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25 MARCH 2021

**GOVERNMENT CONSULTATION ON CHANGES TO NATIONAL
PLANNING POLICY FRAMEWORK AND NEW NATIONAL MODEL
DESIGN CODE**

1. Summary

1.1 The Government is consulting on changes to National Planning Policy Framework (Appendix A) and a new National Model Design Code (Appendix B). The Council's proposed responses to the consultation questions are set out in Appendix C.

2. RECOMMENDATION

2.1 That the responses to the questions, set out in Appendix C to the report, form the Council's response to the Government's Consultation on the Changes to National Planning Policy and the new National Model Design Code.

3. Background and Discussion

3.1. The Government has published proposed text changes to the National Planning Policy Framework (NPPF) and a new National Model Design Code (NMDC). These are included as Appendices A and B respectively. The consultation takes the form of a series of questions and ends on 27 March 2021. The suggested responses to the consultation questions are set out in Appendix C, with the key points outlined in paragraphs 3.3-3.6 and 3.11-3.12 below.

Proposed Changes to the National Planning Policy Framework

3.2. The NPPF was originally published by the government in 2012. There have been a number of changes since to reflect changes in approach, the most recent of which was in 2019. The current consultation relates to further proposed changes (see Appendix A). The most significant ones potentially affecting planning in Dartford Borough are:

- Requiring strategic planning policies to look ahead for 30 years rather than 15 years where larger-scale development forms part of the strategy for the area
- Changes to when local planning authorities can use Article 4 directions to remove national permitted development rights for changes of use to residential
- Inclusion of references to beautiful places and homes
- The requirement that local planning authorities should prepare design guides or codes consistent with the National Design Guide, and the National Model Design Code.
- Further references to delivering benefits to nature, addressing climate change and the role of trees in urban environments
- The need to consider all sources of flood risk in the location of development and to ensure that development is as resilient as possible in the event of flooding

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- The need to have regard to the importance, historic and social context of historic statues, plaques or memorials when considering applications for their removal or alteration
- 3.3. The Council's proposed response to the consultation, as set out in Appendix C, supports many of the proposed changes and a number of them already reflect the approach taken in Dartford Borough, such as aligning growth with infrastructure provision, the provision of multi-functional green infrastructure and the protection of trees. However, there are some which are of greater concern; these relate to:
- The potential impacts on plan writing of the suggestion that plans look ahead for at least 30 years rather than 15 years where larger scale development forms part of the strategy for the area. The proposed response is that this should be clarified so that it applies to the plan vision only.
 - The suggestion that plan making needs to take into account "other statements of national planning policy". The recommended response is that national planning policies should be made via consultation and changes to the NPPF so that they remain in one location.
 - Proposed changes to when Article 4 directions can be used to remove national permitted development rights for changes of use to residential. These would make it more difficult to bring in Article 4 directions in these instances. This could be to the detriment of creating a high quality environment for occupiers and would reduce the ability of the Council to take into account local circumstances.
- 3.4. Whilst the Council supports the principal of the use of Design Codes and Design Guides and the increased emphasis within the NPPF on good design, the production of such documents require a considerable resource input and skills which are not presently available on a permanent basis within Planning Services.
- 3.5. Producing effective Design Codes/Guides will require masterplanning, architectural, highways, landscape and construction skills combined with an understanding of commerciality. The Council does not have any in-house design capacity or resource to undertake this work. In fact, a [2017 survey](#) by Place Alliance found that only 10% of Authorities have urban design / place-making teams. To produce Design Codes at speed and scale to meet the government's requirements will require significant investment in resource and upskilling. There is concern that there will be significant pressure on the availability of these skills should this become a requirement and there is likely to be a shortage in supply. A November 2020 [survey of Authorities](#) resulted an estimated median total cost of preparing, consulting on, and adopting a Design Code for an area of c.1,000 homes as £139,000. This could increase if consultants need to be used and demand outstrips supply.
- 3.6. The proposed response has therefore identified the need for forward-funding that covers the true costs of Authorities upskilling at speed, and

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delivering Design Codes at scale to support the requirement on local planning authorities to produce local Design Codes.

National Model Design Code

- 3.7. The purpose of the National Model Design Code (see Appendix B) is to provide detailed guidance on the production of design codes, guides and policies to promote successful design. It is not a statement of national policy but a toolkit which forms part of the government's planning practice guidance. The government recommends that local planning authorities follow the guidance when preparing design codes and guides. A design code is a set of simple, concise, illustrated design requirements that are visual and numerical wherever possible to provide specific, detailed parameters for the physical development of a site or area.
- 3.8. The National Model Design Code sets a baseline standard of quality and practice which local planning authorities are expected to take into account when developing local design codes and guides which the amended NPPF requires should be taken into account when determining planning applications. The NMDC covers matters such as :
- The layout of new development, including street pattern;
 - How landscaping should be approached including the importance of streets being tree-lined;
 - The factors to be considered when determining whether facades of buildings are of sufficiently high quality;
 - The environmental performance of place and buildings ensuring they contribute to net zero targets;
 - That developments should clearly take account of local vernacular and heritage, architecture and materials.
- 3.9. Elements of design codes can apply to:
- The whole Borough
 - Types of area
 - Development sites
 - Individual building plots
- 3.10. The National Model Design Code sets out the following seven steps for the preparation of a local design code and includes details on what should be considered for each of these:
1. Analysis
- 1A – Scoping: Agreeing on the geographical area to be covered by the code and the policy areas that it will address.
- 1B – Baseline: Bringing together the analysis that will underpin the code and inform its contents.
2. Vision
- 2A – Design Vision: Dividing the area covered by the code into a set of typical area types and deciding on a vision for each of these area types.

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2B – Coding Plan: Preparing a plan that maps out each of the area types and also identifies large development sites from allocations in the local plan.

2C – Masterplanning: On larger sites working with land owners and developers to agree a masterplan for each of the development sites establishing the key parameters and area types.

3. Code

3A – Area Type Guidance: Developing guidance for each area type by adjusting a set of design parameters.

3B – Design Code Wide Guidance: Agree on a set of policies that will apply equally across all area types.

3.11. The NMDC and supporting guidance notes are clear and well-illustrated to assist with preparing local Design Codes to guide good place-making. The fact that the NMDC is not a code in itself, but essentially a guide on how to produce good design guidance ensures that there is the ability for Design Codes to take into account local circumstances and local views. Indeed the NMDC emphasises that communities should be involved at each stage of the process. The guidance notes supporting the NMDC includes advice on Community Engagement, the objective of the NMDC being to gain measurable community support for design codes. The suggested community involvement events are extensive and as discussed above will have a staff resource implication but there is no clarity of what “measurable community support” is.

3.12. Design Codes are generally a more effective tool for securing design quality where they are site-specific. It is likely that the Council would seek to pursue Design Codes that are limited to tightly defined development sites or possible existing settlements under development pressure, in order to manage the development coming forward. “Area design codes” are less likely to be of assistance in determining planning applications and do not allow the very local considerations to be taken into account, such as specific local character. The response at Appendix C reflects these issues.

4. Relationship to the Corporate Plan

4.1 The Council’s Corporate Plan includes a number of relevant strategic aims:

- To ensure that regeneration in Dartford is sustainable and of benefit to all of our communities
- To promote an environment which is attractive, with improved air quality and which provides a realistic choice of travel options

5. Financial, legal, staffing and other implications and risk assessments

Financial Implications	No implications of responding to the consultation, but should the requirement to produce Design
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	Codes be introduced, there will be additional cost in terms of staff and resources to produce these.
Legal Implications	No implications of responding to the consultation.
Staffing Implications	No implications of responding to the consultation but should the requirement to produce Design Codes be introduced, additional staffing resource will be required to enable the production of the required Design Codes.
Administrative Implications	No implications of responding to the consultation.
Risk Assessment	No further uncertainties and/or constraints

6. Details of Exempt Information Category

Not applicable

7. Appendices

Appendix A – National Planning Policy Framework Draft Text for Consultation, MHCLG 2021

Appendix B – National Model Design Code, MHCLG August 2020

Appendix C – Dartford Borough Council's response to the consultation

BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
<ul style="list-style-type: none"> • National Planning Policy Framework Draft Text for Consultation, MHCLG 2021 	Andrea Wright (01322) 343060	Planning Policy, Planning Services	N/A
<ul style="list-style-type: none"> • National Model Design Code, MHCLG 2021 			