

## NPPF changes

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

We do consider that the term 'beautiful' is nebulous in a planning context. The adage that 'beauty is in the eye of the beholder' rings true here. Beauty, like design, can be very subjective. Although it seems that the onus is on local planning authorities (LPAs) to define what is beautiful in their own areas (which we do not object to in principle), the proposed broad reference in paragraph 8 could lead to much uncertainty on planning applications, in the absence of a specific local definition.

The change to paragraph 11(a) is sensible and reflects the key considerations for plan-making. That said, it should be made clear that they are not a 'closed list' and that there could be other considerations that are relevant.

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

We have no objections to the changes in chapter 3.

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?

We strongly object to the proposed amendments relating to the use of Article 4 Directions. LPAs should have complete freedom to impose Directions, therefore the wording should be relaxed not strengthened.

It is striking that the proposed changes to the NPPF relating to Article 4 Direction justification are proposed in the same consultation as the National Model Design Code (NMDC), which focuses on delivering high quality design. There are various PD rights which seem to jar with much of what is proposed in the NMDC, due to the light-touch prior approval process which does not allow detailed consideration of design and other issues. The NMDC, at paragraph 8, states that "*design codes 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.*" Without the ability to easily introduce Article 4 Directions to remove PD rights, it is not clear how this 'greater certainty' can be provided, as any design code will be circumvented. The proposed amendments could very easily lead to the perverse outcome of worsening design quality at a time when the Government's own rhetoric suggests that design and beauty is at the very top of their agenda.

The NMDC emphasises the importance of a mix of uses that support everyday activities, to encourage the development of sustainable places. The introduction of the Use Class E undermines the ability to effectively plan for a mix of such uses, but at the very least it still results in the retention of a commercial function which is vitally important for areas such as Town Centres and office clusters. The mooted Class E to residential PD rights threatens to devastate commercial areas if it is introduced as proposed. It is vital the LPAs retain the ability to easily introduce Article 4 Directions based on local circumstances, to provide continued protection to vitally important commercial areas and ensure continuation of a diverse mix of uses that support everyday activities, as per the aims of the NMDC. It is worth mentioning that

in times of economic recession, those areas with a mix of uses will weather the storm better than those in a single use.

LPAs spend considerable time and resource preparing and adopting Local Plans, only to see the introduction of PD rights which ride roughshod over key policies. We consider that LPAs should have broad discretion to introduce Directions. The current procedure for immediate and non-immediate Directions, particularly the compensation liability, ensures a fair balance in any consideration as it means that landowners who have PD rights removed will either have sufficient notification of the introduction of a Direction (and could bring forward an application prior to this) or could apply for compensation where PD rights are immediately withdrawn.

The proposed Class E to residential PD rights is clearly seen as a key strand to help realise the Government's housing delivery ambitions, and the proposed tightening of Article 4 Direction justification is presumably a pre-emptive attempt to avoid wholesale removal of these new PD rights once they are in force. PD rights are synonymous with poor quality housing; if the Government manage to realise their housing targets through delivery of thousands upon thousands of poor-quality homes, this would be a pyrrhic victory. This is completely contrary to the concept of 'Lifetime Homes' and the high-quality housing that needs to be delivered.

LPAs have a range of policies in their Local Plans to ensure delivery of high-quality housing; these policies are assessed holistically when preparing Local Plans, to ensure that they can be delivered while also ensuring that housing targets and other aims are met. If this turns out not to be the case, the Housing Delivery Test penalises LPAs for failing to meet housing targets, ultimately through imposition of the 'presumption in favour of sustainable development'. LPAs should be free to continue to implement their policies, with knowledge that there are risks that may render policies out-of-date if targets are not met.

We would support explicit wording in the NPPF that links Article 4 Direction justification to up-to-date Development Plan policies, e.g. removal of office to residential PD rights would be justified in any relevant designation which aims to prevent loss of office use. Such wording would mean that those LPAs with up-to-date plans could impose Directions to ensure that their plans can continue to be implemented effectively. It would also have the added benefit of acting as an incentive for LPAs to have an up-to-date Local Plan.

It may also be pertinent to allow Directions to be imposed in other (exceptional) circumstances, which could be where it is essential to avoid wholly unacceptable adverse impacts (as per the wording proposed in the consultation).

Notwithstanding our strong objections noted above, the first option would be our preferred wording, limiting Directions *"to situations where this is essential to avoid wholly unacceptable adverse impacts."* While this places option far too high a bar on new Directions, it is preferable to the second option which would tie justification to interests of national significance; this would clearly make justification for Directions all but impossible across most of the country, making it a de facto ban.

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

We have no objections to the changes in chapter 5. The expectation that placemaking should be underpinned by appropriate tools such as design codes and masterplans is sensible and ensures that the process is genuinely design-led and has regard to the local area.

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

We have no objections to the changes in chapter 8.

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

We have no objections to the changes in chapter 9.

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

We have no objections to the changes in chapter 11. The reference to the use of area-based character assessments is sensible and ensures that design is built into development at a very early stage. Noting our concern about the term 'beautiful' raised in response to question 1, we consider that these assessments are the appropriate vehicle for defining (or helping to define) what 'beautiful' means. We would support amendments to paragraph 8 which explicitly ties the idea of beauty to any local assessments and which make clear that, without such assessments, consideration of what is and is not 'beautiful' would be premature.

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

We have no objections to the changes in chapter 12.

As noted above, we do have some concern about the somewhat nebulous concept of 'beauty' in a planning context. Chapter 12 proposes a series of amendments which suggest a plan-led approach to design; this is supported as it gives LPAs the ability to determine what high-quality design and beauty mean locally.

It is noted that design guides and codes can be area-wide or site-specific scale, which allows for LPAs full flexibility to decide on appropriate guidance.

The amendments note that the national documents should also be used to guide decisions on applications in the absence of locally-produced guides or codes. We have no objection to this in principle, given that both the National Design Guide and National Model Design Code set out reasonable guidance based on sound design principles.

The proposed amendments place a greater emphasis on approving good design and refusing development that is 'not well designed', which we support.

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

We have no objections to the changes in chapter 13.

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

We have no objections to the changes in chapter 14.

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

We have no objections to the changes in chapter 15. Paragraph 175 provides useful clarity regarding development within the setting of an AONB. The stronger emphasis on improving biodiversity and making it integral to the design of development in AONBs is supported.

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

We have no objections to the changes in chapter 16. The amended wording relating to the removal or alterations of historic statues, plaques or memorials strikes an appropriate balance, by not fettering the ultimate decision-making of the LPAs but ensuring that potentially important historical and social context is considered as part of any assessment.

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

We have no objections to the changes in chapter 17.

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

No objection to Annex 1 amendments as these are just updates to the Housing Delivery Test implementation information and do not have affect the application of the actual policy relating to the HDT (which is set out in chapter 5).

Regarding the Annex 2 amendments, the 'green infrastructure' and 'housing delivery test' definition changes are considered acceptable. We have no objection to the minerals-related definitions proposed.

No objection to the new Annex 3. It is considered appropriate that the flood risk vulnerability classifications are within the NPPF rather than the PPG (where they currently).

### **National Design Code**

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.

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

We broadly welcome the NMDC, which sets out clear, logical guidance based on well understood design principles. Combined with the NPPF, it gives significant priority to high quality design, but importantly it is for LPAs to determine what constitutes high quality for their own areas.

The NMDC considers that community consultation is an integral part of the preparation of local design codes. We have no objection to this, especially when dealing with finer-grain, potentially street-level codes.

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

No comments.