

**Response to the Government's Consultation on Draft
Revisions to the NPPF and a new draft National Model
Design Code**

Final Decision-Maker	Strategic Planning and Infrastructure Committee
Lead Head of Service	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Rob Jarman (Head of Planning and Development), Tom Gilbert (Principal Planning Officer)
Classification	Public
Wards affected	All

Executive Summary

On 8th February 2021, the Ministry of Housing, Communities and Local Government launched a public consultation on draft revisions to the National Planning Policy Framework (NPPF) and draft National Model Design Code. The consultation closes on 27th March 2021.

The proposed changes to the NPPF focus on the following general areas:

- Sustainable development
- Plan making
- Decision making
- Infrastructure
- Design
- Climate change and flood risk
- The environment
- Heritage; and;
- Minerals

This 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.

Purpose of Report

For decision. That the Committee approve the Council's response to the Government's 'A consultation on draft revisions to the National Planning Policy Framework and a new draft National Model Design Code'

This report makes the following recommendations to this Committee:

1. That the content of the national Government consultation ('A consultation on draft revisions to the National Planning Policy Framework and a new draft National Model Design Code') are noted.

2. The draft responses to the consultation as shown in Appendix 1 be submitted (as may be amended by the Head of Planning & Development following consideration of the Committee's comments (if any) by 19th March 2021 in consultation with the Chair and Vice-Chair of this committee) to the Ministry of Housing, Communities and Local Government before 11h45 on 27 March 2021.

Timetable	
Meeting	Date
Strategic Planning & Infrastructure Committee	9 March 2021

Response to the Government's Consultation on Draft Revisions to the NPPF and a new draft National Model Design Code

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims as set out in section 3</p> <ul style="list-style-type: none"> • 	Rob Jarman (Head of Planning and Development)
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation(s) supports the achievement(s) of the four cross cutting objectives.</p>	Rob Jarman (Head of Planning and Development)
Risk Management	<p>Already covered in the risk section – if your risk section is more than just a paragraph in this box then you can state 'refer to paragraph ... of the report'</p>	Rob Jarman (Head of Planning and Development)
Financial	<p>The changes in the NPPF will have to be accommodated within existing budgets for Planning Policy work.</p>	Section 151 Officer & Finance Team

Staffing	If the consultation on design codes is carried through, then will be resource implications particularly around skill sets.	Rob Jarman (Head of Planning and Development)
Legal	This report does not raise any specific legal implications.	Russell Fitzpatrick (Mid Kent Legal Services (Planning))
Privacy and Data Protection	No privacy or data issues identified	Policy and Information Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy & Information Manager
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	The recommendation will not have a negative impact on Crime and Disorder.	Rob Jarman (Head of Planning and Development)
Procurement	N/A	Rob Jarman (Head of Planning and Development)

2. INTRODUCTION AND BACKGROUND

2.1 The Ministry of Housing Communities and Local Government is currently consulting on revisions to national planning policy through the NPPF and a draft Model National Design Code.

2.2 The report will highlight the proposed changes to the NPPF and proposals of the National Model Design Code and then set out proposed Council responses in appendix 1. The full consultation documents are set out in background papers 1 & 2 and should be referred to for full details.

Revisions to the NPPF

2.3 The proposed revisions to the NPPF cover the following parts:

- Chapter 2: Achieving sustainable development
- Chapter 3: Plan-making
- Chapter 4: Decision making
- Chapter 5: Delivering a wide choice of high quality homes
- Chapter 8: Promoting healthy and safe communities

- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 13: Protecting the Green Belt
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment
- Chapter 17: Facilitating the sustainable use of minerals
- Annex 1: Implementation; and;
- Annex 2: Glossary

2.4 The Government has suggested the following reasons for the proposed amendments to the NPPF; including:

- Response to Government reviews, reports and ministerial statements;
- Clarifications to address legal issues and use of policies; and
- The removal or amendment of out-of-date material.

2.5 There are a number of subtle changes to the NPPF. Set out below is a summary of the main proposed changes to the NPPF by theme that are perceived as relevant to Maidstone Borough Council.

Plan making

2.6 The main proposed changes focus on the following areas of plan making: infrastructure, strategic developments, and the tests of soundness.

2.7 Infrastructure is being brought into the presumption in favour of sustainable development in paragraph 11. Specifically, that growth and infrastructure are aligned; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects.

2.8 Larger scale strategic developments, such as new settlements, will be expected to set out a long-term vision (at least 30 years).

2.9 The proposed revisions to the tests of soundness refer to paragraph 35 part (d). The consistency to national policy now includes statements of national planning policy as well as the NPPF.

2.10 A clarification has been made to the wording relating to Neighbourhood Plans. It has been made clearer that these plans can allocate large sites as well as just small and medium sites.

Decision making

2.11 It is proposed to restrict the use of Article 4 directions. It is proposed that the use of these directions will be to small geographical areas and will need to be more extensively justified than previously was the case.

2.12 Policy wording has been made clearer that there is a requirement for 10% of all units in major housing schemes having to comprise affordable home ownership. This also applies to planning policies also.

Infrastructure

2.13 Chapters 8 and 9 have been amended to encourage the development of more walking and cycling routes.

2.14 Access to open spaces and opportunities for sport and physical activity has also been enhanced to create healthier places.

Design

2.15 Chapters 5, 11 and (principally) 12 have been amended to encourage the use of masterplans, design codes, and tree planting.

2.16 The role of neighbourhood planning groups is proposed to be enhanced with them having a role in the production of design policy, guidance, and codes of the local planning authority as well as neighbourhood plans.

2.17 There is proposed a new requirement for local planning authorities to prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, which reflect local character and design preferences immediately if the proposals are adopted. These documents are proposed to also carry weight in decision making. As a result, there would be a requirement on LPAs to reject proposals that are not 'well designed' reflecting the local design guidance and supplementary planning documents which use visual tools such as design guides and codes.

2.18 It is proposed to increase tree planting and their protection. The changes propose requirements for tree lined streets and incorporation of trees elsewhere in developments. This will now be a requirement in decision making and planning policy. Appropriate maintenance measures will also be required to secure these new assets.

2.19 If the consultation on design codes is carried through, then there will be resource implications, particularly around skill sets. This will also impact on the work programme due to the need to develop these documents immediately.

Climate change & flood risk

2.20 Chapter 14 has been amended to reflect to include:

- That the sequential test for flood risk applies to all sources of flooding;
- Further clarity for the flood risk exception test; and;
- Encourage plans to manage flood risk through green infrastructure.
- A new Annex 3 setting out a flood risk vulnerability classification is now included.

Natural environment

2.21 Chapter 15 has been amended to clarify that the scale and extent of development within the setting of National Parks and Areas of Outstanding Natural Beauty should be sensitively located and designed to avoid adverse impacts on the designated landscapes. This restriction only applies to the development management part of the planning process.

2.22 A new paragraph has also been added to reinforce that development should 'conserve and enhance' biodiversity.

Heritage

2.23 Chapter 16 has been amended 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.

Draft National Model Design Code

2.24 The draft National Model Design code is a result of the Building Better, Building Beautiful Commission. The commission was created to advise National Government about how to increase the use of high-quality design. As a result of the work of the commission in 2019 the National Design Guide was published as the first step to help improve design in planning. The Draft National Model Design Code is the next step.

2.25 The purpose of the Draft National Model Design Code is to set out a national benchmark to help shape and guide local design codes based at the Local Planning Authority level. As set out in the draft local codes are expected to adhere to a checklist of 10 characteristics and 64 criteria – see background paper 2 page 7.

2.26 The development of a code is proposed to be a 3 staged process (analysis, vision, and code) with consultation in between these. In the 3 stages are 7 substages. For further details please see page 5 of background paper 2.

3. AVAILABLE OPTIONS

3.1 Option A: Do not provide a response to the consultation.

3.2 Option B: To submit a response to the consultation based on that outlined in appendix 1 (as may be amended by the Head of Planning & Development following consideration of the Committee's comments (if any) by 19th March 2021 in consultation with the Chair and Vice-Chair of this committee) to the Ministry of Housing, Communities and Local Government before 11h45 on 27 March 2021.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 Option B: To submit a response to the consultation based on that outlined in appendix 1 (as may be amended by the Head of Planning & Development following consideration of the Committee's comments (if any) by 19th March 2021 in consultation with the Chair and Vice-Chair of this committee) to the Ministry of Housing, Communities and Local Government before 11h45 on 27 March 2021.

5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 N/A
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the recommendations are agreed, then officers will work to include members feedback by the 19th March 2021 and then submit an amended response in consultation with the Chair and Vice-Chair of the Strategic Planning and Infrastructure Committee by the consultation deadline of the 27th March 2021.
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8. REPORT APPENDICES

- Appendix 1: Draft responses to the MHCLG Consultation: 'National Planning Policy Framework and National Model Design Code: consultation proposals'
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9. BACKGROUND PAPERS

- Background paper 1: MHCLG – NPPF proposed changes - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/961769/Draft_NPPF_for_consultation.pdf
- Background paper 2: MHCLG – Draft National Model Design Code - https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/957205/National_Model_Design_Code.pdf