

## **Draft response to the National Planning Policy Framework and National Model Design Code consultation.**

### 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.

The changes for Chapter 2 are generally supported.

In particular, the amendments to paragraph 11a in relation to plan making are welcomed. The new references to climate change, the environment and the need to align infrastructure and development requirements more accurately reflect all three strands of sustainable development that all plans should strive for and be measured against at examination.

However, the inclusion of the need for "beautiful" places is likely to provide a continual point of contention through the plan making and development management processes. As set out in this Council's response to the previous consultation held in 2020, the definition of "beauty" is highly subjective. It is a matter of judgment and opinion and therefore adds little in terms of national policy.

### 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.

The new reference to design in the requirements for strategic policies is supported as it provides a clear statement of intent that good design should be at the heart of development plans.

The new text at paragraph 22 regarding the need for a longer term frame (30 years) for plans with “larger scale development such as new settlements” would benefit from further clarification. In particular, what is the definition of “larger scale development” in areas where new settlements are not being proposed? Such definitions are often contextual. Developments which may be deemed modest in scale in larger towns and cities may viewed as “large scale” in rural / semi-rural areas.

### 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.

Article 4 Directions can provide local authorities with invaluable method of carefully managing development in areas that are particularly sensitive. The expansion of permitted development rights has already eroded the ability of local authorities to do this and further limitations placed on the use of Article 4 Directions will only exacerbate the situation.

Of the two options presented, the 1<sup>st</sup> is preferred as it would still allow for considerations which are local in nature to be taken into account.

#### 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.

The changes provide useful clarification not least in terms of affordable housing provision and neighbourhood planning.

#### 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?**

Yes.

The additional references to the role attractive routes, including for cycling, play in promoting healthy and safe communities is welcome as is the recognition that open space and recreation features can contribute towards tackling climate change.

#### 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?**

Yes.

Stronger requirements for well design cycling infrastructure, including secure cycle parking is a positive change which will support sustainable development by enabling and encouraging modal shift.

The new requirement for the design of streets, parking and other transport elements of scheme to reflect the National Design Guide and Model design Code is especially welcome. Such provision is often dominated led by highways engineering requirements which do not always provide the best solutions in terms of wider design considerations.

## 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?**

Yes.

This change is a sensible addition to reflect wider changes in the Framework.

## 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?**

No.

Stronger emphasis on the importance of good design is a welcome change. However, as highlighted in our response to question 1, the terms "beauty" and "beautiful" are too ambiguous to be applied in a planning context. It is notable that the expanded Glossary of the draft Framework makes no attempt to define beauty. This is likely to lead to the term "beauty" being subject to debate at planning inquiries and ultimately the courts.

Furthermore, the requirement for local planning authorities to prepare additional design guidance or codes must be supported by additional resources for the necessary training both within local government and across the planning and development industry. This will be essential to ensure that there are sufficient people with the necessary skills to roll out the initiative effectively.

The recognition of the important role that trees can play in contributing towards the character of an area as well as supporting the environment and tackling climate change is supported along with the requirements as set out in paragraph 130. However, footnote 49 should be revised to acknowledge that trees are not always in keeping with the character of an 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?**

Yes.

This minor amendment to aid the interpretation of the paragraph is supported.

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?**

Yes.

The strengthening of policy regarding flood risk is supported. In particular, the recognition of the role that green infrastructure can play in reducing the cause and impact of flooding is encouraging. The inclusion of the Flood Risk Vulnerability Classification into Annex 3 of the Framework will also help to provide greater prominence to this.

#### **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?**

Yes.

The Council supports the clarifications given in this Chapter and the revised paragraph 175 which now recognises the need to sensitively consider the design and location of development within the setting of protected landscapes.

The majority of High Peak falls within the Peak District National Park but most of its population of the Borough resides within the relatively narrow strip of land of the western periphery of the Borough which lies outside of the National Park. Because of this, and due to local topography, there is often a high degree of intervisibility between the National Park and the larger towns and villages in High Peak where more development takes place. Developments can therefore have an impact on the setting of the Peak District National Park if not carefully managed. This fact was considered during the preparation of the adopted High Peak Local Plan.

It is reassuring to see that the issue is now to be recognised in national policy which has previously failed to acknowledge the importance and sensitivity of the wider setting of protected landscapes. Whilst this is positive step, it is considered that the Framework, or the National Planning Practice Guidance, should go further to elaborate on how this policy requirement should be implemented at both the plan making and development management stage.

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?**

Yes.

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?**

Yes.

The updated paragraph 209(c) is a sensible update which reflects existing guidance.

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?**

Given the prevalence of the terms “beauty” and “beautiful” in the revised Framework, the Glossary should seek to clarify how they may be defined in the planning context. This may come by way of explaining how the national design guide and model design code and their local equivalents could be used to try and interpret and define the terms having regard to local context. As it stands, the terms are ambiguous and this is likely to lead disagreement, debate and delays.

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**

The National Model Design Code provides a thorough and structured framework for local authorities and communities to apply in establishing local codes .

However, It is questionable whether local communities will be more willing to engage with the Design Code process than the current planning system. Indeed, it is considered that it is likely to be difficult to obtain input into the design process unless the principle of the development itself is supported.

The preparation of Local Design Codes will require significant resources to ensure that there is a sufficient number planners and urban designers to develop Local Design Codes and to engagement with communities effectively. Planning Officers and Councillors will also require additional training to ensure that the codes are applied effectively during the development management process.