



ADEPT response to MHCLG consultation proposals on the National Planning Policy Framework and National Model Design Code

March 2021

Introduction

ADEPT is a professional association that represents executive 'directors of place' from county, unitary and combined authorities, along with directors of local enterprise partnerships, sub-national transport bodies and corporate partners drawn from key service sectors. More than two thirds of households in England rely on services provided by ADEPT members including housing, environmental and regulatory services, planning, development, culture, and highways and transport. ADEPT represents its members' interests by proactively engaging Government on emerging policies & issues, promoting initiatives aimed at influencing government policy, and the sharing of best practice, professional networking and development opportunities. Our strategic priorities include climate change and the environment, infrastructure and communities; and place-based funding.

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

We support the amended wording in paragraph 7, to incorporate the 17 UN Global Goals for Sustainable Development. This helps to strengthen the 'golden thread' and the function of the statutory planning system to deliver the Government's objectives for sustainable development.

We have no objection to the proposed amendments in paragraph 8(b). Clearly the inclusion of 'beauty' as a planning concept will need to be worked through with communities and the development industry over time, and across many varied contexts. Some guidance in respect of how 'beauty' can be assessed in a planning context should also be provided.

We support the changes to paragraph 8(c) in relation to protecting and enhancing our natural, built and historic environment.

The revised wording to paragraph 11(a) is helpful as this effectively defines what is currently implied by the current National Planning Policy Framework (NPPF) 'planning positively'. Specific references to - align growth and infrastructure, improve the environment, mitigate climate change and adapt to its effects - are welcomed.

It is noted however that the social objectives of sustainable development are not addressed, particularly in relation to inequalities and the 'levelling up' agenda.

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

Paragraph 20 has been amended to require strategic policies to set out an overall strategy for the pattern, scale, and design quality of places. This change is supported, as place making is a strategic matter and it is very helpful to see this now reflected in the NPPF.

Paragraph 22 has been amended in response to the *Building Better Building Beautiful* Commission recommendations, to clarify that local councils who wish to plan for new settlements and major urban extensions should look over a longer time frame, of at least 30 years, to take into account the likely timescale for delivery. This change is welcomed for those areas looking to bring forward such schemes. However, the experience of recent new settlements at the Examination stage suggests further guidance is also required on how a long-term vision fits into the shorter timeframe of the Local Plan.

We seek clarity on the following:

- The scope for local planning authorities (LPAs) to plan for growth which will be delivered beyond a single cycle Local Plan. This has proved challenging given the level (and detail) of evidence required to justify such long-term growth e.g. North Essex Garden Communities. This matter will be tested at Local Plan examinations, and LPAs will need reassurance that Planning Inspectors will find this approach justifiable.
- The level of certainty required to be demonstrated by LPAs on major infrastructure projects in terms of their funding, delivery timescales and other matters such as long-term viability and build out of homes. This is particularly important where housing delivery is not necessarily required in the early phases of a Local Plan and could be assessed in detail as part of the review process.

Furthermore, there is a need to understand whether this change also applies to Minerals and Waste Planning, including Minerals and Waste Local Plans.

We support the amendment of Paragraph 35(d) to include consideration of other statements of national planning policy where relevant as well as the NPPF. This ensures that the most up to date national policies (for example, Written Ministerial Statements) can be taken into account which is welcome.

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?

ADEPT has previously raised concerns in relation to the expansion of permitted development rights potentially undermining the proper planning of an area. The proposed changes in Chapter 4 to restrict the use of Article 4 Directions further remove the ability of LPAs to prevent inappropriate development and/or incompatible uses. Given the consultation makes a great play towards beauty, design and place shaping, it is hard to see how these goals align with removal of any form of control over change of use and/or conversion. We therefore object to the proposed change.

Of the two suggested options at paragraph 53, if there must be a change, our preference is for the first - *‘where they relate to change of use to residential, be limited to situations where this is essential to avoid wholly unacceptable adverse impacts’*. We seek clarification of what would be considered ‘wholly unacceptable’.

Do you agree with the changes proposed in Chapter 5?

In general, we support the proposed changes to Chapter 5.

The proposed amendments to para 72 link neatly with the overall emphasis in the consultation and National Design Guide about the importance of place rather than just the development site itself. It is suggested that the words, ‘in the long-term’ are added after ‘can be maintained’ to emphasise the need for robust stewardship arrangements in perpetuity. The proposed model of stewardship / land values capture should be a key additional consideration in the strategic site allocation process. This

could also have a bearing on the use of more robust materials which are capable of staying in a good condition over the longer-term.

We are concerned with the proposed text additions within new paragraph 73. In considering the planning of large-scale new growth / settlements, this states a requirement for such developments to be served by the necessary infrastructure and facilities adding ‘including a genuine choice of transport modes’. In our opinion this must go further. We suggest that the proposed text addition reads “including a genuine choice of active and sustainable transport modes” to help ensure the prioritisation of sustainable travel.

The changes proposed to the new paragraph 80 are supported and would also suggest that part (e) include a criteria around design which incorporates low/no zero carbon aspects e.g. PV cells, ground or air source heat pumps, triple glazing, insulation, water efficient systems, sufficient shading.

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

The changes in Chapter 8 are fully supported. However, the following would improve the overall effectiveness:

- Paragraph 92 b) text could be strengthened by reference to shared pedestrian and cycle routes, which would help enhance safety.
- Paragraph 97 should be amended to emphasise the recognition of the wider benefits of open/green spaces to the delivery of biodiversity net gain, and inclusivity for the benefit of all. In this respect, open spaces need to be seen as multi-purpose.
- Paragraph 97 states ‘access to a network of high quality open spaces’, this should be reframed as referring to ‘multifunctional’ open spaces and opportunities for sport and physical activity. For consistency, the wording of this would be improved by referring to ‘green infrastructure’.

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

The inclusion at Paragraph 104(d) to ‘well-designed’ and ‘secure’ cycle parking is welcome. It is noted that the changes do not reference the government’s Gear Change vision nor local transport note (LTN) ‘Cycle infrastructure design’ (LTN1/20). Reference to LTN1/20 would provide clarity and guidance on what a ‘well-designed’ cycle route and/or network should look like.

The inclusion of point (c) at new Paragraph 109 and the associated footnote are supported in providing clarity on the guidance that should be applied to street design in new developments. It is questioned why in footnote 45 reference to Manual for Streets has been deleted – this is part of current guidance and indeed, the Manual for Streets is currently being updated.

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

The changes to emphasise 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 are supported. However, the appropriate design and location of infrastructure such as education facilities and flood and water management schemes, and the embedding of sustainable and active travel modes, and environmental standards (green and blue infrastructure, net gain, energy efficiency) are an integral part of designing developments and successful place making, which should be factored into these considerations.

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

The additions at new Paragraph 125 are supported in principle. However, the inclusion of 'beauty' as a planning concept will need to be worked through with communities and the development industry over time and across many varied contexts. Whilst the desire to build beautiful places is understood as beauty is in the eye of the beholder, we would suggest that it would be more appropriate for national planning policy to refer to 'high quality designed' buildings and places as this has more direct application to the National Design Model Code and guidance.

The clarity around the role of Neighbourhood Planning in new paragraph 126 is welcomed.

New paragraphs 126-128 have been amended to emphasise that all LPAs 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. The principle of preparing design codes is supported – but it requires sufficient resourcing of LPAs to deliver.

New paragraph 130 sets out the importance that trees play in the urban environment, and we support the proposal that all new streets be tree lined. However, it is considered vital that any proposed policy promoting urban tree planting is supported by clear guidance on where and how trees should be planted, as well as setting out what constitutes appropriate maintenance and replacement strategies. Significant emphasis is rightly made on the importance of street trees in terms of the multiple benefits they can deliver from urban cooling, air pollution reduction and flood alleviation. However new street trees can be complex to deliver, requiring significant planning and involvement/buy in from other professions within a LPA. Additional planting within highway land adds a significant burden to already shrinking council highways maintenance budgets, particularly if poorly planned or executed.

We suggest that there are new design standards to ensure trees are integrated into the earliest possible stages of concept; that space requirements above and below ground are fully addressed e.g. wider verges and footways; services are located well away from street trees; realistic commuted sums for adoption be used for tree maintenance; holistic tree strategies; supplementary planning documents; long-term funding to secure successional planting to achieve age, structure, species diversity. This policy aspiration needs underpinning with sufficient funding with respect to both the planting and the ongoing maintenance commitment.

In addition to creation of new tree-lined streets, there is a pressing need to retrofit urban sites with good quality green infrastructure. Agreeing suitable species of tree and ensuring that enough soil volume is provided and ensuring that the planting does not present a long-term conflict with other infrastructure, is a considerable undertaking.

Requiring applicants and LPAs to work with local highways officers and tree officers on such matters is welcomed. Overall however we do feel the wider message that creating more beautiful places requires a greener approach to place-making has got lost in the document. Tree-lined streets are a step in the right direction; what is required is a more strategic approach to integrating the natural environment into place-making.

We welcome the additions to new paragraph 133, which 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.

The NPPF needs to be clearer that beautiful and sustainable buildings applies to all types of development and not just housing.

We seek clarification as to whether the reference in (new) paragraph 127 to all LPAs preparing design codes is intended to apply to Minerals and Waste Planning Authorities (MWPA). The same question in respect of MWPA applies to the advice in paragraph 133 that development that is not well designed should be refused, particularly given that the relevant design codes might be prepared by either the relevant lower tier (district) council / unitary as the LPA or by an upper tier (county) council in this role.

We note that the current proposals do not provide much coverage on the design implications of energy and building standards, or in encouraging travel behavioural change in design, and how to consider this. In this respect wider measures or developments that may have the purpose of meeting or addressing climate change concerns also need consideration in principle in terms of aesthetic design and sensitive location.

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

There are no objections to the minor changes to Chapter 13 as they provide clarity.

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

We have no objection to the changes proposed in Chapter 14. The changes serve to strengthen the delivery of surface water drainage systems / Sustainable Drainage Systems (SuDS) on development sites and flood risk management.

It is noted that the changes to this chapter focus on flooding. However, it would be helpful if it could strengthen the text and approach on energy. Onsite renewable energy should be prioritised and designed in at the earliest stage and maximised, aiming to be net zero and energy positive. The focus of the 'Planning for Climate Change' chapter is on adaptation; it would be positive if it could also include carbon reduction. Further revisions could be considered in order to reflect the level of change needed to achieve the statutory target of net zero carbon by 2050.

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

The changes to Chapter 15 provide clarity on development within the settings of National Parks and Areas of Outstanding Natural Beauty, which is supported.

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

The changes to chapter 12 are noted.

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

We support the change for consistency with the Planning Practice Guidance.

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

The changes and additions to the glossary are welcomed in providing extra clarity and context.

Q15. We would be grateful for your views on the National Model Design Code (NMDC), in terms of a) the content of the guidance

b) the application and use of the guidance
c) the approach to community engagement

a) the content of the guidance

It is welcomed that the government recognises that quality design does not look the same across the country and local vernacular differs according to location (10 NMDC). It is positive that the NMDC sets a baseline for LPAs that developments should clearly take account of local vernacular and heritage, architecture and materials, when developing local design codes and guides and when determining planning applications (11 NMDC).

Likewise, we welcome the proposal that the codes set out a necessary level of detail in sensitive locations, such as areas with heritage considerations, and that they should set out ways to maintain local character (13 NMDC).

The inclusion of Context (C.1.i to C.2.ii in the GNDC) in design codes covering urban extensions, infill sites, and small sites is appropriate (Figure 2 NMDC), as are the proposals regarding the use of character studies to better understand context and that schemes should respect and make use of heritage assets (57 NMDC).

The importance of establishing design codes on a strong and robust baseline is key to their impact and effectiveness. We welcome the fact that local character and heritage assets (including conservation areas) are highlighted as aspects that could be included in such an analysis (29 NMDC). Likewise, that character, topographical, historical and heritage features should be considered and covered in LPA Vision Statements.

The highlighting of the importance of context, character and the historic environment in terms of the development of design codes in the GNDC (C.1 and C.2) is a key element of the success of codes in many areas. It is very welcome that an appreciation is given to the fact that historical assessments can be used as a foundation for new development; that heritage assets may influence the form of development (GNDC C.1 and C.2) and that local character and materials contribute to a sense of place and should be considered in design codes (GNDC I.1).

In terms of preserving and enhancing a sense of place, a good understanding of what this means for a particular area is essential. This can be done in various ways, including establishing a robust baseline, clear assessments of local character, and widespread community and stakeholder engagement. The GNDC highlights the importance of these important steps, particularly the need to involve communities in each stage of the process in developing design codes (GNDC 206).

However, whilst reference is made to 'Homes and Building' throughout Sections 3.A and 3.B, we consider that the detail and illustrations are biased towards residential forms of development, with only town centres references covering non-residential uses.

Design guidance and/or codes should not be limited to residential development. The inclusion of guidance/codes for non-residential forms of development such as commercial, retail, leisure, airports and sea ports, multiple forms of infrastructure, is equally important to the creation of high-quality places. There needs to be a joined-up approach to the planning and delivery of all forms of development together with the supporting infrastructure.

We recommend that more detail is included in the text and supporting illustrations to emphasise that the NMDC and any locally produced design codes should apply to and include all forms of

development. We also recommend that infrastructure is included in the objectives listed on page 2, and in the list of minimum requirements for design codes as set out on page 6.

As currently drafted, it is unclear how the unique aspects of waste and minerals facilities will be considered in design codes.

It is welcomed that the NMDC refers to school design under the Use parts (paragraphs 55 and 64) of sections 3.A and 3.B; however, we suggest this goes further. It is entirely appropriate for such facilities to be located within neighbourhoods; they better integrate into the local community and facilitate access by walking or cycling. Design codes should also include consideration to the design of the environment around schools, to minimise the impacts of noise and pollution e.g. the inclusion of car free entrances to schools, or car free zones around schools.

Also important to school design is access to green spaces. Recent studies indicate that being able to see and access green spaces can enhance student learning and improve their overall health and wellbeing.

We welcome the inclusion of consideration to the design and layout of a site, and the location and orientation of buildings. These can have significant implications in terms of heat, light, ventilation, sound, and the effectiveness of certain types of energy production and efficiency. However, the NMDC is limited on the consideration of energy production and efficiency on the fabric of buildings in terms of its visual appearance. It is recommended that such considerations are included to ensure that energy and building standards are embedded into the design and place making process from the outset.

It is also important that design codes can accommodate innovation and design in the future. Any design codes and guides should have a degree of flexibility and adaptability over time, to accommodate change, such as in technology and behaviour. This does not translate from the NMDC as currently drafted.

The illustration on page 80 refers to 'low renewable energy', which could be confusing to the reader. It is suggested that this should read 'low carbon renewable energy'.

We welcome the inclusion of embodied energy in the sustainable construction section on page 81. We recommend that reference is also made to the lifetime emissions of developments and their alignment with a net zero carbon future. Whilst it is recognised that 'whole life' costs are mentioned on page 79 in relation to energy efficiency, this could be strengthened through further guidance on what is meant by this, as well as including reference to net zero carbon alignment and the need to incorporate wider lifetime impacts.

Net zero is referenced on page 78 but is not adequately reflected in the subsequent guidance in this section.

We welcome reference to various types of green infrastructure throughout the NMDC. However, as currently drafted its description is inconsistent. For example, in some sections it is referred to as open spaces or green spaces; in other sections, reference is made to urban green spaces and not open spaces (Figure 9, page 12). It is recommended that the NMDC includes a consistent definition which covers all green infrastructure, and which should ensure that it is multifunctional, rather than singling out certain purposes.

Whilst it is acknowledged that the New Streets criteria on page 17 relates to the movement and accessibility aspects of design, we suggest that there is strong cross reference to the requirement for tree-lined streets. The type, positioning and location of trees has an impact on the function and accessibility of streets and should be integrated in the design and layout from the outset. Trees can also affect the street lighting strategy for the street; poorly located trees can result in the need for additional columns and consequently higher carbon emissions.

We welcome the inclusion of SuDS within the Nature section of the NMDC on page 18 but consider that the point is too narrow. Through good design the NMDC should incorporate SuDS that provide added value to both people and wildlife.

The inclusion of green infrastructure under paragraph 60 is welcomed, and expanded to make reference to new development contributing towards the wider landscape scale green infrastructure network through green corridors and 'stepping stones'. This helps prevent habitat fragmentation and supports the movement of wildlife. Reference should be made to the requirement for street trees. It is also recommended that the bullets also refer to the National Green Infrastructure Standards.

b) Application and Use of the Guidance

We support the introduction of a National Design Code with the caveat that it is intended and acknowledged (by all) as a guide to be tailored to local circumstances, rather than treated as a prescribed approach.

There also needs to be consistency with the NMDC and other government guidance, and clarification on where / when the NMDC takes precedence. For example, the NMDC proposes mini roundabouts in the section on junction designs yet the Design Manual for Roads and Bridges stipulates mini roundabouts should not be used as new junctions.

c) Approach to Community Engagement

A balanced approach must be taken to the consideration of local evidence and representations as part of any design guide/code process. This is to ensure that this does not result in an endorsement / continuation of poor design, particularly if this is characteristic of an area. It should be noted that in some cases popular and characteristic forms of development may not always represent the high-quality design and environmental outcomes that the Government is seeking.

We very much welcome the requirement for local and community involvement in the preparation of design guides and codes. However, as currently drafted there is limited reference in the NMDC to the inclusion of relevant stakeholders, statutory bodies and infrastructure providers in this process, and whether they are included in the definition of 'community'.

Paragraph 14 of NMDC advises that communities be involved at each stage of the process, and the Consultation box on page 7 of NMDC refers to community engagement in the scoping stage. Paragraph 30 references LPAs needing to have an understanding of their area, informed by evidence with input from the community, and the Consultation box on page 14 indicates that masterplanning needs to be subject to community engagement.

The inclusion of the word stakeholders in the Consultation box on page 10 is welcomed, but it not clear whether this includes the bodies set out above.

It's important that the statutory bodies are engaged in the process of preparing design codes and guides, to help ensure that infrastructure is considered. The appropriate design and location of

infrastructure is an integral part of designing developments and successful place making. This includes education facilities, flood and water management schemes, provision of sustainable and active travel modes, increased environmental standards (green and blue, net gain, energy efficiency) and effective stewardship.

Involving statutory bodies will enable consideration to be given at the outset to the impact of the design of development could have on their ability to deliver certain infrastructure, including highways and transportation schemes, education provision, flood alleviation schemes, and minerals and waste operations. This would include, for example: land requirements such as that needed for new or extended schools; sustainable drainage, indications of the infrastructure and public space to be provided by developers; and standards for the provision of facilities and services such as new roads within a housing development.

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