

## **Appendix 1: Consultations responses to questions**

### **i. Changes to the NPPF**

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

Yes, it is considered that the proposed amendments are positive.

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

No. Taking each proposed amendment in turn, the following concerns are raised –

Paragraph 20: The proposed change is as follows - Strategic policies should set out an overall strategy for the pattern, scale and design quality of places ~~development~~, and make sufficient provision for:...

The proposed insertion of “design” into this paragraph would appear to give an undue prominence of design issue over other important consideration such as the natural environment. Instead, it is considered better to include an explicit reference to design in criterion 4 of this paragraph as follows – d) the design, conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

Paragraph 22: The proposed change is as follows – Strategic policies should look ahead over a minimum 15 year period from adoption<sup>15</sup>, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure.

Where larger scale development such as new settlements form 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.

The sentiment is supported but the proposed additional sentence is unnecessarily prescriptive. Specifying a minimum 30 year vision may not be appropriate. It should be for the circumstances of each proposal to determine the longer vision – therefore the words *at least 30 years* should be deleted, or at least replaced with *likely to be at least 30 years*.

Paragraph 35d: The proposed change is as follows – d) Consistent with national policy – enabling the delivery of sustainable development

in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

Other statements of national planning policy are already taken into account in the production of Local Plans and are a relevant consideration in their Examination. Changes to the NPPF are subject to consultation which enable all parties the opportunity to take proposed changes into account. Ministerial Statements, by contrast are issued at any time, often without warning. The proposed wording would place the onus on Examining Inspectors to place considerable weight on Ministerial statements as a matter of course when considering soundness, *at any stage in the Plan Examination*. This has the potential for Plans to be subject to new soundness issues throughout the Examination which may inadvertently delay the conclusion of Local Plan Examinations. Examining Inspectors already have discretion to determine the relevance and issues of soundness raised by Ministerial Statements made during the Examination process, and judge the position accordingly, without the expectation in the NPPF that *all* inconsistencies with Ministerial Statements are a soundness issue. This is considered appropriate and therefore the proposed change should not be included.

**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?**

No, it is considered important that local planning authorities have the ability to manage changes at the local level in order to respond to specific local issues and the needs of local communities in the interests of amenity. Article 4 directions are used sparingly where absolutely necessary and there is an approval process in place so local planning authorities do not have absolute power to impose direction wherever they may choose. It is therefore considered that the proposed additions are not necessary; however the first option would be most reasonable.

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

Yes, the proposed changes to require the use of master plans and design codes to drive up the quality of new developments is welcomed, whilst the removal of the 'innovative' test for isolated dwellings is not considered problematic.

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

Yes, improving legibility through developments with the inclusion of attractive cycle routes and the integration of open spaces within

developments to serve not only as recreation space, but also as spaces for nature in the interests of well-being and managing climate change is welcomed.

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

Yes, strengthening the importance of providing inclusive designs that incorporate well-designed routes of pedestrians and cyclists is considered very important.

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

Yes, it is considered essential that the importance of local distinctiveness is not lost. Design guides and codes that are developed locally based on area-based character assessments are considered fundamental to creating high quality developments and extensions to settlements.

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

Yes, it is considered that overall the proposed amendments will help to improve the quality of new developments, ensuring that they respond well to their context and with a likely increased level of tree planting across developments which would bring a wide range of benefits.

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

No comment to make.

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

Yes, it is considered that the proposed amendments are positive.

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

Yes, it is considered that the proposed amendments are positive.

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

No, there are several problems with this new piece of guidance. Namely; listed statues / memorials or those within a Conservation Area are already subject to all of the considerations mentioned here. Where they are not listed and not in a Conservation Area or subject to another type of control it is not clear that alteration or removal could fall within the planning process and would therefore sit outside of the remit of this guidance. Additionally there is an assumption within the text that historic statues, plaques or memorials all constitute heritage assets. This is certainly not the case presently, and guidance regarding heritage assets has recently become much more selective. It is unclear whether all such statues etc. would in fact constitute non designated

heritage assets in accordance with national guidance contained within the relevant (and recently updated PPG) <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#non-designated>

For those statues / memorials that are listed or otherwise clearly constitute non designated heritage assets the NPPF provides ample existing guidance for consideration in regards to their removal or alteration. This new guidance is overly repetitive of existing provision within the NPPF and is therefore unnecessary. Furthermore, it may be unenforceable due to some memorials falling outside of the planning process by virtue of not meeting the criteria to be recognised as a non designated heritage asset or subject to other planning controls.

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

No comments to make in respect of the proposed changes.

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

The proposed changes to the definition of green infrastructure are welcomed.

ii. 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**

The stated aim of the guidance is to provide a framework for local authorities to develop their own local design guides for housing developments of all sizes. The guidance is very broad in scope and deals with issues such as;

- Detailed master planning
- Area character assessments
- Street layout / design
- Garden plots, greenery
- Individual housing design
- Building heights

Crucially however, the guidance is clear that not all the elements referred to need to be given equal emphasis in locally produced guidance and may not all be relevant. There is significant scope for

picking and choosing the most appropriate elements of the guidance in producing a document that more closely reflects local priorities.

The emphasis is placed on coherent, illustrated and concise examples rather than exhaustive policy wording. This approach will be useful in direct contact with developers and their architects, as it will provide an easily understood and illustrated baseline to work from rather than trying to negotiate differing interpretations of policy wording. A debate around layout and building heights for example is far more easily settled if there are explicit, adopted guidelines (with illustrated examples) than if we have to interrogate policy, case law and precedent for the same outcome.

In terms of the scope and level of detail the document produces a baseline of factors for consideration, rather than a list of what must be included. In this respect, the guidance is useful and would serve as an excellent blueprint for the development of local design guidance.

The overall quality of the guidance is clear and is in accordance with accepted standards of urban design emphasised in the very highly regarded *Manual for Streets, Department for Transport (2007 and 2010)*, *Understanding Place, Historic Area Assessments, Historic England, 2017* and *Increasing Residential Density in Historic Environments, Historic England, 2018*.

## **b) the application and use of the guidance**

The guidance serves as a highly detailed but not overly prescriptive blueprint on the development of local design guidance. Due to this being a central government produced guide any local guidance produced in accordance with this guide would have to be accorded significant weight in planning applications and would serve as an incredibly useful tool in pre application, outline and master planning decision making. Developers would need to be familiar with the national level of guidance and this should establish a baseline of expectation in design quality that could reduce adversarial negotiation within large applications.

As such, the guidance has the potential to be instrumental in securing a high level of design quality, particularly at the level of major house building.

## **c) the approach to community engagement**

It is considered that this is clear within the document, and meaningful engagement with the local community is considered to be important.

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

No comments to make.