

National Planning Policy Framework and National Model Design Code: consultation proposals

A response by CPRE the countryside charity
March 2021

CPRE, the countryside charity, welcomes the opportunity to respond to this consultation. In preparing our response we have:

- Drawn upon the expertise of our network of local groups across England in working with rural communities to set visions for the future of their area, as well as in responding to draft local plans and planning applications;
- Addressed the changes proposed but also set out additional relevant proposals for longer term change that we would like the Government to address in the medium to longer term. This is in the context of the fundamental changes proposed in the 2020 Planning White Paper and the expectation that the National Planning Policy Framework (NPPF) is to be thoroughly revised in the light of these changes.

We are also signatories to responses by Wildlife & Countryside Link and a joint letter on climate change dimensions by the TCPA and Centre for Sustainable Energy.

Q1. Do you agree with the changes proposed in Chapter 2? (Achieving sustainable development)

Response to proposals

We welcome the reference to the UN's Sustainable Development Goals (SDGs) into Chapter 2 (para. 7). This is a positive step forwards in terms of recognising our global commitments to sustainable development. However, this should not be the sole reference to the Goals. The government needs to embed the Goals (particularly SDG11 on making settlements more sustainable) throughout the revised NPPF and be clear on how NPPF policies will contribute to their delivery.

This could partially be addressed through the amendment to the wording in see paragraph 8(c) to acknowledge the Government's legally binding net zero target. Change "mitigating and adapting to climate change ..." to "and are consistent with the statutory requirement to achieve net zero greenhouse gas emissions by 2050."

We welcome the proposed changes to paragraph 11a, but are concerned that the proposed change from 'positively seek opportunities to meet the development needs of their area', to 'seeks to: meet the development needs of the area...', could cause some ambiguity with the following section (para 11(b)i and with footnote 7, resulting in the misinterpretation of paragraph 11. We would like to see some clarification within the text that the opening paragraph of this chapter does not take precedence over the following subsections, b) i and ii. We would also like to question why the requirement to make effective use of land should only apply in urban areas, we recommend deleting 'in urban areas' or the addition of 'in urban *and rural* areas'.

There is also an opportunity to operationalise the SDG targets through incorporating the use of the Goals when developing local plans and making development decisions. This could be achieved through measuring outcomes against the SDGs to ensure the balance between economic, social and environmental objectives is being achieved. There is scope for this to align with the Planning for the Future White Paper newly proposed 'sustainability test'.

Additional CPRE proposals

We recommend that within the revised NPPF, this chapter should include a reference anticipating the introduction of the national statement of Environmental Principles, a draft of which was issued for consultation on 10 March 2021. Although the proposals issued for consultation are small steps in the right direction, in the longer term we believe that integration of the Environmental Principles will need substantial revisions to the NPPF. For example, sections of the NPPF advise local authorities to follow the prevention principle in addressing significant environmental impacts. But there is no evidence to suggest that the Government has sought to follow the prevention principle through, for example, setting targets to minimise greenfield land use by quantifiable increases in residential density or brownfield re-use.

Additionally, if the government really wishes to retain and improve Neighbourhood Planning as stated in the Planning White Paper, then it should imperatively remove paragraph 14 a) of the NPPF. Huge voluntary efforts and time go into preparing a Neighbourhood Plan and communities need to be confident that the statutory elements of their plans will be given full weight in decision-making for a substantial length of time. Currently, paragraph 14a) does not make this possible because it automatically reduces the life of any Neighbourhood Plan sitting within a local planning authority subject to the presumption in favour of sustainable development to 2 years only.

Q2. Do you agree with the changes proposed in Chapter 3? (Plan-making)

Response to proposals

We welcome the reference to local plans setting the overall strategy for the design quality of places (paragraph 20). However, it is important to ensure that 'design quality' and communities' involvement in this, is not whittled down to a few aesthetic criteria for the buildings themselves. Design codes should help to raise standards, but cannot replace other detailed scrutiny at the strategic site allocation stage and later stages. The scrutiny and accountability provided by local communities is crucial for ensuring the commitments and desired outcomes of the SDGs are fulfilled in developments.

We also welcome the new requirement for local authorities planning new settlements and urban extensions to look over a timeframe of at least 30 years (paragraph 22). The recognition that large-scale developments require an appropriately long time for completion should be reflected in the land involved remaining in the five year housing land supply. The phasing of such a long-term development should be specified in the planning consent.

Nonetheless, we have concerns that if the Planning Bill should take forward the proposal for local plans to be completed in 30 months, that any change to strategic planning timeframes is unlikely to fulfil its potential given this unrealistic amount of time for plan creation. Furthermore, the greater use of digital

communications (anticipated in the Planning White Paper) should not disadvantage those without access to IT.

There are also some concerns around the amendment in paragraph 35(d), and the implications that ad hoc statements of national planning policy have, not only on the local communities they affect, but also on the democratic process of consulting on local planning strategies. We recommend the deletion of the proposed change, 'and other statements of national planning policy, where relevant'.

Additional CPRE proposals

CPRE also recommends that the tests of soundness (paragraph 35) are changed, specifically the 'consistent with national policy' test to include a reference to meeting the UK's Climate Change Act targets for emissions reduction. We have also supported a separate response led by the TCPA and Centre for Sustainable Energy on the links that should be made between the NPPF and wider climate change policy.

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?

Response to proposals

No. We disagree with this proposal.

The proposed new wording in the NPPF does not provide sufficient protection to for example Conservation Areas, Green Belts or Local Green spaces. We would like to see the wording for these strengthened to reflect the current wording in Historic England's advice about the General Permitted Development Regs 2015 and Article 4 Directions. This states that Article 4 Directions may be used to "control works that could threaten the character of an area of acknowledged importance, such as a Conservation Area" and "heritage assets (particularly conservation areas) and help the protection of the setting of all heritage assets, including listed buildings". In addition, the proposed change to apply Article 4 directions to 'the smallest geographical area possible'. Article 4 directions can be used where an extensive area of agricultural land is sold off in very small lots, to prevent the damage to the landscape that multiple fences, tracks, sheds etc. would cause. This is essential for the preservation of good quality agricultural land and of the landscape, and CPRE research in 2006 showed that such subdivision of land is a particular concern in Green Belt areas. Nor does it prevent development, it merely means that any development there requires planning permission so that its effects can be properly assessed before it is permitted.

In the context of the recent 'Planning for the Future' White Paper and 'Supporting housing delivery and public service infrastructure' consultations, reducing the scope of Article 4 directions will further chip away at the power of local authorities and those of local communities to have control of the development in their areas. This proposal is also in direct contradiction to increasing the prominence of 'Beauty' in the planning system as the external appearance of a building cannot currently be controlled through the prior approval process governing relevant Permitted Development Rights (PDRs), nor has it been proposed that it should under the above consultation. This proposal undermines the purpose of this consultation, that of the National Model Design Code and the government's commitments to the SDGs.

We have already seen, time and again, the poor-quality developments arising from permitted development rights. Even when delivery of specific design requirements is asked of developers, CPRE's Housing Design Audit with the Place Alliance (<http://placealliance.org.uk/research/national-housing-audit/>) showed that for the majority of new housing developments design is either 'poor' or 'mediocre'. While standards of housing need to improve, these standards are useless if they are not adhered to. A number of parliamentarians also share our concerns, as shown during the Parliamentary debate on 27 October 2020 on the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020.

Similar concerns have been expressed by local planning authority officers interviewed as part of Government commissioned research into the quality standard of homes delivered through change of use permitted development rights. In their experience, "*the Council could do little to influence design quality concerns on prior approvals*" and that the design quality of permitted development schemes "*was entirely down to the whim of the developer*"¹.

CPRE recommends that NPPF54 should be altered to encourage local planning authorities to use conditions in specific cases in order to successfully implement masterplans and design codes/guides.

Q4. Do you agree with the proposed changes in Chapter 5? (Delivering a wide choice of high-quality homes)

Response to proposals and additional CPRE proposals

We agree with most of the proposed changes. However, we believe further amendments are needed to this chapter to ensure future housing development is truly sustainable and well-designed.

- Affordable home ownership:

CPRE believes this chapter should explicitly recognise that homes for affordable ownership should not be viewed as a substitute for providing enough genuinely affordable rented homes to meet the needs of those on lower incomes, for whom even sub-market ownership is out of reach.

As stated in our response to the Planning White Paper, we are very concerned by the government's evident bias in favour of home ownership. There are of course significant advantages to owning your own home, but it has never been an option open to everyone, nor will it be in the future. Heriot Watt University recently identified a need for 145,000 genuinely affordable homes per year. These homes must be made available in perpetuity, irrespective of tenure, at a price that is within reach of those who need them. While this does not rule out subsidised ownership as part of the solution, it does mean that a substantial increase is needed in provision of homes for those who cannot, or do not, wish to buy.

Consequently, the requirement made in paragraph 64 (now 65) for "*at least 10% of the total number of homes to be available for affordable home ownership*" should not come out of the affordable housing proportion required for new major development in the area. That is, if local policies require 30% of new

¹ Research into the quality standard of homes delivered through change of use permitted development rights (publishing.service.gov.uk) , p.106

housing development to be affordable housing, then the 10% of affordable home ownership should be requested in addition to these 30%. Paragraph 64 should be further amended to reflect this.

- Identifying land for homes:

We question the need for the amendments made to paragraph 69 (now 70 in the revised draft), as in our network's experience most neighbourhood planning groups are already giving particular consideration to opportunities for small and medium-sized sites. On the other hand, this focus often causes them to miss opportunities to allocate larger sites.

Furthermore, policies in this chapter are not strong enough to ensure the allocation process for larger scale development is truly sustainable and leads to well-designed development. We welcome changes to Paragraph 72 (now 73), but believe it needs further amendments to ensure that new major developments are only built where there are existing sustainable transport options, as recommended in Transport for New Homes' 2020 report on Garden Villages and Garden Towns. Specifically endorsed by the Climate Change Committee, this report concluded that most new settlements are currently planned in "*the wrong locations, [...] lack local facilities and their streets are designed around car use. Funding for walking, cycling and public transport is missing*".²

Together with Place Alliance, we came to the same conclusion in our 2020 Housing Design Audit, which pointed out that in many areas, suburban developments are being planned in isolation of each other and as car reliant dormitories, without, or with very little, access to public transport. Our research showed that such car dependent, roads and parking dominated development ranked amongst the factors most likely to undermine the design quality of housing schemes and should be avoided. In light of these findings, we recommend paragraph 73c) to be amended as follows: "[...] *ensure that appropriate tools [...] are used to secure a variety of well-designed and beautiful homes [, streets and open spaces] to meet the needs of different groups in the community*".

While the proposed changes to para 80 are an improvement, we recommend the deletion of para 80e (design of exceptional quality), since such isolated homes will never be sustainable in terms of transport.

- Maintaining supply and delivery:

We believe the Housing Delivery Test should be abolished or substantially reformed, in order to enable local planning authorities (LPAs) to plan and deliver beyond five years. As pointed out in our What's the Plan report, too many plans are considered out of date because of this.

These policies as they stand are likely in practice to hinder the take up of the many promising changes proposed around design quality and sustainability because they penalise authorities when their adopted housing requirements are not achieved. This discourages LPAs from carrying out further negotiation often necessary to make developers invest in well-designed schemes.

As expressed in our response to the Planning White Paper, CPRE believes the Housing Delivery Test should be removed at least until Sir Oliver Letwin's recommendations have been implemented and had time to take

² see <https://www.theccc.org.uk/publication/local-authorities-and-the-sixth-carbon-budget/>, p.35.

effect. Only this way can government's overarching objective for housing delivery (set out in NPPF paragraph 59) be achieved.

Q5. Do you agree with the changes proposed in Chapter 8? (Promoting healthy and safe communities)

Response to proposals and additional CPRE proposals

Yes, we agree with the changes proposed and particularly welcome the added reference to nature and climate emergency mitigation.

However, we believe further amendments are needed to strengthen the link between public health and access to green spaces delivered through the planning system. As stated in The London Environment Strategy (p.137), the UK National Ecosystem Assessment "*found that access to urban green space is essential for good mental and physical health*". More recently, Public Health England also recommended that government "*consider local green (and blue) space to be critical assets for maintaining and supporting health and wellbeing in local communities*". As shown in its review for 2020, "*the evidence base linking health and greenspace is compelling, and supports innovative thinking about its potential to help achieve local priorities*"³. This strong correlation between access to local green space and good mental and physical health should be reflected more clearly in the NPPF.

In paragraph 96 (now 97), "*important*" should be replaced with "*essential*" in the first sentence: "*Access to a network of high quality open spaces and opportunities for sport and physical activity is ~~important~~ [essential] for the health and well-being of communities*".

Furthermore, paragraph 94 (now 95) should be amended to require the provision of primary schools serving major new housing development to be located within safe and easy walking or cycling distance of the new housing. In our experience, it is too often the case that such new housing development is accommodated by expanding existing schools, which are not within safe and easy walking and cycling distance and consequently lead to increased private car use, traffic congestion and air pollution.

Q6. Do you agree with the changes proposed in Chapter 9? (Promoting sustainable transport)

Response to proposals and additional CPRE proposals

We agree with the proposed changes.

We particularly support the amendment of paragraph 108c (now 109c), as the results of our 2020 Housing Design Audit showed that car-dependent, roads dominated development and poorly designed and integrated parking ranked amongst the factors most likely to undermine the design quality of housing

³ Improving access to greenspace: A new review for 2020, Public Health England (2020).
assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/904439/Improving_access_to_greenpace_2020_review.pdf

schemes. However, we believe further amendments are needed to this chapter to clarify that no new major car-dependant development should be allowed (see our response to question 4).

Furthermore, paragraph 108 (now 109) should include a specific requirement for the provision of electric charging and secure cycle storage facilities.

Q7. Do you agree with the changes proposed in Chapter 11? (Making effective use of land)

Response to proposals and additional CPRE proposals

We agree with the changes proposed but believe further amendments are needed to ensure truly effective and sustainable use of land.

- Higher densities:

To ensure design quality and effective use of land, the NPPF needs to be more prescriptive in seeking higher urban densities. As recommended in our [Housing Design Audit](#), CPRE believes the NPPF should seek densities of at least 50 dwellings per hectare (dph), compatible with other contextual factors. This would ensure that new developments are able to support public transport and a mix of uses and local facilities.

As highlighted in our [Housing Design Audit](#), schemes with ranking highest in terms of design quality averaged 56 dph, which approaches double the current national average of 31 dwellings/hectare. In contrast, the current national average for density is almost exactly the average density of schemes scoring 'poor' in the audit (32 dwellings/hectare).

- Brownfield first approach:

As shown in our 2020 [State of Brownfield](#) report, there is currently capacity for 1.3 million homes on brownfield land, which if delivered would largely meet the government's ambition to build 300,000 homes per year in the next 5 years.

In addition to providing a sustainable alternative to the loss of greenfield land and its many benefits for nature, people and mitigation of the climate emergency, development on brownfield sites was also shown in the [Housing Design Audit](#) to "*out-perform their greenfield counterparts*" in terms of design quality, noticeably "*on issues relating to local character, architectural response and quality, the existing and new landscape, and notably on issues concerning connectivity, highways design and parking*".

However, despite all this evidence, government's policy on 'effective use of land' currently fails to ensure that these brownfield sites are built out as a priority before development on greenfield land. CPRE believes that further amendments are needed to this chapter to include a genuine 'brownfield first' policy, which should clearly state that suitable previously developed or under-used land has to be prioritised for redevelopment over green spaces and countryside.

The last sentence of paragraph 117 (now 118) should be amended as follows: "*Strategic policies should set out a clear strategy for accommodating objectively assessed needs [...], in a way ~~that makes as much use as~~*

~~possible as previously developed land~~ [that prioritises the redevelopment of suitable previously developed or under-used land over greenfield land]”.

Similarly, paragraph 118c (now 119 c) should be amended to read: ~~“give substantial weight to the value of using~~ [prioritise the use of] *suitable brownfield land within settlements for homes and other identified needs* [...]”.

Furthermore, as highlighted in our State of Brownfield report, the retention and improvement of brownfield registers and the development of a national brownfield map will be crucial in continuing to identify and harness this valuable resource. Government should therefore also provide clearer definition and guidelines so that the registers act as a true pipeline, identifying all possible brownfield sites and recording their suitability for uses other than housing, including uses that protect the biodiversity or heritage value of sites where applicable.

Q8. Do you agree with the changes proposed in Chapter 12? (Achieving well-designed places)

Response to proposals and additional CPRE proposals

CPRE agrees with and welcomes the proposed changes, in particular the references to the need to reflect local character (paragraph 127) and that supplementary planning guidance (SPG) can be given weight in decision making at paragraph 128. However, we believe further amendments are needed to this chapter to provide robust democratic accountability as well as consistently better design.

- Community engagement

Crucially, government should provide a clearer definition and guidelines specifying what constitutes *“effective community engagement”* and under which criteria the effectiveness of engagement in the process of achieving well-designed places should be assessed. The current lack of prescription on what this notion entails fails to provide local planning authorities and developers with a clear understanding of what level, extent and nature of engagement should be expected for the preparation of design policies, codes, guides and masterplans. Correspondingly, it also fails to provide local communities with the certainty that the various design tools and policies that will shape their local area are truly democratically accountable.

Furthermore, the second sentence of paragraph 128 (now 131) should be amended to state that *“early discussions about the design and style of emerging schemes”* is not just important *“for clarifying expectations and reconciling local and commercial interests”*, but also for the quality of design itself.

- Neighbourhood Planning

We strongly agree that neighbourhood planning groups have an important role to play in the preparation of design policies and guides. However, as it stands paragraph 125 (now 126) seems to limit their contribution to identifying valued existing character, which only covers part of what needs to inform the design vision for an area. To ensure these groups can play an active role in shaping this vision, we believe the last sentence of paragraph 126 should be further amended as follows: *“Neighbourhood planning groups can play an*

important role in identifying the special qualities of [and local aspirations for] each area and explaining how this should be reflected in development”.

Furthermore, if neighbourhood planning groups are to deliver evidence-based and democratically accountable plans in a timely fashion, they cannot be expected to rely solely on local volunteers. Adequate funding is required to enable these groups to employ professional design consultants to ensure the process is completed swiftly and efficiently.

- Tree lined streets

We welcome the aim of new paragraph 130, which seeks to ensure that new streets are tree-lined. However, as currently drafted this policy appears to consider existing and newly planted trees as having equal value, thereby giving the impression that cutting down existing trees can be fully mitigated through replanting new trees elsewhere, which is inaccurate and problematic given the higher ecological value of existing trees. This approach also fails to reflect the proposals made in the Environment Bill on the protection of existing trees, as well as wider government ambitions for climate emergency mitigation and nature protection.

Furthermore, the intentions of the policy could be reinforced by adding references to hedgerows. Many existing hedgerows are protected within the planning system via the Hedgerow Regulations and many also contain trees within them. There should be a presumption against removing existing hedgerows, and the incorporation and/or addition of new hedgerows in new developments should also be encouraged.

Paragraph 130 should therefore be amended to clarify that, wherever possible, the maintenance of existing trees and hedgerows should be prioritised over the planting of new trees. Further clarification is also needed on what constitutes “*appropriate measures*” to secure the long-term maintenance of newly planted trees, as well as which criteria should inform what “*the right trees*” are for a given area. Any new planting should prioritise locally native species in keeping with the surrounding natural habitat, informed by a Local Nature Recovery Strategy or Nature Recovery Network map.

Our recommended new paragraph (with our tracked changes shown) reads:

“130. Trees **[and hedgerows]** make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as community orchards **[and hedgerows]**), that appropriate measures are in place to secure the longterm maintenance of newly-planted trees **[and hedgerows]**, ~~and that~~ **[while giving priority to the retention of]** existing trees **[and hedgerows]** ~~are retained wherever possible~~. Applicants and local planning authorities should work with local highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users. **[In selecting tree species for new planting, priority should be given to locally native tree species in keeping with the surrounding natural habitat, in line with any existing Local Nature Recovery Strategy or Nature Recovery Network map]**”.

- Highway and transport related design quality:

The research we conducted as part of the [Housing Design Audit](#) showed how highway and parking design can make or break the design quality of an entire scheme – along with architectural response, highway design was the joint lowest scoring design consideration across all audited schemes.

The Audit also showed that projects designed within the parameters of the Manual for Streets were almost two and a half times more likely to be used in connection with the best than the worst schemes. Although the new National Model Design Code (NMDC) and associated guidance note do provide some guidance on the quality of street design, it is our understanding that this guidance should work hand in hand with that of the Manual for Streets, currently being updated. The NMDC even specifies that “*in the absence of local design guidance, local planning authorities will be expected to defer to the National Design Guide, National Model Design Code **and Manual for Streets***” (page 3).

We therefore fail to understand why all references to the Manual for Streets have now been removed from the NPPF and believe they should be reinstated. As recommended in the Audit, we also call for government to require highway authorities to adopt the Manual for Streets (or an equivalent place-focussed guidance on highway design), similarly to the way local planning authorities are now required to adopt the principles set out in the National Design Guide and NMDC (see paragraph 126, now 127).

- Good design quality and financial viability

We strongly welcome the first part of paragraph 133 and its statement that “*development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design*”, as it raises the level of expectation for design quality by implying that not only should poor design be rejected, but also mediocre design, which constitutes over half of the audited schemes in our Housing Design Audit and fails to meet the national threshold of schemes likely to prove acceptable to their communities (page 30).

However, we are concerned that in practice and as revealed in by the Housing Design Audit we conducted, current ways of calculating viability by most housebuilders have a strong impact on design, as factors impacting on the quality of design are typically treated by developers as a set percentage of the gross development value. Combined with current national housing policy putting pressure on local planning authorities to approve housing development, this practice strongly undermines the ability of local planning authorities to demand higher design standards. Yet, the Audit showed that design quality actually has limited upfront costs to developers and is likely to be recouped to some extent through new housing becoming more desirable.

CPRE therefore believes that to secure the achievement of well-designed places, the NPPF should make clear that financial viability grounds should not outweigh design quality requirements set out in local policies and government guidance.

Similarly, NPPF134, which calls on local planning authorities to seek to ensure that the quality of approved development is not materially diminished between permission and completion, should also be altered so that this responsibility applies equally to developers.

Q9. Do you agree with the changes proposed in Chapter 13? (Protecting the Green Belt)

Response to proposals and additional CPRE proposals

We agree with the proposed amendment to paragraph 145 (now 149). However, we also believe that the concept of Green Belt permanence needs to be strengthened, so its borders are not in a constant state of review, and for other alternatives to be pursued before Green Belt releases can be justified.

CPRE research⁴ has found that over several years we have consistently had sufficient land for over one million homes on brownfield land throughout England. With much of this resource being in the Midlands and the North, true prioritisation of this land will play an important part of rebalancing regional inequalities, as well as reduce the pressures for releasing Green Belt land. Whilst it appears that the recent changes to the NPPF in 2018 seems to have slowed Green Belt release generally, it is still unnecessarily high, particularly in southern England⁵. A 'brownfield first' approach would prevent further unnecessary loss of countryside around towns and cities, including those with Green Belt around them.

Further, the planning system plays a crucial role in future environmental sustainability. Stronger protections for Green Belt will allow for the realisation of its purposes for assisting in the mitigation of, and adaptation to, climate change. Green Belts provide space for physical protection measures and for the provision of tools of mitigation such as wetlands and woodlands. Increased priority for protecting Green Belt, as well as other non-Green Belt countryside, should be made clear in the NPPF. This should take the form of:

- Local authorities in areas constrained by Green Belt should not set planning targets for levels of growth beyond that which can be accommodated without harm to the Green Belt.
- Suitable brownfield sites in urban and suburban areas are comprehensively identified and prioritised for development, before undeveloped Green Belt land. 'Prioritisation' should involve both any public funding necessary to make development viable, as well as the use of planning powers to build out sites in preferred sequences or 'phases'.
- Local reviews of Green Belt should only take place if: they are part of a broader, Green Belt-wide development plan or policy; they are primarily based on the five purposes of Green Belt as well as any additional local criteria where relevant and agreed locally, and seek to minimise harm to the Green Belt; the Green Belt boundaries did not significantly change in the previous Local Plan period.
- The extent of changes to boundaries in Local Plans must both be shown to be in 'exceptional circumstances', and should be kept to a minimum. If the proposed development does not take place within the plan period, then any still open land should default to Green Belt designation and any exceptional circumstances for its re-release be reconsidered.
- Where urban extensions into the Green Belt are decided through the local planning process to be the most sustainable option, CPRE would want them to meet the Smart Growth criteria set out in our Housing Policy Guidance note. In particular any new urban extensions should have medium or high densities, and be well linked to public transport and other social infrastructure so that car use can be minimised. There should also be a significant contribution to meeting social housing need in the local area. It is not enough for major new housing developments merely to be close to a railway station.

⁴ CPRE, *State of Brownfield 2020*. <https://www.cpre.org.uk/resources/state-of-brownfield-2020/>

⁵ See CPRE, *State of the Green Belt 2021*. <https://www.cpre.org.uk/resources/state-of-the-green-belt-2021/>



- The designation of new Green Belt merely as a direct replacement or ‘swap’ for land removed elsewhere in the Green Belt, should be avoided. Land currently in the Green Belt will normally meet the purposes of Green Belt to a much greater extent than land further from a major urban area being added to the Green Belt. The extent of coverage of Green Belt designation should not be a consideration; rather the purposes for which Green Belt is designated.

Q10. Do you agree with the changes proposed in Chapter 14? (Meeting the challenge of climate change, flooding and coastal change)

Response to proposals and additional CPRE proposals

We strongly welcome the proposed insertion to 2019 NPPF157 and 158 (proposed NPPF160 and 161) which states that ‘all sources of flood risk’ and ‘from any source’ will be taken into account. However, we still have concerns with the method of sequential testing which is still based on fluvial flood risk assessment, which is more devastating than groundwater flooding, for example. As this type of flooding will be more of an issue in the future, we would like to see reference in the revised NPPF to increased consideration to the risks of groundwater flooding in the Sequential Testing method. In addition, in proposed NPPF160(c) we also propose the addition of ‘*within the catchment*’ after ‘flood management techniques’. This will deal with the presumption that flood problems should be dealt with at, or close to, the flood site (usually by hard engineering techniques) whereas the best solution is very often way up-catchment, using softer, green engineering. The town of Pickering is a good example of this.

We welcome the increased emphasis on an integrated approach to flood risk management which utilises improvements to green infrastructure and natural flood management to mitigate risk in new NPPF160(c). But we have concerns in regards to the limited extent that flooding and climate change are considered throughout the revised NPPF. Although there is now a reference to climate change in the proposed NPPF, climate change thinking needs to be joined up with other areas of planning. Such as a re-think to the major roads programme, and recognition of the role that utilising brownfield land can have in mitigating climate change, for example.

Concerning the proposed addition of Annex 3, we are not convinced that the allocation of types of development to the categories in this annex are entirely correct. Firstly, hospitals and hazardous waste should be in the ‘Highly Vulnerable’ category. Second, whilst there may be no danger to life as a result of flooding to small shops, restaurants, cafes and offices, the destruction of livelihood for small businesses can be as devastating for people as flood damage to their homes, and should be classified in a higher vulnerability category. Third, in the view of the risks to health if measures are overwhelmed, it should be required for sewage treatment works to have ‘*more than adequate*’ measures to control pollution and manage sewage during flooding events, to mitigate against any argument over what is ‘adequate’. Lastly, for ‘Sewage transmission infrastructure and pumping stations’ to be considered ‘water compatible development’, they should also be subject to measures to control pollution and manage sewage during flooding events. We would also suggest that the words ‘*and wastewater*’ between ‘water’ and ‘treatment works’ be inserted due to the importance of waste water works also needing to be flood proofed.

We also strongly suggest that new paragraph 166b (applicable where development is allowed in flood risk areas) will need to be supported by enforced building regulations to ensure that buildings are actually made more flood resilient and are fully insurable.

Q11. Do you agree with the changes proposed in Chapter 15? (Conserving and enhancing the natural environment)

Response to proposals

We disagree with the proposed new paragraph 173 (b) and do not believe that the change to paragraph 175 is sufficient.

Proposed new paragraph 173(b), offers poor protection to the best and most versatile agricultural land compared with previous planning guidance. In addition to this, we should be placing a greater priority on protecting all agricultural land, not just the best and most versatile. This point should have a paragraph in its own right, and not just be a sub-point of natural capital and ecosystems. In addition, new paragraph 179(d), should provide the clarification that biodiversity gains as a result of Biodiversity Net Gain, should be measured against the predevelopment biodiversity status of the land and not after any ground clearances have begun to take place.

The proposed amendments to paragraph 175 (previously 172) do not go far enough to plug a large gap in the NPPF in terms of ensuring the conservation and enhancement of National Parks, the Broads and Areas of Outstanding Natural Beauty. Which in many areas are still not receiving the 'great weight' in protection that the current NPPF supposedly grants them.

Inappropriate development in the setting of AONBs is a considerable issue, as shown by our 2017 *Beauty Betrayed* report⁶. We are currently updating this research and will share the new findings with MHCLG when these are finalised. Based on this evidence we recommend that the proposed wording for paragraph 175 should be amended to read 'while any development within their settings should *only be permitted if it results in no adverse impacts on the designated landscape*'.

Additional CPRE proposals

CPRE makes the following recommendations for changes to the NPPF in order to bring about better protection of National Parks and AONBs from inappropriate development:

- local planning authorities should conduct and publish monitoring of development rates within protected landscapes, including for the building of affordable homes.
- The limited scope for deliverability of major developments in AONBs should be reflected as a constraints in settling plan housing targets.
- Local planning authorities should be expected to prioritise conserving and enhancing the natural beauty of an AONB over meeting and delivering on a Plan housing target; housing developments in AONBs should primarily consist of affordable homes to meet local needs. Supporting guidance should also be produced on this issue.
- The meaning of 'major development' should be better explained so developments out of scale to a surrounding community are avoided. For example, 9 houses build on 0.5 hectares is a minor

⁶ <https://www.cpre.org.uk/resources/beauty-betrayed/>



development but in a hamlet of 20 houses would constitute a rise of dwellings by 45% nearly doubling the population and causing a negative impact on existing resources and character of the hamlet in a short space of time rather than gradual growth based on local need.

- Strengthening the power of AONB Units and their advice: local planning authorities should give great weight to their advice. Longer term, CPRE wants to see AONBs given the status of statutory consultees on developments within or potentially affecting an AONB;

Q13. Do you agree with the changes proposed in Chapter 17? (Facilitating the sustainable use of minerals)

National planning policy plays a powerful role in terms of dictating the direction of travel for large greenhouse gas (GHG) emitting developments (e.g. coal extraction). This consultation represents a perfect opportunity to align the NPPF better with the binding climate change mitigation principles of the s19(1A) duty⁷ in relation to coal.

While the current wording of paragraph 211 is already negatively worded towards the extraction of coal, it fails to address specific and direct impacts for UK and global greenhouse gas emissions resulting from such development linked to climate reductions obligations (re Climate Change Act 2008 and UK Carbon Budgets).

Wales' coal policy (see paragraph 5.10.14 of Planning Policy Wales 11⁸) takes a more overt stance, in part due to new coal mine applications coming forward, but also in light of stricter GHG targets, the decarbonisation of the power sector, realisation of the narrowing timeframe for emissions reduction and as economic arguments for coal are rapidly vanishing. The policy reads as follows:

Proposals for opencast, deep-mine development or colliery spoil disposal should not be permitted. Should, in wholly exceptional circumstances, proposals be put forward they would clearly need to demonstrate why they are needed in the context of climate change emissions reductions targets and for reasons of national energy security.

In light of the publication of the CCC's 6th Carbon Budget Pathway earlier this year, and with live applications for coal extraction circumventing the existing tests in paragraph 211⁹, our view is the NPPF's position on coal extraction should be formally linked to binding UK Carbon Budgets, better representative of the government's net-zero expectations – and those of the international community¹⁰ - in this regard. Our recommended text is below:

"216. Planning permission should not be granted for the extraction of coal, unless in *wholly exceptional circumstances* ~~↔~~ the proposal is considered environmentally acceptable *specifically with regards to the achievement of binding UK greenhouse gas emissions reductions targets.* ~~or can be made so by planning~~

⁷ <https://www.legislation.gov.uk/ukpga/2004/5/section/19>

⁸ https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf

⁹ Whitehaven Mine - which has now been called-in by the SOS (CLG) linked to the need to "explore" the implications of the 6th Carbon Budget:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/968840/Call_in_letter_lpa_redacted.pdf

Also, application link here: <https://planning.cumbria.gov.uk/Planning/Display/4/17/9007>

¹⁰ <https://www.independent.co.uk/climate-change/news/john-kerry-cop26-cumbria-mine-coal-b1814428.html>

~~conditions or obligations; or b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts)."~~

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

a) Content of the guidance

CPRE strongly welcomes the aim, practicality and comprehensiveness of the National Model Design Code (NMDC) and its associated guidance note. There are however a number of issues we would like to raise.

- **Housing density prescription:**

While the National Model Design Code and associated guidance give useful and practical advice on density, it needs to be clearer about what range of densities should be aimed at for better design outcomes. The [Housing Design Audit](#) highlighted the clear benefits of designing at higher (not high) densities, with the best schemes in terms of design quality averaging 56 dwellings per hectare (dph) and the worst schemes averaging 32 dph, which is almost exactly the current national average density (31 dph). Given these findings and as recommended in the Audit, we believe the National Model Design Code and associated guidance should recommend (compatible with other factors) densities of at least 50 dph, that are able to support public transport and a mix of uses and local facilities.

- **Design and strategic site allocation:**

Currently, it is too often the case that housing sites are allocated just because they happen to be available for development, not because their location is the most suitable and sustainable. This often results in increased travel distances and dispersed, unsustainable and poorly-designed development, as shown in our [Housing Design Audit](#) and [Transport for New Homes' 2020 report on Garden Villages and Garden Towns](#) (see our response to question 4). While design coding and master planning are important tools to ensure good design quality, even their most effective use cannot fix some of these fundamental and context dependant design issues created at the site allocation stage.

Although the NMDC and associated guidance do refer to site allocations, the current approach is limited to recommending that design codes work should be "based on plan allocations". This gives the false impression that allocating sites for development sits outside of the design process, when in fact it is already an act of design and should be informed by the same principles of good design as those advocated for in this NMDC and in the National Design Guide.

We believe that more emphasis and guidance on the importance of sustainable strategic site allocation for design quality should be integrated in the NMDC and associated guidance.

- **Sustainable housing design:**

Although the "Lifespan" section of the Guidance Note for Design Codes does mention the importance of maintenance over time, its content is too cursory and does not cover design quality issues for those places

that have already been built and will need to transform over time as our criteria for the built environment evolve towards real climate-change-proof housing.

Clear provisions also need to be made now so that adequate space is allocated within new housing development to convert from gas boilers to GSPH systems, to add-on solar panels, to have room for, battery storage and charging power outlets, as well as for roof rainwater collectors, underground storage tanks, internal recycling apparatus, bio-filtration units, etc.

- Design and green infrastructure:

The NMDC needs to stress the importance of green infrastructure investments for mitigating the climate emergency, contributing to nature recovery and benefitting human health and wellbeing. Nature is not just “good” for “*health and wellbeing, for biodiversity, shading and cooling, noise mitigation, air quality and mitigating flood risk as well as contributing to tackling the climate emergency*” (as currently phrased in paragraph 57 of the guidance note), it is *essential* to all these aspects (see also our response to question 5).

Accordingly, the NMDC should be more clearly linked to Government’s 25 Year Environment Plan and also include references to Local Nature Recovery Strategies and the Nature Recovery Network. In paragraph 64vi. on page 32, we also suggest the addition of “*accessible natural green space*” to the list of local services of which new homes should be within walking distance.

More specific guidance is also needed on how to ensure such green infrastructure is well designed and maintained. The Building With Nature Standards developed by the Gloucestershire Wildlife Trust in partnership with the University of the West of England and MHCLG are a good example of how to promote a new benchmark for the design and maintenance of green infrastructure in housing and commercial development. All Gloucestershire local authorities are now requiring major developments to be designed in accordance with these standards (see for example policy E5 of the Gloucester Local Plan submitted for examination).

- Design for health and wellbeing:

While we appreciate that the NMDC and associated guidance note are primarily intended as practical advice on how to prepare local design codes and guides, in our view such advice needs to give greater emphasis to one of the most fundamental criteria for good design, namely its positive impact on our health and wellbeing.

Paragraph 1.7 of the Planning White Paper stated: “*Planning matters. Where we live has a measurable effect on our physical and mental health: on how much we walk, on how many neighbours we know or how tense we feel on the daily journey to work or school. Places affect us from the air that we breathe to our ultimate sense of purpose and wellbeing. This is a question of social justice too. Better off people experience more beauty than poorer people and can better afford the rising costs of homes. As a nation we need to do this better.*” We would like to see this ambition more clearly reflected in the NMDC and associated guidance.

In particular, the role of good design in delivering a healthy food environment needs to be carried forward from the emerging National Food Strategy, the Childhood Obesity Strategy, the NPPF and the National Design Guide. The NMDC needs to make explicit reference to the role of developers in delivering a healthy

food environment, with neighbourhoods where communities have the ability to buy, grow and cook healthy food.

- Design and transport infrastructure:

As mentioned in several other parts of our response, in the Housing Design Audit we conducted together with Place Alliance, highway design was the joint lowest scoring design consideration across all audited schemes (along with architectural response).

Although the NMDC and guidance note do provide some guidance on the quality of street design and reference the Manual for Streets, we believe more detailed advice is needed on how to best integrate transport infrastructure and services into the design of new development from early stages, including bus operations. For example, [Stagecoach Group produced a useful guide](#) highlighting the many design aspects that have an impact on bus operations and likely levels of service take up, and which provides advice to both highway authorities, local planning authorities and developers on how to make sure buses are properly considered at the outset, in development location, master planning and detailed design.

Furthermore, the NMDC and guidance note need to include more specific guidelines on how electric vehicle charging points are to be integrated into the built environment. In particular, the way these items are to fit in within tree-lined streets needs to be further clarified, especially given the new NPPF paragraph 130 on tree-lined streets.

- Design and rural landscape character:

Although the NMDC does acknowledge that different areas are likely to have different design requirements and specificities, its content remains more orientated towards urban development than rural communities. In particular, more reference and detail are needed on how landscape character will be taken into account in the design process, in order to support the references made to local character, and which we welcome (see above), in draft NPPF127. This is essential to ensure local natural and cultural heritage are protected, but also to avoid contradictions with guidance set in locally developed design guides, such as the very well-researched [High Weald Housing Design Guide](#) produced by the High Weald AONB Unit.

All too often already, design codes developed with urban situations in mind have been inappropriately applied in rural areas. For example, 'Secured by Design Homes', which Kent Police expect to be complied with for all new developments, requires back gardens to be fenced with minimum 1.8m high walls or fences and for streets and footpaths to have street lighting, both of which are inappropriate in High Weald AONB villages with dark skies.

- Design review

Design reviews are not mentioned at all in the NMDC and only referred to once in the accompanying guidance note, without any detail. Yet, in Housing Design Audit we found design reviews to be one of the most effective ways currently used to ensure design quality. In fact, schemes that benefited from advice of a design review panel were close to four times more likely to be in the 'good' or 'very good' categories of the audit.

Based on this finding, the conclusions of the Audit include a recommendation that local planning authorities should themselves establish or externally commission a design review panel as a chargeable service and all major housing projects should be subject to a programme of design review. We believe the NMDC and accompanying guidance should reflect this recommendation and include guidelines on how it can best be achieved (such as those provided in Place Alliance's *Reviewing Design Review* report).

b) Application and use of the guidance

- Issue of scale

While the information provided in the NMDC and guidance note will certainly prove useful and adequate for the preparation of design codes at the local authority-wide level, this type of coding is unlikely to be suitable in many places where the heterogeneity of character calls for a different approach. Although references are made to master planning as a possible step in design coding, the guide lacks more specific guidance on how to apply the coding principles it sets out to specific sites.

The Housing Design Audit showed that site-specific coding practices we have seen up until now in England are currently one of the most effective means to deliver design quality. If the aim of the NMDC and guidance is to help local planning authorities play a more active role in the process of delivering design quality, it needs to provide them with more adequate guidance and support on how to make their codes relevant and adapted to site specific areas.

There also remains a strong degree of uncertainty around how this guidance will work with the zoning proposals of the Planning White Paper.

- Design quality, financial viability and housing delivery pressure:

As pointed out in the Housing Design Audit, current ways of calculating viability by most housebuilders have a strong impact on design quality. In fact, and although our research shows that design quality has limited upfront costs to developers and is likely to be recouped to some extent through new housing becoming more desirable, factors impacting on the quality of design are typically treated by developers as a set percentage of the gross development value.

Combined with the fact that current housing policy putting pressure on local planning authorities to give permission to housing development at all costs, this current reality is likely to water down the ability of local authorities to actually refuse schemes that are not well designed. This was for example the case with the Sherford urban extension near Plymouth, where the developers were able to get the design code for the scheme relaxed on grounds of financial viability.

In addition to our response to question 8 and our call to government to remove the 5-year Housing Delivery Test and implement Sir Oliver Letwin's recommendations as necessary steps to ensure that viability considerations are no excuse for watered down design quality, we also recommend that government should call in (or recover) a number of planning applications and appeals for ministerial determination on design grounds, and publicise these widely (as stated in our Housing Design Audit).

- Resources and skills:

While the content of the NMDC is clear and well laid out, there remains a lot of uncertainty around the implementation of this guidance in practice. Who will be responsible for preparing these codes? How will local authorities and communities be skilled up to take part in the process effectively? How will this be financed? A lot of hope and expectations are placed on the new Office for Place in this regard. Together with Place Alliance and other organisations, CPRE laid out its recommendations on how such a unit can best achieve its ambitions in a joint pamphlet - see [Towards A Design Quality Unit For England](#).

Ultimately, CPRE believes there is an urgent need to enhance the capability of local planning authorities to be the effective agents of change that this new guidance is calling for. As a first step in this direction, we also ask for the immediate implementation of [Sir Oliver Letwin's recommendations](#), which would provide local authorities with some of the powers and support without which government's ambition for better design quality are likely to remain merely aspirational.

- Permitted development rights and design quality

As stated in our response to question 3, CPRE has great concerns about the proposed changes to reduce the scope of Article 4 directions, which are in complete contradiction with government's ambitions for better design quality in the built environment. A number of parliamentarians also share our concerns, as shown during the [Parliamentary debate on 27 October 2020 on the Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) \(No. 2\) Order 2020](#).

Similar concerns were also expressed by local planning authority officers interviewed as part of [Government commissioned research into the quality standard of homes delivered through change of use permitted development rights](#), in which they stated that in their experience, *"the Council could do little to influence design quality concerns on prior approvals"* and that the design quality of permitted development schemes *"was entirely down to the whim of the developer"*¹¹.

In our view, local planning authorities need to be given greater (and not lesser) scope for locally removing permitted development rights through conditions (see response to Question 3) in order to successfully implement masterplans and design codes/guides.

c) Approach to community engagement

Compared to the comprehensiveness of the NMDC and guidance notes on most other aspects of the design coding process, we are strongly disappointed by the lack of detailed guidance and tools provided on the crucial issue of community engagement.

Aiming to support local planning authorities to play a more active role in design issues is most welcome, but if the design codes, policies and guides they prepare are to be democratically accountable and truly reflect local needs and aspirations, adequate support and guidance also need to be provided to LPAs and local

¹¹ [Research into the quality standard of homes delivered through change of use permitted development rights \(publishing.service.gov.uk\)](#) , p.106

communities so they can effectively participate in the process and collaborate with other stakeholders involved.

Successful community participation requires, in part, that local communities have the skills, capacity and tools necessary to engage with the manifold and complex design issues that will inform a design vision and requirements for their local area. Crucially, this brings up the issue of inclusiveness in participation and collaboration on the design process, which needs to be considered very carefully. Digital engagement tools such as the ones developed by [Create Streets](#) can be very effective in engaging with a greater diversity of voices. However, these need to work in combination with more traditional ‘face to face’ types of engagement to ensure sections of society who cannot or do not easily access information online are included in the design process. For example, ‘enquiries by design’ or design ‘charrettes’ can be particularly useful participatory planning tools to work collaboratively with communities on design issues, as shown during the planning process for the new town of Tornagrain in Scotland.

Public participation and collaboration on design also brings up another capacity and skills issue on the local planning authority’s side on how to best engage and involve local communities in design processes. In a [survey conducted by Public Practice](#) on LPAs’ capacity building needs, over half of respondents stated that they would require additional capacity-building on community engagement and participation to effectively deliver the changes proposed in the White Paper. It is essential that the future Office for Place addresses such capacity building issues as soon as possible to support local planning authorities from the early stages of design coding.

As an additional tool to support successful community participation and collaboration, we also recommend that government publishes a ‘translation’ of the NDMC and guidance note into everyday language.

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

The community engagement process for the preparation of design codes, guides, policies and masterplans could have an Equality Impact implication due to the current lack of clear guidance and capacity-building support to local planning authorities (LPAs), which could cause differential opportunities to participate in the design process depending on the resources available and tools put in place in each LPA. Crucially, if online-only approaches to community engagement on design are taken forward in some LPAs, this would be likely to exclude some older people and some minority ethnic groups. It is also essential that digital engagement systems and smartphone apps that might be developed for the purpose of community engagement do not exclude other parts of the population, such as people with visual or motor disabilities.

CPRE
March 2021