

Report of the Head of Development Services

MHCLG Consultation: National Planning Policy Framework and National Model Design Code

Summary

1. On 30 January 2021 the Ministry of Housing, Communities and Local Government (MHCLG) published a consultation entitled [“National Planning Policy Framework and National Model Design Code: consultation proposals”](#). The consultation runs until the 27 March 2021.
2. The MHCLG consultation seeks views on draft revisions to the National Planning Policy Framework (NPPF). Revisions implement policy changes in response to the Building Better Building Beautiful Commission *Living with Beauty* report. Other proposed changes are largely refreshes/updates. MHCLG advise 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.
3. Proposed changes to NPPF are summarised as: (1) Implements policy changes in response to the Building Better Building Beautiful Commission recommendations. (2) Strengthen environmental policies, including those arising from our review of flood risk with Defra. (3) Legal issues. (4) Remove or amend out of date material. (5) New comment on planning control of statues. (6) Clarification on the use of Article 4 directions.
4. The consultation is also seeking views on the draft National Model Design Code (NMDC). This provides detailed guidance on the production of design codes, guides and other policies to promote successful design. Government expects local authorities to apply this

guidance and create their own design codes, guides and other policies to promote successful design.

5. MHCLG also intend to test the NMDC, by trialling its use to develop local Design Codes for a small number of local authorities, prior to its general release.
6. Summary analysis: Local Design Codes have the potential benefit of embedding good design quality into the heart of planning decision making, but there are many potential pitfalls to explore, which could have counterproductive outcomes.
7. Summary analysis: NPPF revisions are minor, with the exception of clarification on the use of Article 4 directions, which prevents LPA from amending the expansion of permitted development rights. These issues were explored in recent CYC executive member paper 26 Jan 2021.

Recommendation

8. The Executive Member is asked to:
 - a. Note the content of this report and annexes; and
 - b. Delegate to the Assistant Director for Planning and Public Protection to submit the Councils response to the MHCLG consultation referred to in this report.

Background

Existing policy context leading to the proposed National Model Design Code and NPPF revisions.

9. MHCLG *National Design Guide* (NDG), Oct 2019. Explains how to recognise well-designed places, by outlining and illustrating the government's priorities for well-designed places in the form of ten characteristics through which design is experienced- "context; identity; built-form; movement; nature; public-spaces; uses; homes-and-buildings; resources; lifespan". A secondary purpose of this is to standardise the design-language.
10. MHCLG commissioned *Living with Beauty*, Jan 2020 & MHCLG response Feb 2021. Independent body exploring ideas on how to promote and increase the use of high-quality design for new build homes and neighbourhoods.
11. MHCLG *Planning for the Future*, White Paper Aug 2020- proposals to "...streamline and modernise the planning process (in England), improve outcomes on design and sustainability, reform developer

contributions and ensure more land is available for development where it is needed". One principle of which ("Pillar two") concerns itself with "Planning for Beautiful and Sustainable Places", making explicit reference to widespread use of Design Codes to help achieve this.

National Model Design Code

Existing Design Guidance within the Planning System

12. Substantial existing design guidance is widely available and informs planning decisions as a material consideration to various degrees. Government, national bodies and expert groups, local authorities (including CYC) and local interest groups, all produce design guidance.
13. Design guidance can be highly varied. It ranges in topic, and scale, in mandatory to discretionary application, and can be objectively measurable by quantity or subjectively assessed as a quality.
14. Design guidance has various material weight within the planning system. Planning specific design guidance usually has the highest weighting and includes CYC planning policies, acts of planning law, the NPPF and its technical guidance. Design content is directly included within these documents or outsourced to other third party documents through naming standards (such as a "BREEAM" etc...) or requiring certain desirable qualities (such as, at its most vague, NPPF requirement for "good design", para 124 etc...).
15. Not all mandatory design standards are planning ones. For instance, Building Regulations, Highways Regulations or British Standards operate mostly outside of planning processes. These are often not overtly "design" standards, yet still have considerable impacts on design outputs (for instance, the prevention of crime or fire safety). These are often accepted constraints as part of the planning process.

The government aspired approach to the design of the built environment

16. To move away from text based descriptions of design outputs to visual representation, in order to try to clarify issues so they are not needlessly debated/disputed.
17. To use the same design terminology and design analysis, and to a degree- the same basic design standards, from place to place

(instead of the current situation, which is quite varied). This way, interested parties like developer and LPA communicate more effectively.

18. To return to perceived previous ways of building, where developers understood “beauty” and aspired to it. Alternatively, at least to return to tried and tested ways of doing things (such as “pattern book design”), rather than endlessly invent new forms for no clear reason.
19. To build in a way that the local community are more likely to accept because it is familiar and works, and to create additional local design standards that the public support.
20. To dismantle perceived culture clashes between “modern” and “tradition”, by laying bare “good design” that should apply to both.
21. To improve speed of planning decisions with more certain outcomes, or even remove the need to regulate some development, except in the lightest way (extension of permitted development rights etc...)
22. To increase the importance of evidenced good design as a decision factor in planning, thereby improving standards of design quality over time, turning the tide on the ever-increasing amounts poorly designed built environment.
23. As a result, development (less mystical, simpler and quicker) also becomes more appealing to wider sectors of society and less reliant on industry consultant specialists. Outcomes being more economic activity, twinned with better standards (two things that normally head in the opposite direction, all other things being equal).

Describing the *National Model Design Code* (NMDC) and its new companion document *Guidance Notes for Design Codes*.

24. Purpose- *“to provide 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, which reflects the government’s priorities and provides a common overarching framework for design”*. MHCLG recognises this is one tool available to local authorities to deliver design quality. It does not override or supersede existing documents informing design (for instance, local conservation area appraisals or design SPDs, or national guides like *Manual for Streets*).
25. Policy status- This document is not national policy, but government expects it to be used to inform the preparation of local Design Guides

and government is proposing changes to NPPF to expect local Design Guides to be used in planning decision making. In the absence of local design guidance, local planning authorities will be expected to defer to the *National Design Guide*, *National Model Design Code* and *Manual for Streets*, which can be used as material considerations in planning decisions. NMDC also appears to include an in-between option (NMDC, p4) of embedding NMDC content directly with Local Plans if a design code is not appropriate.

26. Format- NMDC is published in two parts. The first part is an explanation about what to expect a design code to do (“Purpose” and “Objectives”); how a local authority should go about applying it, including what geography extents to apply (“Application”); and how to develop code content (“Coding Process”). The second part is a separate document “*Guidance Notes for Design Codes*” (GNDC), which goes into further detail on possible code content.
27. The NMDC foresees some code being applicable to the whole area and some that might vary depending on twelve possible “area types” differentiated by urban characteristic like “industrial” or “outer-suburb” etc... The NMDC provides a content framework for local authorities to choose from, depending on what each local authority assesses as most appropriate for them, but NMDC does specify a minimum content.
28. In addition to “area types” there is also the option of including site specific content for larger development sites- ie masterplan content, which might be created by the LPA and/or developer.
29. Nature of design content- is mostly familiar urban design advice for good practice. It ranges from “musts”, to “preferable”, to “possible options” (possible options being for the LPA to consider choosing from). Some guidance is quality-based and so quite open to different interpretation. Guidance includes measurable standards as ranges (for example, density or building separation), but appears slightly hesitant to include fixed measurable standards.
30. Local Plan and measurable standards – Guidance often specifies the need for policy back up from a Local Plan, and is often silent for measurable standards, which it expects to be stated in policy elsewhere like a Local Plan (for example, car parking or cycle provision standards). However, it does give prompts to suggest some

measurable standards are a good idea to include in Local Plans (for example, Housing Space Standards, GNDC p74).

Analysis

31. Positives: It is obviously a good thing to improve focus on design quality in the planning system. Embedding design guidance more directly into NPPF, government publications such as NMDC, and ultimately local outcomes such as a possible adopted “York Design Code”, strengthens the planning mechanisms to achieve this. If adequately resourced, and subject to the future planning system being relatively the same, LPAs should be able to use this approach to speed up processes and improve outcomes. Whilst the list of “unknowns and concerns” below is longer, these are great potential benefits.
32. Unknowns and concerns: Government ambition to treat good design as simply a routine “pattern book” approach is unlikely to be achieved by this. NMDC is not a re-invention of urban design into an algorithmic process of rules generating guaranteed outputs. NMDC is quite a traditional Urban Design document, with plenty of scope for variation. This is not a bad thing, but possible future changes to the planning system might create an over reliance on code content.
33. Unknowns and concerns: “Beauty” is not demystified here, and many of the challenges to consider it are deferred and left to LPAs to consider when producing their own Design Codes. Adding emphasis to “Beauty” could end up in complex lengthy disagreements and it is unclear how the planning inspectorate would make such judgements either?
34. Unknowns and concerns: The local community is diverse and engagement challenges include: Representational engagement over a likely short time; complex and diverse views on something as emotive as this making it hard to coherently inform local Design Code content; possible over-conservative outcomes, which might stifle innovation.
35. Unknowns and concerns: There are potential conflicts between Local Plan anticipated growth and code content that implicitly limits growth. Understanding how code content influences outputs is complex. For example, possible limits on building height reduce profit, or desirable features of the code might increase cost. This might cause reduced deliverability that in turn limits growth. Countering reasoning includes “higher quality generates higher value” are true, but ones such as

“known constraints [such as code content] lowers land value to ensure deliverability” are likely to take years to bed in, given existing land investments anticipate returns based on the current system. This is likely to create tensions in its use.

36. Unknowns and concerns: Fundamental wider planning reforms are anticipated (Planning White Paper) with a strong driver to increase housing delivery. This will put pressure on using local Design Codes as fast track tick box processes, rather than tools to improve the current processes. This could easily have poor outcomes.

Direct Implications for CYC

37. Compatibility issues – local Design Guides need to be strongly integrated and compatible with policies in the Local Plan. York Local Plan is at an advance stage and unlikely to pause to be developed in parallel with a local Design Guide. This might mean subsequent Local Plan updates are required.
38. Significant resources will be needed to produce a local Design Code. The available funding for this is not currently clear. If funding does not match local Design Code ambition, the outcome will be a rushed and likely poor code. Funding availability should influence local Design Code ambition, with low-cost alternatives like no-code or enhanced/updated Local Plan policies being more desirable than an overly ambitious code that fails to deliver.
39. Production of a York Design Code (either through boosted in-house capacity and/or consultant(s) commission) should be closely and directly managed/owned by LPA colleagues to ensure it is fit for purpose.
40. A poor code could easily create counterproductive poor design quality outcomes, especially if a code becomes a tick-box type route to planning approval. This then becomes hard to challenge by the LPA and planning committee, which would also be counter to local accountability and democracy.
41. Adequate skills base within local authorities- NMDC and local Design Codes do not automate processes and remove/reduce the need for highly trained and resourced LPA officers and their supporting consultant colleagues. Colleagues will need to interpret and apply the code for each planning application.

Timetable and delivery

42. Next steps- Local Design Code trialling in sample authorities appears to end 1st September 2021, after which delivery nationally is unclear, but government will likely press for a fast roll out. It is also unclear what the adoption process will be, in detail, including whether Design Codes will need government scrutiny.

Proposed changes to the National Planning Policy Framework (NPPF)

43. The government is proposing to make a number of changes to the National Planning Policy Framework. Most of the changes relate to policy on the quality of design of new development, and which respond to the recommendations of the Building Better, Building Beautiful Commission.
44. There are also a number of environment-related changes, including amendments on flood risk and climate change. The amendments also include a small number of very minor changes arising from legal cases, primarily to clarify the policy. A few minor factual changes have also been made to remove out-of-date text (for example, the early thresholds for the Housing Delivery Test), to reflect a recent change made by Written Ministerial Statement about retaining and explaining statues, and an update on the use of Article 4 directions.
45. It should be noted that this is not a wholesale revision of the National Planning Policy Framework, nor does it reflect proposals for wider planning reform set out in the Planning for the Future consultation document.
46. The revisions are summarised below:
- Makes a number of changes to strengthen environmental policies – including those arising from our review of flood risk with Defra
 - Includes minor changes to clarify policy in order to address legal issues
 - Includes changes to remove or amend out of date material
 - Includes an update to reflect a recent change made in a Written Ministerial Statement about retaining and explaining statues.
 - Clarification on the use of Article 4 directions

The proposed changes

Chapter 2: Achieving sustainable development

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

48. 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.

49. 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.

50. 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.

51. 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.

52. 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?

The changes proposed are supported as sustainable development is something that should be at the heart of the planning system. It is also considered that strengthening the emphasis on protecting and enhancing our natural, built and historic environment is positive along with making specific reference to climate change.

Chapter 3: Plan-making

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

54. 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.

55. 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.

56. 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?

The changes proposed are considered to be positive as it allows for a long-term vision and planning for new a settlement.

Chapter 4: Decision making

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

58. 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.

59. 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?

Do not agree. The changes in respect of changes of use to residential are considered to be unnecessary, the existing policy test is clear in its intention and sets out an appropriate policy measure for considering the use of article 4.

No view on the two options.

Chapter 5: Delivering a wide choice of high quality homes

60. 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:

61. Paragraph 65 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.

62. Paragraph 70 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 new paragraph 69a) suitable for housing in their area.

63. Paragraph 73 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 73(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.

64. Footnote 40 (referred to in new paragraph 74(c)) has been updated to reflect that the Housing Delivery Test has now come into effect.

65. New paragraph 80 (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.

66. New paragraph 80 (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?

The changes above are welcomed in order to provide clarity on affordable housing requirements and neighborhood planning references. Outlining in national policy the quality of large new developments to ensure they are fit for purpose and maintained is supported.

Chapter 8: Promoting healthy and safe communities

67. The revised text seeks to clarify existing policy:

New paragraph 92 (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.

68. New paragraph 97 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?

Attractive pedestrian and cycle routes are something that CYC are keen to see and would support measures to ensure this is the case. Again emphasis on high quality open space and opportunities for sport and physical activity is something CYC is supportive of seeing in National Planning Policy.

Chapter 9: Promoting sustainable transport

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

70. New paragraph 105 (d) has been amended to support the Building Better, Building Beautiful Commission's recommendations on encouraging walking and cycling.

71. New paragraph 109 (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?

The changes proposed in terms of sustainable transport measures and ensuring sites are assessed in line with relevant guidance is supported.

Chapter 11: Making effective use of land

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

New paragraph 124 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?

One of York's key characteristics is its beauty and area specific assessments that ensure efficient use of land whilst ensuring beauty and sustainability is considered key to ensuring it's beauty is protected.

Chapter 12: Achieving well-designed places

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

New paragraphs 125 and 127 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

74. Paragraph 126 has been amended to clarify the role that neighbourhood planning groups can have in relation to design policies.

75. Paragraph 127 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.

76. A new paragraph 128 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.

77. A new paragraph 130 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.

78. New paragraph 132 and footnote 50 have been updated to refer to Building for a Healthy Life.

New paragraph 133 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?

Local level design codes being established are supported. However, it should be acknowledged that there is a need to accept that preparation in advance of a plan to feed into strategic development plans may incur a delayed time to enable robust preparation. Also, will need to manage any conflicts arising between local vs national design codes and have a clear evidence base supporting the local guides.

With regard to para 130, tree lined streets for urban design and climate change is supported. However, there is also a need to relate and balance against the delivery of biodiversity in section on Habitats and Biodiversity and net gain requirements coming in under the Environment Bill.

Chapter 13: Protecting the Green Belt

79. The revised text seeks to clarify existing policy:

New paragraph 149(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?

Reserved comment on this as this may need to be considered on a case by case basis.

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

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

81. 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 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.

82. On planning and flood risk, new paragraphs 160 and 161 have been amended to clarify that the policy applies to all sources of flood risk.

83. New paragraph 160(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).

84. 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 162). It is considered that this classification is a key tool and should be contained in national policy.

85. New paragraph 163 has been amended to clarify the criteria that need to be demonstrated to pass the exception test.

86. New paragraph 166(b) has been expanded to define what is meant by “resilient”.

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

It is fundamentally supported the addition of the clarification that all sources of flood risk should be considered and welcome this.

However, further consideration needs to be made as to how this works in practice for all sources of flooding. For example: Sequential Test and Exception Test are well established for fluvial or tidal flooding through a long record of flood mapping products and post event data analysis. Surface water flood risk mapping is improving rapidly but is not as mature.

In addition to this the surface water flood mapping also includes an infrastructure performance element and is not purely assessed on hydraulic outcomes like the fluvial/tidal mapping, in short the surface water flood risk shown in any one location is open for appropriate and robust challenge and is more likely to be mitigated through effective design/layout of the proposed development rather than by the ST moving the development to an area of lowest flood risk in terms of surface water.

Better guidance is needed on this in the NPPF Technical Guidance if this is to be updated?

Chapter 15: Conserving and enhancing the natural environment

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

88. New paragraph 175 has been amended in response to the Glover Review of protected landscapes, 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.

89. New paragraph 176 has been separated from the preceding paragraph to clarify that this policy applies at the development management stage only.

90. New paragraph 179(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 comments with respect to 175 and 176. Amendments to 179 in terms of conserving and enhancing biodiversity are supported.

Chapter 16: Conserving and enhancing the historic environment

91. 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:

92. New paragraph 197 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?

CYC is aware of the issues with memorialised symbols.

Chapter 17: Facilitating the sustainable use of minerals

93. Minor changes have been made to clarify existing policy:

94. New paragraph 209(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.

95. New paragraph 210(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?

The changes proposed are considered acceptable.

Conclusion

96. It is considered that the Local Design Codes have great potential and could result in embedding good design quality in the planning process and this should be welcomed. There are however potential issues that need exploration to ensure that the anticipated outcomes are achieved.

97. The revisions outlined to the NPPF in the majority are welcomed as they give greater weight to sustainable development along and should be supported. There are however concerns over the proposed changes to Article 4 directions and the potential for increased development within the Green Belt.

Council Plan

98. The following Council priorities are relevant:

- Good health and wellbeing
- A greener and cleaner city
- An open and effective council

99. Implications

- **Financial NMDC:** There are no resources to develop a local Design Code and costs will be significant. Government funding is unknown but might become available. NPPF Article 4s: limiting the ability of LPAs to amend permitted development rights through Article 4s will impact on planning fee income.
- **Human Resources (HR)** There are no HR implications
- **Equalities** There are no equalities implications
- **Legal** There are no legal implications
- **Crime and Disorder** There are no crime and disorder implications
- **Information Technology (IT)** There are no IT implications
- **Property** There are no property implications
- **Other** There are no other issues

Risk Management

100. There are no known risks

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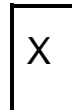
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**Report
Approved**



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Wards Affected:

All



For further information please contact the author of the report

Background Papers: None

Abbreviations:

MHCLG - Ministry of Housing, Communities and Local Government

NPPF - National Planning Policy Framework

NMDC - National Model Design Code

LPA - Local Planning Authority

NDG - National Design Guide

GNDC - Guidance Notes for Design Codes