

National Planning Policy Framework Summary of changes



July 2021



National Planning Policy Framework – summary of changes



The National Planning Policy Framework (NPPF) was released on 20 July 2021, setting out the Government's planning policies for England and how these should be applied.

This NPPF replaces the previous National Planning Policy Framework originally published in March 2012, revised in July 2018 and then updated in February 2019.

The NPPF has been updated in its traditional pdf format and an online searchable format is available too – much like the format of the NPPG. It's user friendly and follows the “3 click minimum” approach to accessing information. It can be accessed via this link:

www.gov.uk/government/publications/national-planning-policy-framework--2

Note that the revisions do not account for the more fundamental changes to the planning system put forward in the Planning White Paper published in August 2020. Further revisions to the NPPF will reflect the reforms to the planning system, once the Government decides what these will be.

The biggest change is the inclusion of design codes, the new wide-ranging policy on tree protection and tree lined streets, and the emphasis on tackling climate change. The new design focus of the NPPF is a direct reflection of the Living With Beauty recommendations – a document commissioned by the government to look into speeding up delivery, particularly of housing. Although there are more references to protection and enhancement of the environment and tackling climate change, there doesn't seem to be any new onerous targets or requirements that need to be met to demonstrate environmental policy compliance. **Read about these changes on pages 2-4.**

The other changes are minor but will provide clarity or more pragmatism around many important types of development such as public service infrastructure and solar energy development. **Read about these changes on pages 5-7.**

Please speak to your usual DWD contact or use the contact details on page 8 if you have any questions.

Design and beauty, aligning infrastructure with housing, and climate change

Paragraph 8 of the NPPF is all about the balance of social, environmental and economic objectives in achieving sustainable development. Part b on social objectives now includes the word 'beautiful'. There is no definition of what 'beautiful' stands for, and this could be addressed in local design codes (discussed later).

Changes are proposed to Part a of Para 11 on the presumption in favour of sustainable development. The changes include additional wording in relation to plan making and require:

- the need for growth to align with infrastructure
- mitigation of climate change
- making effective use of land in urban areas

All of these are positive amendments to ensure plans promote sustainable development, however they will require more work to demonstrate sustainability. The last point is useful in that the majority of urban redevelopment schemes can demonstrate compliance with this requirement through the very nature of their proposals – a quick policy win.

Para 73 – requires large scale housing developments to be supported by “a genuine choice of transport modes”. It is likely that a “genuine choice” will result in provision of greener alternatives. This is a more onerous requirement for developers and is likely to require more than a tokenistic provision for cycling and walking infrastructure. Could this also lead to larger and more significant contributions towards public transport provision for housing sites not well served by stations and stops?

The main change to the NPPF is to Chapter 12 Achieving well designed places. This is picked up in a number of paragraphs. Paragraph 73 part c requires authorities to “ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes”. It sounds like the local design codes will be where beauty is defined – at the local level, perhaps by reference to the building materials, vernacular, and development patterns that are most associated with and expected in these areas. . Paragraph 125 goes on to say that “Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places.” The design codes therefore also seem important in determining the overall density of development. It will be interesting to see how this works out, particularly given the public consultation requirement involved.

The main changes

Paragraph 126 (now para 128) sets clear instructions on design approach to development and states 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, design guides and codes. These provide a local framework for creating beautiful and distinctive places.”

Design guides and codes for areas, neighbourhoods or sites

An explanation of design codes is provided in new paragraph 129 “Design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence

of locally produced design guides or design codes.”

Additional text in Chapter 12 notes that the new design guides will carry material weight in decision making. Many LPAs don’t currently have the resource (time, money, expertise) to produce these design guides/codes. The option for landowners and applicants to prepare design codes/guides is likely to be well received and it’s likely we’ll see motivated applicants driving the process. This doesn’t seem too dissimilar to the production of developer led AAPs and Design Briefs for sites that already exists. While developer led design codes are likely to be more common in an era of tight local government budgets, the requirement for third party consultation still remains and we expect that the success of developments could be dictated by the quality and success of public engagement.

“All local planning authorities should prepare design guides or codes ... which reflect local character and design preferences, design guides and codes. These provide a local framework for creating beautiful and distinctive place.”

The main changes

Greater community engagement and higher design standards

The changes to Chapter 12 reflect the Government's manifesto commitment to give communities greater say in the design standards set for their area. The overall approach is to remove barriers to faster housing growth by getting communities engaged in the preparation of local design guidance. Existing well organised amenity groups of course could take a big role in influencing or opposing local design codes nevertheless.

There is substantial new support for tree retention and planting in paragraph 131. Tree lined streets are expected, and trees should be incorporated and protected elsewhere in developments. Applicants and local authorities should work to ensure these are compatible with highways standards and the needs of different users

Paragraph 134 provides a new, significant, test for development proposals. "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design". Reiterates that the local design guides and codes will be used as material considerations in decision making so where a development proposal conforms with the local design code it is deemed policy compliant in terms of its design.

Until the design codes are adopted, how will beauty be judged in planning applications? It will also be interesting to see how refusals on these grounds are addressed at appeal.



Integrating major infrastructure into the local plan process

Paragraph 35 sets out the policy tests of soundness for the examination of plans. Plans must be consistent with national policy and now also “other statements of national planning policy, where relevant”. This is a reference to compliance with National Policy Statements, National Planning Policy for Waste and Ministerial Statements. This is good planning and creates a role for developers and operators of nationally significant infrastructure projects (NSIPs) at the plan making stage. They should engage with local plan consultations and explain what the NPSs mean for a local area, which NSIPs are expected to come forward in the future and their land requirements, and how the local plan can be made sound and accommodate the requirements of, say, the National Policy Statements for Energy, the National Networks NPS (for roads and railways) and the Airports National Policy Statement.

Restricting Article 4 Directions

The new text added to Paragraph 53 on Article 4 Directions (areas where certain permitted development rights are unavailable) to make it tougher for LPAs to secure blanket A4Ds and additional text requires that A4Ds be

restricted to the smallest geographical area possible and based on robust evidence. New wording seeks to limit the change of use from non-residential to residential and makes specific reference to core primary shopping areas. The policy prioritises the high street uses over residential uses, albeit only where a change to residential would “include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability”.

Facilitating new public services

New paragraph 96 seeks “faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation” through a collaborative approach. These important facilities often are delivered in response to rapid changes in demand (such as due to the COVID-19 pandemic, an increase in population locally, etc) and therefore explicit support for these types of facility will put a focus on how to overcome local objections.

Green infrastructure and flood resilience

Paragraph 161 encourages the use of green infrastructure to reduce flood risk. Many larger developments already adopt this approach to multi functional landscape design, and it is positive to see it supported through policy.

There is welcome clarification about what flood resistant and resilient development comprises – this is development that “in the event of a flood, it could be quickly brought back into use without significant refurbishment.” This is a pragmatic approach that should be welcomed by developers and operators of major infrastructure.

There is a useful piece of support for solar development which is now designated as Annex 3 “essential infrastructure” for the purposes of flood risk assessment, making development easier to justify in areas at risk of flooding; a further change to the classifications is to car parks, which are now classified as less vulnerable.

National Park and AONB settings

Paragraph Policy 176 – requires development within designated natural environments such National Parks and Areas of Outstanding Natural Beauty (AONB) to be limited and now also requires “development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.” However, it should be noted that “setting”, or how this is to be evaluated, is not defined.

Biodiversity

In line with the objectives of the Environment Bill and requirements to achieve net biodiversity gains, there is a greater emphasis on improving and enhancing biodiversity, including public access to nature. Policy 180 additional policy test which requires the enhancement of public access to nature. Policy 180 also now has a focus on integrating biodiversity improvements into the design of developments from the outset.

Less significant changes

Sustainable development paragraph 2 now includes a reference to the UN G 17 Global Goals for Sustainable Development to the period to 2030 which the UK signed up to – greater focus on tackling climate change.

New text in Paragraph 22 – “Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.” This will provide a little more certainty on long term policy objectives for strategic development – perhaps less flexibility for schemes though.

Renumbered paragraph 65 clarifies the affordable housing target for major schemes should be at least 10% of the “total number” of homes ie not habitable rooms or floorspace. On the face of it, this appears slightly more onerous but does remove some uncertainty in affordable housing negotiations for major housing schemes in local authorities that do not have affordable housing policy targets.

Policy 198 which follows on from Housing Secretary Robert Jenrick’s Ministerial Statement issued in January 2021, requires decisions for the removal of statues, plaques, memorials and monuments to consider explaining historic and social context as an alternative to removal.



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DWD LLP has a highly experienced planning team; their capabilities encompass urban development, greenfield and strategic land, large-scale energy and other infrastructure projects



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Beaulieu Urban Extension



DWD provided strategic planning, site assembly and valuation advice to Countryside Properties and L&Q to deliver a vibrant new district for Chelmsford set around King Henry VIII's former Tudor Palace and estate parkland. The development is conceived as a series of individually designed neighbourhoods that connect to the wider landscape.

The scheme won a number of awards:

- Winner of the Infrastructure Planning Category at the Planning Awards 2018
- Winner of the Best Mixed Use Development (UK) at the International Property Awards 2018
- Highly commended for the Best Housing Scheme (500 Homes or More) at the Planning Awards 2018
- Shortlisted for Best Placemaking at the British Homes Awards 2018
- Shortlisted in the RTPI East of England Planning for Excellence Awards 2018
- Finalist in the category for Planning for Homes (large) at the RTPI Awards for Planning Excellence 2019