

## Response ID ANON-2CN7-MXSS-5

Submitted to **National Planning Policy Framework and National Model Design Code: Consultation proposals**

Submitted on **2021-03-24 14:40:03**

### Privacy notice

**Please confirm that you have read and agree to the privacy notice**

**Please tick to confirm:**

Yes

### A bit about you

**What is your name?**

**Name:**

Ruth Bradshaw

**What is your email address?**

**Email:**

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**What is your organisation?**

**Organisation:**

Campaign for National Parks

**What type of organisation are you representing?**

Interest group or voluntary organisation

**If you answered "other" please provide further details:**

## Summary of proposed amendments to the National Planning Policy Framework

### Proposed changes to Chapter 2: Achieving sustainable development

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

Yes

**Please provide comments:**

We would like to see references to the Sustainable Development Goals throughout the revised NPPF to ensure that these are taken into accounts at all relevant stages of plan-making and decision-making. In addition, the NPPF needs to provide greater clarity on the importance of climate change within sustainable development and additional text should be added to Chapter 2 to address this. This needs to be accompanied by changes throughout the NPPF to ensure that Local Plans are contributing to carbon reduction and that all planning decisions are helping deliver the target of net zero by 2050.

### Proposed changes to Chapter 3: Plan-making

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

Not Answered

**Please provide comments:**

We support the proposed changes to paragraph 20 which are aimed at ensuring that policies should emphasise place-making rather than development.

We disagree with the proposed change to paragraph 35d and do not support the addition of the phrase 'and other statements of national planning policy, where relevant.' It is unclear how things like National Policy Statements intended for nationally significant development could be taken into account without risking undermining local democracy.

### Proposed changes to Chapter 4: Decision making

**3 Do you agree with the changes proposed in Chapter 4?**

No

**Which option relating to change of use to residential do you prefer and why?:**

Campaign for National Parks does not agree with the changes proposed in Chapter 4 and we do not support either of the proposed options for changes to the use of Article 4 directions. We do not believe there should be any change to the use of Article 4 directions which are an important tool for protecting the character of conservation areas and landscapes. Allowing the unrestricted use of permitted development rights will undermine the Government's ambition to deliver more beautiful places as there will be very little opportunity to influence the design quality of new homes delivered this way.

These proposals also need to be considered in the context of other recent proposals to change the planning system. We are particularly concerned about the potential implications of restricting the use of Article 4 Directions given that we do not yet know the outcome of the consultation on supporting housing delivery which closed on 28 January 2021 which included proposals to extend permitted development rights for change of use of commercial, business and service uses to residential uses. If both changes are introduced it would be almost impossible for local planning authorities to prevent the conversion of retail and employment spaces to residential. A permitted development right which incentivises conversion to housing is particularly problematic in areas such as National Parks and the Broads where average house prices are so much higher than the regional average. We believe these new rights should not apply in National Parks and other Article 3(2) land. If they do apply in National Parks it is essential that National Park Authorities are able to continue using Article 4 directions to prevent the loss of economic uses where appropriate.

**Proposed changes to Chapter 5: Delivering a wide choice of high quality homes**

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

Yes

**Please provide comments:**

However, at paragraph 73, we suggest amending '(including a genuine choice of transport modes)' to '(including a genuine choice of transport options that facilitate a modal shift away from the private car)', as this will support objectives on transport, health and climate change.

**Proposed changes to Chapter 8: Promoting healthy and safe communities**

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

Yes

**Please provide comments:**

**Proposed changes to Chapter 9: Promoting sustainable transport**

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

Yes

**Please provide comments:**

**Proposed changes to Chapter 11: Making effective use of land**

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

Yes

**Please provide comments:**

**Proposed changes to Chapter 12: Achieving well-designed places**

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

Yes

**Please provide comments:**

We particularly welcome the Government's proposal for a National Model Design Code with strong community engagement to reflect the character of local areas. However, we are concerned that the approach to the community engagement is not clearly defined in either this section of the NPPF nor the National Model Design Code. There should be clarity as to the level, extent and nature of community engagement required to ensure that local design codes are truly democratic and informed by local communities. In addition, effective community consultation and engagement will only be possible if local planning authorities are provided with the resources and skills needed to deliver this.

We also support the proposed new paragraph 130 on trees and street trees. However, we are concerned that the wording 'whenever possible' is too weak when it comes to retaining existing trees which have a higher ecological value and climate storage potential than newly planted trees. We recommend the inclusion of a footnote that clarifies the phrase 'whenever possible' to mean 'unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.' We would also like to see an amendment clarifying that any new planting should be informed by a landscape character assessment and the local

nature recovery strategy and should prioritise locally native tree species. A similarly strengthened position for hedgerows should also be put in place particularly in relation to protecting existing and creating new hedgerows; this could be addressed through specific reference and/or a glossary definition to clarify that where 'trees' are referred to in the NPPF, NPPG, National Model Design Code and Design Guide, the same principles apply to hedgerows.

### **Proposed changes to Chapter 13: Protecting the Green Belt**

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

Yes

**Please provide comments:**

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

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

Yes

**Please provide comments:**

### **Proposed changes to Chapter 15: Conserving and enhancing the natural environment**

#### **11 Do you agree with the changes proposed in Chapter 15?**

Yes

**Please provide comments:**

We particularly welcome the additional wording in new paragraph 175 which refers to the need for development within the settings of designated landscapes to be sensitively located and designed so as to avoid adverse impacts on the designated landscapes themselves. This will help protect these areas from potentially damaging development on, and close to, their boundaries. This is something we called for in our response to the consultation on the NPPF in 2018 so we are pleased to see this issue being addressed now. However, we do not believe that this change should only apply at the development management stage. It should also apply at the plan-making stage as it is important that the Local Plans for areas adjacent to National Parks include policies that protect the adjoining designated landscape from the adverse impacts of inappropriate development.

We also welcome the amendments to new paragraph 179(d) that recognize the opportunities of protecting and enhancing the environment for improving biodiversity, public access to nature, and human health and wellbeing.

### **Proposed changes to Chapter 17: Facilitating the sustainable use of minerals**

#### **13 Do you agree with the changes proposed in Chapter 17?**

Yes

**Please provide comments:**

We do not support the removal of the words 'small-scale' in paragraph 210f as we are concerned that this could lead to increased pressure to allow additional quarrying in National Parks which would be damaging to their special qualities.

### **Proposed changes to Annex 1: Implementation**

### **Proposed changes to Annex 2: Glossary**

#### **14 Do you have any comments on the changes to the glossary?**

No

**Please provide comments:**

Given the inclusion of the new wording in paragraph 175, the glossary should include a definition of the setting of designated landscapes along similar lines to the one that is already included for the setting of heritage assets.

### **National Model Design Code**

#### **15 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**

**Please provide comments:**

a) the content of the guidance

Campaign for National Parks broadly welcomes the National Model Design Code. It is good to see that the draft Design Code includes a number of references to taking account of local circumstances and local design priorities as this will be particularly important in National Parks. However, we would like to highlight a few issues and concerns which we would like to see taken into account as part of the development of the final guidance.

- We are concerned that there seems to be an emphasis on built-up areas with lots of references in the Design Code to urban areas. It will be important to ensure that the final guidance is also relevant to rural settlements.
- There is also a lack of reference to landscape in both the draft code and accompanying guidance, for example the suggestions for the baseline analysis of the area to be covered by the design code do not include any reference to landscape character assessments, something that will be particularly important in designated landscapes. In addition, there is no reference to landscape character in the nature section of the guidance nor in the identity section even though this covers sense-of-place and the importance of character.
- The guidance should place far more emphasis on mitigating and adapting to climate change in the process of creating beautiful places and the role that the natural environment can play in helping deliver this. Zero emission design and climate adaptation should be integral to all new development.
- Any design codes and masterplans developed by developers and land-owners (as proposed in paragraph 19 of the Design Code) must be in accordance with the National Model Design Code and guidance; be subject to full community consultation and engagement; and be consistent with national and local planning policies. Such masterplans should not have the same status as Local Plans.
- It is good to see that the references to further guidance include Natural England's National Character Area profiles. However, unfortunately the link provided to these does not work and needs to be corrected.

b) the application and use of the guidance

It is doubtful whether local planning authorities will have the resources and specialist skills required to develop effective local design codes and undertake meaningful community engagement, particularly in the light of the significant extra demands being placed on them as a result of the reforms to the planning system. There is a real risk that the National Model Design Code will become the default 'baseline' guidance if local planning authorities don't have the resources or skills to rapidly produce their own bespoke local design guides which reflect the local context. This will inevitably lead to 'one size fits all' designs, and a limited default baseline minimum expectation on quality. The proposed Design Code will only lead to the desired improvement in design quality and placemaking if local planning authorities are provided with the resources required to implement it effectively at a local level.

Furthermore, the need to engage with so many different codes being prepared at once will result in significant resource challenges for statutory consultees and environmental NGOs which must also be taken into consideration if the guidance is to be applied effectively.

The ability to implement design codes effectively would also be limited by the restrictions to Article 4 Directions proposed elsewhere in this consultation, particularly in light of previous proposals to extend permitted development rights. Local planning authorities must be able to remove permitted development rights if they are to implement design codes and guidance effectively.

c) the approach to community engagement

There needs to be a stronger approach to community engagement and greater clarity as to the level, extent and nature of community engagement to ensure that local design codes are truly democratic and informed by local communities. Effective community consultation and engagement will only be possible if local planning authorities are provided with the resources and skills needed to deliver this.