



Friends of Carrington Moss Response NPPF and Design Code Changes

The Consultation:

<https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/861832/Living_with_beauty_BBBBC_report.pdf

<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>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/961769/Draft_NPPF_for_consultation.pdf

<https://consult.communities.gov.uk/planning-policy-and-reform/national-planning-policy-framework-and-national-model-design-code-consultation-proposals>

<https://www.gov.uk/government/publications/living-with-beauty-report-of-the-building-better-building-beautiful-commission>

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/957207/Guidance_notes_for_Design_Codes.pdf



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Proposed changes to Chapter 2: Achieving sustainable development

Whilst sustainable development is welcomed, it should be measurable and should be monitored to ensure sustainability is actually achieved. A new clause is needed to require such monitoring. This will support Recommendation 18 (support the right development in the right place).

The presumption in favour of development should be removed. It is inequitable for communities to be impacted by this presumption, with the most vulnerable in our societies the hardest hit by inappropriate overdevelopment, resulting in high levels of air and noise pollution in areas that are not, in fact, sustainable!

Clause 11 should instead focus on a requirement that areas that are currently sustainable should be considered for development FIRST (again supporting Recommendation 18). Areas that are not currently sustainable should only be considered for development when clear and funded plans for establishing sustainability are agreed.

Please add the word "measurably" in the context of sustainability throughout the document - not just in this section (for example (clause 11a) all plans should promote a MEASURABLY sustainable pattern of development that seeks to: meet the development needs of their area. Similarly, (in clause 16) Plans should:

- a) be prepared with the objective of contributing to the achievement of MEASURABLY sustainable development).

Proposed changes to Chapter 3: Plan-making

There needs to be further emphasis on community engagement (as set out in Recommendation 11 ensure public engagement is wide, deep and early and Recommendation 13 empower communities):

Clause 16 c, for example, should reflect the wording in clause 22 , with the following added to the end of the paragraph "Where larger scale development such as new settlements form part of the strategy for the area, extensive engagement with impacted communities MUST be carried out at the earliest stage of consideration.

As mentioned in the response to Q2, 16 a should be updated as follows:

Plans should:

- a) be prepared with the objective of contributing to the achievement of MEASURABLY sustainable development;

To encourage a reduction in car dependency and a focus on the climate emergency, a new clause, 16g should be added

- g) be prepared with the objective of supporting the mitigation of climate change and the achievement of the Government's aim to be carbon neutral by 2050



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The update to clause 35 d should remove the word "planning", so should say "and other statements of national policy, where relevant". Planning and development should be required to adhere to, and support, other national policies (so, for example, planning should not encourage developments that will increase air pollution - see Recommendation 29).

Proposed changes to Chapter 4: Decision making

We need a planning ecosystem which is community-led and plan-led, not developer-led and profit-led.

Communities **MUST** be able to object to, and Local Authorities **MUST** be able to prevent inappropriate, unsustainable, development, including permitted development.

The changes to clause 53 are totally unacceptable and need to be reconsidered.

Clause 59 should be amended to ensure Recommendation 18 is followed. We suggest the following addition:

Enforcement action should be recorded and published, with such information being publicly available. In addition, where developers do not complete their schemes within the timescales agreed, Local Planning Authorities should consider removal of planning permission or other penalties (such as charging a fee to developers for each home with planning permission that has not been completed).

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

Recommendation 18 proposes supporting the right development in the right place. If we are to continue to have a focus on boosting the supply of homes, those homes should be addressing the housing crisis, which is in the availability (or lack of it) of social housing. If we are to continue to have a standard method, it should be calculating the number of social houses to be provided in a Local Authority area. Bundling critically needed homes within the term "affordable" is disingenuous and does not address the actual crisis. This chapter needs to be reviewed to ensure it fully supports Recommendation 18.

In addition, clause 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) should emphasise that such developments should only be considered on Brownfield sites. Sustainability needs to be demonstrable and measurable.

There needs to be much more emphasis on the importance of a Brownfield First policy (along with a Measurably Sustainable First policy) throughout the document.



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Proposed changes to Chapter 8: Promoting healthy and safe communities

In line with Recommendations 11, 12 and 13, please add a clause to ensure that communities are at the heart of all decisions relating to Healthy and Safe Communities.

Clause 92 should add a new point d) as follows:

d) do not result in air or noise pollution levels which exceed legal/safe limits.

Proposed changes to Chapter 9: Promoting sustainable transport

In line with Recommendations 28 and 29, please split clause 103 d as follows:

103 d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account. In particular, the impact of air and noise pollution on communities and wildlife should be assessed to ensure legal limits are not, nor will not be, breached.

103 e) all traffic and transport infrastructure plans must avoid or mitigate any adverse ecological/biodiversity effects, and consider the opportunities for net environmental gains; and

(Note the current clause 103 e becomes clause 103 f)

Clause 112 should be updated as follows:

All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment, which clearly demonstrates that air and noise pollution limits will not be breached, so that the likely impacts of the proposal can be assessed.

Proposed changes to Chapter 11: Making effective use of land

In line with Recommendation 18 (support the right development in the right place), clause 118 should be strengthened considerably to reinforce a Brownfield First policy, see below:

Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that prioritises promotes and the use of previously-developed or brownfield land.

Also strengthen clause 122 by adding a new clause 122 c) as follows:

Local planning authorities should refuse applications for development on green belt land whilst there are alternative options available on unused, previously developed or brownfield land.



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Proposed changes to Chapter 12: Achieving well-designed places

In line with Recommendations 11, 12 and 13, paragraph 126 should be strengthened as follows:

Design policies **MUST** be developed **INTERACTIVELY** with local communities.

In line with Recommendations 28 to 33, paragraph 130 should be strengthened as follows:

Applications which propose the removal of a substantial number of trees should be refused.

The new clause 133 seems to be diluted compared to the old clause 130 - the following requirement should be brought back in:

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions

Proposed changes to Chapter 13: Protecting the Green Belt

Our green belts have never been more important to our health and wellbeing. This has been clearly demonstrated during the pandemic. It is also evident that our green belts provide an important tool for dissipating polluted air.

Given Recommendation 29 and 30, we believe clause 140 should be updated, as follows:

140. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development, including options that may have materialised as a consequence of changes to business practices and/or changes in personal behaviours.

Whilst the above change alludes to the reduction in the need for office space and the move to online shopping, other changes could become visible in the coming months and years and green belt should not even be considered for release until a comprehensive post Covid review of land supply has been completed.

Clause 141 should be strengthened as follows:

Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport, meeting the Brownfield First and Measurably Sustainable First requirements.

Clause 146 should be strengthened as follows:

146. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and following a comprehensive review of alternative options to meet the Brownfield First and Measurably Sustainable First requirements.



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

In considering Recommendation 18 (support the right development in the right place), clause 158 should be amended as follows:

Inappropriate development in areas at risk of flooding (including severe and frequent surface water flooding) should be avoided by directing development away from areas at highest risk (whether existing or future).

Amend clause 160 b) as follows:

b) safeguarding land from development that is required, or likely to be required, for current or future flood management (including wetlands, such as raised bog, which support carbon capture as well as hosting significant levels of surface water flooding);

This Chapter is weak in relation to mitigation against climate change and the aim to become carbon neutral by 2050. It should be reviewed to make the policies clearer. Clause 152 (for example) should be strengthened to require all planning policies and all planning decisions to be consistent with the objectives and provisions of the Climate Change Act 2008 and with the 2050 net zero carbon target. This clause could also have some additional bullet points to detail the expectations further, such as (for example):

a) applications should be refused where development is planned on wetland habitats, such as raised bog, which support carbon capture as well as hosting significant levels of surface water flooding

b) applications should be refused where development will lead to significant increases in air and noise pollution

c) applications should be refused where development cannot demonstrate it will be measurably sustainable.

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

Clause 173 a) should be amended as follows:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan or in line with their value as a carbon store, supporting the Government's aim to be carbon neutral by 2050);

A new clause should be added after clause 176 which states:

Great weight should be given to conserving, restoring and enhancing our peat mosses given their value as a carbon store, supporting the Government's aim to be carbon neutral by 2050. When considering applications for development on our peat mosses, permission should be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.

A further point should be added to clause 180, as follows:



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d) peat mosses, whether or not degraded

Clause 181 should be updated as follows:

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate INDEPENDENT assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site

A new point should be added to clause 184, as follows:

d) where adherence to the requirements of a) to c) is not possible, the development application should be refused.

Clause 185 should be extended to include the following:

Where it is not possible to mitigate against the impact of potentially harmful levels of air pollution, the development application should be refused.

Clause 187 should be amended to clarify that Local Planning Authorities will be considered to be accountable for approving developments that lead to harmful levels of air and noise pollution. It has been determined that a child has died as a consequence of the impact of high levels of air pollution. LPAs are the essential approval gateway to ensuring such a tragic situation does not happen again.

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

Clause 188 should be amended to confirm that a heritage asset can be a peat moss, a deer park, or tracks and ditches that border our fields and hedgerows (which may have been in place for hundreds of years).

It is just as important that these heritage assets are conserved and, if necessary, restored.

The focus in the new point 197 is on the removal of statues, plaques and memorials but some of our natural heritage assets are at a far greater risk of destruction by stealth within the planning ecosystem.

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

Clause 209 a should be strengthened as follows:

a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction, or any other form of peat removal;

Clause 210 d should be amended as follows:

d) not grant planning permission for peat extraction from new or extended sites or any other form of peat removal;



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Proposed changes to Annex 2: Glossary

Social Housing should be separated from Affordable Housing. There is a huge difference between market housing that has some form of discounted scheme for someone who can afford to buy, and social housing, that is typically needed by people who cannot (and possibly will never be able to) afford to buy their home.

It may also be useful to separate brownfield land from previously developed land. Brownfield land is not green belt land but you can have permanent structures on green belt.

Why isn't green belt defined in the glossary?

The Green infrastructure definition seems convoluted - perhaps simplify to :A network of multi-functional green and blue spaces and other natural features, which is capable of delivering a wide range of benefits associated with the environment, biodiversity and/or climate, with health and wellbeing or, increasingly, providing economic prosperity for landowners.

National Model Design Code

Please insert the word "measurably" in front of the word "sustainable" throughout the document.

Please insert the word "genuine" in front of the words "community engagement" throughout the document.

Citizens' Advocates should be appointed in each Local Authority area to support and advise throughout the planning process. Such a role would accelerate change, bring considerable improvements to the planning ecosystem, and put communities at its heart. These Advocates should determine the appropriate level of genuine community engagement needed for a specific development and the engagement tools to be used.

Statements of Community Involvement should be update to reflect the advice of the Citizens' Advocates.

Public Sector Equality Duty

The current drafting of the changes to the NPPF has not taken advantage of this opportunity to ensure that the planning ecosystem has removed or minimised the disadvantages suffered by people due to their protected characteristics. It has not taken steps to meet the needs of people from protected groups, where these are different from the needs of other people, nor has it done anything to encourage people from protected groups to participate in this aspect of public life.

It should be noted that many of the most vulnerable in our society, especially those who share protected characteristics, are often reliant on others to provide a voice for their fears within the planning ecosystem. Someone who will challenge overdevelopment that may lead to high levels of air and/or noise pollution. Someone who will ensure that green spaces are available to support their health and wellbeing. Someone who will seek a commitment to genuinely sustainable development.



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Planning is a highly specialist area and many citizens do not have the time to work their way through the jargon in this developer-dominant system. It is, therefore, essential that the NPPF is written to ensure that LPAs can use its clauses to safeguard their residents, especially those with protected characteristics, against the potential harms that can result from the worst excesses of the planning ecosystem and schemes that are not in the best interest of their communities.

The revised draft of the NPPF still does not put the citizen sufficiently at its heart. It should be remembered that, when members of the public participate in planning, they do so voluntarily, without any payment, in their own time (many work full time or have other commitments, so 'spare' time is precious and is often given at a cost to family time). This is not the case for Local Authority or developer staff, or indeed for those in Government. In addition, whilst the staff of developers or public bodies are typically working full time on planning applications, citizens are not. When residents review and assess planning applications, or consultations (such as this one), they often need to pick it up, put it down and come back to it several times.

In addition, developers currently have more rights of appeal than the public. Inequitable policies mean that, if vulnerable residents want to object, they must use their own money to fund any legal action (or raise donations from others). Public bodies use public money and businesses use company cash. So, ONLY citizens, the most vulnerable in the overall ecosystem, have to raise the funds themselves. Many residents may feel they do not have the skills to take such action, some will find the process unaffordable, all will need additional advice to support the achievement of their aims. This is inequitable and should have been addressed in the revisions to the NPPF.

For these reasons, we believe the Government should require the appointment of paid Citizens' Advocates covering all aspects of the process, ensuring development in all communities is inclusive and representative of REAL housing need in the area. These Citizens' Advocates should have the skills and experience necessary to be able to challenge all stakeholders, including decision-makers. They will help to accelerate the process for public bodies and developers and will bring huge benefits to the public, especially those with protected characteristics, who can be encouraged to participate and can be supported in any actions they want to take forward.