

Report of the Portfolio Holder for Growth and Regeneration

Subject: Response to Government consultations – to changes to the NPPF and National Model Design Code

Date: 11th March 2021

Author: Planning Policy Manager

Wards Affected

Borough-wide

Purpose

To gain portfolio holder endorsement of Gedling Borough Council's proposed response contained in **Appendix A** to the Government consultation on changes to the NPPF and at **Appendix B** in connection with the Government consultation on the draft National Model Design Code. The consultation response is required to be submitted by 27th March 2021.

Key Decision

This is not a Key Decision

Recommendation(s)

THAT:

- 1) The Portfolio Holder approves the proposed response to the consultations on the following:**

Proposed changes to the NPPF – as set out under the relevant questions reproduced in Appendix A; and

The New Model Design Code as set out in Appendix B.

- 1.1 The government is currently proposing and consulting on a number of revisions to the National Planning Policy Framework (NPPF). The proposed policy changes seek to ensure that the planning system helps to create more attractive buildings and places, whilst still delivering homes and developments that communities need. The proposed changes to the NPPF are accompanied by a series of questions. The Council's proposed response to these questions is contained in **Appendix A**.
- 1.2 At the same time, the government is also consulting on the draft National Model Design Code (NMDC) setting out the guidance practice and the model processes. The Government is seeking wide views on the contents of the draft NMDC with a general invitation to comment on its content. The Council's proposed response is set out in **Appendix B**.

Proposed changes to the NPPF

- 1.4 The proposed changes to the NPPF are summarised below. **Appendix A** reproduces the Government's consultation paper setting out details of the proposed changes to the NPPF in chapter order along with a series of questions at the end of each chapter seeking the Council's response. In summary, the proposed changes:
- implement policy changes in response to the Building Better Building Beautiful Commission recommendations;
 - make a number of changes to strengthen environmental policies – including those arising from the review of flood risk with Defra;
 - include minor changes to clarify policy in order to address legal issues;
 - include changes to remove or amend out of date material;
 - include an update to reflect a recent change made in a Written Ministerial Statement about retaining and explaining statues; and
 - clarify the use of Article 4 directions.
- 1.4 In general, the proposed changes to the NPPF, which emphasise the importance of good design as well as other helpful clarifications, is welcome. However, concerns are raised about the proposed more restrictive approach to the use of Article 4 Directions. This Direction restricts permitted development rights meaning the applicant would need to apply for planning permission in the usual way. They are rarely used within Gedling Borough, which currently has no Article 4 Directions in place. However, the use of Article 4 is considered a vital planning

tool for example, they could restrict changes of use in town centres to non-town centres uses so that consideration may be given to the potential impacts on the core retail function as part of the consideration of a planning application. It is accepted that there is a risk that Article 4 can be open to misuse and the response in **Appendix 1** advocates that the use of Article 4 Directions should be governed by ensuring that they are backed by strong evidence.

The New National Model Design Codes

- 1.5 The NMDC sets a baseline standard of quality and practice, which local planning authorities are expected to take into account when determining applications. The NMDC covers the following matters:-
 - the layout of new development, including street pattern;
 - landscaping, including the importance of streets being tree lined;
 - the factors to be considered when determining whether the facades of buildings are sufficiently high quality;
 - the environmental performance of place and buildings, ensuring that they contribute to net zero targets; and
 - developments should clearly take account of local vernacular and heritage, architecture and materials.
- 1.6 Based on the guidance in the NMDC, the expectation is that all local planning authorities will prepare design guides and design codes at either area wide or site-specific levels in order to add additional design guidance. The guidance sets out a number of logical steps for local planning authorities to follow the process for preparing these local design codes, which also builds in community involvement at key stages.
- 1.7 In general, the National Model Design Code guidance is very welcome. It sends a strong signal by Government of the importance of achieving better quality of design and the guidance would be a material consideration in the planning decision process. The emphasis on local planning authorities to prepare more detailed design guidance for certain defined geographical areas potentially adds a useful tool to drive up the quality of design for specific places or sites. However, a concern is whether local planning authorities would have the skills and resources in place to deliver on the expectation set in the National Model Design Guidance to produce more specific design codes for particular areas particularly in the context of managing what may be quite high community aspirations.

2 Proposal

- 2.1 It is proposed that the Council responds to the Government consultation with the response to the questions posed by the Government on changes to the NPPF set out in **Appendix A**; and a more general response to the more open-ended consultation on the NMDG written in **Appendix B** in advance of the consultation deadline of 27th March 2021.

3 Alternative Options

- 3.1 The alternative options are for Gedling Borough Council to not respond to the consultation or to amend the drafted response. There is no requirement for the Council to respond to this public consultation but doing so will inform the Government's planning reform proposals from the Council's perspective. The draft response provided has been informed by the relevant Council Officers in both Planning Policy and Development Management and can be amended if the Portfolio Holder considers it necessary to do so.

4 Financial Implications

- 4.1 No financial implications. Cost of officer time drafting the response is met from existing budgets.

5 Legal Implications

- 5.1 None. This is an opportunity to comment on potential planning reforms, which have not yet come into force.

6 Equalities Implications

- 6.1 None. This is an opportunity to comment on potential planning reforms which have not yet come into force. The consultation questions include an opportunity to comment on the potential equalities implications of the proposals.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 None. This is an opportunity to comment on potential planning reforms, which have not yet come into force. There is an opportunity, through comments on the consultation questions, to comment on the potential carbon reduction/environmental sustainability implications of the proposals.

8 Appendices

- 8.1 **Appendix A** – Proposed consultation response to the NPPF

Appendix B – Proposed response to the National Model Design Codes

9 Background Papers

9.1 Draft text for the NPPF:

[Link to consultation draft text changes to NPPF](#)

Consultation Draft National Model Design Guidelines

[Link to consultation draft National Model Design Code](#)

10 Reasons for Recommendations

10.1 To inform the Government of the Council's perspective on proposed planning reforms.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer