

RIBBLE VALLEY BOROUGH COUNCIL

REPORT TO PLANNING & DEVELOPMENT COMMITTEE

INFORMATION

meeting date: THURSDAY, 11 MARCH 2021
title: CONSULTATION ON THE NATIONAL PLANNING POLICY FRAMEWORK AND NATIONAL MODEL DESIGN CODE
submitted by: NICOLA HOPKINS – DIRECTOR OF ECONOMIC DEVELOPMENT & PLANNING
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1 PURPOSE

1.1 To receive information on a recent Government consultation in relation to the proposed amendments on the National Planning Policy Framework and the draft National Model Design Code.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – To ensure planning policy is up to date to help protect the local environment.
- Corporate Priorities – To ensure the Council's views are adequately represented on behalf of the local community.
- Other Considerations – None.

2 INFORMATION

2.1 The Government recently published a consultation to seek views on draft revisions to the National Planning Policy Framework (the Framework) and also to receive views on the draft National Model Design Code which provides detailed guidance on the production of design codes and guides and policies to promote successful design.

2.2 The closing date for the consultation is 27 March 2021. The response submitted under delegated powers is attached at Appendix 1 to this report. If in the event that there are additional points that Members may wish to raise, if these can be notified to the Head of Regeneration and Housing, a supplementary response can be incorporated as relevant. Members may also wish to submit their own comments via the consultation website. The following link will give access to the consultation web pages.

<https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals/national-planning-policy-framework-and-national-model-design-code-consultation-proposals>

2.3 Members will be aware that the draft National Model Design Code is intended to provide information on how to produce design codes and associated policies which are seen as an integral part of promoting design and making planning decisions and as a key element to be incorporated into a development plan policy going forward.

2.4 Members will recall the recently published white paper proposing changes to the wider plan-making system, of which design and the use of design codes would be a key element.

Whilst the Government has already introduced some changes to the NPPF reflecting previous consultations, much of the content of the proposals in the white paper are still being reviewed, however the current changes being proposed in this NPPF consultation seek to embed design aspects into the National Policy Framework ahead of the introduction of new legislation. As a consequence, should they be adopted and the National Policy revised, they will become a material consideration for the Council to take account of. The proposed change to NPPF. Can be read using the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/961769/Draft_NPPF_for_consultation.pdf

- 2.5 The National Model Design Code is intended to provide detailed guidance on the production of design codes and guides and policies to promote successful design. It expands from the ten characteristics of good design set out in the National Design Guide which reflects the Government's priorities and provides a common overarching framework for design. The 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 will recommend that the advice on how to prepare design codes and guides is followed. The model code can be viewed using the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/957205/National_Model_Design_Code.pdf

- 2.6 In terms of design the Government is seeking to promote greater use of design in securing development. It convened the Building Better Building Beautiful Commission with the aim of championing beauty in the built environment as an integral part of the drive to build the homes that the Government consider communities need. The Commission recently published its report which can be viewed using the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/861832/Living_with_beauty_BBBC_report.pdf

- 2.7 The Commission had three primary aims:

- 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.
- To make the planning system work in support of better design and style, not against it.

- 2.8 As part of its brief, the Government had asked the Commission to develop a range of practical 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. In terms of the overall aims set out above, the Commission found that the approach should be to ask for beauty, refuse ugliness and promote stewardship. They went on to make 45 detailed policy propositions and in response to it, Government has now accepted their recommendations for a strong focus on beauty in national planning

policy, to ensure the system helps to foster more attractive buildings and places and also helping to prevent ugliness.

- 2.9 This has resulted in the National Model Design Code in order to provide detailed guidance on how design codes, guidance and other policies to promote successful design can be brought forward by local authorities. The key implication of this approach in reality is that many local authorities will not have the design skills readily available to implement this approach and even without a new local plan system being introduced, changes to national guidance will require the Council to consider how it is going to address design issues in terms of supporting this national policy approach, which brings with it challenges of resource, skills and structure.
- 2.10 A design code itself comprises a set of illustrated design requirements that provide specific detailed parameters for the physical development of a site or area. As Members will appreciate, this can require a wide ranging and differing set of detailed policies in order to implement the initiative and in an area like Ribble Valley which has a broad local vernacular architecture, will be challenging.
- 2.11 It is proposed that the National Model Design Code will provide a toolkit to guide local planning authorities on the design parameters and issues that need to be considered to tailor to their own context when producing codes and guides. Community involvement in developing these codes and guides is a key part of the process and this will introduce significant area of work at some detailed level as these codes are produced.
- 2.12 In essence there is a lot of benefit to having such measures in place as they should enable better informed policy and better informed decisions that will give clearer guidance on what is and isn't acceptable, however areas such as Ribble Valley will face significant challenge in actually delivering on this process as it is introduced.
- 2.13 In relation to the proposed amendments to National Planning Policy Framework – which if adopted will become part of the national policy – the proposals intend to revise the Framework such that it will:
- implement policy changes in response to building better building beautiful permission recommendations;
 - make a number of changes to strengthen environmental policies, including those arising from the Government's review of flood risk with DEFRA;
 - includes minor changes to clarify policy in order to address legal issues;
 - includes changes to remove or amend out of date material;
 - includes an update to reflect a recent change made in a written ministerial statement about retaining and explaining statues; and
 - clarification on the use of Article 4 Directions.
- 2.14 Essentially the proposed changes have two roles. Firstly it provides an opportunity to draw together and update the Framework to reflect different elements of change that have come about through a number of other policy area changes and it will help remove any inconsistencies that exist at the moment. This is to be generally welcomed. However, there are policy changes being introduced which will introduce the need to more strongly reflect design in the way that policy is both formulated and implemented by way of planning applications. There will be a need to ensure that the Council can respond to that policy

imperative. Appendix 1 summarises the main changes proposed to the Framework for reference.

- 2.15 The council will need to determine the impacts of these measures. As part of the implementation programme for Design Codes an opportunity to bid for funding to act as a pilot was offered to local authorities. This was intended by MHCLG to assist with testing how the new policy approach could be applied, ahead of its wider introduction. Successful bids would have secured £50,000 to support the development of design coding.
- 2.16 Whilst this was attractive for the service to assist with developing this area of work, what became apparent when working through the bidding documentation and attending on line advice meetings facilitated by Planning Advisory Service with MHCLG was that the timeframe to address the programme and deliver against the Pilot outputs was very challenging unless you were an area with a design team in place and most likely already working on design themed policy documents. It seemed geared towards larger and more urban authorities. Discussions reinforced the view that the design code approach will be difficult for more rural authorities such as Ribble Valley to embed. Notably, many similar authorities indicated that they would not be bidding.
- 2.17 Given the need to focus resources on the local plan and the fact that in our circumstances we would not be able to meet the proposed timetable the pilot scheme was considered unsuitable. It has been indicated that a further round of pilots may be sought next year when the position can be reconsidered.
- 2.18 The implications of the proposed changes will need to be considered in terms of the impact upon the operation of the planning service and where any substantive changes are necessary, these will be subject to future reports to Members.

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BACKGROUND PAPERS

None.

For further information please ask for Colin Hirst, extension 4503.

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? **No comments.**

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? **No comments.**

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.

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?

The proposed changes provide parameters when considering the use of Article 4 Directions which can prove helpful. However, they are clearly aimed at reducing restrictions on change of use to residential. It should remain the role of the LPA to determine acceptability and not a matter for the NPPF. Neither option is supported.

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? **No comments.**

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? **No comments.**

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?

Where the Council is not the highway authority the implication of this could be difficult where guidance is not up to date. Potentially this may lead to the Council having to undertake additional areas of work to ensure compliance. This will have resource requirements.

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? **No comments.**

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?

Whilst design is an important issue, there remains a real concern about how subjective the term 'beautiful' is. This will lead to extensive deliberation and debate.

Of greater concern however is the resource implication of introducing a much more significant design-based policy approach. There will be a requirement for increased design skills and skills development for officers and there will be an inevitable time implication in that regard. Perhaps most concerning is the challenge that will be faced by areas such as Ribble Valley with its diverse rural settlement characteristics. This will lead to a range of applicable design codes needing to be developed to reflect that diversity. Each needing to be developed through relevant statutory process, consultation and public engagement. All these aspects are resource intensive in themselves and a challenge to produce to a timeframe that will enable them to compliment the update of local plans in a timely way.

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 issues.**

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?

This will strengthen policy approaches to flood risk and mitigation of climate change.

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? **No comments.**

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 comments.**

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?

In our case Mineral planning is undertaken by the County Council. This will help clarify policy.

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 comments.**