

25 MARCH 2021

## **PR7-21 | MODEL DESIGN CODE**

I am writing in response to the current Ministry of Housing, Communities and Local Government consultation on the framing of a new model design code, the creation of a new Office for Place, and associated updates to the National Planning Policy Framework (NPPF).

The National Association of Local Councils (NALC) is the nationally recognised membership and support organisation representing the interests of around 10,000 parish and town councils and many parish meetings in England. Local (parish and town) councils are the backbone of our democracy and closest to local people, providing our neighbourhoods, villages, towns and small cities with a democratic voice and structure for taking action, contributing in excess of £2 billion of community investment to supporting and improving local communities and delivering neighbourhood level services.

### **Executive summary**

- NALC agrees with the government that the planning system could be improved and should have more emphasis on building design, (we endorsed the recommendations in the report 'Living with beauty' published by the Building Better, Building Beautiful Commission [BBBBC]) – as we said in our overarching statement in response to the Planning White Paper (PWP) and Changes to the Current Planning System consultations last year.
- NALC will support changes to the planning system which it perceives will strengthen the system and the voice of democracy and lead to better quality, appropriately sited developments. It will not support planning changes which it perceives will work in the opposite direction.
- We welcome the proposed change in the NPPF to the definition of 'sustainable development' and also the section covering the presumption in favour of sustainable development (paragraphs 7 and 11), the strengthened wording for turning down poor development (paragraph 133) and the integration of design codes (paragraph 109). The other aspect which can be supported are the proposals in respect of development in protected landscapes (paragraph 175).

- We are concerned about the restrictions that are proposed for the use of Article 4 Directions (paragraph 53).
- In Chapter 12 we would advocate that the default for the expression of local character and design preferences should be through a neighbourhood plan. We are suggesting that if a neighbourhood plan has a policy on design or develops a design code, that this is the standard against which design will be measured in their area.
- Whilst NALC agrees that local-specific policies on beauty will be needed, the concept of Supplementary Planning Documents might provide a simpler solution, which could embrace individual village design statements and their urban equivalents. We think there is no reason why where Village Design Statements were adopted, they could not be updated and incorporated into local design codes.

## **Specific answers to consultation questions**

NALC's answers to the consultation's specific questions are as below:

### **Chapter 2: Achieving sustainable development**

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

Yes, on balance. We welcome the proposed insertion of a reference to the United Nations' Sustainable Development Goals in paragraph 7 and the addition of new paragraph 11a covering the presumption in favour of sustainable development. We additionally welcome the amendment to paragraph 8(b) in response to the BBBBC recommendations to emphasise the importance of well-designed, beautiful and safe places in achieving social objectives of sustainable development.

### **Chapter 3: Plan-Making**

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

Yes, we support the changes made to chapter 3 in principle as it is right that strategic policies should be required to set out an overall strategy for the pattern, scale and design quality of places.

But these important spatial plans must be prepared with suitable thoroughness, background evidence and democratic input. NALC objected strongly to the

proposal in the PWP to reduce to 30 months the statutory timescale for the production of Local Plans and to severely limit public participation. In our response to the Planning White Paper consultation we argued for Local Plans that are carefully constructed after extensive research and consultation.

#### **Chapter 4: Decision making**

##### **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. The new wording attempts to reduce the scope of Article 4 directions. Its effect would be to reduce the control of local planning authorities over development in their areas.

#### **Chapter 5: Delivering a wide choice of high quality homes**

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

Yes, on balance. We support these changes on balance as they have been introduced to implement the BBBBC report. As above, NALC will support changes to the planning system which it perceives will strengthen the system and the voice of democracy and lead to better quality, appropriately sited developments. It will not support planning changes which it perceives will work in the opposite direction.

#### **Chapter 8: Promoting healthy and safe communities**

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

Yes, on balance. In principle we think it is right that the Building Better, Building Beautiful Commission report's recommendations on supporting walkable neighbourhoods, are implemented. We additionally agree 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.

#### **Chapter 9: Promoting sustainable transport**

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

We support inclusion of new paragraph 109 (c) and supporting footnote 45 as for 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.

## **Chapter 11: Making effective use of land**

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

We have no objection to this text change as it is now right that there is 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.

## **Chapter 12: Achieving well-designed places**

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

Yes, but further changes are required. As above, in Chapter 12 we would advocate that the default for the expression of local character and design preferences should be through a neighbourhood plan (though we do not advocate that every community area should be required to go through the neighbourhood plan exercise). We are suggesting that if a neighbourhood plan has a policy on design or develops a design code, that this is the standard against which design will be measured in their area.

However chapter 12 contains strengthened wording for paragraph 133 which we welcome for turning down poor development. There is a new paragraph 130 included also on trees which we welcome.

## **Chapter 13: Protecting the Green Belt**

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

We have no strong view regarding chapter 13.

## **Chapter 14: Meeting the challenge of climate change, flooding and coastal change**

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

Yes we support the text changes to chapter 14 on balance as it is clear they are essential to manage flood risk across England.

## **Chapter 16: Conserving and enhancing the historic environment**

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

Yes we support the proposed text changes to the NPPF under chapter 16, historic environment as they will help protect the provenance of locally important statues and heritage.

**Chapter 17: Facilitating the sustainable use of minerals**

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

We can agree to the introduction of new paragraph 17 (c) which will ensure that minerals are used more sustainably across the country.

**Q15. We would be grateful for your views on the National Model Design Code, in terms of:**

**a) the content of the guidance**

On balance we welcome the content of the guidance within the code itself. However, whilst the guidance is fairly comprehensive, the illustrations are useful for understanding principles and the checklists are helpful for local (town and parish) councils, it fails to mention design reviews. The National Model Design Code and accompanying guidance would be improved if they mentioned the need for local planning authorities to conduct planning reviews. The Housing Design Audit carried out by Campaign to Protect Rural England and the Place Alliance in 2019 found design reviews to be one of the most effective ways to ensure design quality.

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

The guidance is a weighty document at 97 pages.

As stated in response to the reflected changes in the NPPF above, NALC's view is that the default for the expression of local character and design preferences should be through a neighbourhood plan. We are suggesting that if a neighbourhood plan has a policy on design or develops a design code, that this is the standard against which design will be measured in their area.

Whilst NALC agrees that local-specific policies on beauty will be needed, the concept of Supplementary Planning Documents might provide a simpler solution, which could embrace individual village design statements and their urban equivalents. We think there is no reason why where Village Design Statements

were adopted - they could not be updated and incorporated into the local design codes.

However one suggestion which has been made to us by some local councils (who do not have neighbourhood plans is that although many principles apply to all developments, applying those principles to rural development is very different. It would be very useful to have a 'Model Design Code for Rural Areas'. This document would be a supplement to the main one and will be especially useful for those communities who do not have a Neighbourhood Plan or Village Design Statement.

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

In addition to what has been said, there should be a mechanism in place whereby the completed 'Design Code' is signed off by the community before it is adopted. This will ensure that engagement processes have not been lip service and that the views and wishes of the community have been listened to and incorporated.

**Public Sector Equality Duty**

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

No comment

Should you require any further information on this response please do not hesitate to contact Chris Borg, policy manager, on 07714 771049 or via email at [chris.borg@nalc.gov.uk](mailto:chris.borg@nalc.gov.uk).

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