

NEW FOREST NATIONAL PARK AUTHORITY

PLANNING COMMITTEE MEETING – 16 FEBRUARY 2021

NATIONAL PLANNING POLICY FRAMEWORK & NATIONAL MODEL DESIGN CODE: CONSULTATION PROPOSALS

Report by: David Illsley, Policy Manager

1. INTRODUCTION

- 1.1 On 29 January 2021 the Government published proposals seeking views on:
- draft revisions to the National Planning Policy Framework (NPPF); and
 - the draft National Model Design Code, which provides detailed guidance on the production of design codes, guides and policies to promote successful design.
- Full details of the consultation can be found at [National Planning Policy Framework and National Model Design Code: consultation proposals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals) and the consultation runs for an 8-week period from 30 January to 27 March 2021.
- 1.2 This report provides a high-level overview of the Government's proposals and sets out how the National Park Authority is likely to be responding to the consultation. The Ministry of Housing, Communities & Local Government are inviting responses from local planning authorities, developers, consultants, town and parish councils, local residents and a range of other stakeholders and interested parties.

2. PROPOSED CHANGES TO THE NATIONAL PLANNING POLICY FRAMEWORK

- 2.1 The Government is proposing a number of changes to the NPPF (2019) and full details can be viewed at [NPPF draft for consultation \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/consultations/nppf-draft-for-consultation). Most of the changes relate to policies on the design of new development and are proposed in response to the recommendations of the Building Better, Building Beautiful Commission report 'Living with Beauty'. In addition, there are amendments proposed to other sections of the NPPF, including the wording on National Parks.
- 2.2 It is important to emphasise that the Government is not proposing a wholesale review of the NPPF in its entirety at this stage. The consultation material confirms that a fuller review of the Framework is likely to be required in due course, depending on the implementation of the Government's proposals for wider reform of the planning system set out in their Planning White Paper of August 2020.
- 2.3 As part of the consultation, the Government has published a version of the NPPF (2019) with the proposed amendments highlighted in track-changes. Areas of particular interest/relevance to the Authority's work as the sole statutory planning authority for the New Forest National Park include:
- Paragraph 53, *use of Article 4 Directions*: To ensure Article 4 Directions are only used to remove national permitted development rights where they are targeted

and fully justified, it is proposed to amend paragraph 53 to clarify that Article 4 Directions should be restricted to the smallest geographical area. This is to ensure the use of Article 4 Direction is appropriate and proportionate.

- Paragraph 80, *isolated homes in the countryside*: It is proposed to amend criterion (d) to clarify that the curtilage does not fall within the scope of this policy. Criterion (e) is proposed for revision to address a perceived loophole for designs that are not outstanding, but that are in some way innovative. This change is proposed to ensure that outstanding quality can always be demanded.
- Paragraph 127, *production of local design guides or codes*: The consultation proposes an amendment to state, “...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. Their level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety where this would be justified.” This updated NPPF wording is relevant to the review of the National Park Design Guide SPD.
- Paragraph 128, *design guides and codes*: New wording is proposed in response to the Building Better Building Beautiful Commission’s recommendations to give communities greater say in design standards set for their area. It clarifies that the National Design Guide and National Model Design Code should be used to guide decisions on applications in the absence of locally produced guides or codes.
- Paragraph 130, *street trees*: This new paragraph 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.
- Paragraph 175, *National Parks*: New wording is proposed to be added to the existing paragraph on National Parks to confirm that development within the setting of National Parks should be located and designed to avoid adverse impacts on the designated landscapes. This amendment has been proposed in response to the Glover Review of protected landscapes (2019).
- Paragraph 176, *major development in National Parks*: It is proposed to separate existing paragraph 172 in the NPPF into two parts to clarify that the major development test for National Park applies at the planning application stage. The implications of this proposed change will need to be carefully considered.

3. DRAFT NATIONAL DESIGN CODE

- 3.1 The consultation is also seeking views on the draft National Model Design Code - see [National Model Design Code \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) - which provides detailed guidance on the production of design codes, guides and policies to promote successful design. It expands on the ten characteristics of good design set out in the National Design Guide. The draft National Model Design Code is intended to be used as a toolkit to guide local planning authorities on the design parameters and

issues that need to be considered and tailored to their own context when producing design codes and guides. The Government consultation is asking for views on the content of the draft National Design Code guidance; the application and use of the guidance; and the approach to community engagement.

- 3.2 The draft National Model Design Code forms part of the Government's planning practice guidance resource and is intended to be read alongside the National Design Guide. Although it would have the status of 'guidance' and would not therefore be a statement of national policy, the Government recommends that the advice on how to prepare design codes and guides is to be followed.
- 3.3 The NPPF expects local planning authorities to develop local design codes or guides, taking account of the National Design Guide and the National Model Design Code. The draft National Model Design Code sets out design parameters to help local authorities and communities decide what good quality design looks like in their area, based on local aspirations for how their area will develop.
- 3.4 Alongside the draft National Model Design Code the Government has also published a 97-page 'Guidance Notes for Design Codes' – see [Guidance notes for Design Codes \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk). This sets out the possible contents for a design code and will similarly need to be considered as part of the review of the Authority's own Design Guide SPD (see below).

4. THE NATIONAL PARK AUTHORITY'S INTENDED RESPONSE

- 4.1 A significant amount of material was published as part of the Government's consultation at the end of January 2021 and Authority officers are currently reviewing the information published. Set out below is an overview of the intended approach to responding to the consultation by the deadline of 27 March 2021.
 - Draft changes to the NPPF: The proposed revisions will be discussed at the English National Park Authority Heads of Planning Group meeting on 11 February 2021. The current intention is to prepare a combined National Parks England response on behalf of the English National Park Authorities and the Broads Authority. The scope of this combined response will be discussed at the 11 February meeting. As with the Government's Planning White Paper in 2020, individual National Park Authorities will have the option of submitting their own representations in addition to the combined National Parks England response.
 - Draft National Model Design Code: This will also be discussed at the National Park Authority Heads of Planning Group meeting on 11 February and the combined National Parks England consultation response will pick up on this element of the consultation, alongside the proposed NPPF revisions.
- 4.2 The draft National Model Design Code consultation documents are clear that local planning authorities should follow the advice in the guidance when producing local design codes or design guides as Supplementary Planning Documents. This has implications for our current work of reviewing the National Park Design Guide SPD which has been underway for several months. A members' workshop on our Design

Guide review is taking place on 25 February 2021 and this provides an opportunity for officers and members to discuss in more detail the implications of the draft National Model Design Code on progressing the Design Guide review.

5. CONCLUSIONS AND RECOMMENDATION

- 5.1 The wealth of information published on the proposed changes to the National Planning Policy Framework and the draft National Model Design Code at the end of January 2021 highlight the Government's drive to move forward with their proposed reforms to the planning system. The proposed changes reflect the recommendations of the Building Better Building Beautiful Commission's report (January 2020) and follow a number of proposals set out in the Planning White Paper (August 2020).
- 5.2 The principle focus of the proposed changes is the promotion of high-quality design to ensure new development enhances local communities. This aim is supported and accords with the work undertaken through our Building Design Awards, the adoption of Village Design Statements in the National Park, and the current work on reviewing the National Park Design Guide. In addition to the focus on design, the consultation includes revisions to several sections of the NPPF that are of direct relevance to the work of the Authority as the statutory planning authority for the National Park area.
- 5.3 We will be liaising closely with the other English National Park Authorities to review the consultation material and the intention is to prepare a combined National Parks England response. As with the Planning White Paper consultation last year, this approach does not preclude individual National Park Authorities from submitting their own responses. It is recommended that members support the proposed approach of a combined National Parks England response. The Design Guide members' workshop on 25 February provides a further opportunity to discuss the implications of the draft National Model Design Code on progressing the Design Guide review.

RECOMMENDATION:

Members (a) note the scope and focus of the Government's current consultation on proposed changes to the NPPF (2019) and the draft National Model Design Code; and (ii) delegate to officers to input into a combined National Park England consultation response to the proposals by the deadline of 27 March 2021.

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