

## NATIONAL PLANNING POLICY FRAMEWORK (NPPF) AND NATIONAL MODEL DESIGN CODE: CONSULTATION PROPOSALS

Development and Conservation Advisory Committee - 4 March 2021

**Report of:** Chief Officer - Planning and Regulatory Services

**Status:** For Consideration

**Key Decision:** No

**Executive Summary:** This report provides an overview of the current Government consultation on changes to the NPPF and the introduction of a national model design code and an initial response.

**This report supports the Key Aim of:** Protecting the natural and built environment

**Portfolio Holder:** Cllr. Julia Thornton

**Contact Officers:** Rebecca Lamb, Ext. 7334 and Hannah Gooden, Ext. 7178

**Recommendation to DCAC:** To note the report on the Government consultation and the proposed response.

**Reason for recommendation:** To provide an understanding of the current consultation and how it may impact SDC.

### Introduction and Background

- 1 The Government is consulting on changes to the National Planning Policy Framework (NPPF) and the new National Design Code and the associated Guidance document. Most of the changes respond to the Building Better Building Beautiful Commission's recommendations. These were at the heart of the Government's White Paper in 2020 and SDC's response to this was reported to this Committee. Members fed into that response via online sessions and written feedback. The National Design Code should be read alongside the National Design Guide that was published in 2019.
- 2 In addition to changes related to the Building Better Building Beautiful Commission recommendations, the consultation also proposes a number of other revisions to the NPPF. These focus on strengthening policies related to climate change and the environment, clarify the use of Article 4 Directions and the status of Written Ministerial Statements and provide legal and factual updates. Officers will continue to offer advice and training to members on all of these matters. The consultation is clear that this is not a wholesale revision of the NPPF, but that there will be a more comprehensive review in due course.

## Design Code / Design policy in NPPF

- 3 The proposed changes to the wording of the NPPF are not designed to be a wholesale revision of the document. Essentially, the changes are;
  - Clarifications on policy and small-scale changes to reflect the outcome of the Building Better Building Beautiful Commission's report;
  - Clearly stating that poor quality schemes should be refused; and
  - Where appropriate, references to 'good design' have been replaced with 'good design and beautiful places'.
- 4 Alongside the wording of the NPPF, the Government is consulting on a new National Design Code (NDC) and a guidance document. The purpose of the NDC is to provide detailed guidance on the production of local design codes, guides and policies to promote successful design. The guidance document deals specifically with the detail of the production and content of design codes and also provides a framework for public engagement to ensure that design codes have gained measurable community support. The NDC is not a statement of national policy but the Government recommends that the advice on the preparation of design guides and codes is followed. In the absence of local design codes, local planning authorities will be expected to use the NDC as a material consideration in the determination of planning applications.
- 5 A design code is a set of simple, concise, illustrated design requirements that provide detailed parameters for the development of a specific site or an area. The NDC sets out a baseline standard of quality and practice which Local Planning Authorities are expected to take into account when developing their own local design codes and guides and when determining planning applications. Primarily, according to the draft NDC (page 2) this would be:
  - 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 facades of buildings are of sufficiently high quality;
  - The environmental performance of place and buildings, ensuring they contribute to net zero targets; and
  - That developments should clearly take account of local vernacular and heritage, architecture and materials.
- 6 The document then goes on to break down the coding process from analysis through to the production of a code.

## Initial response

- 7 The consultation on the NDC is asking for comment on the content, the application and use and the approach to community engagement. A detailed response is being developed and will be circulated to all members. However,

the principle of introducing design guides and codes is generally welcomed. It affords more clarity to the development management process for all stakeholders and can simplify the application process. It allows for local authorities to be proactive in providing a vision for a site or an area. The framework for public engagement that is detailed in the guidance should go some way to allaying concerns raised in response to the White Paper about the lack of community involvement in the development process.

8 The design related changes to the NPPF are as follows;

- Chapter 5 - Delivering a wide choice of high quality homes

Small clarifications in wording based on perceived confusion and case law and to reflect that the Housing Delivery Test is now in effect.

- Chapter 8 - Promoting healthy and safe communities

Clarifications to existing policy regarding attractive pedestrian and cycle routes and emphasis on the opportunity to access high quality open space for health and well-being purposes.

- Chapter 9 - Promoting sustainable transport

Amendments to encourage walking and cycling and to reflect current policies.

- Chapter 11 - Making effective use of land

Amendment to include emphasis on the role that area based character assessments, codes and masterplans can play in helping to ensure land is used efficiently, while also creating beautiful and sustainable places.

- Chapter 12 - Achieving well-designed places

Wording changed to reflect the terms 'beautiful' in response to the Building Better Building Beautiful Commission's report. Emphasis on all LPAs to prepare local design codes and guides. A new paragraph has been added to reflect the new model community engagement process in the guidance for the NDC. A new paragraph to reflect the Government's ambition that all new streets should be tree-lined.

- Chapter 15 - Conserving and enhancing the natural environment

New paragraphs that respond to the Glover review on protected landscapes and provide minor clarifications.

#### **Other Changes to the NPPF**

9 The other (non-design related) proposed revisions to the NPPF can be summarised as:

- Changes to strengthen policies in relation to climate change and the environment. This includes recommendations arising from the review of flood risk with Defra.
- Clarification on the use of Article 4 directions, so that they are used sparingly and across the smallest geographical area.
- Minor changes arising from legal cases and the removal of out of date text.
- An update in relation to the status of Written Ministerial Statements (WMS), particularly in relation to retaining and explaining plaques and statues.

Further explanation of these four areas is set out below.

#### 10 Strengthening of environmental policies

- Within Chapter 2 (Achieving Sustainable Development), the presumption in favour of sustainable development (paragraph 11(a)) has been amended to broaden the high-level objective for plans to make reference to the importance of both infrastructure and climate change.
- Chapter 14 (Climate Change, Flooding and Coastal Change) has been amended to reflect the recommendations from a review of flood risk with Defra, and to enhance the existing safeguards concerning flood risk. There is clarification that the policy applies to all sources of flood risk and it focuses on using opportunities, provided by new development and improvements in green and other infrastructure, to reduce the causes and impacts of flooding. The Flood Risk Vulnerability Classification has also been moved from planning guidance into national planning policy.

#### 11 Update on the status of Written Ministerial Statements (WMS)

- Chapter 3 (Plan Making) has been amended to highlight that local plans are ‘sound’ if they are consistent with national policy - enabling the delivery of development in accordance with the NPPF 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.
- Chapter 16 (Historic Environment) has been revised to reflect the WMS (18 January 2021) on the need to retain historic statues, with a focus on explaining their historic and social context rather than removal.

#### 12 Clarification of the use of Article 4 directions

- Chapter 4 (Decision Taking) has been revised to clarify the policy intention for Article 4 directions - that they should be used sparingly. Article 4 directions (which restrict permitted development rights) should only be used to restrict changes of use to residential where they are targeted and fully justified. Clarification that Article 4 directions should be restricted to the smallest geographical area possible.

### 13 Minor text changes in relation to legal cases and corrections

- References to the transitional arrangements for the Housing Delivery Test have been removed as these no longer apply.
- Clarification that, where major development is proposed, at least 10% of the total number of homes should be available for affordable home ownership, as there was confusion over the previous wording.
- Amendment to remove any suggestion that neighbourhood plans can only allocate small or medium sites. This was not the policy intention.

### **Initial Response**

- 14 The renewed focus on climate change and the environment aligns well with SDC's net zero aspirations and ethos. The Council is supportive of the proposed inclusion of the UN's 17 Global Goals for Sustainable Development within the NPPF and the focus on flood risk, which affects many areas of the District.
- 15 The restrictions on the use of Article 4 directions will mean that SDC is likely to have less control over changes of use to residential, which could impact upon the economy, particularly in relation to the District's office floor-space. However, amendments to the Use Class Order last year, and the recent consultation (Supporting Housing Delivery and Public Service Infrastructure) have already indicated that this is the Government's direction of travel.
- 16 Members will be aware that Article 4 directions have been successfully used in the District to restrict the misleading sale of Green Belt land for residential development. This example highlights the need for the mechanism to remain available for use in exceptional circumstances.
- 17 The updates in relation to legal cases are mainly factual and clarification where policies have been previously misinterpreted is welcome. The inclusion of references to Written Ministerial Statements (WMS) when considering the soundness of Plans does mean that issues within WMS will be required to be given weight, before they have been subject to consultation or debate, which does cause some concern.

### **Next steps**

- 18 A draft response will be circulated to all members for comment in early March.
- 19 The final response will be provided to Cllr Thornton for portfolio holder sign-off.
- 20 The SDC response will be submitted by the 27th March 2021 deadline.

### **Other options Considered and/or rejected**

SDC could decide not to respond to the current consultation, but then the Council's views would not be taken into account in the Government's consideration of the proposals.

## **Key Implications**

### Financial

There are no financial implications in relation to the preparation of the consultation response.

### Legal Implications and Risk Assessment Statement.

None.

### Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users. The promotion of good design is likely to have a positive impact upon all communities.

## **Conclusions**

Officers will be happy to answer questions and provide further information at the meeting.

### **Appendices**

#### [Appendix A - consultation documents](https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals)

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### **Background Papers**

None

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