

Implications of changes to NPPF to Gloucester City Plan
July 2021

Following the publication of an updated National Planning Policy Framework (NPPF) on 20th July 2021, the Inspector of the Gloucester City Plan (GCP) has asked the City Council to confirm whether any of the changes have implications on the soundness of the plan.

The table below sets out the City Council’s position. The paragraph number is noted, followed by the paragraph number from the previous version of the NPPF in 2019, where appropriate.

| Ref | Change | Implications |
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| 1 | <p>Paragraph 7: Achieving Sustainable Development. Additional text referencing the UN 17 Global Goals for Sustainable Development. Paragraph now reads:</p> <p>7. 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. <i>At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic wellbeing and environmental protection.</i></p> | <p>No implications. The amendment to this paragraph provides context for the delivery of sustainable development through the planning system. The 17 Goals for Sustainable Development are:</p> <ol style="list-style-type: none"> 1. No poverty 2. Zero hunger 3. Good health and wellbeing 4. Quality education 5. Gender equality 6. Clean water and sanitation 7. Affordable and clean energy 8. Decent work and economic growth 9. Industry, innovation and infrastructure 10. Reduced inequalities 11. Sustainable cities and communities 12. Responsible consumption and production 13. Climate action 14. Life below water 15. Life on land 16. Peace, justice and strong institutions 17. Partnerships for the goals <p>Different goals have difference relevance to the planning system, but overall the JCS and GCP deliver against them. For example, in terms of Goal 3, there are various policies on the GCP that seek to improve health and wellbeing, primarily under</p> |

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| | | Section C, 'Healthy communities'. Likewise, under Goal 9, the GCP allocated employment land in suitable locations to support the growth of industry and innovation. With regard to Goal 12, 'responsible consumption and production', the GCP includes policies relating to charging infrastructure for electric vehicles and water efficiency. |
| 2 | <p>Paragraph 8: Achieving Sustainability Development. Amendments to criteria (b) and (c), now stating:</p> <p>8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):...</p> <p>(b) 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 the present and future generations; and by fostering well-designed, <i>beautiful</i> and <i>safe places</i>, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and</p> <p>(c) an environmental objective – to <i>protect and enhance</i> our natural, built and historic environment; including making effective use of land, <i>improving</i> biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p> | <p>No implications. The JCS and GCP include strong policy requirements with regard to design, for example through Policy SD4 'Design requirements' of the adopted JCS, and policies at Section F of the GCP.</p> <p>The JCS and GCP include policies that require improvements to biodiversity; Policy E2 'Biodiversity and geodiversity' of the GCP required biodiversity 'net gain' from new development, and other policies that support this.</p> |
| 3 | <p>Paragraph 11: The presumption in favour of sustainable development. Paragraph amended to read as follows: '11. Plans and decisions should apply a presumption in favour of sustainable development.</p> <p>For plan-making this means that:</p> <p>(a) <i>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.'</i></p> | <p>The adopted JCS sets the 'sustainable pattern of development' and the GCP fits within this context. Both the JCS and GCP seek to align growth with infrastructure, as set out the Infrastructure Delivery Plans, other evidence to support the plan and policy provisions. Other policies within the JCS and GCP seek to improve the environment and mitigate / adapt to climate change, including making the most efficient use of land in urban areas.</p> |
| 4 | <p>Paragraph 20: Strategic policies. New reference in opening sentence as follows:</p> | <p>No implications. The GCP doesn't contain any strategic policies. The strategic design framework is set</p> |

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| | '20 Strategic policies should set out an overall strategy for the pattern, scale and <i>design</i> quality of <i>places</i> , and make sufficient provision for:... | by the adopted Joint Core Strategy. |
| 5 | Paragraph 22: Strategic policies. New text that states ' <i>...Where larger scale developments such as new settlements or significant extensions to existing villages and towns form a 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.</i> ' | No implications. The GCP allocates non-strategic sites, all of which are deliverable in the plan-period up to 2031. |
| 6 | Paragraph 35: Tests of soundness. Under 'Consistent with national policy', criterion (d) has been expanded to state, ' <i>...enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.</i> ' | No implications. This is a point of clarity – all relevant statements of national policy have been considered in the preparation of the GCP. |
| 7 | Paragraph 53: Tailoring planning controls to local circumstances. Paragraph has been amended to provide additional information regarding the appropriateness of Article 4 directions and now states: '53 The use of Article 4 directions to remove national permitted development rights should: <ul style="list-style-type: none"> • <i>Where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (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 likely to extend to the whole of a town centre</i> • <i>In other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of an area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)</i> • <i>In all cases, be based on robust evidence, and apply to the smallest geographical area possible.</i> | No implications. The paragraph sets out the Government's requirements for the future consideration of Article 4 directions. Gloucester City Council is not currently progressing any Article 4 directions. |
| 8 | Paragraph 70 (previously 69): Identifying land for new homes. Change of emphasis regarding the role of neighbouring planning groups giving consideration to development sites, now stating: '70 Neighbourhood planning groups should also <i>give particular consideration</i> to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 69a) suitable for housing in their area.' | No implications. This paragraph relates to the responsibilities of neighbourhood planning groups in preparing neighbourhood plans. No neighbourhood plans are currently being progressed in Gloucester City. |
| 9 | Paragraph 73 (previously 72): Identifying land for homes. Additional text to paragraph relating to the delivery of new homes through larger scale development, now stating: '73 The supply of large numbers of new homes can often be best achieved through planning for larger scale development, | No implications. The GCP allocates non-strategic scale development within the administration of Gloucester city. |

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| | <p>such as new settlements or significant extensions to existing villages and towns, provides they are well located and designed, and supported by the necessary infrastructure and facilities <i>(including a genuine choice of transport modes)...'</i></p> <p>Amended criterion (c) regarding place-making and design, now stating:</p> <p>73 In doing so, they should...(c) set clear expectations for the quality of the <i>places to be created</i> and how this can be maintained (such as following Garden City principles), and ensure that <i>appropriate tools such as masterplanning and design guides or codes are used to secure a variety of well-designed and beautiful homes</i> to meet the needs of different groups in the community.'</p> | |
| 10 | <p>Paragraph 92 (previously 91): Promoting healthy and safe communities. Additional text at criterion (b) regarding design and cycle routes, now stating:</p> <p>'92 Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:...(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 <i>attractive, well-designed, clear and legible pedestrian and cycle routes...</i>'</p> | <p>This issue is addressed through Policy SD4 'Design requirements' of the Adopted Joint Core Strategy and Policy F3 'Community Safety' of the GCP. Policy F3 could be more consistent with the NPPF if criteria (6) was amended to read 'Footpaths <i>and cycle routes</i> that are well designed, lit, direct and overlooked' (please note – the word direct was discussed at the examination as a replacement for 'straight'). See PM152 of Submission Document CD010A.</p> |
| 11 | <p>Paragraph 96: Promoting healthy and safe communities. New paragraph regarding infrastructure provision.</p> <p><i>'To ensure faster delivery of other public service infrastructure such as further education colleagues, hospitals and criminal justice accommodation, local planning authorities should work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.'</i></p> | <p>No implications. Encourages local authorities to engage, which it does, for example with further education providers.</p> |
| 12 | <p>Paragraph 98 (previously 96): Open space and recreation. Recognises open spaces / sports facilities can deliver wider benefits for nature and support efforts to address climate change, now stating:</p> <p>'98. Access to a network of high-quality open spaces and opportunities for sports and physical activity is important for the health and well-being of communities, <i>and can deliver wider benefits for nature and support efforts to address climate change.'</i></p> | <p>No implications for the soundness of the GCP. However, the supporting text of policies C3 'Public open space, playing fields and sports facilities', E2 'Biodiversity and geodiversity', E3 'Nature Recovery Area and E5 'Green/Blue infrastructure' could be strengthened by referencing the nature and climate change benefits of open spaces and sports fields.</p> |

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| 13 | <p>Paragraph 106 (previously 104), criterion (d). Promoting sustainable transport. Amended wording at criterion (d) regarding design, which now states:</p> <p><i>'106 Planning policies should: (d) provide for attractive and well-designed walking and cycle networks with supporting facilities such as secure cycle parking (drawing on Local Cycle and Walking Infrastructure Plans).'</i></p> | <p>No implications. The policies of the GCP and JCS already achieve this.</p> <p>Of note is JCS SD4 'Design requirements', GCP policies C1 'Active design and accessibility', G1 'Sustainable transport' and A1 'Effective and efficient use of land'. See comments at point 10 re. paragraph 92 of the NPPF.</p> |
| 14 | <p>Para 110 (previously 108): Considering development proposals. New criterion (c)</p> <p><i>'In assessing sites that may be allocated for development in plans, or specific application for development, it should be ensured that...(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 National Model Design Code'.</i></p> | <p>No implications. The site assessment process for the GCP proposed site allocations was undertaken before the publication of the July update to the NPPF. In any event the joint JCS methodology for calculating site capacity ensures that suitable space is left for open space and transport elements.</p> <p>The National Design Guide and National Model Design Code will be used as a material consideration in the determination of planning applications.</p> |
| 15 | <p>Para 125 (previously 123): Achieving appropriate densities. New sentence at beginning of paragraph, which now states:</p> <p><i>'125 Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is utilised 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 sure that developments make optimal use of the potential of each site...'</i></p> | <p>No implications. Design codes 'can' be used does not in itself require that they must be in place for plan making purposes.</p> <p>Policy A1 'Effective and efficient use of land and buildings' of the GCP, SD4 'Design requirements' of the JCS, and the content of the NPPF itself, will ensure that homes are built to make the best use of the site whilst protecting quality and amenity.</p> |
| 16 | <p>Para 126 (previously 124): Achieving well-designed places. Additional text in the first sentence, which now states 'The creation of high quality <i>beautiful and sustainable</i> buildings and places is fundamental to what the planning and development process should achieve...'</p> | <p>No implications. The GCP policy F1 'Materials and finishes' and SD4 'Design requirements' of the JCS as well as other JCS and GCP policies that aim to ensure sustainable development, reduce the impacts of climate change and protect the historic environment will help to achieve well-designed places.</p> |

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| <p>17</p> | <p>Para 127 (previously 125): Achieving well-designed places. Additional text regarding the role of neighbourhood planning groups engaging in design policy, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers. The paragraph now states:</p> <p>127...Neighbourhood <i>planning groups</i> can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, <i>both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.</i>'</p> | <p>No implications. There are currently no active neighbourhood planning groups in the city. However, the council will support any that may come forward in the future.</p> |
| <p>18</p> | <p>Paragraphs 128 (previously 126) and 129: Achieving well-designed places. Various amendments to 128 and new 129, which reads:</p> <p>'128 To provide maximum clarity about design expectations at an early stage, <i>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. Design guides and codes provide a local framework for creating beautiful and distinctive places, with a consistent and high-quality standard of design. Their geographic coverage, 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.</i></p> <p>129 <i>Design guides and codes can be prepared at an area-wide, neighbourhood 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. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, 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 be used to guide decisions on applications in the absence of locally produced design guides or design codes.</i>'</p> | <p>The council is currently assessing what the implications of this change means to resources and work programming. The change refers to geographic coverage but do not insist upon the creation of design codes for plan making purpose.</p> <p>The Fleece and Kings Quarter already benefit from concept statements which contain information regarding context and design.</p> <p>The council will use the National Design Code and the National Model Design Code in the decision taking process.</p> <p>The policies of the JCS and GCP are clear that high quality design that is locally distinctive is required. The Townscape Character Analysis (Exam ref DES001 and DES002) sets out the context, historic assets, urban grain, morphology and existing materials in all areas of the city.</p> |
| <p>19</p> | <p>Paragraph 131 (new): Achieving well-designed places. New paragraph confirming the importance of trees in new development. The paragraph states:</p> <p><i>'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</i></p> | <p>To newly created paragraph 131 strengthens the city council's position with regard to Policy E5 of the GCP, 'Trees, woodlands and hedgerows'. Whilst it would be repeating the NPPF, to ensure consistency and coverage, it could be amended to require the</p> |

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| | <p><i>taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees and retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees and planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.'</i></p> | <p>provision of tree lined streets in new development unless, in specific circumstances there are clear, justifiable and compelling reasons why this would be inappropriate.</p> <p>The supporting text already references the positive impact trees, woodlands and hedgerows have with regard to climate change.</p> |
| 20 | <p>Paragraph 133 (previously 129): Achieving well-designed places. Additional reference to 'Building for a Healthy Life' as an example of an assessment framework. Paragraph now states:</p> <p>'133 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 <i>Healthy Life</i>. 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.'</p> | <p>No implications. This refers to the 'evolution' of schemes, which although can happen pre plan making, more usually occurs post adoption or during the pre-application process.</p> <p>There is no requirement to assess or review schemes as part of the plan making process where information on site design is often limited.</p> |
| 21 | <p>Paragraph 134 (previously 130): Achieving well-designed places. Various changes and additional criteria, which now reads:</p> <p>'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 guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:</p> <ul style="list-style-type: none"> (a) Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. (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. | <p>No implications. This paragraph relates to the assessment of planning applications through development management.</p> |
| 22 | <p>Paragraph 135 (replaces 131): Achieving well-designed places. Amendment to paragraph to protect against dilution of design between consent and completion, which now reads:</p> | <p>No implications. This paragraph relates to the assessment of</p> |

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| | <p>'135 Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).' ('also' removed between 'should' and 'seek')</p> | <p>planning applications through development management.</p> |
| 23 | <p>Paragraph 150 (previously 146): Green Belt.</p> <p>'150 Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purpose of including land within it. These are: (f) development, <i>including buildings</i>, brought forward under a Community Right to Build Order or Neighbourhood Development Order.'</p> | <p>No implications. There is no Green Belt in the administrative area of Gloucester City Council.</p> |
| 24 | <p>Paragraph 160 (previously 157): Planning and Flood Risk. Amended to clarify that 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. 'Flooding from all sources' was included in the previously version of the NPPF. Paragraph now reads:</p> <p>160...All plans should apply a sequential, risk-based approach to the location of development, taking into account <i>all sources of flood risk and</i> the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:...(c) using opportunities provided by new development <i>and improvements in green and other infrastructure</i> to reduce the causes and impacts of flooding, <i>making as much use as possible</i> of natural flood management techniques <i>as part of an integrated approach to flood risk management.</i></p> <p>Paragraph 161 (previously 158): As with 160, clarifies that the sequential test is to steer new development to areas with the lowest risk of flooding 'from any source'.</p> <p>Paragraph 162 (previously 159): Replaces 'zones' with 'areas' and references the new Annex 3 'Flood risk vulnerability classification', rather than national planning guidance.</p> <p>Paragraph 166 (previously 163): Re. dealing with flood risk in planning applications. Criterion (b) amended to read '...it should be demonstrated that (b) the development is appropriately flood resistant and resilient <i>such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.</i></p> | <p>No implications. It is considered the changes to the NPPF strengthen the policies relating to flood risk in the GCP.</p> <p>The Strategic Flood Risk Assessment Level 2 (Submission Document NAT004), prepared to support the GCP, undertakes an assessment of the proposed allocations from all sources of flooding (see final bullet point, page 5).</p> <p>Policy E6, paragraphs 4, 6, 7 and 8 take a strong approach to natural flood management techniques.</p> <p>In response to Pre-Submission representations, the Council has previously proposed changes to the supporting text of Policy E6 that strengthen the policy and align with the changes to the NPPF, for example in relation to upstream natural flood management (see Submission Document CD010a, references PM051, PM053 and PM054).</p> |
| 25 | <p>Paragraphs 176 and 177 (previously 172): Conserving and enhancing the natural environment. Additional text regarding</p> | <p>No implications. There are no Nationals Parks, Broads or Area of</p> |

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| | <p>proposals within National Parks, the Broads and Areas of Outstanding Natural Beauty, as follows:</p> <p>'176 Great weight should be given to conserving the 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 <i>all</i> these areas should be limited, <i>while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.</i></p> <p><i>177 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...'</i></p> | <p>Outstanding Natural Beauty within the administrative area of Gloucester City Council.</p> |
| 26 | <p>Paragraph 180 (previously 175): Habitats and biodiversity. Criterion (c) amended regarding improvements to biodiversity and access to nature, so as to read:</p> <p>'When determining planning applications, local planning authorities should apply the following principles: (c) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to <i>improve</i> biodiversity in and around developments should be <i>integrated as part of their design</i>, especially where this can secure measurable net gains for biodiversity <i>or enhance public access to nature where this is appropriate.</i>'</p> | <p>No implications. This paragraph relates to the assessment of planning applications through development management and is supported by policies SD9 'Biodiversity and geodiversity' and INF3 'Green infrastructure' of the adopted JCS, and policies E2 'Biodiversity and geodiversity', E3 'Nature Recovery Area', E4 'Trees, woodlands and hedgerows' and E5 'Green/blue infrastructure' of the submitted GCP.</p> |
| 27 | <p>Para 198 (new paragraph): Proposals affecting heritage assets. New paragraph regarding historic statues, plaque memorials or monuments, which states:</p> <p><i>'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.'</i></p> | <p>No implications. The City Council is of the view that paragraph 198 of the NPPF, in combination with policies SD8 of the adopted JCS, and D1 and D2 of the GCP provide adequate policy provisions for this matter.</p> |
| 28 | <p>Paragraph 210 (previously 204): Facilitating the sustainable use of minerals. Amended criterion (c) which now states:</p> <p>'Planning policies should (c) Safeguard mineral resources by defining Mineral Safeguarding Areas <i>and Mineral Consultation Areas</i>, 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</p> | <p>No implications. Gloucestershire County Council is the Minerals Planning Authority. The GCP references the Minerals Local Plan and as part of the statutory development plan, the plans should be read together.</p> |

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| | should be avoided (whilst not creating a presumption that the resources defined will be worked.) | |
| 29 | <p>Paragraph 211 (previously 205): Facilitating the sustainable use of minerals. Amended criterion (f) which now reads:</p> <p>'...In considering proposals for minerals extraction, minerals planning authorities should: (f) consider how to meet any demand for <i>the</i> extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites.' (removal of reference to relic quarries).</p> | No implications. Gloucestershire County Council is the Minerals Planning Authority. The GCP references the Minerals Local Plan and as part of the statutory development plan, the plans should be read together. |