

Appendix C

Chapter 2: Achieving sustainable development

The revised text reflects the government's response to the Building Better Building Beautiful Commission, and makes a small number of other minor changes:

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.

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

Yes. The Council is committed to ensuring that development in the Borough comes forward in sustainable locations, is well-designed, protects and enhances the natural, built and historic environment and addresses climate change issues. The Council agrees that growth and infrastructure should be aligned. It works hard with infrastructure providers to bring forward infrastructure and regularly updates the Infrastructure Delivery Plan to address the infrastructure issues associated with planned development. Furthermore, its plan policies on windfall residential development require infrastructure provision and capacity to be taken into account. Whilst the Council has adopted a Community Infrastructure Levy (CIL) and also seeks developer contributions where necessary infrastructure is not covered by CIL, these are not sufficient to meet all the infrastructure needs arising from new development.

Chapter 3: Plan-making

The revised text reflects the government's response to the Building Better Building Beautiful Commission, and recent legal cases:

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.

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

Not entirely.

A large part of Ebbsfleet Garden City falls within the boundaries of Dartford Borough. The Publication Dartford Local Plan February 2021 sets out the vision, objectives and policies for the period to 2037 but recognises that development of the Garden City will extend beyond that period. However, the Council has some concern that the wording of paragraph 22 may be ambiguous and open to challenge. The Council has concerns about the impacts on plan writing: is the intention that the vision should have a long term perspective but that the policies remain focused on the Plan period? If this is the case, it should be made explicit and the Council suggests the following amended wording:

“Where larger-scale development such as new settlements form part of the strategy for the area, **in this instance the vision in the plan should** look further ahead (at least 30 years), to take into account the likely timescale for delivery. “

The Council does not agree that “other statements of national planning policy” should be referred to in paragraph 35. The purpose of the introducing the NPPF in the first place was that national planning policy would be in one location. It is considered that any changes to national planning policy should be made via consultation and changes to the NPPF.

Chapter 4: Decision making

The revised text aims to clarify the policy intention for Article 4 directions: 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.

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?

No, the Council do not agree that there should be any changes to the circumstances in which Article 4 directions can remove national permitted development rights for changes of use to residential. In order to create a high quality environment for existing and potential occupiers, it is considered that the existing local amenity and well-being factors are most appropriate. The proposed new circumstances would set the bar too high for the introduction of new article 4 directions which are imposed to deal with local situations and therefore the local planning authority is the best judge as to whether an Article 4 direction is needed.

Chapter 5: Delivering a wide choice of high quality homes

The revised text aims to clarify the existing policy and reflects the government’s response to the Building Better Building Beautiful Commission and recent legal cases:

Paragraph 64 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 69 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 paragraph 68a) suitable for housing in their area.

Paragraph 72 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 72(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 paragraph 73(c)) has been updated to reflect that the Housing Delivery Test has now come into effect.

Paragraph 79(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.

Paragraph 79 (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.

Q4. Do you agree with the changes proposed in Chapter 5?

No comments on the proposed changes.

Chapter 8: Promoting healthy and safe communities

The revised text seeks to clarify existing policy:

Paragraph 91(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.

Paragraph 96 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.

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

Yes. Dartford Borough Council already seeks the provision of attractive, clear and legible

pedestrian and cycle routes and multi-functional open spaces as part of new developments.

Chapter 9: Promoting sustainable transport

The revised text reflects the government's response to the Building Better Building Beautiful Commission:

Paragraph 104(d) has been amended to support the Building Better, Building Beautiful Commission's recommendations on encouraging walking and cycling.

Paragraph 108(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.

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

Yes, the Council already supports the provision of well-designed walking and cycling networks and secure cycle parking as part of new development. The Council supports the wording change in Paragraph 108C and the increased emphasis on national guidance, the National Design Guide and the National Model Design Code.

Chapter 11: Making effective use of land

The revised text reflects the government's response to the Building Better Building Beautiful Commission:

Paragraph 123 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.

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

Yes the Council agrees that character assessments, codes and masterplans can be helpful tools to ensure appropriate and good quality development. However, the Council has significant concerns about the increased resource that will be required to prepare these and the ability to fund this additional skilled resource.

Chapter 12: Achieving well-designed places

The revised text reflects the government's response to the Building Better Building Beautiful Commission:

Paragraphs 124 and 126 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 125 has been amended to clarify the role that neighbourhood planning groups can have in relation to design policies.

Paragraph 126 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 127 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 129 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 131 and footnote 50 have been updated to refer to Building for a Healthy Life.

New paragraph 132 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.

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

Yes. The Council understands the potential value of local design guides and codes but has significant concerns about the additional resource pressures that this places on the local planning authority and also the ability fund and source appropriately skilled professionals to prepare Design Guides and Design codes. The Council does not currently have a permanent in-house resource to produce these and understand from previous work that there is a high cost to producing such documents and skilled urban designers will be required to undertake this work. The Council also raise concerns that such skills may be in short supply when these requirements are brought in.

In terms of trees, Dartford Borough Council already has Local Plan policies on the protection of trees and incorporating landscape into new developments. The policies in the Publication Local Plan seek to strengthen these. However, in the Council 's experience, achieving a continuous tree-lined street does result in higher land take due to the need to avoid lighting, infrastructure ducting and cabling as well as parking areas. This can result in reduced housing numbers and also reduced viability of a scheme leading to lower levels of affordable housing provision.

Chapter 13: Protecting the Green Belt

The revised text seeks to clarify existing policy:

New paragraph 148(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.

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

No comment.

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

The revised text seeks to strengthen environmental policies, including clarifying some aspects of policy concerning planning and flood risk:

The changes proposed are in part, an initial response to the emergent findings of our joint review with the Department for Environment, Food and Rural Affairs (Defra) of planning policy for flood risk. The government's Policy Statement on flood and coastal erosion risk management (<https://www.gov.uk/government/publications/flood-and-coastal-erosion-risk-management-policy-statement>) sets out a number of actions to maintain and enhance the existing safeguards concerning flood risk in the planning system. Informed by this, we will consider what further measures may be required in the longer term to strengthen planning policy and guidance for proposed development in areas at risk of flooding from all sources when our review concludes.

On planning and flood risk, new paragraphs 159 and 160 have been amended to clarify that the policy applies to all sources of flood risk.

New paragraph 159(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 161). It is considered that this classification is a key tool and should be contained in national policy.

New paragraph 162 has been amended to clarify the criteria that need to be demonstrated to pass the exception test.

New paragraph 165(b) has been expanded to define what is meant by "resilient".

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

Yes. Parts of Dartford Borough are at risk of flooding and it is appropriate to take account of resilience and the risk of flooding from all sources when considering new development. The Council supports the inclusion of the flood risk vulnerability classification in Annex 3 but it would help if this also included the Flood Risk Vulnerability and Flood Zone Compatibility table currently contained in the national planning guidance at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575184/Table 3 - Flood risk vulnerability and flood zone compatibility .pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/575184/Table_3_-_Flood_risk_vulnerability_and_flood_zone_compatibility_.pdf)

Chapter 15: Conserving and enhancing the natural environment

The revised text seeks to clarify existing policy and reflects the government's response to the Building Better Building Beautiful Commission:

New paragraph 174 has been amended in response to the Glover Review of protected landscapes (<https://www.gov.uk/government/publications/designated-landscapes-national-parks-and-aonbs-2018-review>), 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 175 has been separated from the preceding paragraph to clarify that this policy applies at the development management stage only.

New paragraph 178(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.

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

No comment in relation to changes regarding policy on Areas of Outstanding Natural Beauty.

Yes, agree the changes in relation to biodiversity. Dartford Borough Council supports the pursuit of multi-functional Green Infrastructure.

Chapter 16: Conserving and enhancing the historic environment

The revised text seeks to reflect a change made to national planning policy by a Written Ministerial Statement on protecting our nation's heritage dated 18 January 2021:

New paragraph 196 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.

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

Agree. This is an example of a ministerial statement being incorporated into the NPPF. This should be the case for all future ministerial statements (see response to Q2 above).

Chapter 17: Facilitating the sustainable use of minerals

Minor changes have been made to clarify existing policy:

New paragraph 207(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 208(f) has been amended to reflect that some stone extraction sites will be

large and serve distant markets.

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

No comment.

Annex 1: Implementation

Minor changes have been made to update the position on transitional arrangements, and on the Housing Delivery Test.

Annex 2: Glossary

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.

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

No

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

The NMDC and supporting guidance notes are clear and well-illustrated and will support good placemaking. We welcome that the NMDC is not a code in itself, but essentially a guide on how to produce good design guidance.

“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.” (p.1 NMDC) To enable the straightforward application of Design Codes, they should be limited to elements relating to the built environment and should not cover all of the issues in the National Design Guide.

The focus on area-based character assessments is welcome and will encourage the efficient and sustainable use of land.

b) the application and use of the guidance

We note the [Housing Design Audit for England 2020](#) found that Design Codes were the most effective tool for securing design quality, however the optimum outcomes were

achieved with site-specific Design Codes as opposed to broader 'area type' or Authority wide approaches.

The Council are most likely to pursue Design Codes that are limited to tightly defined development sites and existing settlements under development pressure.

Typologically defined 'area-types' are not how communities and members conceive of places. While it is possible to categorise 'Urban Neighbourhoods' and 'Outer Suburbs' etc. across an LPA area, it does not follow that area types should share a common Design Code. Specific local character, need, viability, social infrastructure, connectivity will influence design.

Nonetheless, we believe there is sufficient flexibility in the guidance to adapt to a neighbourhood / place-based approach instead of morphology, particularly if producing selective site-specific codes.

Producing effective Design Codes will require masterplanning, architectural, highways, landscape and construction skills combined with an understanding of commerciality. Local authority in-house design capacity is low, 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 will require significant investment in resource and upskilling. A November 2020 [survey of Authorities](#) gives 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. To ensure widespread application, locally-produced Design Codes must be backed up by forward-funding that covers the true costs of Authorities upskilling at speed, and delivering Design Codes at scale.

c) the approach to community engagement

The Council consider that more guidance is required on what constitutes "provably popular places that have measurable community support." Consultation exercises designed to establish proof of popularity risk focussing narrowly on built form and appearance without the requisite weight given to social and physical infrastructure, sustainability and established need (housing, employment land etc.)

Public Sector Equality Duty

Q16. We would be grateful for your comments on any potential impacts under the Public Sector Equality Duty.

No comment.