

# National Planning Policy Framework and National Model Design Code – Keynsham Town Council (KTC) Consultation responses

8<sup>th</sup> March 2021

Proposed amendments to the National Planning Policy Framework

**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 major changes:

## **Amendment to Paragraph 7 (in bold/italics)**

The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. ***At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.***

KTC response – The amendment was considered as ‘empty words’ but accepted.

**Paragraph 8(b)** has been amended **(in bold/italics)** 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.

8b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering **a well-designed, *beautiful* and *safe places, built environment***, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and

KTC response – The word ‘beautiful’ is subjective. What is beautiful to one person may not be beautiful to another – in the eye of the beholder! If the word Beautiful is going to be used the definition of ‘beautiful’ must be explained within the document.

**Paragraph 8c)** The wording in paragraph 8(c) **(in bold/italics)** has been strengthened to emphasise the role of planning in protecting and enhancing our natural, built and historic environment.

8c) **an environmental objective** – ***to contribute*** to protecting and enhancing our natural, built and historic environment; including making effective use of land, ***helping to improve*** biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

KTC response – Keynsham Town Council question whether the word ‘improve’ biodiversity should be replaced with ‘broaden’ Biodiversity?

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.

For **plan-making** this means that:

**11a) *all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects; plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;***

KTC response – The word ‘needs’ should be defined. Whose needs is the document talking, about? What the Government/Planners tells us we need or what we as a town/community actually need! These two things are poles apart. From whose perspective are these needs, defined?

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.

6 As established through statements of common ground (**see paragraph 27**).

7 The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 6367); and areas at risk of flooding or coastal change.

8 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. ***Transitional arrangements for the Housing Delivery Test are set out in Annex 1.***

KTC response – no comment to this paragraph.

**Q1 of consultation. Do you agree with the changes proposed in Chapter 2? Responses as above.**

### 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 20.** Strategic policies should set out an overall strategy for the pattern, scale and **design (in bold/italics)** quality of **places** (remove word) development, and make sufficient provision 13 for:

KTC response – changes noted.

**Paragraph 22** has also been amended **(in bold/italics)** 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 22. Strategic policies should look ahead over a minimum 15-year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. ***Where larger-scale development such as new settlements 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.***

KTC response – The time frame that is suggested drifts into sustainability because it becomes apparent that it will be a sustainable site if it goes on for that period of time. The two are blending in together!

**Paragraph 35(d)** has been amended **(in bold/italics)** 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.

35d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and ***other statements of national planning policy, where relevant***

KTC response – Local Policy has to be relevant to National Policy anyway so why bother adding this additional part to the sentence?

**Q2 of the consultation - Do you agree with the changes proposed in Chapter 3?**  
**Responses as above.**

#### **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 **(in bold/italics)** and asks 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.

The use of Article 4 directions to remove national permitted development rights should

- ***where they relate to change of use to residential, be limited to situations where this is essential to avoid wholly unacceptable adverse impacts***
- ***[or as an alternative to the above – where they relate to change of use to residential, be limited to situations where this is necessary in order to protect an interest of national significance]***
- ***where they do not relate to change of use to residential, be limited to situations where this is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)***
- ***in all cases apply to the smallest geographical area possible.***

KTC response – The top clause is too vague, the second clause is open to massive abuse by the Government, clause 3 is fine and clause 4 again is too vague and needs to be qualified.

**Q3 of the consultation - Do you agree with the changes proposed in Chapter 4?**  
**Which option relating to change of use to residential do you prefer and why?**  
**Responses as above.**

#### **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 65** has been amended **(in bold/italics)**, 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 65.** 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, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

KTC response – the figure of 10% is too low it should be at least 25% (preferable).

**Paragraph 70** has been amended (***in bold/italics***), 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.

KTC response – In this area sites tend to be brought forward by the Local Authority to fit with site allocation numbers for the area as specified by the Government. The Town Council does not bring forward site.

**Paragraph 70.** Neighbourhood planning groups should also ***give particular consideration to*** the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 69a) suitable for housing in their area.

KTC response – Keynsham Town Council are fine with these amendments.

**Paragraph 73** has been amended (***in bold/italics***), 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.** The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (***including a genuine choice of transport modes***). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:

KTC response – Along as there is a genuine choice of transport mode and parking provision is not reduced to stop workers and the community using cars as a genuine choice. Citizens should have a freedom of choice and perhaps the word genuine should be substituted with the comprehensive (which is a stronger word)!

**Paragraph 73(c)** has also been amended (***in bold/italics***), 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.

Paragraph 73 c) set clear expectations for the quality of the ***places to be created*** (***remove - the word development***) and how this can be maintained (such as by following Garden City principles); and ensure that ***appropriate tools such as masterplans and design codes are used to secure*** a variety of ***well-designed and beautiful homes*** to meet the needs of different groups in the community ***will be provided***;

KTC response – the unfortunate word ‘beautiful’ is used again. Otherwise, this is fine.

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

**Footnote 40** From November 2018, ***this*** will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement.

KTC response – The update is fine.

**New paragraph 80 (d)** has been amended (***in bold/italics***), in response to legal cases in order to clarify that the curtilage does not fall within the scope of this policy.

80 d) the development would involve the subdivision of an existing residential ***building (remove dwelling)***; or

KTC response – The amendment is fine.

**New paragraph 80 (e)** has been amended (***in bold/italics***), 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.

80e) the design is of exceptional quality, in that it:

- - is truly outstanding ***or innovative***, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- - would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

KTC response – The amendment is fine.

**Q4 of the consultation – Do you agree with changes proposed in Chapter 5? Responses as above.**

## Chapter 8: Promoting healthy and safe communities.

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.

***b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas; and***

KTC response – The new paragraph 92 b is fine.

**New paragraph 97** has been amended (**in bold/italics**), 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.

### Open space and recreation

**Paragraph 97.** Access to a network of high-quality 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.*** Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

KTC response – The new paragraph is not written well. KTC would prefer the word nature to be substituted by biodiversity.

**Q5 of the consultation – Do you agree with changes proposed in Chapter 8? Responses as above.**

## Chapter 9: Promoting sustainable transport.

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

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

**Paragraph 105 d).** Planning policies should:

provide for high quality, ***well-designed*** walking and cycling networks ***and with*** supporting facilities such as ***secure*** cycle parking (drawing on Local Cycling and Walking Infrastructure Plans).

KTC response – This paragraph is fine but KTC question whether this relates to shared paths? If the latter, KTC would not agree. Electric scooters which are not roadworthy or legal would be using such paths/routes which would render them as dangerous.

**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.

Considering development proposals

**Paragraph 109 c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code 45; and***

KTC response – This paragraph is fine.

**Q6 of the consultation – Do you agree with changes proposed in Chapter 9? Responses as above.**

## **Chapter 11: Making effective use of land.**

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

New paragraph 124 has been amended (***in bold/italics***), 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.

**Paragraph 124. *Area-based character assessments, codes and masterplans can be helpful tools in helping to ensure that land is used efficiently while also creating beautiful and sustainable places.*** Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. In these circumstances:

KTC response – This amended paragraph is fine.



**Q7 of the consultation – Do you agree with changes proposed in Chapter 11?**  
**Responses as above.**

## **Chapter 12: Achieving well-designed places.**

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

**New paragraphs 125 and 127** have been amended **(in bold/italics)**, 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 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.

**Paragraph 125.** The creation of high quality, ***beautiful and sustainable*** buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

KTC response – Again, the word beautiful has been used. Is this word just to soften the document?

**Paragraph 127.** To provide maximum clarity about design expectations at an early stage, ***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. These provide a local framework for creating beautiful and distinctive places with a consistent and high-quality standard of design. 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.***

KTC response – Agree in principle but creating beautiful and distinctive places is a ridiculous term when more often than not cheap reproduction development materials (repro – stonework) are used, in mass building to create homes that pretend to be better than they actually are!

**Paragraph 126** has been amended **(in bold/italics)**, to clarify the role that neighbourhood planning groups can have in relation to design policies.

**Paragraph 126.** Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities, so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, ***both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities.***

KTC response – This paragraph amendment is fine.

**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.

**Paragraph 128.** ***Design guides and codes can be prepared at an area-wide 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 (although applicants may also elect to prepare codes for sites which they propose to develop). 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 also be used to guide decisions on applications in the absence of locally produced guides or codes.***

KTC response – Effective community engagement should be mandatory and enforceable. These points should be added and made an integral part of this paragraph, as this not currently happening! Evidence of local community engagement should be presented as part of any larger planning application to show that the community has been consulted before submitting the plans to the Local Authority.

**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.

**Paragraph 130.** ***Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are***

***tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with local highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.***

KTC response – The Town Council is in agreement to this new paragraph.

**New paragraph 132 and footnote 50 have been updated (in bold/italics), to refer to Building for a Healthy Life.**

Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for ***a Healthy Life***. These are of most benefit if used as early as possible in the evolution of schemes and are particularly important for significant projects such as large-scale housing and mixed-use developments. In assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

KTC response – The Town Council is in agreement with the paragraph update.

**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.**

***Paragraph 133. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:***

***a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or***

***b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.***

KTC response – The Town Council is in agreement with new paragraph.

**Q8 of the consultation – Do you agree with changes proposed in Chapter 12?**  
**Responses as above.**

### **Chapter 13: Protecting the Green Belt**

**The revised text seeks to clarify existing policy:**

**New paragraph 149(f)** has been amended (**in bold/italics**), 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.

Paragraph 149 f) development, ***including buildings***, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

KTC response – Recommend it is defined as to whether the building is singular or there are multi on the development and also the type of building should be described. You must have the appropriate development for the location proposed!

**Q9 of the consultation – Do you agree with changes proposed in Chapter 13?**  
**Responses as above.**

### **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](#) 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 160 and 161 have been amended to clarify that the policy applies to all sources of flood risk.

**New paragraph 160(c)** has been amended (**in bold/italics**), 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).

**Paragraph 160.** All plans should apply a sequential, risk-based approach to the location of development – taking into account ***all sources of flood risk*** and the current and future impacts of climate change – so as to avoid, where possible, flood

**160 c)** using opportunities provided by new development and ***improvements in green and other infrastructure*** to reduce the causes and impacts of flooding, ***(where appropriate through the making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management)***; and

KTC response – The Town Council is in agreement with amendments to this paragraph.

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.

**New paragraph 163** has been amended **(in bold/italics)**, to clarify the criteria that need to be demonstrated to pass the exception test.

**Paragraph 163.** The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. The exception test ***to be passed*** it should be demonstrated that:

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

**Paragraph 166 b)** the development is appropriately flood resistant and resilient ***such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.***

KTC response – KTC is in agreement to the expansion of new paragraph 166 b) to define what is meant by “resilient”.

**Q10 of the consultation – Do you agree with changes proposed in Chapter 14?**  
**Responses as above.**

## **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 175** has been amended **(in bold/italics)**, 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.

**Paragraph 175.** Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited, while any development within their settings should be sensitively located and designed to avoid adverse impacts on the designated landscapes.

KTC response – KTC has no specific response as it is not in a National Park or AONB.

**New paragraph 176** has been separated from the preceding paragraph (**in bold/italics**), to clarify that this policy applies at the development management stage only.

**Paragraph 176. *When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty***, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

KTC response – KTC has no specific response as it is not in a National Park or AONB.

**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.

**Paragraph 179 d)** 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***.

KTC response – KTC are fine with the amendment to paragraph 179 d.

**Q11 of the consultation – Do you agree with changes proposed in Chapter 15?**  
**Responses as above.**

## 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 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.

***Paragraph 197. In considering any applications to remove or alter a historic statue, plaque or memorial (whether listed or not), local planning authorities should have regard to the importance of retaining these heritage assets and, where appropriate, of explaining their historic and social context rather than removal.***

KTC response – KTC are fine with paragraph 197 and feel that this is very important.

**Q12 of the consultation – Do you agree with changes proposed in Chapter 16?**  
**Responses as above.**

## Chapter 17: Facilitating the sustainable use of minerals.

Minor changes have been made to clarify existing policy:

**New paragraph 209(c)** has been amended (**in bold/italics**), 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.

**Paragraph 209 c)** safeguard mineral resources by defining Mineral Safeguarding Areas and ***Mineral Consultation Areas***; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked).

KTC response – KTC are fine with the amendment paragraph 209 c.

**New paragraph 209(f)** has been amended (**in bold/italics**), to reflect that some stone extraction sites will be large and serve distant markets.

**Paragraph 209 f)** consider how to meet any demand for ***the*** extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites; and

KTC response – KTC are fine with the amendment paragraph 209 f.

**Q13 of the consultation – Do you agree with changes proposed in Chapter 17?**  
**Responses as above.**

## **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.

KTC response – This should also include slag heaps for re-use as aggregate.

**Q14 of the consultation – Do you have any comments on the changes to the glossary? Responses as above.**

**Q. 15 The Government would be grateful of views on the National Model Design Code, in terms of**

**a) The content of the guidance**

KTC response – The content guidance is well laid out, easy to follow and the glossary is very good.

**b) The application and use of the guidance.**

KTC response – The application and use of the guidance is fine but concerns were raised that seemed to be no examples of mixed-use developments e.g., homes and light, technical industry opportunities.

**c) The approach to community engagement**

KTC response – The approach to community engagement is fine but should be mandatory and enforceable.

## **Public Sector Equality Duty**

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

KTC response – There is no reference to the demographics of a community, some towns and parishes have ageing populations and others may have mainly young families.



