

# HOMES FOR THE SOUTH WEST

## National Planning Policy Framework and National Model Design Code consultation

March 2021

### Homes for the South West response

#### Question 1

*Relates to:*

NPPF Chapter 2: Achieving sustainable development

*Proposes:*

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.

## **Homes for the South West comment**

We welcome the proposals and in particular the context and the prominence of the Building Better Building Beautiful report within the NPPF. However, 'beauty' needs to mean something, otherwise it will become a word like 'sustainable' which is over-used but with little common understanding of what it means.

We welcome the addition of infrastructure, environment and climate change – these provide a much more explicit focus than what went before.

Reference to flexibility has been removed from the definition of Sustainable Development in Plan Making. We would propose the inclusion of this measure within the definition as it tends to encourage measures such as reserve sites to be included in Plans to provide a buffer in case of changing circumstances elsewhere; and ultimately assists in delivering the certainty of supply of land for housing that could otherwise be missed.

## **Question 2**

*Relates to:*

NPPF Chapter 3 – Plan making

*Proposes:*

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.

## **Homes for the South West comment**

We welcome the proposals in this section: all are sensible proposals.

### **Question 3**

*Relates to:*

NPPF Chapter 4: Decision making

*Proposes:*

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

#### **Homes for the South West comment**

We prefer the first option for paragraph 53 as this gives greater local accountability and provides flexibility to reflect local priorities. The test of national significance in the second option is far too high.

### **Question 4**

*Relates to:*

NPPF Chapter 5: Delivering a wide choice of quality homes

*Proposes:*

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.

#### **Homes for the South West comment**

These are all sensible proposals which provide clarification. The Design Code is particularly significant for this chapter in defining 'beauty' and suggest making reference to it explicit.

However, we remain very concerned by the 10% affordable home ownership requirement (para 64). Whilst clearer, it only reinforces the negative impact this has on S106 affordable rented supply. By setting the threshold at 10% of all homes, there is a potential scenario for a viability reduced S106 requirement to comprise only affordable home ownership products.

References to the use of design codes and masterplans are made only in respect of 'larger scale development.' Clarity is required to confirm whether the principles of the District Wide Design Codes should be applied to smaller developments also (as we believe is the intention). We would suggest an addition to para 69.

#### **Question 5**

*Relates to:*

NPPF Chapter 8: Promoting healthy and safe communities

*Proposes:*

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.

#### **Homes for the South West comment**

We welcome the proposed changes: we suggest the addition of "safe" in 92b.

#### **Question 6**

*Relates to:*

NPPF Chapter 9: Promoting sustainable transport

*Proposes:*

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.

#### **Homes for the South West comment**

None.

#### **Question 7**

*Relates to:*

NPPF Chapter 11: Making effective use of land

*Proposes:*

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.

## Homes for the South West comment

The proposed wording is vague and ineffective. It could place more of an emphasis on Councils using these assessments to determine appropriate densities, rather than just saying that they can be helpful tools. We suggest the following minor change to the wording:

*"Area-based character assessments, codes and masterplans should be used as a means of ensuring that land is used efficiently while also creating beautiful and sustainable places."*

## Question 8

*Relates to:*

NPPF Chapter 12: Achieving well designed places

*Proposes:*

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.

#### **Homes for the South West comment**

We welcome the encouragement for inclusion of trees in schemes, but the suggestion that all streets should be tree lined has practical issues in that it makes it far more difficult to deliver tighter road widths which are often necessary to meet the density required; and it makes it more difficult to create a street hierarchy within new developments. The emphasis here should perhaps be on an increased provision of (street) trees rather than a blanket one size fits all rule.

#### **Question 9**

*Relates to:*

NPPF Chapter 13: Protecting the Green Belt

*Proposes:*

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.

#### **Homes for the South West Comment**

None.

#### **Question 10**

*Relates to:*

NPPF Chapter 14: Climate change, flooding and coastal change

*Proposes:*

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”.

### **Homes for the South West comment**

This is an opportunity to strengthen requirements in relation to flooding and to promote greater emphasis on improving existing flood resilience as part of the planning process.

### **Question 11**

*Relates to:*

NPPF Chapter 15: Conserving and enhancing the natural environment

*Proposes:*

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.

### **Homes for the South West comment**

None.

### **Question 12**

*Relates to:*

NPPF Chapter 16: Conserving and enhancing the historic environment

*Proposes:*

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.

### **Homes for the South West comment**

In our view this is a 'one size fits all' approach which removes local choice, context or accountability.

### **Question 13**

*Relates to:*

NPPF Chapter 17: Sustainable use of minerals

*Proposes:*

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.

### **Homes for the South West comment**

None.

## Question 14

*Relates to:*

NPPF Glossary

*Proposes:*

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.

### Homes for the South West comment

None.

## Question 15

*Relates to:*

Draft National Model Design Code

*Proposes:*

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/957205/National\\_Model\\_Design\\_Code.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/957205/National_Model_Design_Code.pdf)

### Homes for the South West comment

- The whole document feels like a textbook: that’s not a criticism, it’s helpful as that, but should be clear that’s what it is and that a) local planning authorities need to create their own guides using it and b) this isn’t a local design guide by default.
- We feel that it doesn’t do enough to encourage/promote innovation in design – and with its focus on what’s traditional/relevant/in keeping with existing local design there’s a risk of creating safe, unexciting, even pastiche design.

- Engagement should include opportunities for a review of outcomes – what has happened as a result of the design guide, what has it produced, how could that have been better?
- It becomes prescriptive in parts, with some presumptions, for example, that intensification is good, that brownfield is good.
- The document is very urban focused. There is relatively little in it for and about rural settlements.
- One way that it works well as a textbook is acting as a prompt to remind local planners of the range of issues to consider. For example, the section on garden sizes and layouts – front to back, side to side etc. – draws out things that are important but often not recognised as being so until after the event. It also provides certainty of the standards that are considered acceptable which is often not provided through current policy.
- Whilst fully supportive of the National Model Design Code, we are concerned that the level of detail suggested could be too much for LPAs to handle within their current resources. It will be important to recognise the need for additional resource and funding to enable these Design Guides to be prepared effectively. It would be a wasted opportunity if this didn't happen.