

# Changes to National Planning Regulations July 2021 – Our Summary



The Government has now [launched new planning measures](#), through which it aims to improve local infrastructure, help the environment, champion neighbourhood design and boost health and wellbeing among communities. These were announced as part of a new 'vision for building beautiful' at a "landmark" Building Beautiful Places event on 20 July 2021.

The measures encompass a new National Model Design Code (**NMDC**), an updated planning framework (**NPPF**) and a new **Office for Place**, which will be implemented to test and pilot the NMDC with local councils and communities and "drive up design standards".

Please see a summary of the announcements below, and the key changes for heritage organisations to note. Discussions continue in the Heritage Alliance's [Spatial Planning Advocacy Group](#) around changes to planning and the impacts of these measures on heritage. To join these discussions, please explore options for [joining as a member](#) of the Heritage Alliance.

## Updated National Planning Policy Framework (NPPF)

The NPPF, which sets out the government's planning policies for England and how these are expected to be applied, has been amended to align with the Government's plan for Building Beautiful Places.

The revised 2021 framework (published in full [here](#), and in an online format [here](#)), includes a new expectation that all councils should develop a local design code, which will set the standard for a local area, with "input from local people". The intention is to enhance public engagement in local planning decisions and encourage residents and planners to embrace "beautiful, practical design" and reject design that is "ugly, unsustainable and poor quality".

This process is outlined in the NMD (summarised below), which demonstrates how and when local communities can be involved in developing a design code, including through online engagement and face-to-face workshops, roundtables and exhibitions. This is in line with the Government's ambitions to make the planning system more accessible, as set out in the Planning white paper. These steps include the recent development of [two new web apps](#) launched to simplify the extension application process for homeowners.

The **practical planning guidance** that sits alongside Government planning policy has also been revised and updated (on 24 June 2021) to make it more accessible. This guidance includes sections on [Historic Environment](#), [Green Belt](#), [Environmental Impact Assessment](#), [Land Stability](#) and [Flood risk and coastal change](#).

## What does this mean for heritage?

Changes to the NPPF of most relevance to heritage are that:

- In the Heritage section of the framework, all the **paragraph numbers** have changed (increasing by 5 up to paragraph 192);
- **Design codes** have been introduced (in particular, see details under Section 12, paragraph 126 *ff.*);
- The Heritage section now includes a **new paragraph (198) on public statues** (see annex);
- More text has been added to limit the ability of local authorities to take back control over **permitted development and Article 4 Directions** (under Section 4 on Decision-making, changes have been made to the sub-sections *Tailoring planning controls to local circumstances* and *Planning conditions and obligations* - see annex)
- There are new notes on **sustainability and the environment**, including the 2030 Global Goals;
- Details about the importance of **trees and green infrastructure** are added; and
- There are new **flooding** definitions.

## National Model Design Code (NMDC)

The [National Model Design Code](#) (NMDC) has also now been released, which details guidance on the production of design codes, guides and policies.

All local planning authorities are now expected to 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”. According to the guidance, communities should be involved in the process of preparing design codes, to ensure greater democracy in the new planning system.

These publications were shaped by submissions to the consultation on the NPPF and NMDC, as outlined in this [government response](#) to the consultation. It acknowledges that: ‘*there were repeated concerns that the NMDC is at odds with the expansion of permitted development rights*’ and ‘*concerns regarding poor standards of accommodation provided through Permitted Development Rights but acknowledges the measures that have been undertaken to mitigate against these.*’

## New Office for Place

Finally, Robert Jenrick, Secretary of State for Housing, has launched the [Office for Place](#) to support areas to build beautiful, green, well designed places using this country’s world class design expertise.

The Office for Place will be advised by a new Advisory Board, comprising experts from the design, planning and development sector (including members from the previous Design Quality Steering Group).

The OfP will initially be set within MHCLG, but there are plans for it to become independent. Its activities will be based around ‘researching’ (the science of place) and ‘supporting and accrediting’ (piloting and sharing good practice, exploring KPIs, tools, templates), training, celebrating, advising.

## Annex

### Changes to Article 4 Directions

NPPF 2019	NPPF 2021
<p><b>Para 53.</b> The use of Article 4 directions to remove national permitted development rights should 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). Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.</p>	<p><b>Para 53.</b> The use of Article 4 directions to remove national permitted development rights should:</p> <ul style="list-style-type: none"> <li>• where they relate to <b>change from non-residential use to residential use</b>, be limited to situations where an Article 4 direction is necessary to avoid <b>wholly unacceptable adverse impacts</b> (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)</li> <li>• in other cases, be limited to situations where an Article 4 direction is necessary to <b>protect local amenity or the well-being of the area</b> (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)</li> <li>• in all cases, be based on robust evidence, and apply to the smallest geographical area possible.</li> </ul> <p>Para 54. Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.</p>
<p><b>Planning conditions and obligations</b></p> <p><b>Para 54.</b> Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address</p>	<p><b>Planning conditions and obligations</b></p> <p><b>Para 55.</b> Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.</p>

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**New paragraph (198) on Public Monuments:**

**198.** In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.