

Consultation response – Amendments to National Planning Policy Framework

Date: 24 March 2021

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About the District Councils' Network

The District Councils' Network (DCN) is a cross-party member led network of 187 district councils. We are a Special Interest Group of the Local Government Association (LGA) and provide a single voice for district councils within the Local Government Association. District councils in England deliver 86 out of 137 essential local government services to over 22 million people - 40% of the population - and cover 68% of the country by area. District councils have a proven track record of building better lives and stronger economies in the areas that they serve. Districts protect and enhance quality of life by safeguarding our environment, promoting public health and leisure, whilst creating attractive places to live, raise families and build a stronger economy. By tackling homelessness and promoting wellbeing, district councils ensure no one gets left behind by addressing the complex needs of today whilst attempting to prevent the social problems of tomorrow.

Key Messages

- We welcome the opportunity to respond to the Government on the matters included in this consultation. The District Councils' Network broadly agrees with the amendments proposed to the National Planning Policy Framework but would raise the following issues to be considered prior to the Government introducing policy changes.
- The DCN continues to be very concerned by the social and economic impacts which would arise from the Government amending the national permitted development rights to increasing housing delivery at the cost of infrastructure provision, local economies and democratic accountability through the planning consent process. Furthermore achieving high quality design and greater community engagement in the planning system would also be undermined by such a policy approach.
- It is important to acknowledge the critical role that local Councils have in delivering an effective and robust planning system to support the country's efforts of economic and green recovery over the coming years, not least through Local Plans and the highest quality designs for new development. This will require long-term commitment and resources from both central and local Government to achieve the truly sustainable development approach required through the 17 Global Goals.
- The scale of resources required to deliver local design codes is significant and must be supported by additional finance through New Burdens Funding. We would welcome the opportunity to work with government to assess the new burden implications, which we estimate would reach at least £150,000 per local planning authority. With the explicit links to the Local Plan process, policies and allocations which Councils will be examined upon it will be necessary for the Government to reconsider the current target of Local Plan's being updated by December 2023, and revisit the penalties for local planning authorities through the New Homes Bonus

funding initiative as there is a direct impact on resources and delivery. The current approach is neither realistic nor achievable

Responses to the consultation questions

Chapter 2: Achieving sustainable development

Q1. Do you agree with the changes proposed in Chapter 2?

The amendments proposed to the policy wording in Chapter 2 are welcomed as providing important core principles for future strategic planning linked to the 17 Global Goals for Sustainable Development associated with sustainable development, climate change, design and the environment. Nevertheless it is considered that the presumption in favour of sustainable development with reference to infrastructure will be undermined if the Government implements proposed changes to permitted development rights enabling a range of uses to be converted to housing without the requirement to provide a contribution to existing and future infrastructure needs. The District Councils' Network would welcome a definition of 'beautiful' being included in the Glossary from the place-making / design / planning perspective to provide more clarity in terms of paragraph 8 (b) of the amended National Planning Policy Framework.

With specific reference to paragraph 11 (a) there is concern that the proposed wording should be strengthened to ensure the presumption in favour of sustainable development is robust and effective for a pro-active approach to address the climate emergency and require development to be sustainable rather than promote. Therefore the following wording should be used in paragraph 11 (a):

"all plans will be required to deliver a sustainable pattern of development that seeks to: ... improve the environment and built form through high quality design ..."

Chapter 3: Plan-making

Q2. Do you agree with the changes proposed in Chapter 3?

The amendments proposed to the policy wording in Chapter 3 are welcomed in order to provide certainty to all stakeholders, including local communities, regarding the timescales for larger scale developments such as new settlements / Garden Communities through long-term requirements and opportunities for major infrastructure within a 15 year time horizon whilst in the context of a 30 year vision for delivery. A footnote link to the Garden Communities principles would provide added value to paragraph 22 of the National Planning Policy Framework.

Furthermore consideration should be given to the major urban areas being required to deliver a 35% increase in housing as these locations should also be defined as larger scale developments. Hopefully this approach will also enable key service providers such as health services and schools to make longer term strategic decisions in terms of funding support and delivery. Finally it would be useful to have a definition included in the Glossary of the term 'larger scale developments'.

Chapter 4: Decision making

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 District Councils' Network are very concerned by the proposed amendments set out in paragraph 53 of the National Planning Policy Framework which will inappropriately restrict the use of Article 4 Directions to remove national permitted development rights not just in town and local centres / commercial areas but also other locations where such Directions are needed to address Houses in Multiple Occupation for example.

As highlighted in the DCN's response to the 'Supporting Housing Delivery & Public Sector Infrastructure' consultation the ability to change a range of uses in town centres, high streets, local rural areas and commercial locations to housing without planning consent will have a significant impact on local communities, the economy and infrastructure provision. Whilst it is acknowledged that the nature of retail is rapidly changing, particularly due to the Covid-19 pandemic, locations such as town and local centres will continue to have a crucial role in the future for people to use for leisure and places to relax which the Government's proposed approach will significantly undermine.

Whilst the Government is proposing to make these significant changes through Chapter 4 there are no respective amendments proposed in the related sections which will be impacted by this approach, in particular Chapters 6 – Building a strong, competitive economy, 7- Ensuring the vitality of town centres, 9 – Promoting sustainable transport, such as the approach to car parking standards, and 12 – Achieving well-designed places. Therefore further consultation is required on these elements to avoid confusion and provide clarity to local planning authorities making key decisions on evidence base studies to preparing Local Plans as well as other stakeholders including the development industry, investors and communities. Please can the Government confirm the timetable and approach for any further changes to the National Planning Policy Framework as well as additional details on Local Plan policies which will apply across England in order to ensure scarce financial resources in local authorities are not wasted.

If the Government decides to go ahead with the Class E proposals this would mean the only mechanism available to District Councils to counter-act these negative effects would be through the designation of Article 4 Directions, for example applying to Primary Shopping Areas. Furthermore providing a requirement to apply Article 4 Directions to the smallest geographical area possible is unacceptable, with the extent of the area determined by the local context. Therefore neither of the options suggested are considered acceptable and this paragraph should not be amended. Setting the bar for justifying this particular type of Article 4 Direction to only apply if it is in the national interest or to avoid wholly unacceptable adverse impacts fails to recognise the serious economic and social implications of this proposal.

Chapter 5: Delivering a wide choice of high quality homes

Q4. Do you agree with the changes proposed in Chapter 5? The amendments proposed to the policy wording in Chapter 5 are generally welcomed. In particular clarification about the percentage of affordable home ownership as a proportion of overall housing will hopefully lead to local communities being supported through new developments by having an appropriate mix of housing types through paragraph 65. Furthermore paragraph 73 reference to a genuine choice of transport modes relating to new settlements or significant extension to existing villages and towns are important core principles to be emphasised together with master plans and design codes. Finally clarification about outstanding isolated houses in the countryside is welcomed to ensure the best design is achieved.

Whilst District Councils acknowledge the Government's emphasis in paragraph 70 for Neighbourhood Planning groups to consider small and medium sites within their Plans, it is more appropriate for strategic planning authorities to manage the delivery of large-scale sites to ensure infrastructure provision through effective engagement with key stakeholders is properly considered, together with the overall development strategy approach for the local planning authority area.

Chapter 8: Promoting healthy and safe communities

Q5. Do you agree with the changes proposed in Chapter 8?

The amendments proposed to the policy wording in Chapter 8 are welcomed in order to ensure wider benefits for nature and addressing climate change issues are achieved through the use of open space and opportunities for sport and recreation in the future as well as sustainable modes of transport.

Chapter 9: Promoting sustainable transport

Q6. Do you agree with the changes proposed in Chapter 9?

The amendments proposed to the policy wording in Chapter 9 are welcomed in order to deliver sustainable modes of transport alongside quality design standards through application of the National Design Guide and the National Model Design Code which must be supported by the Manual for Streets guide, which is currently being updated.

Chapter 11: Making effective use of land

Q7. Do you agree with the changes proposed in Chapter 11?

Welcome reference to area based character assessments, codes and masterplans being used to ensure land is used effectively to create beautiful places for the future. Nevertheless this can only be applied through the planning application process rather than prior approvals, hence the need to ensure if amendments are made to permitted development rights factors such as design and local character must be considered.

Chapter 12: Achieving well-designed places

Q8. Do you agree with the changes proposed in Chapter 12?

The amendments proposed to the policy wording in Chapter 12 are welcomed in order to effectively engage local communities in establishing and delivering design policy, guidance and codes alongside local Councils applying the National Design Guide and the National Model Design Code. Nevertheless the scale of resources required to deliver the proposed amendment in paragraph 127 for local Councils is significant and must be supported by additional funding from central Government in order to ensure Local Plans can be adopted in an efficient timescale (by December 2023). Furthermore there is the risk that changes to permitted development rights which enables development to occur without planning permission or engagement with local communities through the local democratic process could significantly undermine the Government's objective to deliver high quality design. Delivering the best quality new development in the future is crucial to ensure that local communities are served effectively and housing delivery provides environmentally sustainable and functional living space.

Paragraph 130 makes reference to new streets being tree-lined and opportunities to include trees into other developments in the context of footnote 49. However there is no clarification about what defines a 'street' and the footnote appears to provide additional evidence to be provided by planning applicants to justify avoiding tree planting. Please could MHCLG

confirm that those working on the update to Manual for Streets will reflect the new policy requirement for including trees in new streets to ensure sufficient space and made available and incorporated. With many Districts seeking to deliver new trees at scale through strategic green infrastructure projects to mitigate for climate change the question arises why a specific focus has been given to streets by the National Planning Policy Framework.

Furthermore does this requirement in the National Planning Policy Framework provide sufficient justification to refuse a planning application, and this being successful at appeal? It is important to recognise stewardship and maintenance issues associated with this proposal, leading to increased costs for local residents through maintenance agreements and Council dealing with future concerns. We would strongly urge MHCLG to engage with the Royal National Institute of Blind People and other disability groups to explore issues associated with trees affecting mobility and people with impaired vision has been addressed.

Paragraph 132 is welcomed as a robust approach to ensure new development, through the planning application process, delivers high quality design. The wording of criterion b should be amended to read “Outstanding and innovative designs ...”

In terms of tree-lined streets through new development in the future it is important to recognise stewardship and maintenance issues associated with this proposal, leading to increased costs for local residents through maintenance agreements and Council dealing with future concerns.

Chapter 13: Protecting the Green Belt

Q9. Do you agree with the changes proposed in Chapter 13?

Reference to ‘buildings’ for clarification is noted in paragraph 143, criterion f.

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Q10. Do you agree with the changes proposed in Chapter 14?

The amendments proposed to the policy wording in Chapter 14 are generally welcomed in order to deliver effective flood risk management through new development as well as achieve climate change mitigation projects through green / blue infrastructure.

Nevertheless paragraph 153 (b) wording could be seen as limiting. Does this prevent innovative design coming forward, for example Passiv Haus, Ty Unnos housing? Is the wording referencing the Government’s changes to Building Regulations and the implementation of Future Homes?

Currently there is no reference concerning waste and the need to promote a circular economy within the development industry, in particular how this can be used in terms of low/zero carbon energy sources. Furthermore there is no mention of planning for future technologies and changes in energy sources e.g. hydrogen which is being encouraged through other sections of central government).

Chapter 15: Conserving and enhancing the natural environment

Q11. Do you agree with the changes proposed in Chapter 15?

The amendments proposed to the policy wording in Chapter 15 are welcomed in order to protect the setting of designated landscapes (National Parks & Areas of Outstanding Natural Beauty) as well as emphasis biodiversity improvements through new developments and

making space for nature. deliver effective flood risk management through new development as well as achieve climate change mitigation projects through green / blue infrastructure

Nevertheless it is noted that the Environment Bill is currently progressing through the Parliamentary process and may well have significant implications for the planning system, which will need to be reflected in a future amendments to the National Planning Policy Framework. Whilst it is noted that timescales can be challenging in order to achieve certainty and avoid confusion recognition should be given to local planning authorities seeking to progress with robust and effective Local Plans in this significantly changing policy context.

Chapter 16: Conserving and enhancing the historic environment

Q12. Do you agree with the changes proposed in Chapter 16?

The changes through an additional paragraph concerning historic statute, plaques and memorials are important issues to be considered through the planning process.

Chapter 17: Facilitating the sustainable use of minerals

Q13. Do you agree with the changes proposed in Chapter 17?

Welcome the clarification references and amendments proposed through Chapter 17.

Annex 1 to 3 including Glossary

Q14. Do you have any comments on the changes to the glossary?

In terms of Annex 1: Implementation the following wording should be re-instated to provide clarity to local planning authorities about the process of reflecting revisions from the National Planning Policy Framework as part of plan-making "...changes which this Framework has made either through a partial revision or by preparing a new plan." Furthermore a timetable should be published as soon as possible to provide certainty about future publication of National Planning Policy Framework changes as well as the overall approach to progressing with the Planning for the Future White Paper in order that local planning authorities can progress with plan-making robustly and have confidence that scarce resources are not being wasted.

Changes to the definition of achieving the Housing Delivery Test are noted, which may result in more Councils not meeting the requirement for no direct fault of their own but arising from constraints in their local area or lack of cross border strategic co-operation on housing delivery via Local Plans. Government should consider the individual cases of Councils in these situations rather than applying arbitrary sanctions.

Would welcome an additional definition in the Glossary for 'beauty' and 'larger scale developments' to provide further clarity.

Welcome the clarifications made through the Glossary and Annex 3.

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 contents of the draft National Model Design Code are welcomed in order to effectively engage local communities in establishing and delivering design policy, guidance and codes within the context of the National Design Guide and the Guidance Notes for Design Codes. Nevertheless the scale of resources required to deliver local design codes for Councils is significant and must be supported by additional finance from central Government through New Burdens Funding. We would welcome the opportunity to work with government to assess the new burden implications, which we estimate would reach at least £150,000 per local planning authority in order to ensure Local Plans can be adopted in an efficient timescale (by December 2023).

Delivering the content, application and use of the guidance through the community engagement approach proposed will be extremely resource intensive for individual Councils and therefore there is real concern about how this will be achieved by small and medium sized authorities through specialist design expertise. Despite reference in the guidance to using neighbourhood / community groups the level of support required from specialists in design will be significant. Furthermore production of local design codes will require a major upskilling of existing and new staff resources within local Councils across a range of matters including effective community and digital engagement, use of Arc GIS / CAD programmes and architectural knowledge.

Turning to community engagement this will require an effective consultation strategy which reflects the published Statements of Community Involvement and takes place alongside the Local Plan process at key stages to ensure high quality design is embedded at the local level rather than Council's simply relying on the National Design Code. As set out in the guidance three stages of consultation needs to be resourced and delivered through the process of preparing local design codes, with the emphasis being placed on Councils to deliver alongside other stakeholders such as developers, neighbourhood / community groups, Parish Councils etc... Therefore the resources needed will be significant, hence the need for approximately £150,000 of New Burdens Funding for each local planning authority.

It is clear from the guidance that Councils will need to make strategic decisions about the approach used for developing local design codes, not least the geographical areas of coverage but also what the design codes will cover as well as coding plan to categorise particular locations and associated application of issues through a baseline study and linked to the Local Plan vision. This is a complex and timely process to deliver which will require detailed community engagement and potentially lead to some controversy. Tensions are particularly likely in areas of high quality built environments where communities wish to maintain local character and associated property values as well as poorer quality designed locations where Councils will be seeking a step change which will lead to quality new developments but undermine the property values of existing areas hence making them less attractive in the future for local residents. There is also the potential that innovative design could be restricted by local design codes.

With the explicit links to the Local Plan process, policies and allocations which Councils will be examined upon it will be necessary for the Government to re-consider the current target of Local Plan's being updated by December 2023, and re-visit the penalties for local planning authorities through the New Homes Bonus funding initiative as there is a direct impact on resources and delivery. The current approach is neither realistic nor achievable.

Finally there is the risk that changes to permitted development rights which enables development to occur without planning permission or engagement with local communities through the local democratic process could significantly undermine the Government's objective to deliver high quality design.