

Revised National Planning Policy Framework (NPPF) and National Model Design Code (NMDC) – July 2021.

Date: 9th September 2021

Report of: Chief Planning Officer

Report to: Development Plan Panel

Will the decision be open for call in? Yes No

Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- This report outlines the changes to the National Planning Policy Framework (NPPF) and the new National Model Design Code (NMDC) which were both published in July 2021 ([National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/publishing-service)). The revised NPPF follows on from the Government's technical consultation that took place earlier this year (30/1/21 – 27/3/21) on proposed changes to the NPPF and the draft NMDC which was brought to DPP on 2nd March 2021.
- There is a clear role for planning in delivering against all of the Council's priorities as established through the Best Council Plan, particularly the Council's key strategies, as follows:
 - Health and Well-being Strategy – through policies including the design of places, quality of housing, affordability of housing and accessibility and the integration of public health infrastructure
 - Climate Emergency – managing the transition to zero carbon via policies including: the design of places, the location of development, accessibility to public transport, use of brownfield land, energy, supply, generation and the efficiency of buildings
 - Inclusive Growth Strategy – through policies including the links between homes and jobs, planning for the land use and infrastructure needs of key economic sectors, the location of development, green infrastructure and connectivity
- The Council considered carefully how changes to the NPPF impact on the ability to meet Best Council priorities, especially in relation to achieving targets relating to housing needs, inclusive growth and provision of affordable housing.

Recommendations

Development Plan Panel are requested to:

- (i) note the contents of the report.

Why is the proposal being put forward?

1. The purpose of this report is to inform Members of Development Plan Panel of the Government's revisions to the National Planning Policy Framework (NPPF) and the new National Model Design Code (NMDC), both published on 20th July 2021.
2. The publication of the revised NPPF in July 2021 follows on from the Government's consultation on the proposed revisions to the NPPF in January 2021 and the direction of travel set out in the Government's White Paper '*Planning for the Future*' and associated consultation of 2020.
3. The NPPF technical consultation and the subsequent revision of the NPPF were a response to the [Building Better Building Beautiful Commission \(BBBBC\) '*Living with Beauty*' report with additional](#) changes to the text of the NPPF following on from the Government's White Paper '*Planning for the Future*' consultation 2020.
4. It is important to note that this is not a full revision of the NPPF and that other proposed revisions are expected, alongside consultations relating to the same.
5. The Council submitted their response to the consultation on the NPPF revisions and draft NMDC, making a series of comments and suggesting various amendments in line with the related DPP paper dated 2/3/21 and comments received from Members. These have had limited impact upon the revised NPPF with the changes now made being generally unaltered from those initially proposed.
6. This report sets out the final revisions to the NPPF following the consultation, by chapters that are revised, and the NMDC.

What impact will this proposal have?

Wards affected: All

Have ward members been consulted?

Yes

No

Changes to the National Planning Policy Framework

7. Most of the changes proposed to the NPPF are as they were proposed in the consultation documents.

Chapter 2: Achieving Sustainable Development

8. The presumption in favour of sustainable development remains at the heart of the NPPF and has been expanded to include the 17 Global Goals for Sustainable Development from the UN, which the United Kingdom has agreed to pursue (along with other members of the UN) in the period to 2030. These Global Goals follow the three overarching objectives of the planning system which are seen to arise from the aim to achieve sustainable development - economic, social and environmental. The latter two have been updated with the introduction of 'beauty' as a requirement. However, 'beauty' has not been defined in the NPPF. The environmental objective has been strengthened with a requirement to 'protect and enhance' the environment and improving biodiversity. This is welcomed and was supported in our response to the previous consultation.
9. As stated, the presumption in favour of sustainable development has been retained. For the purpose of plan making this has been revised to,
 - a) *'all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;...'*
10. This removes the words 'positively' and adds in infrastructure, improving the environment and mitigating climate change. These changes are considered to be positive improvements and support the objectives of the emerging Local Plan Update in addressing the climate change emergency.

Chapter 3: Plan Making

11. Through minor wording changes the emphasis of strategic policies has shifted to focus on the design quality of places rather than individual sites/development, emphasising place making. This is considered to be a positive change.
12. This chapter also includes revisions that new settlements and major urban extensions will need to look over at least a 30-year time frame, enhancing references to the importance of supporting larger scale developments with the necessary infrastructure and facilities.

Chapter 4: Decision Making

13. Following the changes to the Use Class Order (UCO 2020), the text has been updated to set out where Article 4 directions, (which remove permitted development rights) should/can be used. Paragraph 53 now states that Article 4 directions should:
- *‘where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)*
 - *in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)*
 - *in all cases, be based on robust evidence, and apply to the smallest geographical area possible.’*
14. We had raised significant concerns with these changes, as Article 4 directions are successfully being used in Leeds to tackle issues relating to the change of use of dwellings to Houses in Multiple Occupation. We also raised concerns about the potential implications for our town and local centres if we have no ability to manage conversions to residential use now allowed under permitted development rights, and changes have been made with specific references now made to vitality and viability of town centres. There was also a concern about the length of time and resource it would take to put in place the Article 4 directions. Clarity was also sought from Government on the implications this would have on existing Article 4 directions, but this has not been provided.

Chapter 5: Delivering a Sufficient Supply of Homes

15. The revisions to the NPPF now make clear that, in identifying land for homes, neighbourhood planning groups should, ‘give particular consideration’ to the opportunities for allocating small and medium-sized sites in their areas that are suitable for housing (Para 70). This is welcomed as it provides more flexibility to groups than the previous wording, which appeared to restrict consideration to small and medium sites only.
16. The revisions also make clear that, regarding large scale development, this should be supported by a “genuine choice of transport modes”. Further references have also been added emphasising the need to secure the quality of places to be created using appropriate tools such as masterplans, design guides or codes. This emphasis on the importance of place-making is supported and aligns with the scope of the Local Plan Update.

Chapter 8: Promoting healthy and safe communities

17. Minor changes have been made to specifically refer to ensuring pedestrian and cycle routes are attractive and well designed, and this support for place making is welcomed. Additional text has also been added to recognise that open spaces can provide wider benefits for nature as well as supporting efforts to address climate change – which is again supported.

18. Paragraph 96 is a new addition which states, *'To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.'*

Chapter 9: Promoting Sustainable Transport

19. Further emphasis has also been added to this chapter (reiterating the changes in chapter 8) to emphasise that walking and cycling networks should be attractive and well designed.
20. Additional text has been inserted to confirm that, when considering development proposals, that, *'the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code'*.

Chapter 11: Making Effective Use of Land

21. Text has been added to Paragraph 125 which states that *'Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places'*. The aim here is to ensure that beautiful and sustainable design proceeds, but alongside efficient use of land. So where there is an existing or anticipated shortage of land to meet identified housing needs, it is reiterated that it is especially important to avoid homes being built at low densities, and ensure developments make optimal use of the potential of each site.

Chapter 12: Achieving Well-designed Places

22. This chapter has had the most significant change. The revisions place an increased emphasis on good design and the quality of places created, noting that the creation of high quality 'beautiful and sustainable' buildings and places is fundamental to what the planning and development process should achieve.
23. A requirement for local planning authorities to prepare design guides or codes consistent with the National Design Guidance and National Model Design Code, and which reflect local character and design preferences, is introduced. These guides can be authority wide, area-wide, neighbourhood or site specific and carry weight in decision making. Flexibility is also provided in terms of who would prepare these codes / guides, noting that whilst this is something that Local Planning Authorities 'should' do, neighbourhood planning groups and landowners/developers may also choose to prepare them.
24. The additional wording added to the NPPF makes clear that, whoever prepares them, there should be effective community engagement and they should reflect local aspirations for the development of the area. This is considered to be a vital point of clarification.
25. Various changes have been made 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 (such as design guides and codes). This emphasis is considered helpful in confirming the importance of design considerations in the decision-making process.

26. A further added Paragraph 131 sets out the important contribution trees make to the character and quality of urban environments, which can also help mitigate the effects of and adaptations to climate change. It requires that planning policies and decisions should ensure that new streets are tree-lined and that opportunities are taken to incorporate trees elsewhere in developments and also sets out a requirement that appropriate measures are in place to secure the long-term maintenance of newly planted trees and existing trees are retained wherever possible. It states that LPAs and highway officers should work with applicants to ensure that trees are planted in the right places, finding solutions that are compatible with highway standards and needs of different users.

Chapter 14: Meeting the Challenge of Climate Change, Flooding and Coastal Change

27. Revisions have been made to the text to clarify some aspects of policy concerning planning and flood risk. This now requires that the sequential test takes account of 'all sources' of flood risk, that LPAs apply natural flood management techniques to reduce causes and impacts of flooding through an integrated approach to flood risk, and clarifies that determining whether a development is appropriately flood resistant and resilient means that, in the event of a flood, it could be quickly brought back into use without significant refurbishment. Some concerns had previously been raised about the practical implications of this and the need for guidance to clarify how this should be taken into account through flood risk assessments, which has not been provided.

28. The flood risk vulnerability classification (which was previously contained within guidance) has also been added as an annexe to the NPPF to give it more weight. This is considered to be a positive change.

Chapter 15: Conserving and Enhancing the Natural Environment

29. Text has been introduced regarding statues, to confirm the process for considering any applications to remove or alter a historic statue, plaque, memorial or monument. This makes clear that *regard needs to be had "to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal."*

Annexes

30. A number of further minor changes have been made to the annexes to the NPPF:

Annex 1: Implementation

31. Sets out changes to policy application, including The Housing Delivery Test.

Annex 2: Glossary

32. Provides additional definitions, including 'Article 4 direction', 'Design guide', 'Green infrastructure', 'Minerals consultation area', 'Recycled aggregates' and 'Secondary aggregates'.

Annex 3: Flood Risk Vulnerability Classification

33. This is the Flood Risk Vulnerability Classification referenced in Chapter 14. The subheadings of the Annex comprise: Essential Infrastructure, Highly Vulnerable, More Vulnerable, Less Vulnerable, Water Compatible Development.

34. To support the aspiration to promote high standards of design, the Government has developed a 'National Model Design Code' (NMDC) along with guidance notes for design codes. References to this are added throughout the NPPF. These documents provide detailed guidance on the production of design codes, guides and policies to promote successful design. It sets out the design parameters and issues that should be considered when producing design codes and guides, as well as suggested methods to capture and reflect the views of the local community from the outset and at each stage in the process. It recognises that quality design does not look the same across different parts of the country, and so guidance needs to be produced locally responding to the local context.
35. Overall, the changes to the NMDC from the earlier draft are minimal. The changes that have been made generally seek to add clarity to the existing content, rather than changing it in any significant way
36. The main changes include:
- Increased recognition that content and level of detail may vary depending on scale covered.
 - Greater recognition of wider role of design in addressing things such as health and well-being, climate change, resilience etc.,
 - Specifically noting the potential role for codes in phased developments (rather than just 'larger developments'),
 - It makes clear the codes/guides should provide clear parameters within which there is scope for flexible application to allow for innovation,
 - Adds reference to a need to ensure that design guides and codes are updated over time as social, technical and environmental circumstances change and subject to support from local communities,
 - Greater emphasis on the need for developers and landowners, if preparing codes, to do this in collaboration with local authorities and communities,
 - A specific reference added to clarify that specific standards relating to the design of homes and buildings (i.e. minimum space standards, accessibility standards etc.) can only be introduced through policies in Local Plans, or design codes that are adopted in Local Plans (and so go through examination).

Overall conclusions

37. We are supportive of the changes in emphasis and increased focus on design, climate change, biodiversity and overall place making in the revised NPPF. This is in line with the direction taken by Leeds City Council with the declaration of a climate emergency and through the Local Plan Update and therefore lends further support to our approach. However, a lack of clarity around definitions of 'beauty', the application of Article 4 directions (with particular concerns about the future of town and local centres), and new guidance on flood risk, remain problematic.
38. Clearly the wider planning reform proposals are still awaited and this is likely to result in further changes.

What consultation and engagement has taken place?

39. Not applicable.

What are the resource implications?

40. There are no specific implications to this report.

What are the legal implications?

41. There are no legal implications arising from the recommendations in this report.

What are the key risks and how are they being managed?

42. No issues of risk are identified within the recommendations in this report.

Does this proposal support the council's three Key Pillars?

Inclusive Growth Health and Wellbeing Climate Emergency

Options, timescales and measuring success

What other options were considered?

43. Not applicable.

How will success be measured?

44. Not applicable.

What is the timetable for implementation?

45. The updated NPPF is now a material consideration in determining planning applications and plan and policy making.

Appendices

46. Not applicable.

Background papers

47. None.