

Response ID ANON-2CN7-MFH7-C

Submitted to **National Planning Policy Framework and National Model Design Code: Consultation proposals**

Submitted on **2021-03-25 11:39:23**

Introduction

Privacy notice

Please confirm that you have read and agree to the privacy notice

Please tick to confirm:

Yes

A bit about you

What is your name?

Name:

Sarah Platts

What is your email address?

Email:

Sarah.Platts@kent.gov.uk

What is your organisation?

Organisation:

Kent County Council

What type of organisation are you representing?

Local authority

If you answered "other" please provide further details:

Proposed changes to Chapter 2: Achieving sustainable development

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

Yes

Please provide comments:

Paragraph 7 - The County Council supports the inclusion of, and the commitment to, the "17 Global Goals for Sustainable Development".

Paragraph 8 c) - The County Council agrees with the strengthening of this paragraph to emphasise the role of planning in the protection of the environment and mitigation and adaptation to climate change.

Paragraph 11 a) - The County Council supports this amendment which seeks to align growth and infrastructure as part of the promotion of a sustainable pattern of growth. The County Council also supports reference to the need to mitigate climate change and adapt to its effects.

Proposed changes to Chapter 3: Plan-making

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

Yes

Please provide comments:

Paragraph 22 – KCC supports an infrastructure first approach to growth, which is critical to ensuring that communities are delivered sustainably, at the right time. The County Council is therefore supportive of a requirement for larger-scale development such as new settlements (where they are part of a strategy for an area) to be set within a vision that looks further ahead (at least 30 years). This will help to enable the longer term planning for the infrastructure that will be necessary for such large scale settlements – including its phasing, funding and delivery.

Proposed changes to Chapter 4: Decision making

3 Do you agree with the changes proposed in Chapter 4?

No

Which option relating to change of use to residential do you prefer and why?:

The County Council does not support the two proposed options to restrict the use of article 4 directions. Article 4 directions can have an important function in preventing unacceptable development – for instance in preventing detrimental cumulative impacts of permitted development or controlling the loss of high-quality employment space that would harm the viability of a local economy.

It is not clear how “wholly unacceptable adverse impacts” will be defined and agreed in practice and this needs further clarity. Moreover, it is not clear why only interests of national significance are offered protection. Locally listed buildings (and other undesignated heritage assets) can make a positive contribution to local amenity and enhance the well-being of the area and should be offered similar protection to ensure that the change of use or change to the fabric of the building can be preserved where appropriate.

Proposed changes to Chapter 5: Delivering a wide choice of high quality homes

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

Yes

Please provide comments:

Paragraph 73 – The County Council recommends that the policy is strengthened to refer to more than just “genuine choice of transport modes” – reference should be made to active travel and sustainable transport modes as a priority to ensure a modal shift towards more sustainable transport options.

The County Council is encouraged by the commitment to the use of masterplans and design codes in the planning and delivery of large-scale developments. These tools will need to be developed in conjunction with local communities and key stakeholders to ensure their effectiveness in taking account of social and environmental matters, whilst also delivering the necessary infrastructure.

Proposed changes to Chapter 8: Promoting healthy and safe communities

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

Yes

Please provide comments:

Paragraph 92 / Paragraph 97 - The County Council supports the amendments proposed to these paragraphs which consider the design and functionality of active travel routes and emphasise the need for a high quality accessible open spaces.

Proposed changes to Chapter 9: Promoting sustainable transport

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

Yes

Please provide comments:

Paragraph 105 (d) – The County Council supports the encouragement of sustainable transport opportunities which will promote active travel options.

Proposed changes to Chapter 11: Making effective use of land

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

Yes

Please provide comments:

Paragraph 124 – The County Council welcomes the inclusion of area-based character assessments in helping to ensure that land is used efficiently.

Proposed changes to Chapter 12: Achieving well-designed places

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

Yes

Please provide comments:

Paragraph 126-128 – The County Council is generally supportive of the proposed changes that require the production of design codes to ensure that the design of new developments is of a high standard.

Paragraph 127 – The County Council recommends that 'local heritage' should be included as one of the key reference tools to be used in the design of the built environment at a local level. In most instances, local character appraisal information is available for reference by developers on Local Planning Authority websites.

It should be noted that some important heritage assets may not be considered beautiful but should still be valued and conserved.

Paragraph 130 – It should be noted that tree planting can have an adverse impact on buried heritage assets – it is important that areas proposed for tree planting are thoroughly assessed to ensure that the proposals are sustainable and that heritage assets are not damaged by the tree planting and root growth.

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

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

Yes

Please provide comments:

Paragraph 160 – The County Council, as Lead Local Flood Authority, welcomes reference to the need to take into account all sources of flooding – including surface water flooding.

Proposed changes to Chapter 15: Conserving and enhancing the natural environment

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

Yes

Please provide comments:

Paragraph 175 – The County Council welcomes the addition to this paragraph, which should help protect designated landscapes and the heritage assets within them.

Paragraph 179 d) – The County Council welcomes the strengthening of this section to ensure that habitat creation is an “integral part” of the design of new developments. The County Council is supportive of commitments to biodiversity net gain delivering measurable gains in the natural environment.

Proposed changes to Chapter 16: Conserving and enhancing the historic environment

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

Yes

Please provide comments:

Paragraph 197 - The County Council supports the clarity provided in this paragraph in respect of the need to retain historic statues, plaques or memorials and would recommend that updated Planning Policy Guidance and Good Practice Guide may be beneficial on this matter.

Proposed changes to Chapter 17: Facilitating the sustainable use of minerals

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

Yes

Please provide comments:

Paragraph 209 – The County Council, as Minerals and Waste Planning Authority, supports the inclusion of Mineral Consultation Areas within this paragraph. They are an important safeguarding tool for land-won minerals and should be recognised within the NPPF.

Proposed changes to Annex 2: Glossary

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

Yes

Please provide comments:

Minerals resources of local and national importance - The County Council supports the reference to “coal derived fly ash in single use deposits” which ensures the definition provides a more complete listing of the mineral resources used in the UK.

Mineral Consultation Area - Mineral Safeguarding Areas and Mineral Consultation Areas can overlap and be coincident, but it is not always possible to define larger areas that are important to securing the safeguarding of minerals and mineral related facilities (but do not actually contain mineral resources themselves). The following amendment is therefore recommended: a geographical area, based on but not necessarily entirely coincident with the associated Mineral Safeguarding Areas, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development."

Recycled aggregates –Not all materials from the construction and demolition waste sector can be made into aggregates, so the following amendment is recommended: aggregates resulting from the processing of inorganic materials previously used in construction, e.g. certain materials arising from the construction and demolition waste sector."

Secondary aggregates – The County Council recommends the following amendment to aid clarification of this definition: aggregates made from industrial activity wastes such as glass (cullet), incinerator bottom ash, coal derived fly ash, railway ballast, fine ceramic waste (pitcher), and scrap tyres; and industrial and minerals process by-products, notably waste from china clay, coal and slate extraction and spent foundry sand. These can also include hydraulically bound materials."

National Model Design Code

15 We would be grateful for your views on the National Model Design Code, in terms of a) the content of the guidance b) the application and use of the guidance c) the approach to community engagement

Please provide comments:

a) the content of the guidance

The County Council has reviewed the content National Model Design Code and guidance note and would like to suggest the following additions as detailed below:

Heritage conservation – The County Council notes that heritage is covered at a very high level within both documents – which may not be sufficient, given the key role which heritage issues can have in influencing development, as well as in creating a sense of place and sense of identity. The County Council would recommend that further explanation is provided in respect of character and distinctiveness, as referenced on page 6 of the Guidance Note for Design Codes.

The County Council notes that only one Historic England document is referred to - Understanding Place, Historic Area Assessments – KCC would recommend that further Historic England guidance should be referenced.

KCC would also recommend reference as to how the incorporation of assets within public open space is an important means of preserving heritage assets, including those of archaeological interest. Consideration should also be given to the creative re-use of traditional buildings that have low embodied energy and can have a multitude of design benefits.

SuDS - The baseline analysis within section 1.B of the National Model Design Code recognises that the analysis should include flood risk. The County Council recommends that attention is drawn to the impact that the proposed baseline analysis, including flood risk, can have in the masterplanning process and would draw attention to the guidance within the Water. People. Places - prepared by the Lead Local Flood Authorities of the South East of England.

The County Council supports the recognition of the importance of working with water and the inclusion of sustainable drainage elements within the Nature section of the Guidance Notes for Design Code (page 18). KCC would recommend consideration that open space may have to account for areas which are impacted by flood risk.

The County Council notes the reference to blue infrastructure within the Guidance Notes for Design Codes – Public Space (page 53). However, reference is limited to only instances of when blue infrastructure relates to green infrastructure. For example, on page 53 "Primary Streets Green infrastructure Swales can be provided". Green infrastructure, where applicable, should be considered in conjunction with blue infrastructure, due to the interconnections of these types of infrastructure. The illustrations provided in this chapter should include examples of integrated blue infrastructure to encourage and promote the integration of water into the green public realm.

b) the application and use of the guidance

It is not immediately clear what role a county authority such as KCC would have in the production of design codes or their use and application, as the codes appear principally aimed at the Local Planning Authority level.

The County Council would draw attention to the work it has undertaken in coordinating a detailed refresh of the 'Kent Design Guide'. The local Guide reflects the structure of Government's National Design Guide, taking the ten characteristics of well-designed places and applying it within the Kent context. There has been extensive consultation with key stakeholders, including Kent local authorities and the development community, to ensure a shared vision for sustainable design principles that is also workable in practice. At the heart of the Kent Design Guide is a clear commitment to design principles that strive for sustainable, healthy, and environmentally responsible design, which must be key to future development across the country. The local Guide further supports the commitments taken by the county and Local Authorities to strive for net zero carbon emissions for the wellbeing of all our residents and communities. This considerable body of work completed to date leaves Kent well-placed to support the Government's latest proposals to develop local design codes and the County Council would welcome further discussion in this respect.

The potential cost on local authorities to produce meaningful design codes is considerable, and the County Council understands that each Local Authority will be responsible for bearing its own costs in this regard. KCC seeks that funding be available from Government to support the development of local design codes.

Based on its experience to date, the County Council is exploring whether it is possible to have appropriate economies of scale in some areas of design coding

where coding will be typical to multiple areas across the county. For example, similar design sustainability standards or biodiversity enhancement design standards may be pertinent to several areas or sites across Kent, or indeed other areas of the country.

The suggested design code process, whilst cautiously welcomed, will require specialised knowledge that may not be present, or easily accessible to Local Planning Authorities. This will create inherent challenges in the preparation of adequate and effective codes to deliver high quality growth.

KCC would seek clarity on how design codes will be a robust mechanism to challenge poorly designed developments.

c) the approach to community engagement

The County Council considers that the importance of community engagement is adequately explained, but questions whether there should be a focus on engagement earlier in the Guidance Notes for Design Code.