



## MHCLG Consultation – National Planning Policy Framework consultation proposals

### Response by National Parks England

March 2021

#### Summary

1. National Parks England (NPE) exists to provide a collective voice for the nine English National Park Authorities and the Broads Authority. It is governed by the Chairs of the ten Authorities. Our response to the MHCLG’s proposed changes to the National Planning Policy Framework (January 2021) consultation represents the collective view of officers who are working within the policies established by the National Park and Broads Authorities. Individual National Park Authorities and the Broads Authority may submit separate responses, which will draw on the specific issues for their particular area.
2. In our role as the statutory local planning authorities for our respective areas, National Park Authorities and the Broads Authority collectively cover just under 10% of the land area of England and are home to over 330,000 people. Overall we welcome and support many of the proposed changes to the NPPF, especially in regard to the location and design of new development within the setting of National Parks, the emphasis on securing good design and the ambition to create beautiful places.
3. Our consultation responses to the proposed changes to the National Planning Policy Framework (January 2021) are set out on the following pages and the main headlines include:
  - *Use of Article 4 Directions* (paragraph 53) - we do not feel we can support either option as they both set policy tests that are unduly onerous, especially in protected landscapes.
  - *Neighbourhood planning groups* (paragraph 70) - we do not consider the proposed amendment adequately addresses the concern. We suggest a simpler alternative...

*“Neighbourhood planning groups should also consider the opportunities for allocating housing sites (of a size consistent with paragraph 69a) suitable for contributing towards meeting the needs in their area.”*

- *Isolated homes in the countryside* (paragraph 80 e) - we do not wish to see the opportunity for innovative design being stymied, especially where it serves to mitigate climate change and adapt to its effects. We also doubt the occasional well-designed house in an isolated location will serve to raise the standard of design more generally in National Parks. We suggest alternative wording...

*“is truly outstanding, reflecting the highest standards in architecture, which promote high levels of sustainability”*

- *Design of new development* (paragraph 133) - in accordance with government thinking on securing good design, we believe the emphasis should be on design policies, design codes and government guidance. We consider part b) as proposed serves to weaken this emphasis and should be deleted. We consider it important to apply ‘significant weight’ to local design policies and government guidance on design, which will have gone through the necessary consultation processes, rather than outstanding design.

If part b) is retained then we suggest a) is followed with ‘and’ and delete ‘or’ and should read “outstanding ~~or innovative~~ designs which promote high levels of sustainability, ~~or help raise the standard of design more generally in an area,~~ may be acceptable where they fit in with local character and the form and layout of their surroundings.

- *National Parks* (paragraph 175) - we very much welcome the additional text as we consider it strengthens the importance of national parks, the Broads and Areas of Outstanding Beauty and their settings. These do not exist in isolation and have important functional relationships with their surroundings, the appreciation of the scenic beauty doesn’t simply end at a line on a map which is invisible on the ground. For example, the views experienced when looking out from these protected landscapes are of significant importance for the enjoyment and understanding of the special qualities of National Parks and the Broads by the public. Development within the setting of a national park should be consistent with its purposes in line with the duty set out in Section 62 of the Environment Act 1995, and Section 17A of the Norfolk and Suffolk Broads Act 1989. This requires all relevant authorities including neighbouring local planning authorities to have regard to these purposes. To add clarity and accuracy, we suggest adding a reference to the duty as a footnote to paragraph 175. The proposed amendments to paragraph 175 on the setting of nationally protected landscapes are consistent with the recommendations of the Glover Report (2019) and the extant Defra guidance note “*Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads*” (2005).

- *Major development in National Parks* (paragraph 176) - the justification given is that this makes it clear that the major development test is only applied at the planning application stage. In our view, this amendment weakens the protection afforded to nationally protected landscapes and conflicts with how the current test has been applied by National Park Authorities and the Planning Inspectorate. The proposed amendment seeks to clarify that the major development test is only triggered at the planning application stage and this is strongly objected to. There have been cases where the test has needed to be applied at the plan-making stage, including in the Lake District, New Forest and South Downs during recent Plan-preparation and examination and it should be made clear that local plans can only be considered positively prepared and demonstrated to be 'deliverable' if proposed land allocations are assessed against the major development test throughout the preparation of the Local Plan. High Court judgement in *R (Advearse) v Dorset Council* (Case No: CO/2277/2019) paragraph 46 confirms that consideration of the 'major development test' support this, and states that the test should take place at successive stages in the planning process as more information becomes available.

We suggest the following amendment...

*"In preparing local plans and when considering planning applications, land should not be allocated for major development and permission should be refused unless it can be demonstrated that there are exceptional circumstances and that development would be in the public interest. Proposals should include an assessment of:"*

- *Historic statues, plaques & memorials* (paragraph 197) - we recognise that the commemoration of historical figures as part of our cultural heritage can be a complex and sometimes emotive matter. We are concerned though that paragraph 197 has been added to the Framework for reasons outwith the planning system. We recommend that full consideration of the removal or alteration of historic statues, plaques or memorials is given by the local planning authority. This consultation on the NPPF also provides an opportunity to add a positive statement on ensuring that historic, current and future diversity is reflected in the public realm with appropriate understanding of the context of the time.

No	Question	National Parks England response
1	Do you agree with the changes proposed in Chapter 2?	<p>We agree with the proposed changes</p> <p>We welcome the inclusion of the 17 Sustainable Development Goals, which lie at the heart of the 2030 Agenda for Sustainable Development adopted by all United Nations Member States in 2015. Goal 13 is to take urgent action to combat climate change and its impacts, which is addressed in paragraph 11 of the NPPF. We would urge the Government to set measurable targets on climate change against which progress could be measured both locally and nationally.</p>
2	Do you agree with the changes proposed in Chapter 3?	<p>We agree with the proposed changes</p> <p>We welcome the change to paragraph 22 that a vision for large scale development should look at least 30 years ahead. It could be that the visions developed by all local planning authorities for their areas and not just their major development areas should look ahead by at least 30 years.</p> <p>We question the addition of 'other statements of national planning policy' to the fourth test of soundness set out in paragraph 35 d. The Government makes a great number of policy statements and many are clearly at an early stage of policy formulation. Although they provide a useful sense of direction in terms of national policy, we do not think that they should be given the same weight as the NPPF.</p>
3	Do you agree with the changes proposed in Chapter 4? Which option relating to change of use to residential do you prefer and why?	<p>We do not support either of the options given for paragraph 53 on permitted development. Clarity is required on the first option as to what is meant by 'wholly unacceptable adverse impact'. The policy test set in the second option is 'to protect an interest of national significance' sets the bar too high. Article 4 Directions are a lawful planning tool that help protect the character of an area and can be used to combat small-scale changes that erode local distinctiveness (as well as giving planning control over larger scale proposals).</p>

		<p>We acknowledge that Article 4 directions should apply to the smallest geographical area wherever possible. But the current expansion of permitted development rights requires that local planning authorities retain some local controls particularly as the impacts of the wide range of new permitted development rights that have been introduced are not yet clear. We would welcome an analysis by Government of the impacts, both intentional and unintentional, of the recent changes in permitted development.</p> <p>Furthermore, the proposed NPPF text does not match the legislation for Article 4 directions as outlined in Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This permits a local planning authority to introduce an Article 4 direction where it considers that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area. The proposed change risks becoming confusing and inconsistent.</p>
4	Do you agree with the changes proposed in Chapter 5?	<p>We do not think the proposed amendments are helpful or addresses the concern identified. We offer the following as an alternative to paragraph 69.</p> <p>“Neighbourhood planning groups should also consider the opportunities for allocating housing sites (of a size consistent with paragraph 69a) suitable for contributing towards meeting the needs in their area.”</p> <p>Regarding paragraph 80 e), we suggest the text should read... “is truly outstanding, reflecting the highest standards in architecture, <b>which promote high levels of sustainability</b>, and <del>would help to raise standards of design more generally in rural areas; and</del>”</p>

		<p>It is important we secure good design specifically where it serves to mitigate climate change and adapt to its effects.</p> <p>We doubt the occasional well-designed house in an isolated location will serve to raise the standard of design more generally in national parks and the Broads, so we suggest the last bit is deleted as it is not achievable.</p>
5	Do you agree with the changes proposed in Chapter 8?	<p>We agree with the proposed changes</p> <p>We welcome the Government's emphasis on good design and the creation of beautiful places. We acknowledge that design guides and codes can increase the quality of places delivered, but do question whether their use allows truly innovative design to come forward that speaks to the landscape in which it is located. We agree that securing local buy-in is important but have found, in practice that local involvement can tend to focus on the architectural style and minimising the cost of new development rather than the quality of the new places being created, and the sustainability merits of the design. We are also aware of instances where the enforcement of standards in design codes has proved problematic.</p>
6	Do you agree with the changes proposed in Chapter 9?	We agree with the proposed changes
7	Do you agree with the changes proposed in Chapter 11?	Can the additional text be presented so its intention is clear with regards policy implementation, rather than a simply statement of fact as written.
8	Do you agree with the changes proposed in Chapter 12?	<p>We agree with the proposed changes</p> <p>The proposed amendments to Chapter 12 place a greater emphasis on high quality design and this aim is supported. It is important that national planning policy in the NPPF (supported by guidance in the NPPG and the National Design Code and Guide) recognise the differences between areas. The proposed new wording in paragraph 127 acknowledges that</p>

		<p>the level of detail and degree of prescription in local design codes and guides, “...<i>should be tailored to the circumstances and scale of change in each place...</i>” and this is welcomed. Similarly, the proposed wording in paragraph 128 confirms that design guides and codes can be prepared by local planning authorities “...<i>at an area-wide or site-specific scale...</i>” and this degree of flexibility is welcomed. In terms of population and scale of development, the English National Park range from Northumberland (2,200 residents) to the South Downs (120,000 residents) and individual National Park Authorities should be able to tailor the coverage they give to design codes and guides to their specific circumstances.</p> <p>We strongly support the concept set out in paragraph 130 of planting the right tree in the right place and agree with the important contribution trees make to urban and rural areas. However, we would question the drive for all streets to be tree-lined as this may not be appropriate in all circumstances and would appear to be at odds with the concept of the ‘right tree in the right place.’ The policy test for streets not to be tree-lined in footnote 49 are set very high. Furthermore, it would be helpful to add that the planting of trees should be considered early on in the design process as part of a comprehensive landscaping scheme. We agree that local planning authorities and applicants should work with their local highway authorities. However, our experience is that many laudable schemes for tree lined streets are opposed by county highway departments.</p> <p>We strongly support the statement in paragraph 133 that development that is not well designed should be refused. However, under new paragraph 133, in accordance with government thinking on securing good design, we believe the emphasis should be on design policies, design codes and government guidance. We consider part b) as proposed serves to weaken this emphasis and should be deleted. We consider it important to apply ‘significant weight’ to local design policies and government guidance on</p>
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		<p>design, which will have gone through the necessary consultation processes, rather than outstanding design.</p> <p>If part b) is retained then we suggest a) is follow with ‘and’ and delete ‘or’ and should read “outstanding <del>or innovative</del> designs which promote high levels of sustainability, <del>or help raise the standard of design more generally in an area,</del> may be acceptable where they fit in with local character and the form and layout of their surroundings.</p>
9	Do you agree with the changes proposed in Chapter 13?	We agree with the proposed changes
10	Do you agree with the changes proposed in Chapter 14?	<p>We agree with the proposed changes</p> <p>We welcome the change to paragraph 160 to clarify that the sequential test should take into account all potential sources of flood risk. We also welcomed the change to bullet point (c) of paragraph 160 that flags up the role of green infrastructure in reducing the causes and impacts of flooding and promotes taking an integrated approach to flood risk management.</p> <p>However, we do think that bolder changes should have been made to this part of the Framework in order to achieve goal 13 of the United Nations Sustainable Development Goals cited in paragraph 7. We would urge the Government to set measureable targets on climate change against which progress could be measured both locally and nationally.</p>
11	Do you agree with the changes proposed in Chapter 15?	The additional text to paragraph 175 strengthens the importance of national parks, the Broads and Areas of Outstanding Beauty and their settings, and this is strongly supported. These do not exist in isolation and have important functional relationships with their surroundings, the appreciation of the scenic beauty doesn’t simply end at a line on a map which is invisible on the ground. For example, the views experienced when looking out from these protected landscapes are of significant



		<p>importance for the enjoyment and understanding of the special qualities of national parks by the public.</p> <p>Development within the setting of a national park and the Broads should be consistent with its purposes in line with the duty set out in Section 62 of the Environment Act 1995, and Section 17A of the Norfolk and Suffolk Broads Act 1989. This requires all relevant authorities including neighbouring local planning authorities to have regard to these purposes. To add clarity and accuracy, we suggest adding a reference to the duty as a footnote to paragraph 175. The proposed amendments to paragraph 175 on the setting of nationally protected landscapes are consistent with the recommendations of the Glover Report (2019) and the extant Defra guidance note “Duties on relevant authorities to have regard to the purposes of National Parks, Areas of Outstanding Natural Beauty (AONBs) and the Norfolk and Suffolk Broads” (2005).</p> <p>We strongly disagree with the proposed changes to new paragraph 176. The justification given is that this makes it clear that the major development test is only applied at the planning application stage. This amendment weakens the protection afforded to nationally protected landscapes and conflicts with how the current test has been applied by National Park Authorities and the Planning Inspectorate. The proposed amendment seeks to clarify that the major development test is only triggered at the planning application stage and this is strongly objected to. There have been cases where the test has needed to be applied at the plan-making stage, including in the Lake District, New Forest and South Downs during recent Plan-preparation and examination and it should be made clear that local plans can only be considered positively prepared and demonstrated to be ‘deliverable’ if proposed land allocations are assessed against the major development test throughout the preparation of the Local Plan. High Court judgement in R (Advearse) v Dorset Council (Case No: CO/2277/2019) paragraph 46 confirms that consideration of the ‘major development test’ support this, and states that the test should take</p>
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		<p>place at successive stages in the planning process as more information becomes available.</p> <p>We suggest the following amendment...</p> <p><i>“In preparing local plans and when considering planning applications, land should not be allocated for major development and permission should be refused unless it can be demonstrated that there are exceptional circumstances and that development would be in the public interest. Proposals should include an assessment of:”</i></p>
12	Do you agree with the changes proposed in Chapter 16?	<p>The commemoration of historical figures as part of our cultural heritage is a complex and sometimes emotive matter. The Authority is concerned that paragraph 197 has been added to the Framework for reasons outwith the planning system. We recommend that full consideration of the removal or alteration of historic statues, plaques or memorials is given by the local planning authority. This consultation on the NPPF also provides an opportunity to add a positive statement on ensuring that historic, current and future diversity is reflected in the public realm with appropriate understanding of the context of the time.</p>
13	Do you agree with the changes proposed in Chapter 17?	<p>We agree with the proposed changes</p> <p>We agree with the addition of mineral consultation areas to paragraph 209.</p> <p>We agree with the deletion in paragraph 210 (f) of the requirement for quarries that provide materials to repair heritage assets to be located close to the historic asset in question. In terms of distance, there are quarries, such as the clay tile quarries in East Sussex, and slate and building stone quarries in the Lake District that serve historic buildings in London. However, we would question the deletion of the word ‘small-</p>

		scale' as such quarries are often located in sensitive areas and are only acceptable because they are small and they serve a specialist market.
14	Do you have any comments on the changes to the glossary?	<p>We welcome the addition of blue spaces to the definition of green infrastructure as this recognises the important role of river and canal corridors.</p> <p>We agree with the definition provided of mineral consultation areas. However, we would like to draw your attention to guidance drawn up by the Mineral Planning Authorities about when they should be consulted on non-mineral applications in mineral consultation areas. Consultation on all applications is unduly onerous on all parties concerned.</p> <p>Further thought needs to be given to the definition of recycled aggregates as they need to meet a certain specification and not all construction waste can be recycled.</p>
15	<p>National Model Design Code</p> <p>a) The content of the guidance</p>	<p>Overall the document is clearly set out and makes good use of illustrations. We would recommend that it is stressed that some elements of design need to be considered from the beginning of the design process and re-visited iteratively throughout. An obvious example of this is sustainable construction and the orientation of buildings to optimise solar gain without overheating. We agree that nature and green spaces should be woven into the fabric of our villages, towns and cities. However, we would question the inclusion of the overly prescriptive hierarchy of open space provision for children and young people with local areas of play, local equipped areas of play and neighbourhood equipped areas of play. We welcome the expectation that all development schemes should achieve biodiversity net gain, but would ask that 10 per cent should be a minimum expectation. Several references are made to landscape in the document and we would request that this is defined in the glossary using the European Landscape Convention definition: 'an area perceived by people whose character is the result of the action and interaction of natural and/or human factors.'</p>

	b) The application and use of the guidance	We agree that the document could be helpful when local design guidance is not available and in facilitating self-build and custom-build. We also agree that it is important for local planning authorities to work collaboratively with local communities and developers to develop design guides. However, we would question whether there should be a single, more concise document rather than a suite of documents including the National Design Guide (66 pages), National Model Design Code (51 pages); and Guidance Notes for Design Codes (97 pages).
	c) The approach to community engagement	We agree that it is important to engage local communities in the design of their local neighbourhoods from scoping to master planning. However, it will require considerable resourcing to raise public awareness and understanding of design codes in order to engage local communities meaningfully in their formulation.

