

Appendix 1

National Planning Policy Framework and National Model Design Code: Draft Consultation Response

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.

Q1. Do you agree with the changes proposed in Chapter 2?

Three Rivers District Council supports the focus on sustainability and the addition of the 17 Global Goals for Sustainable Development.

The Council also supports the emphasis on good design, however there are concerns that the term 'beautiful' is very subjective.

Strengthening the protection of our natural, built and historic environment is also supported as it is important in maintaining the character of the District and helping in the fight against climate change.

Delivery of infrastructure is considered a key issue in the District and the Council has declared a climate emergency. As such, the Council supports the onus on the importance of infrastructure and climate change.

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.

Q2. Do you agree with the changes proposed in Chapter 3?

The quality of design is important in delivering the right sort of development to create places where people want to live and are in keeping with the character of the District.

Considering a longer time frame is necessary as it reflects the reality of large scale development. This needs to take into account the size of the development and a realistic housing delivery trajectory for each major site as some urban extensions may require substantially less time. Clarification is needed on whether longer term development would contribute to the housing numbers for the plan period or beyond.

There is concern that the use of Written Ministerial Statements to update national policies would lead to ad hoc changes in policy which will be difficult for the Council to adapt to. The plan making process takes time and this time could be increased if policies change too regularly and local plans need to take them into account. Would these potential policy changes be consulted on and if there were significant changes would there be transitional arrangements?

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.

The two options are amended in the text as follows:

The use of Article 4 directions to remove national permitted development rights should

- 1. Where they relate to change of use to residential, be limited to situations where this is essential to avoid wholly unacceptable adverse impacts*
- 2. **Or as an alternative to 1. above** – where they relate to change of use to residential, be limited to situations where this is necessary in order to protect an interest of national significance.*

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.

Q3. Do you agree with the changes proposed in Chapter 4? Which option relating to change of use to residential do you prefer and why?

No! The Council considers that in some cases permitted development rights may lead to the loss of employment space, businesses and services that are important to the local economy. The Council has no control over this development even if it goes against the evidence in the Local Plan. There are also still concerns about the quality of the potential residential development, which goes against the proposed focus in this consultation on well-designed and 'beautiful' places. As such, it is necessary for local planning authorities to be able to use Article 4 directions to ensure the best planning outcomes where justified by evidence. The wording of the first option regarding Article 4 directions is too strong and does not allow for flexibility. The second option is wholly unacceptable as the local planning authority needs to be able to consider important issues at a local level.

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:

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.

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.

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. 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.

Q4. Do you agree with the changes proposed in Chapter 5?

The neighbourhood plans in the District have not included site allocations, and none of the emerging neighbourhood plans are proposing site allocations either. If a neighbourhood plan were to allocate sites within the Green Belt it would not be able to remove the Green Belt designation, this has to be done through the review of a Local Plan. It is considered that site allocation work is best done by the local planning authority as they have the resources and expertise required.

The Council supports the inclusion of a genuine choice of transport modes as there is a need for a modal shift away from car usage.

Masterplans are being produced by developers through consultation with the Council as part of the existing site allocation process. The addition of design codes would help guide development and add more certainty in terms of design quality. However, additional resources would be required for authorities to be able to produce local design codes. If local authorities are expected to produce their own masterplans and/or design codes then further resources would be required.

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.

Q5. Do you agree with the changes proposed in Chapter 8?

Walkable neighbourhoods are supported as they discourage car use and promote a healthy lifestyle.

The Covid-19 crisis has emphasised the need for access to high quality open space. Benefits for nature and efforts to address climate change are equally important and being considered together deliver holistic benefits both at a social and environmental level.

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.

Q6. Do you agree with the changes proposed in Chapter 9?

The most up to date design guidance should be used.

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.

Q7. Do you agree with the changes proposed in Chapter 11?

The use of area-based character assessments, codes and masterplans is supported especially where local authorities are required to substantially increase housing densities. Local planning authorities do not currently have the resources to produce these. Further consideration needs to be given to helping planning departments have the tools and expertise required to produce these. Additional funding would also be required. If it's the Government's intention that Local Plans are to be produced in 30 months then substantial resources will be required to meet these requirements.

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

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

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.

Q8. Do you agree with the changes proposed in Chapter 12?

There is concern that the term 'beautiful' is overly subjective. How can the beauty of a development be measured?

Neighbourhood planning groups tend to have a wealth of local knowledge that can be used in identifying the special qualities of an area. Character assessments in neighbourhood plans provide excellent guidance for local planning authorities. The level of neighbourhood planning groups' engagement in the production of design policy, guidance and codes by local planning authorities needs to be clarified. Is this in the form of consultation or is a higher level of engagement expected?

The preparation of design guides or codes by the local planning authority is supported in principle, however the knowledge and resources to produce these guides may not be in place.

Community engagement in producing local design guides or codes is supported, however how to ensure a wide range of the community are involved and not just the vocal few needs to be addressed.

The requirement for new streets to be tree lined and for trees to be retained where possible is supported.

The expectation that development that is not well designed be refused is welcomed. Housing should not be delivered at any cost and should contribute positively to the local area.

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.

Q9. Do you agree with the changes proposed in Chapter 13?

No comment

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".

Q10. Do you agree with the changes proposed in Chapter 14?

The reference to all sources of flood risk is supported and makes clear that the sequential approach should not only be taken in the context of fluvial flood risk.

Opportunities provided by new development to manage flood risk and the importance of green infrastructure in helping do so are recognised by the Council and this is considered a useful addition to the framework. Natural flood risk management techniques are also recognised as having multi-

functional benefits both for managing flooding and for providing wider environmental benefits (for example in the restoration of habitats), so this amendment is supported.

The inclusion of the Flood Risk Vulnerability Classification in policy is also welcomed.

The clarification of the term 'resilient' is helpful.

Chapter 15: Conserving and enhancing the natural environment

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.

Q11. Do you agree with the changes proposed in Chapter 15?

The additional clarification on development within AONBs is supported.

The encouragement of the enhancement of development around other developments is welcomed, as is the enhancement of public access to nature. Public access to nature has become very important to residents during the Covid-19 crisis and the Council supports potential improvements in this area.

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.

Q12. Do you agree with the changes proposed in Chapter 16?

No comment

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.

Q13. Do you agree with the changes proposed in Chapter 17?

No comment

Annex 1: Implementation

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

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.

Q14. Do you have any comments on the changes to the glossary?

No comment

National Model Design Code

Q15. 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

a) Overall the content is good and aided well by illustrations. There is concern about the length of the code and it being overly descriptive which may impact the practicality of it being used both by

developers and planning applicants. The focus on good design and appearance in place making is supported.

Local authorities should provide an overarching code for the District while more detailed design guidance should be produced through neighbourhood plans.

b) The application of the guidance will be difficult without further resources and funding for local planning authorities. There potentially needs to be some sort of trial carried out before this is brought into force to judge the efficacy of the code.

c) The approach to community engagement is supported, it should be recognised that the preparation and adoption of codes will take a considerable amount of time (anything up to a year). There needs to be engagement with a cross section of the local community and not just the vocal few.

Public Sector Equality Duty

Q16. We would be grateful for your comments on any potential impacts under the Public Sector Equality Duty.

No comment