



Report to:	EXECUTIVE CABINET
Date:	24 March 2021
Executive Member:	Cllr Gerald Cooney – Executive Member (Housing, Planning and Employment)
Reporting Officer:	Jayne Traverse – Director of Growth
Subject:	NATIONAL PLANNING POLICY FRAMEWORK AND NATIONAL MODEL DESIGN CODE (GOVERNMENT CONSULTATION)
Report Summary:	This report details the Council's proposed response to the Governments' consultation on National Planning Policy Framework and National Model Design Code. The consultation period closes on 27 March 2021.
Recommendations:	That Executive Cabinet be recommended to agree to the submission of the response at Appendix 1 as the Council's response to the Government's consultation "National Planning Policy Framework and National Model Design Code: consultation proposals".
Corporate Plan:	Responding to the consultation, helps to support the Council's Corporate Plan across the starting well, living well and ageing well themes by ensuring the Council is able to support sustainable development.
Policy Implications:	None. The consultation is in relation to proposed changes to National policy.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	There are no direct financial implications arising from this report.
Legal Implications: (Authorised by the Borough Solicitor)	The Government is not proposing an entire review of the NPPF at this time; a fuller review can be expected in due course. The opportunity for the Council to comment on the proposed changes is welcome. A response to the consultation is not due until 27 March 2021, giving Members the opportunity to consider the proposed planning policy changes and agree the Council's response to the questions posed by the Government consultation, in accordance with the Constitution.
Risk Management:	To not consider and respond to the government's consultation would miss the potential opportunity to influence and inform.
Background Information:	The background papers relating to this report can be inspected by contacting Martyn Leigh / Graham Holland  Telephone: 0161 342 4460  e-mail: martyn.leigh@tameside.gov.uk

1. INTRODUCTION

- 1.1 The Government's consultation seeks views on proposed changes to the National Planning Policy Framework. The text has been revised to implement policy changes in response to the Building Better Building Beautiful Commission "Living with Beauty" Report and is intended to promote quality of design of new development. The Building Better, Building Beautiful Commission is an independent body set up to advise government on how to promote and increase the use of high-quality design for new build homes and neighbourhoods. The "Living with Beauty" report sets out the Commission's recommendations to government which proposed three overall aims: ask for beauty, refuse ugliness and promote stewardship and made 45 detailed policy propositions. Available at: <https://www.gov.uk/government/publications/living-with-beauty-report-of-the-building-better-building-beautiful-commission>
- 1.2 Other changes to the text in the Framework are also proposed although the Government makes it clear that it is not proposing a review of it in its entirety at this time. 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.
- 1.3 The consultation also seeks view on the draft National Model Design Code, which provides details guidance on the production of design codes, guides and policies to promote successful design. The government expects this to be used to inform the production of local design guides, codes and policies and want to ensure it is as effective as possible.
- 1.4 Scope of consultation: The Ministry of Housing, Communities and Local Government is consulting on the draft text of the revised National Planning Policy Framework and seeking views on the draft National Model Design Code. In responding to this consultation, the government would appreciate comments on any potential impacts under the Public Sector Equality Duty. The draft text of the revised NPPF (shown as tracked changes) can be found here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/961769/Draft_NPPF_for_consultation.pdf
- 1.5 Through a series of focussed questions, it provides the opportunity for comments to be submitted by 27 March 2021, and the proposed responses from the Council are set out in the attached **Appendix 1**.
- 1.6 A link to the consultation, including summaries of the proposals which are being commented on, can be found here:
- 1.7 National Planning Policy Framework and National Model Design Code: consultation proposals - GOV.UK (www.gov.uk) <https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals/national-planning-policy-framework-and-national-model-design-code-consultation-proposals>

2. RECOMMENDATIONS

- 2.1 As set out at the front of the report.

APPENDIX 1

RESPONSES TO CONSULTATION QUESTIONS

The consultation on proposed changes to the National Planning Policy Framework and National Model Design Code contain a number of focussed technical questions and the Council's proposed response to each is set out below:

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 minor changes:

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.

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.

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.

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.

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.

Question 1: Do you agree with the changes proposed in Chapter 2?

TMBC Response: YES

The proposed amendments to paragraphs 7 and 8 are considered minor and positive changes that strengthen the social and environmental objectives of the planning process in securing sustainable development. Equally, the proposed amendments to paragraph 11 provides clearer direction and focus on how sustainable development should be achieved as part of the plan making process.

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 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.

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.

Question 2: Do you agree with the changes proposed in Chapter 3?

TMBC Response: NO

Amendment to paragraph 20 is a positive but subtle change in moving from strategic policies needing to concern themselves with 'development' to give a greater focus on design but importantly 'places'.

Amendments to Paragraph 22 gives rise to concern that a looking ahead over 30 years is intrinsically difficult. Particularly in terms of visioning and timescales for delivery being reliant on other bodies and agencies preparing policies, plans, strategies over a similar period to align with infrastructure investment, facilities and genuine choice of transport modes in line with Paragraph 72 (73). A 30-year vision and delivery plan is unlikely to be reactive to changes in housing need/market or the economy. Further clarity would be welcomed as to what is considered to constitute 'larger scale development such as new settlements'. Is the requirement only applicable to sites beyond a certain scale, or where they are distinctly separate from the existing urban area? For instance.

Amended Paragraph 35(d) should be less ambiguous. The Framework already provides the primary document with which Local Plans should be prepared in consistency with and statements such as Written Ministerial Statements are material considerations. It would be a concern that a plan could be found un-sound due to a recent announcement that it would be unreasonable to have expected the Local Planning Authority to have foreseen during the preparation of its plan. This may be prove to be counter productive to ambitions to ensure that plans are in place by 2023.

CHAPTER 4: Decision making

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.

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.

Option 1

"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
- 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."

Option 2:

“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 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.”

Question 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?

TMBC Response: YES.

Tameside Council favours the use of option 1 which is clearer to apply, interpret, and use as guidance to determine when it would be appropriate and justifiable to use Article 4 directions. It is agreed that in each case any Article 4 Direction should apply to the smallest geographical area which would be assessed on a case-by-case basis.

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 64 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.

Paragraph 69 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 paragraph 68a) suitable for housing in their area.

Paragraph 72 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 72(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.

Footnote 40 (referred to in paragraph 73(c)) has been updated to reflect that the Housing Delivery Test has now come into effect.

Paragraph 79(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.

Paragraph 79 (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.

Question 4: Do you agree with the changes proposed in Chapter 5?

TMBC Response: YES

The proposed amendments to paragraphs 64, 69, 72, and 79 are considered minor in nature and provide greater clarification in each case.

The amendment proposed to paragraph 64 removes ambiguity and clarifies that major development for housing requires at least 10% of the total number of homes provided to be available for affordable home ownership and removes the uncertainty and grounds for challenge based on the current wording in the Framework.

The proposed minor amendment to paragraph 69 provides a greater focus for neighbourhood planning groups on allocating small and medium-sized sites without excluding their ability to allocate larger sites.

The proposed amendments to paragraphs 72 clarify that securing homes with necessary infrastructure and facilities includes providing a genuine choice of transport modes. This amendment focusses on supporting the delivery of sustainable development. Other proposed changes include a greater focus on quality of places created and that masterplans and design codes are used to secure a variety of well-designed and beautiful homes. These are considered positive changes that provide stronger guidance on how design quality can be better secured through the planning process.

The proposed amendments to paragraph 79 are considered minor in nature and reduces the scope for isolated homes being provided in the countryside.

CHAPTER 8: Promoting healthy and safe communities

Paragraph 91(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.

Paragraph 96 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.

Question 5: Do you agree with the changes proposed in Chapter 8?

TMBC Response: YES

The proposed amendment to paragraph 91 is considered minor in nature and expands upon the example given as to how safe and accessible places can be created by provision of attractive pedestrian and cycle routes (with cycle routes being a new addition).

The proposed amendment to paragraph 96 integrates reference to nature and climate change within the existing text which recognises the important benefits to communities of high quality open spaces.

CHAPTER 9: Promoting sustainable transport

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

Paragraph 104(d) has been amended to support the Building Better, Building Beautiful Commission's recommendations on encouraging walking and cycling.

Paragraph 108(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.

Question 6: Do you agree with the changes proposed in Chapter 9?

TMBC Response: YES

The proposed amendments to paragraph 104 is a minor change requiring that planning policies, insofar as walking and cycling networks are concerned, are not only high quality but are also well designed. The reference to the provision of cycle parking facilities has been amended to require these to be secure cycle parking facilities. The reference to the National Design Guide and National Model Design Code in relation to the designing of streets and parking areas etc. is welcome in providing a consistent approach and updates references to historical design bulletins.

CHAPTER 11: Making effective use of land

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

Paragraph 123 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.

Question 7: Do you agree with the changes proposed in Chapter 11?

TMBC Response: YES

The proposed amendment to paragraph 123, which seeks to avoid homes being built at low densities where there is an existing or anticipated shortage of land for meeting identified housing needs, introduces reference to character assessments, codes and masterplans being helpful in achieving this objective whilst creating beautiful and sustainable places.

CHAPTER 12: Achieving well-designed places

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

Paragraphs 124 and 126 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

Paragraph 125 has been amended to clarify the role that neighbourhood planning groups can have in relation to design policies.

Paragraph 126 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.

A new paragraph 127 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.

A new paragraph 129 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.

New paragraph 131 and footnote 50 have been updated to refer to Building for a Healthy Life.

New paragraph 132 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.

Question 8: Do you agree with the changes proposed in Chapter 12?

TMBC Response: YES

The proposed amendments to paragraphs 124 and 126 to include reference to "beautiful" helps to provide focus on high quality development that not only functions correctly but is also attractive in appearance.

The proposed amendments to paragraph 125 seeks to stress the importance of the input of the community through neighbourhood planning groups, through engagement in the production of design policies, guidance and codes by local planning authorities, and through the development of their own plans. This is not considered to materially alter the current NPPF guidance but the amendments stress the importance of the ability of neighbourhood groups to identify the defining characteristics of an area and local aspirations.

The proposed amendments to paragraph 126 reflect a change in position towards the use of design guides or codes that align with the National Design Guide and National Model Design Code and which reflect local character and design preferences. This is a move away from advising that plans or supplementary planning documents use visual tools such as design guides and codes to provide distinctive places with high quality design.

The proposed addition of paragraph 127 would require weight to be given to design guides and codes in decision making and that in the absence of locally-produced guides or codes the National Design Guide and National Model Design Code should guide such decisions. This approach does suggest a more prescriptive approach to assessing design potentially removing the scope for flexibility in assessing applications on a case-by-case basis. As such, there are some reservations about the approach but the Council agrees that guides and codes form an important basis for informing design.

The proposed addition of paragraph 130 emphasises the importance that trees can make to the character of urban environments with associated benefits in respect of climate change. The suggestion that policies and decisions should ensure that new streets are tree lined, that

existing trees are retained where possible, and that new trees are planted elsewhere in developments, is supported in principle. However, it is not clear why the exception for new streets to be tree lined is included in a newly proposed footnote rather than within the main text. It is noted that the exception is also a three limbed gateway test. The Council does not disagree with the proposed approach however it should be recognised that requesting all streets be tree lined may not accord with a highway hierarchy which delineated between different types of street based on the presence of trees. Equally the inclusion of street trees on all new streets may give rise to an overall reduction in development densities as streets become wider to accommodate green infrastructure.

The proposed amendments to paragraph 131 and new footnote 50 which have been updated to refer to Building for a Healthy Life represents a minor change, raising no concerns by the Council and represents the updated name of the guidance.

The proposed addition of paragraph 132 places a very strong emphasis on design standards in development requiring proposals to be refused if not well designed especially where it fails to reflect local policy or national guidance. However, the wording proposed also requires significant weight to be given to outstanding or innovative design which promote high levels of sustainability or help to 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. Given that the proposed amendments to paragraph 80 of the NPPF includes removing "innovative" from the definition of "exceptional quality" this would appear to be an inconsistent approach to defining design quality even with the additional requirement that it must fit in with the overall form and layout of the surroundings.

CHAPTER 13: Protecting the Green Belt

The revised text seeks to clarify existing policy:

New paragraph 148(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.

Question 9: Do you agree with the changes proposed in Chapter 13?

TMBC Response: YES

This minor change proposed to paragraph 148 extends the scope of one of the existing listed exceptions to inappropriate development in the Green Belt by widening the scope to include buildings. It is not considered that this materially changes the existing position.

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 159 and 160 have been amended to clarify that the policy applies to all sources of flood risk.

New paragraph 159(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).

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

New paragraph 162 has been amended to clarify the criteria that need to be demonstrated to pass the exception test.

New paragraph 165(b) has been expanded to define what is meant by “resilient”.

Question 10: Do you agree with the changes proposed in Chapter 14?

TMBC Response: YES

The proposed amendments set out as paragraphs 159 and 160 require that plans should take into account flood risk from all sources which is supported in principle. In addition the new paragraph 159(c), which is amendment to existing wording in the NPPF, adds a requirement that plans seek to use opportunities for green and other infrastructure to reduce the causes and impacts of flooding using natural flood management techniques as part of an integrated approach to flood risk management.

No objections are raised to moving the Flood Risk Vulnerability Classification from planning guidance into national planning policy.

The proposed amendment to clarify that the exception test needs to be passed in order for it to apply provides clarity which is supported by the Council.

The proposed amendments to the exception test for allowing development in areas at risk of flooding would bolster an existing exception which applies where development is appropriately flood resistant and resilient by adding a requirement that in the event of a flood it could be quickly brought back into use without significant refurbishment. This adds weight to the use of the exception and would require additional evidence to be supplied by developers to demonstrate this exception would apply and therefore the Council is supportive of this approach.

CHAPTER 15: Conserving and enhancing the natural environment

New paragraph 174 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.

New paragraph 175 has been separated from the preceding paragraph to clarify that this policy applies at the development management stage only.

New paragraph 178(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.

Question 11: Do you agree with the changes proposed in Chapter 15?

TMBC Response: Yes

The proposed amendments in chapter 15 raises the importance of conserving and enhancing the landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The existing wording applies to development within such areas and the amendments would introduce a requirement for development within the setting of such areas to be sensitively located and designed. The proposed amendments to integrate biodiversity improvements and links to enhancements to public access to nature is a welcomed approach.

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 196 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.

Question 12: Do you agree with the changes proposed in Chapter 16?

TMBC Response: No.

This proposed addition is supported in principle in terms of its objective to retain historic statues, plaques or memorials. However, the latter part of the addition, which requires local planning authorities to explain their historic and social context rather than removal, is ambiguous. It is assumed that this explanation is to be provided when refusing an application for the removal of such statues, plaques or memorials, and if this is the case, it needs to be stated in such terms.

CHAPTER 17: Facilitating the sustainable use of minerals

Minor changes have been made to clarify existing policy:

New paragraph 207(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.

New paragraph 208(f) has been amended to reflect that some stone extraction sites will be large and serve distant markets.

Question 13: Do you agree with the changes proposed in Chapter 17?

TMBC Response: YES

The proposed changes to Chapter 17 are minor and do not give cause for concern.

Annex 1: Implementation

Minor changes have been made to update the position on transitional arrangements, and on the Housing Delivery Test.

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.

Question 14: Do you have any comments on the changes to the glossary?

TMBC Response: YES

The proposed amendments to the definition of “green infrastructure” to add reference to blue spaces is likely to be unclear to those unfamiliar with such terms. However, the amendment does recognise that provision of green and blue spaces does not only provide environmental benefits, but would reference the economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

The proposed amendment to the definition of the “Housing Delivery Test” is noted.

The proposed amendment to the definition to “Minerals resources of local and national importance” is noted which now includes coal derived fly ash in single use deposits.

The proposed definitions of “minerals consultation area”, “recycled aggregates” and “secondary aggregates” are understood to be reflective of the changes to Chapter 17 to which the Council supports.

2. NATIONAL MODEL DESIGN CODE

Question 15: We would be grateful for your views on the National Model Design Code, in terms of:

(a) The content of this guidance

Useful tool to develop both a vision and framework to support plan making and decision taking particularly in terms of meeting aims of sustainable development, efficient use of land and achieving well-designed places outlined in the NPPF and planning practise guidance. The content on the whole is easy to navigate and logically set out. The matrix provided on page 7 of the guide could be clearer to use. Both symbols used to denote the difference between, issues that you would expect to be covered in a code, vs those that may be covered elsewhere are very similar.

(b) The application and use of the guidance

It is noted that this model is a starting point for discussion and interpretation and should be tailored to local circumstances including vernacular and the scale of change proposed as part of plan making and decision taking. The model has the potential to lay the framework for developing both vision and design code/s to assist urban regeneration and the development of major sites and new settlements. Tameside also recognise that the application of this model at local level will assist with the preservation and enhancement of the natural and historic environment through the development of design codes within management plans and contribute positively towards tackling climate change and meeting net zero carbon targets. It is also recognised, that as referenced within the guide the level of detail which codes are able to go into will vary depending on whether the authority or developer is preparing it. Content provided in relation to parking provision is welcomed, as this, alongside refuse collection are perhaps some of the most fundamental detailed design challenges. And perhaps on the latter the guidance could go into more detail.

(c) The approach to community engagement

By preparing design codes based on this model, local planning authorities can avoid ambiguity and seek to develop positive relationships with landowners, developers and members of the community as development proposals come forward. Developing a vision and design code through public consultation will ensure that plans and future development meet the needs of the local community. The guidance can also be a tool for communities who are developing vision and design codes within neighbourhood plans and securing community buy in, management plans and article 4 designations. It is noted that the guide suggests a three step process to consultation at the analysis, vision and coding stages. Consultation is a positive process as outlined above, however if LGA guidance, which advises as best practice that between six and twelve weeks is programmed for consultation exercises, this will clearly drive timescales for implementing codes as much as preparing their technical content.

PUBLIC SECTOR EQUALITY DUTY

Question 16: We would be grateful for your comments on any potential impacts under the Public Sector Equality Duty.

No observations.