

POLICY AND RESOURCES COMMITTEE - 8 MARCH 2021

PART I - DELEGATED

6. NATIONAL PLANNING POLICY FRAMEWORK AND NATIONAL MODEL DESIGN CODE – DRAFT RESPONSE TO CONSULTATION PROPOSALS (DCES)

1 Summary

1.1 The Government is undertaking a [consultation](#) on proposed changes to the National Planning Policy Framework (NPPF) and the National Model Design Guide. This is a technical consultation seeking views on:

- Proposed changes to the NPPF based on the recommendations of the Building Better Building Beautiful Commission¹
- Proposed changes to the NPPF to strengthen environmental policies, including those arising from the government's review of flood risk with Defra
- Proposed minor changes to the NPPF to clarify policy in order to address legal issues
- Proposed changes to remove or amend out of date material
- A proposed update to reflect a recent change made in a Written Ministerial Statement about retaining and explaining statuses
- Clarification on the use of Article 4 Directions
- The new National Model Design Code

1.2 This report provides a summary of the proposed changes and seeks Members' views on the draft response set out in Appendix 1.

2 Details

2.1 Building Better, Building Beautiful Commission

2.1.1 The Government set up the Building Better, Building Beautiful Commission with the aim of championing beauty in the built environment.

2.1.2 The commission were asked to develop a range of measures that will help ensure new housing developments meet the needs and expectations of communities, making them more likely to be welcomed, rather than resisted.

2.1.3 The Government have accepted the Commission's recommendation for a stronger focus on beauty in national policy, to ensure the system helps deliver more attractive buildings and places.

2.1.4 Notable amendments in response to the Building Better, Building Beautiful Commission recommendations include:

¹ As detailed in the Planning for the future White Paper which was subject to a report to the LPSC on 23 September 2020 and P&R on the 30 September 2020

- A requirement for strategic policies to set out an overall strategy for the pattern, scale and design quality of places;
- Amendments to ensure that larger scale developments are supported by necessary infrastructure and facilities including a genuine choice of transport modes and requiring LPAs to set out clear expectations of the quality of places to be created, ensuring that masterplans and codes are used;
- Setting out expectations for attractive pedestrian and cycle routes in developments to provide walkable neighbourhoods;
- Amendments to support the Commission's recommendations on encouraging walking and cycling;
- To stop local planning authorities relying on outdated highway guidance there are amendments to reflect the National Design Guide and Model Design Code;
- In relation to achieving well-designed places, there are amendments to include the word 'beautiful' and to allow for a model community engagement process on design standards, with the National Design Guide and Model Design Code being used to guide decisions on applications in the absence of local codes;
- The Government's ambition for new streets to be tree lined is set out;
- Making it clear that development that is not well designed should be refused and that significant weight should be given to development which reflects local design policies and government guidance.

2.2 Other proposed changes to the NPPF

2.2.1 In addition to the response to the recommendations from the Building Better, Building Beautiful Commission, other proposed changes to the NPPF include:

- Where authorities are looking at new settlements and urban extensions, they are advised of the need to look over a 30-year time frame;
- Amendments dealing with soundness to refer to enabling sustainable development in accordance with the Framework and other statements of national policy – to allow Ministerial Statements to be taken into account;
- Clarifications in relation to Article 4 directions to restrict directions to the smallest area possible to encourage their appropriate and proportionate use;
- Amendment to make clear that the requirement for 10% affordable home ownership means 10% of the total number of homes proposed on a site;
- Clarification through an amendment to make it clear that Neighbourhood Plans can allocate sites of varying sizes, not just small/medium sites;
- In relation to new dwellings in the countryside, the removal of the word 'innovative' as a basis for judgement of proposals;

- Amendments to stress the importance of access to a network of high quality open spaces for health and well-being;
- For flood risk and climate change, amendments to clarify that the policy applies to all flood risk sources and to move the flood vulnerability classifications from planning guidance to national policy. There is also clarification that plans should manage residual flood risk by using opportunities from new development to reduce the causes and impacts of flooding;
- On the natural environment, amendments to clarify that the scale and extent of development in the setting of National Parks and AONBs should be sensitively located and designed to avoid adverse impacts on these designated landscapes;
- Development whose primary objective is to conserve or enhance biodiversity should be supported and that opportunities to improve biodiversity in and around other developments should be pursued as an integral part of their designs if measurable net gains can be secured;
- On the historic environment, changes to reflect the recent Ministerial Statement on statues.²

2.3 National Model Design Code

- 2.3.1 The [National Model Design Code](#) (NMDC) is a comprehensive step by step toolkit and provides detailed guidance to local authorities to assist them on the production of local design guides, codes and policies to promote good design and beautiful places.
- 2.3.2 The NMDC has a checklist based on the 10 characteristics (see below) of the National Design Guide (October 2019). Overall there can be 64 total criteria under 10 headings where Local codes will set out requirements or guidance of how beautiful and sustainable design principles can be achieved around those criteria in their local context. New developments will need to adhere to most or all of these 64 criteria and demonstrate how a beautiful place could be created.
- 2.3.3 The 10 characteristics from the National Design Guide are as follows:
- Context – enhances surroundings
 - Identity – attractive and distinctive
 - Built form – a coherent pattern of development
 - Movement – accessible and easy to move around
 - Nature – enhanced and optimised
 - Public spaces – safe, social and inclusive

² Planning and Heritage Update Statement 18 January 2021 <https://questions-statements.parliament.uk/written-statements/detail/2021-01-18/hcws713>

- Uses – mixed and integrated
- Homes and buildings – functional, healthy sustainable
- Resources – efficient and resilient
- Lifespan – made to last

2.3.4 The NMDC sets a baseline standard of quality and practice, which local planning authorities are expected to take into account when determining applications. It suggests the place-making balance has now firmly shifted to appearance becoming one of the key factors in delivering well-designed places.

2.3.5 Communities are expected to be involved at each stage of the design code preparation process in order to gain measurable community support, with communities deciding what good design means locally. Neighbourhood planning groups can produce their own design codes as part of the neighbourhood plan process.

2.3.6 The NMDC emphasises both the importance of identifying the relevant area types and how the local authority and community expect the area to develop in the future. This gives much greater weight to the analysis, interpretation and visioning for areas.

2.4 The draft consultation response for Members' consideration can be found at Appendix 1.

3 Options and Reasons for Recommendations

3.1 Responding to the consultation provides the opportunity for the Council to input into proposed changes to national planning policy.

3.2 An alternative option would be for the Council to choose not to respond to the consultation.

4 Policy/Budget Reference and Implications

4.1 None specific.

5 Financial, Legal, Equal Opportunities, Community Safety, Public Health, Customer Services Centre, Communications & Website Implications

5.1 The requirement for local authorities to produce local design codes will have an impact on budgets and resourcing.

6 Staffing Implications

6.1 The consultation response has been prepared by the Economic and Sustainable Development Team.

7 Risk and Health & Safety Implications

7.1 The Council has agreed its risk management strategy which can be found on the website at <http://www.threerivers.gov.uk>. In addition, the risks of the proposals in the report have also been assessed against the Council's duties under Health and Safety

legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

7.2 The subject of this report is covered by the Economic and Sustainable Development service plan. Any risks resulting from this report will be included in the risk register and, if necessary, managed within this/these plan(s).

Nature of Risk	Consequence	Suggested Control Measures	Response <i>(tolerate, treat, terminate, transfer)</i>	Risk Rating <i>(combination of likelihood and impact)</i>
Changes in National Policy & regulations	May require alterations to emerging Local Plan	Keep informed on Government's changes	Tolerate	2

7.3 The above risks are scored using the matrix below. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood scores 6 or less.

Very Likely ----- Likelihood ----- ▼ Remote	Low	High	Very High	Very High
	4	8	12	16
	Low	Medium	High	Very High
	3	6	9	12
	Low	Low	Medium	High
	2	4	6	8
	Low	Low	Low	Low
	1	2	3	4
	Impact			
	Low	-----▶		Unacceptable

Impact Score

4 (Catastrophic)

3 (Critical)

2 (Significant)

Likelihood Score

4 (Very Likely (≥80%))

3 (Likely (21-79%))

2 (Unlikely (6-20%))

1 (Marginal)

1 (Remote (≤5%))

7.4 In the officers' opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of the management of operational risks is reviewed by the Audit Committee annually.

8 Recommendation

8.1 That the Policy & Resources Committee:

- Note the contents of this report and the Government's consultation;
- Provide comments where appropriate, and agree final response; and
- That delegated authority be granted to the Head of Planning Policy & Projects and the Director of Communities and Environmental Services in consultation with the Lead Member for the Local Plan to update the final response to the consultation.

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Background Papers

[National Model Design Code](#)

[National Planning Policy Framework: draft text for consultation](#)

Local Plan Sub Committee 23 September 2020

Policy & Resources Committee 30 September 2020

[Planning for the future White Paper](#) (MHCLG)

APPENDICES / ATTACHMENTS

Appendix 1 Draft Consultation Response