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Open consultation

National Planning Policy Framework and National Model Design Code: consultation proposals

Published 29 January 2021

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This publication is available at <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>

Scope of the consultation

Topic of this consultation: This consultation seeks views on draft revisions to the National Planning Policy Framework (“the Framework”). The text has been revised to implement policy changes in response to the Building Better Building Beautiful Commission “Living with Beauty” report (<https://www.gov.uk/government/publications/living-with-beauty-report-of-the-building-better-building-beautiful-commission>).

A number of other changes to the text of the Framework are also set out and explained in this consultation document, but we are not proposing a review of the National Planning Policy Framework in its entirety at this stage. 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.

This consultation is also seeking views on the draft National Model Design Code, which provides detailed guidance on the production of design codes, guides and policies to promote successful design. We made a commitment to seek views on the National Model Design Code as we expect it to be used to inform the production of local design guides, codes and policies and want to ensure it is as effective as possible.

Scope of this 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, we would appreciate comments on any potential impacts under the Public Sector Equality Duty.

Geographical scope: These proposals relate to England only.

Basic Information

Body/bodies responsible for the consultation: Ministry of Housing, Communities and Local Government.

Duration: This consultation will begin on 30 January 2021 and will close at 11.45pm on 27 March 2021.

Enquiries: For any enquiries about the consultation please contact:
PlanningPolicyConsultation@communities.gov.uk

How to respond

Please respond online (<https://consult.communities.gov.uk/planning-policy-and-reform/national-planning-policy-framework-and-national-mo/>).

When you reply it would be very useful if you confirm whether you are replying as an individual or submitting an official response on behalf of an organisation and include:

- your name
- your position (if applicable)
- the name of organisation (if applicable)

If you cannot respond online, you may send your response by email to:
PlanningPolicyConsultation@communities.gov.uk.

Please make it clear which question or paragraph number each comment relates to, and also ensure that the text of your response is in a format that allows copying of individual sentences or paragraphs, to help us when considering your view on particular issues.

Introduction

The government is proposing to make a number of changes to the National Planning Policy Framework and we would like to hear views on the amendments set out in this consultation. Most of the changes relate to policy on the quality of design of new development, and which respond to the recommendations of the Building Better, Building Beautiful Commission.

We have also taken this opportunity to make a number of environment-related changes, including amendments on flood risk and climate change. The amendments also include a small number of very minor changes arising from legal cases, primarily to clarify the policy. A few minor factual changes have also been made to remove out-of-date text (for example, the early thresholds for the Housing Delivery Test), to reflect a recent change made by Written Ministerial Statement about retaining and explaining statues, and an update on the use of Article 4 directions.

This is not a wholesale revision of the National Planning Policy Framework, nor does it reflect proposals for wider planning reform set out in the Planning for the Future consultation document. A fuller review of the Framework is likely to be required in due course to reflect those wider reforms, subject to decisions on how they are to be taken forward.

Building Better Building Beautiful Commission

The government convened the Building Better, Building Beautiful Commission with the aim of championing beauty in the built environment, as an integral part of the drive to build the homes that our communities need.

The government asked the Commission to develop a range of practical measures that will help ensure new housing developments meet the needs and expectations of communities, making them more likely to be welcomed, rather than resisted. The Commission had three primary aims:

- to promote better design and style of homes, villages, towns and high streets, to reflect what communities want, building on the knowledge and tradition of what they know works for their area
- to explore how new settlements can be developed with greater community consent
- to make the planning system work in support of better design and style, not against it

The Commission's report proposed three overall aims. These were: ask for beauty, refuse ugliness and promote stewardship, and made 45 detailed policy propositions. In our response to the Commission, we have accepted their recommendation for a stronger focus on beauty in national planning policy, to ensure the system helps to foster more attractive buildings and places, while also helping to prevent ugliness.

This consultation takes forward our commitment to making beauty and place making a strategic theme in the National Planning Policy Framework. We state clearly that poor quality schemes should be refused and, where appropriate, we have replaced references to 'good design' with 'good design and beautiful places'. Several other aspects of the Framework have been updated to reflect the Commission's recommendations.

National Model Design Code

The purpose of the National Model Design Code is to provide detailed guidance on the production of design codes, guides and policies to promote successful design. It expands on the ten characteristics of good design set out in the National Design Guide, which reflects the government's priorities and provides a common overarching framework for design. The National Model Design Code is intended to form part of the government's planning practice guidance. It is not a statement of national policy. However, once finalised, the government recommends that the advice on how to prepare design codes and guides is followed.

A design code is a set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The draft National Model Design Code is intended to be used as a toolkit to guide local planning authorities on the design parameters and issues that need to be considered and tailored to their own context when producing design codes and guides, as well as methods to capture and reflect the views of the local community from the outset, and at each stage in the process.

The government believes that design codes are important because they provide a framework for creating healthy, environmentally responsive, sustainable and distinctive places, with a consistent and high-quality standard of design. This can provide greater certainty for communities about the design of development and bring conversations about design to the start of the planning process, rather than the end.

We would welcome views on the application of the draft National Model Design Code in practice and the model processes it sets out. We would be pleased to hear from local planning authorities, neighbourhood planning groups, developers, members of the public and anyone with an interest in the design of new development.

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

Summary of proposed amendments to the National Planning Policy Framework

This revised Framework:

- Implements policy changes in response to the Building Better Building Beautiful Commission recommendations
- Makes a number of changes to strengthen environmental policies – including those arising from our review of flood risk with Defra
- Includes minor changes to clarify policy in order to address legal issues
- Includes changes to remove or amend out of date material
- Includes an update to reflect a recent change made in a Written Ministerial Statement about retaining and explaining statues.
- Clarification on the use of Article 4 directions

The sections below outline the main changes proposed to the Framework. A number of chapters remain unaltered, other than consequential changes to page, paragraph and footnote numbers (these are 1, 6, 7 and 10).

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.

Q1. Do you agree with the changes proposed in Chapter 2?

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.

Q2. Do you agree with the changes proposed in Chapter 3?

Chapter 4: Decision making

The revised text aims to clarify the policy intention for Article 4 directions:

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.

Q3. Do you agree with the changes proposed in Chapter 4? Which option relating to change of use to residential do you prefer and why?

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.

Q4. Do you agree with the changes proposed in Chapter 5?

Chapter 8: Promoting healthy and safe communities

The revised text seeks to clarify existing policy:

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.

Q5. Do you agree with the changes proposed in Chapter 8?

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.

Q6. Do you agree with the changes proposed in Chapter 9?

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.

Q7. Do you agree with the changes proposed in Chapter 11?

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.

Q8. Do you agree with the changes proposed in Chapter 12?

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.

Q9. Do you agree with the changes proposed in Chapter 13?

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 (<https://www.gov.uk/government/publications/flood-and-coastal-erosion-risk-management-policy-statement>) 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".

Q10. Do you agree with the changes proposed in Chapter 14?

Chapter 15: Conserving and enhancing the natural environment

The revised text seeks to clarify existing policy and reflects the government's response to the Building Better Building Beautiful Commission:

New paragraph 174 has been amended in response to the Glover Review of protected landscapes (<https://www.gov.uk/government/publications/designated-landscapes-national-parks-and-aonbs-2018-review>), 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.

Q11. Do you agree with the changes proposed in Chapter 15?

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.

Q12. Do you agree with the changes proposed in Chapter 16?

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.

Q13. Do you agree with the changes proposed in Chapter 17?

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.

Q14. Do you have any comments on the changes to the glossary?

National Model Design Code

Q15. 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

Public Sector Equality Duty

Q16. We would be grateful for your comments on any potential impacts under the Public Sector Equality Duty.

Going further

The government is clear that wider planning reform is needed to secure better outcomes for our modern society and economy. The COVID-19 outbreak has put this into sharp perspective. With so many people spending more time at home than ever before it is crucial that the places we call home are comfortable, affordable and within access of local amenities.

Action for a better future is needed and the planning reform proposals published last summer will help us improve our precious countryside and environment alongside increasing the supply of land for new, beautiful homes and sustainable places. Planning for the Future (published for consultation on 6 August) proposed significant changes to the focus and processes of planning.

The proposals for a reformed planning system will make it simpler, quicker and more accessible for local people to engage with and more certain for developers.

The consultation on Planning for the Future ended on 29 October. The government is now in the process of considering the responses received and will publish a summary of responses in due course. The government will also consider what further revisions to the National Planning Policy Framework are necessary to reflect those wider planning reforms.

About this consultation

This consultation document and consultation process have been planned to adhere to the Consultation Principles issued by the Cabinet Office.

Representative groups are asked to give a summary of the people and organisations they represent, and where relevant who else they have consulted in reaching their conclusions when they respond.

Information provided in response to this consultation, including personal data, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation, and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, as a public authority, the Department is bound by the Freedom of Information Act and may therefore be obliged to disclose all or some of the information you provide. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Ministry of Housing, Communities and Local Government will process your personal data in accordance with the law and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. A full privacy notice is included below.

Individual responses will not be acknowledged unless specifically requested.

Your opinions are valuable to us. Thank you for taking the time to read this document and respond.

Are you satisfied that this consultation has followed the Consultation Principles? If not or you have any other observations about how we can improve the process please contact us via the complaints procedure (<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government/about/complaints-procedure>).

Personal data

The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018.

Note that this section only refers to your personal data (your name address and anything that could be used to identify you personally) not the content of your response to the consultation.

1. The identity of the data controller and contact details of our Data Protection Officer

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at dataprotection@communities.gov.uk

2. Why we are collecting your personal data

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

3. Our legal basis for processing your personal data

The Data Protection Act 2018 states that, as a government department, MHCLG may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation.

4. With whom we will be sharing your personal data

MHCLG may share your personal data with the Design Body Steering Group and the Transition Board and external organisations, for purposes relating to this consultation, including analysis of responses. Any data shared with organisations outside of MHCLG will be anonymised where possible.

5. For how long we will keep your personal data, or criteria used to determine the retention period.

Your personal data will be held for two years from the closure of the consultation.

6. Your rights, e.g. access, rectification, erasure

The data we are collecting is your personal data, and you have considerable say over what happens to it. You have the right:

- a. to see what data we have about you
- b. to ask us to stop using your data, but keep it on record
- c. to ask to have all or some of your data deleted or corrected
- d. to lodge a complaint with the independent Information Commissioner (ICO) if you think we are not handling your data fairly or in accordance with the law. You can contact the ICO at <https://ico.org.uk/> (<https://ico.org.uk/>), or telephone 0303 123 1113

7. Your personal data will not be sent overseas.

8. Your personal data will not be used for any automated decision making.

9. We use a third-party system, Citizen Space, to collect consultation responses. In the first instance your personal data will be stored on their secure UK-based server. Your personal data will remain on the Citizen Space server and/or be transferred to our secure government IT system for two years of retention before it is deleted.

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