks to reflect a change made to national planning policy by a Written Ministerial Statement on protecting our nation's heritage dated 18 January 2021.

New paragraph 197 has been added to clarify that authorities should have regard to the need to retain historic statues, plaques or memorials, with a focus on explaining their historic and social context rather than removal, where appropriate.

12. Do you agree with the changes proposed in Chapter 16?

No

Please provide comments

We consider that the removal of statues, plaques and memorials that are heritage assets can be dealt with under the current heritage regulatory controls and provisions. In the case of listed heritage assets, applications for removal would need to meet the tests within s16 of the 1990 Act, which implies a presumption in favour of their conservation, together with the requirements for clear and convincing justification within the existing NPPF. Simple guidance within the NPPG or from Historic England is required, rather than a specific policy within the NPPF, on alternative

options, such as interpretive panels and other information, to explain their historic and social context. The removal of unlisted heritage assets may not always require planning permission so specific controls for such works may also be required. If changes to the NPPF are essential, it would be useful instead to have greater clarity on how to address substantially harmful proposals to the whole range of historic features within the public realm, which do not constitute buildings (e.g. historic paving, milestones, stone benches, stone troughs, water features, bollards, signposts) as proposals for their loss or alteration cannot be realistically measured against criteria in NPPF para 195. Mitigating the powers of highway authorities to carry out harmful works, in particular, is urgently required in addition to such policy changes.

Proposed changes to Chapter 17: Facilitating the sustainable use of minerals

Minor changes have been made to clarify existing policy.

New paragraph 209(c) has been amended to refer to Mineral Consultation Areas in order to clarify that this is an important mechanism to safeguard minerals particularly in two tier areas, and to reflect better in policy what is already defined in Planning Practice Guidance.

New paragraph 210(f) has been amended to reflect that some stone extraction sites will be large and serve distant markets.

13. Do you agree with the changes proposed in Chapter 17?

Yes

The clarity provided by the amendments is supported.

Proposed changes to Annex 1: Implementation

Minor changes have been made to update the position on transitional arrangements, and on the Housing Delivery Test.

Proposed changes to Annex 2: Glossary

The definition of “green infrastructure” has been updated to better reflect practice, as already set out in Planning Practice Guidance, published evidence reviews and the new national framework of green infrastructure standards.

The definition of the “Housing Delivery Test” has been amended to reflect the rulebook. This clarifies that the test measures homes delivered in a local authority area against the homes required, using national statistics and local authority data.

The definition of “minerals resources of local and national importance” has been amended to include coal derived fly ash in single use deposits.

Definitions of “mineral consultation area”, “recycled aggregates” and “secondary aggregates” have been added to reflect the changes in chapter 17.

14. Do you have any comments on the changes to the glossary?

Yes

Please provide comments

The amendments are supported by the City Council.

National Model Design Code

Top of Form

15. We would be grateful for your views on the National Model Design Code, in terms of

- a) the content of the guidance
- b) the application and use of the guidance
- c) the approach to community engagement

Please provide comments

As noted in our response to question 8 while the preparation of local design guides and codes is supported the Government will need to ensure that local authorities are adequately resourced and funded to undertake this work. The preparation of such documents will require substantial community and industry involvement and are likely to be vulnerable to significant scrutiny and challenge unless prepared correctly. It is therefore vital that authorities are sufficiently resourced to undertake this work and that the process through which such guides and codes will be assessed and tested is fully understood.

It is agreed that the National Model Design Code provides a comprehensive coverage of the issues that should be explored with the accompanying detailed guidance providing additional technical information. Together these provide a useful baseline to take forward local design codes for specific areas and sites.

The need for transparency and a collaborative approach to their preparation is supported.

In order for documents to be given weight in planning decisions they will need to be taken forward as part of the Local Plan or as supplementary planning documents. Whilst recognising their value unless adequately resourced there is significant potential for this to add further delays to the allocation of sites and the preparation of up-to-date Local Plans.

Public Sector Equality Duty

16. We would be grateful for your comments on any potential impacts under the Public Sector Equality Duty.

The Council do not consider that the proposals set out in this consultation will have any direct or indirect impacts on this matter.