

**CONGLETON TOWN COUNCIL**

**COMMITTEE REPORTS AND UPDATES**

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| <b>COMMITTEE:</b>               | Panning Committee  |                 |      |
| <b>MEETING DATE AND TIME</b>    | 7.00pm Thursday 18 <sup>th</sup> March 2021  | <b>LOCATION</b> | Zoom |
| <b>REPORT FROM</b>              | Chief Officer / A Thomson Planning Consultant  |                 |      |
| <b>AGENDA ITEM REPORT TITLE</b> | <b>Agenda item 13 Proposed Changes to the NPPF</b>   |                 |      |
| <b>Background</b>               | To enable the Council to make a professional response to the proposed changes to the National Planning Policy Framework (NPPF) A Thomson, Planning Consultant, has undertaken a review and made comments for the committee to consider as set out below. |                 |      |

Government are proposing a number of changes to England's NPPF so that it places 'greater emphasis' on beauty and placemaking. These changes are subject to consultation and submissions are required by **27<sup>th</sup> March 2021**.

The consultation is entitled 'National Policy Framework and National Model Design Code: consultation proposals and it is broken down into 13 areas;

1. Achieving sustainable development
2. Plan-making
3. Decision making
4. Delivering a wide choice of high-quality homes
5. Promoting healthy and safe communities
6. Promoting sustainable transport
7. Making effective use of land
8. Achieving well-designed places
9. Protecting Green Belt
10. Meeting the challenges of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment
13. Facilitating the sustainable use of minerals

There are 2 annexes, Implementation and a Glossary.

The consultation seeks views on draft revisions to the NPPF where the text has been revised to implement policy changes in response to the Building Better Building Beautiful Commission 'Living with Beauty' report. A number of other changes to the text of the Framework are also included but the Government are not at this stage proposing a review of the NPPF in its entirety. However, the consultation does point out that a fuller review of the NPPF is likely to be required in due course, depending upon the implementation of the governments proposals for wider reforms of the planning system.

**This raises the question in my mind why keep tinkering with the system tweaking the guidance here and there without reviewing all of the proposed changes and perhaps revealing the total extent of their**

proposed reforms and how this weakens/dilutes the planning system away from local accountability and plays into the hands of the development industry and housebuilders in particular.

The consultation is also seeking views on the draft National Model Design Code, which provides detailed guidance on the production of design codes, guides and policies to promote successful design.

Introduction.

Whilst most of the changes relate to the quality of design on new development there are also a number of environment-related changes including amendments on flood risk and climate change as well as a small number of very minor changes arising from legal cases, primarily to clarify the policy.

Building Better Building Beautiful Commission.(BBBBC)

Government has asked the Commission to develop a range of practical measures that will help ensure new housing developments **meet the needs and expectations of communities** (my highlighting), making them more likely to be welcomed, rather than resisted. The Commission has 3 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.

The Commissions report proposed 3 overall aims;

- Ask for beauty
- Refuse ugliness
- Promote stewardship

Whilst these aims are to be welcomed do not forget the context in which they are set, removing the ability of local councils to comment on the principles of development and confining any comments solely to design.

National Model Design Code

The purpose of this is to provide detailed guidance on the production of design codes, guides and policies to promote successful design. It expands the 10 characteristics of good design set out in the National Design guide, which reflect Government priorities and provides a common overarching framework for design. This design code will form part of the Government's planning practice guidance but will not be a statement of national policy.

**The question then arises as to the weight that the design code will have in any planning decision!**

This Design Code is intended as a toolkit to guide local planning authorities on design parameters and issues that need to be considered and tailored to their own context when producing design codes and guides **as well as methods to capture and reflect the views of the local community from the outset, and at each stage of the process.**

The consultation invites views on the National Model Design Code , in terms of;

- The content of the guidance
- The application and use of the guidance
- The approach to community engagement

In my own view it will be important to ensure that the views of the local community are paramount and that the toolkit allows local councils to establish design codes that reflect the aims, views and needs of the local communities and, that these are supported through the planning process and at appeal, otherwise what is the point as Developers will continue to build their standard house types across the country with very little or no regards to the 'local vernacular'. As part of this Code there should be not only an emphasis on design but also on climate change embracing insulation, solar panels, grey water systems , local energy generation and SUDS as standard practice.

## Changes to the NPPF

### 1. Achieving Sustainable development.

To reflect the government's response to the BBBC and to make a number of other minor changes;

NPPF para 7 amended to incorporate the 17 Global Goals for Sustainable Development- **Support**

Para 8(b) has been amended in response to BBBC to emphasise the importance of well-designed, beautiful and safe places in achieving social objectives of sustainable development. **Whilst this is to be welcomed I would suggest that it also needs to refer to the needs and expectations of the local community as referred to in the BBBC.**

Para 8(c) the wording has been strengthened to emphasise the role of planning in protecting and enhancing our natural, built and historic environment. **Support.**

Para 11(a) the wording of the presumption in favour of sustainable development has been amended to broaden the high level objective for plans to make express reference to the importance of both infrastructure and climate change. **Support**

The final sentence in footnote 8 (referred to in para 11(d)) has been removed as the transitional arrangements for the housing deliver test no longer apply. **Noted.**

### 2. Plan-making

In response to the BBBC para 20 has been amended to require strategic policies to set out an overall strategy for the pattern, scale and design of quality places. **Whilst this is welcomed as an addition to policy we should be aware that this may be a first step in diluting the scope of strategic policies in plans and later on restricting the majority of strategic policy to design as suggested in the Planning White Paper at the end of 2020.**

Paragraph 22 has also been amended in response to BBBC 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 consider the likely timescale for delivery. **This seems to be at odds with the government's desire to build build build and the normal timescales for local and neighbourhood plans of 10 years.**

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 policy where relevant. **This is to enable the design issues already set out to come to the fore however in my mind requires a very clear definition of what is 'sustainable' development' and that any such definition is clearly linked to climate change and government climate change policy.**

### 3. Decision making

The revised text aims to clarify the policy intention for Article 4 directions and the removal of changes of use of residential properties by amending paragraph 53 to restrict such directions to the smallest geographic area possible. **This would appear to be a move to restrict the use of Article 4 Directions which are rarely used these days in any event and also seems to be at odds with the aims of the BBBC.**

### 4. Delivering a wide choice of high-quality homes

The revised text aims to clarify existing policy and reflects the government's response to BBBC and recent legal cases.

Paragraph 64 has been clarified 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 relates to all units or the affordable housing contribution. **Personally, I think the 10% requirement is abysmal and as illustrated in housing completion figures has done very little to secure the provision of much needed affordable housing across the country when there are so many ways for developers to avoid meeting the local housing need. Whilst this is an amendment to the existing text I would suggest that the policy should require the delivery of the percentage of affordable housing required in an area as demonstrated by an objectively assessed local housing need.**

Paragraph 69 has been amended to remove any suggestion that neighbourhood plans can only allocate small or medium sites. This was not the policy intention and has therefore been amended to clarify that neighbourhood plan groups should also consider the opportunities for allocating small and medium sized sites (of a size consistent with para 68a) suitable for housing in their area. (para 68a refers to sites no larger than 1 ha) **Noted.**

Paragraph 72 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 72(c) has also been amended in response to the BBBC recommendations to clarify that when planning for larger scale development, strategic policy making authorities should set clear expectations for the quality of 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. **The main difference would appear to be reference to a 'genuine choice of transport modes' but quite what these could be and how they are delivered is left somewhat vague with no reference for example to electric or hybrid cars /buses as an example and the provision of charging infrastructure.**

Paragraph 79e has been amended in response to BBBC that currently 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 it will ensure that outstanding quality can always be demanded, even if an innovative approach is taken. **Noted.**

**I am not sure that there is anything here that addresses specifically the delivery of 'high-quality' homes or even attempts to define what 'high quality' is!**

## 5. Promoting healthy and safe communities

Para 91(b) includes minor changes to clarify governments expectations for attractive pedestrian and cycle routes. **Noted**

Paragraph 96 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. **Noted**

## 6. Promoting sustainable transport

Paragraph 104(d) has been amended to support the BBBC's recommendations on walking and cycling. **Noted**

Paragraph 108© and footnote 45 has been amended to prevent continued reliance by some authorities on outdated highway guidance. The 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 the schemes and standards applied reflects current national guidance, including the National Design Guide and National Model Design Code. **I think that words should also be added referring to the growth in car ownership, the poor public transport provision in rural areas, the increased size of family cars and the need to make provision for electric charging points on every new development.**

#### 7. Making effective use of land.

Paragraph 123 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 whilst also creating beautiful and sustainable places. **Noted**

#### 8. Achieving well-designed places

Paragraphs 124 and 126 have been amended to include the term 'beautiful' in response to BBBC. **Noted**

Paragraph 125 has been amended to clarify the role neighbourhood plan groups can have in relation to design policies. **Noted**

Paragraph 126 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. **Cheshire East will need to update their design guide to comply with this latest advice.**

New paragraph 127 has been added in response to the BBBC's recommendations to give greater say to communities in design standards for their area. This creates a model community engagement process and a framework for local authorities and communities to adopt a more consistent approach which reflects the character of each place and local design preferences. **This is welcome provided it does not constrain either the community engagement process or the responses that can be made.**

New paragraph 129 has been added to reflect the findings of the BBBC and the government's ambition to ensure that all new streets are tree-lined, and that existing trees are retained wherever possible. **Noted but it is not always possible to tree line streets, what about local character and the size and type of trees are important. The retention of trees is important as is the protection of existing trees during construction.**

New paragraph 131 has been updated to refer to Building for a Healthy Life. **Noted**

New paragraph 132 responds to the BBBC's recommendations to make clear that development that is not well designed is refused, especially where it fails to reflect local design policy 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. **It will be important that local councils formulate and adopt local design guidance sooner rather than later in order to be able to reflect these significant changes in central government policy.**

#### 9. Protecting Green Belt

Paragraph 148(f) has been slightly amended to set out that development, including buildings brought forward under Community Right to Build Orders or Neighbourhood Development Orders, is not inappropriate in the Green Belt provided it preserves its openness and does not conflict with the purpose of land within it. **I am always nervous when Green Belt policy is chipped away and cannot see any justification for these exceptions.**

## 10. Meeting the challenge of climate change, flooding and coastal change

The changes are in part in response to the findings of Defra's joint review of flood risk and government policy on flood and coastal erosion.

New paragraphs 159 and 160 have been amended to clarify that the policy applies to all sources of flood risk. **Noted**

New paragraph 159© 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) **Noted**

Flood Risk Vulnerability Classification has been moved from planning guidance into national planning policy (set out in Annexe 3 and referred to in paragraph 161) **Noted**

New paragraph 162 has been amended to define what is meant by resilient. **Noted**

**My own view is that a major opportunity has either been ignored or dismissed to re-focus the NPPF around climate change and sustainability in line with the government agenda for carbon neutrality in the next 25 years.**

## 11. Conserving and enhancing the natural environment

The revised text seeks to clarify existing policy and reflects the government's response to the BBBC.

New paragraph 174 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 AONBs should be sensitively located and designed so as to avoid adverse impacts on the designated landscapes. **Noted**

New paragraph 175 has been separated from the preceding paragraph to clarify that this policy applies at the development management level only. **Noted**

New paragraph 178(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. **Noted**

## 12. Conserving and enhancing the historic environment

The revised text reflects the changes made to national planning policy by a Written Ministerial Statement dated 18.01.21

New paragraph 196 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.

This would appear to be in response to the removal of Edward Colson's statue in Bristol and pressure from various groups in society to remove other statues relating to our colonial past.

**I am not sure that government should be using planning policy to protect and/or retain statues in public places.**

## 14. Facilitating the sustainable use of minerals

New paragraph 207© 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 defined in planning Practice Guidance. **Noted**

New paragraph 208(f) has been amended to reflect that some stone extraction sites will be large and serve distant markets. **Noted**

#### 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 published by Natural England in September 2020. The purpose of this report was to understand more about the types and amounts of green infrastructure that are most beneficial for the health of different communities to help local authorities, landowners and communities enhance the nation's green infrastructure provision. **Noted**

The definition of '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. **Noted**

The definition of 'mineral resources of local and national importance' has been amended to include coal derived fly ash in single use deposits. **I am not sure how this sits with other Government energy strategies and climate change.**

Definitions of 'mineral consultation area', 'recycled aggregates' and 'secondary aggregates' have been added to reflect the changes in chapter 17 'Facilitating the sustainable use of minerals'. **Noted**

The Government are also asking for responses to the National Model Design Code and comments on any potential impacts under the Public Sector Equality Duty

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| <b>Proposal</b> | <ol style="list-style-type: none"><li>1. To agree any amendments to the proposed comments</li><li>2. To approve the proposed / amended comments are used as the Planning Committees response to the proposed changes to the NPPF</li></ol> |
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