



Democratic Services

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**To: COUNCILLOR EDDIE LAVERY
CABINET MEMBER FOR ENVIRONMENT,
HOUSING AND REGENERATION**

c.c. All Members of Executive Scrutiny Committee
c.c. Chairman of the Residents, Education and
Environmental Services Policy Overview Committee
c.c. Dan Kennedy, Director – Planning, Environment,
Education and Community Services
c.c. Tom Campbell / Julia Johnson, Planning Policy
c.c. Conservative and Labour Group Offices
(inspection copy)

Date: 01 April 2021

Non-Key Decision request

Form D

RESPONSE TO NATIONAL PLANNING POLICY FRAMEWORK CHANGES AND NATIONAL MODEL DESIGN CODE

Dear Cabinet Member

Attached is a report requesting that a decision be made by you as an individual Cabinet Member. Democratic Services confirm that this is not a key decision, as such the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 notice period does not apply.

You should take a decision **on or after Tuesday 13 April 2021** in order to meet Constitutional requirements about publication of decisions that are to be made. You may wish to discuss the report with the Corporate Director before it is made. Please indicate your decision on the duplicate memo supplied, and return it to me when you have made your decision. I will then arrange for the formal notice of decision to be published.

Liz Penny
Democratic Services Officer

**Title of Report: Response to National Planning Policy Framework Changes and
National Model Design Code**

Decision made:

Reasons for your decision: (e.g. as stated in report)

Alternatives considered and rejected: (e.g. as stated in report)

SignedDate.....

Cabinet Member for Environment, Housing and Regeneration

RESPONSE TO NATIONAL PLANNING POLICY FRAMEWORK CHANGES AND NATIONAL MODEL DESIGN CODE

Cabinet Member(s)	Councillor Eddie Lavery
Cabinet Portfolio(s)	Cabinet Member for Environment, Housing & Regeneration
Officer Contact(s)	Tom Campbell and Julia Johnson, Planning Policy
Papers with report	Appendix 1 – Proposed Response to National Planning Policy Framework Changes and National Model Design Code

HEADLINES

Summary	This Cabinet Report provides a summary of the Government's latest planning consultation. The consultation proposes a series of changes to the National Planning Policy Framework (NPPF), including amendments relating to Article 4 directions, design, the historical and natural environment. The consultation also proposes the introduction of the draft National Model Design Code (NMDC), which provides detailed guidance on the production of design codes, guides and policies that local planning authorities will be expected to produce. A proposed response is included as Appendix 1.
Putting our Residents First	<p>This report supports the following Council objectives of: <i>Our People; Our Natural Environment; Our Built Environment.</i></p> <p>The proposed changes would also have an impact on the implementation and review of the Council's Development Plan.</p>
Financial Cost	There are no direct financial implications arising from the recommendations to this report.
Relevant Policy Overview Committee	Residents, Education and Environmental Services.
Relevant Ward(s)	All Wards.

RECOMMENDATIONS

That the Cabinet Member:

- 1. Notes the content of the changes to the National Planning Policy Framework and introduction of the National Model Design Code (National Consultation) and endorses, in principle, the Council's proposed response attached at Appendix 1 of this report.**
- 2. Authorises the Director of Planning, Environment, Education and Community Services to make any required final changes to the response before submission.**

Reasons for recommendations

The consultation is proposing changes to the National Planning Policy Framework and introducing a significant new expectation on local planning authorities through the National Model Design Code. If implemented, these changes would have ramifications for the local planning authority. Therefore, it is important that the Council expresses its views on the proposals and influences how these changes come forward.

Alternative options considered / risk management

To not submit a consultation response. This was discounted as it was deemed to be important to represent the views of the local planning authority on changes to the planning system. These changes will have impacts on Hillingdon's residents, businesses and other service users, if the changes are implemented.

Democratic compliance / previous authority

In the absence of a Cabinet meeting or given external consultation deadlines, the Cabinet Member can sign-off key consultation responses on behalf of the Council and report these retrospectively for public record, which is the purpose of this report.

Policy Overview Committee comments

None at this stage.

SUPPORTING INFORMATION

Background

This consultation seeks views on draft revisions to the National Planning Policy Framework (NPPF). The text has been revised to implement policy changes in response to the Building Better Building Beautiful Commission 'Living with Beauty' report. The Commission is an independent body set up to advise government on how to promote and increase the prevalence of high-quality design for new build homes and neighbourhoods. Other changes to the NPPF are also set out;

however, a full review is not being proposed at this stage. A full review of the NPPF is stated to be likely in due course, depending on the implementation of the Government's proposals for wider reform of the planning system.

This consultation is also seeking views on the draft National Model Design Code (NMDC), which provides detailed guidance on the production of design codes, guides and policies to promote successful design. The NMDC will provide the framework for local authorities to develop their own localised design codes. The aim for local design codes is to provide a more specific steer on what the local authority and community see as acceptable, through a set of visual drawings and numerical targets that development must abide to. This is different to the existing system where schemes are assessed against detailed policy wording, with an interpretation on the quality of the design being made by the relevant officer. It will look to cover a wide range of topics such as density, height, layout, movement, green infrastructure and identity. The document is supported by extensive guidance, which is also subject to consultation.

The following sections outline the key points of both the changes to the NPPF and the introduction of the NMDC. They also outline what the proposed response is to both. There are several supported minor changes to the NPPF which have not been covered in this report to keep it manageable. The full response is available at Appendix 1.

Changes to the National Planning Policy Framework

Chapter 2 – Achieving Sustainable Development

Amendments have been made to emphasise the role of planning in protecting and enhancing our natural, built and historic environment (paragraph 8(c)). The wording of the presumption in favour of sustainable development (paragraph 11(a)) has been amended to broaden the high-level objective for plans to make express reference to the importance of both infrastructure and climate change. These changes are supported in the proposed response.

An amendment has also been made (paragraph 7) which introduces the 17 Global Goals for Sustainable Development in the planning system. The proposed response welcomes this amendment, but highlights that it would be beneficial for clarification to be provided on whether a local plan would also need to be assessed against all 17 Global Goals for Sustainable Development, alongside the existing definition of sustainable development set out in paragraph 8 and the amended text in paragraph 11.

The term 'beautiful' has also been included within paragraph 8(b), as well as in four other parts of the NPPF. This change is a result of *Policy Proposition 1* of the Building Better Building Beautiful Commission's *Living with Beauty* report. Whilst the proposed response notes that the Council would be broadly supportive of the report and its recommendations, as currently proposed, the insertion of the term 'beautiful' into the NPPF would be without definition. The Council would therefore propose that a more precise definition is provided to assist clarity in decision-making.

Chapter 4 - Decision making

Amendments have been proposed to the text around introducing Article 4 directions to restrict their use. An Article 4 direction can be made by a local planning authority to remove a particular permitted development right, where it is deemed necessary to protect the local amenity or well-being of the area. The Council has several Article 4 directions in place to restrict certain permitted development rights, with applicants required to have their proposals assessed through the usual process of submitting a planning application.

The proposed response outlines that the Council is not supportive of the amendment. The Secretary of State already has powers to modify or cancel Article 4 directions where this can be justified and further limitations on their use are not supported. The proposed response outlines that the use of Article 4 directions should continue to be at the discretion of the local planning authority, in response to local circumstances. It is considered that existing Article 4 directions are essential to avoiding wholly unacceptable adverse impacts.

The Council has also taken the opportunity to reiterate comments made in the recent national consultation regarding the lack of transitional arrangements for existing Article 4 Directions after July 2021. The lack of clarity on the continuation of existing Article 4 directions is highlighted as a matter of concern.

Chapter 14 - Meeting the challenge of climate change, flooding and coastal change

Amendments have been proposed as an initial response to the emergent findings of the review with the Department for Environment, Food and Rural Affairs (DEFRA) of planning policy for flood risk. The Council's proposed response is supportive of the Government seeking to strengthen national planning policies regarding flood risk. It outlines that flooding can cause significant harm and disruption to infrastructure, properties, health, wellbeing, land and natural habitats, meaning it should hold a prominent place in the planning system. The Council notes that the Government has committed to considering further measures that may be required in the longer term to strengthen planning policy and guidance for proposed development in areas at risk of flooding from all sources when our review concludes.

In particular, the response outlines support for clarification in the sequential approach to plan-making and decision-making and the amendment to Paragraph 160(c), which clarifies that plans should manage any residual flood risk by using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management).

The proposed response does request confirmation on the extent of surface water flooding that would trigger a sequential test, to keep the use of this tool proportional and maintain its integrity. The mapped extent of surface water flooding is highly prevalent in urban areas. As currently worded, the NPPF would be requesting a sequential test for a high proportion of brownfield schemes in urban areas, which is not thought to be the Government's intention.

Chapter 16 - Conserving and enhancing the historic environment

A new paragraph (197) has been added to clarify that local authorities should have regard to the importance of retaining historic statues, plaques or memorials, with a focus on explaining their historic and social context rather than removal, where appropriate. The proposed response outlines support for outlining a process to assess these types of application, whilst also clarifying that it is not currently considering any planning applications to remove or alter a historic statue, plaque or memorial.

National Model Design Code

This consultation is also seeking views on the draft National Model Design Code (NMDC), which provides detailed guidance on the production of design codes, guides and policies to promote successful design. The NMDC will provide the framework for local authorities to develop their own localised design codes. The aim for local design codes is to provide a more specific steer on what the local authority and community see as acceptable, through a set of visual drawings and numerical targets that development should follow. This is different to the existing system where schemes are assessed against detailed policy wording, with an interpretation on the quality of the design being made by the relevant officer.

Amendments have been proposed to the NPPF to encourage the uptake of local design guides and codes by local authorities, with the objective of streamlining the determination process for proposals that are in accordance with these codes. In the absence of a locally prepared design guide or code, the NMDC will be a material planning consideration itself in design matters. The NMDC covers a wide range of topics such as density, height, layout, movement, green infrastructure and identity. The document is supported by extensive guidance, which is also subject to consultation.

The proposed response is broadly supportive of the principle of local design codes, noting that they can provide a greater steer as to what the Council and community want to see in their local area. The proposed response is also supportive of the breadth of content covered within the NMDC and its associated guidance notes. It is considered that the basic concepts of good design are outlined, whilst allowing sufficient interpretation to set local standards and expectations. It is clear that some of the design suggestions would not be applicable to a London context, but there is clarification that parts of it can be applied flexibly according to local circumstances, as not all characteristics and design parameters will be relevant.

Regarding the content of the guidance, the proposed response highlights that there is limited guidance for the types of development currently taking place in urban areas and no reference to flatted developments within the section on different housing typologies. It notes that greater reference to some of the more common development scenarios in urban areas would make it more applicable in these locations. There should also be greater recognition of constraints that are more common in urban areas, such as air quality and noise pollution.

The proposed response also covers the issue of resourcing the production of a local design guide and code, which would be significant. The responsibility would fall within local plan teams, who are already responsible for delivering local plans, supplementary planning documents, statutory

monitoring and addressing new national and regional policy. It is highlighted that there will be limited spare capacity within existing planning policy teams for this new requirement. The production of a design guide and code would appear to be a significant undertaking, which would not be dissimilar to the amount of work that is required to produce a local plan. The proposed response outlines that consideration should be made as to whether this significant re-engineering of the planning system would justify new burdens payments being provided to Council's on an interim basis, prior to any savings in development control costs being realised.

Finally, the proposed response has sought clarity on the varying weight that would be afforded to local design codes in decision making. The NMDC outlines that applicants could also elect to prepare codes for sites which they propose to develop, which would amount to an applicant setting their own design rules against which their scheme is determined. It is suggested that this section is amended so that weight should only be attributed to design codes that have been agreed by the local planning authority as part of the development plan, supplementary planning document or planning permission.

Financial Implications

Approval is sought for the proposed consultation response to the Government regarding the National Planning Policy Framework and National Model Design Code Consultation and so there are no direct financial implications arising from the recommendations to this report.

At this stage, it is not possible to quantify the potential financial impact for future staffing requirements. However, should the Government introduce an expectation on the Council to produce design guides and codes, the resource implications are expected to be significant, and consideration will need to be given to the limited capacity within the existing Planning Policy Team. Once design guides and codes are fully embedded, there may be resource efficiencies within the Development Management Team relating to a reduced decision-making period. Further analysis and evaluation will be required following the outcome of this consultation.

The proposed response to the consultation requests that the Government consider whether this new undertaking justifies new burdens payment in the interim. Any funding requirements for additional resources that do not attract external funding, will be managed through the MTFF process.

RESIDENT BENEFIT & CONSULTATION

The benefit or impact upon Hillingdon residents, service users and communities

The changes proposed within this consultation relate to the planning system and therefore could have a direct impact on all aspects of the natural and built environment in Hillingdon. The proposed changes will therefore have an impact upon residents, businesses, service users and all members of Hillingdon's communities. Agreeing a proposed response allows the Council to influence the final decision as to if and how these proposals are implemented.

Consultation carried out or required

Internal consultation has taken place on the proposed response with relevant officers within the Planning Department. The consultation was made public on 8 February 2021 and responses can be made by the public or organisations until 27 March 2021.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed the report and concurs with the financial Implications set out above, noting that there are no financial implications arising from the report recommendations.

Legal

The Borough Solicitor confirms that the legal implications are included in the body of the report.

BACKGROUND PAPERS

MHCLG Open Consultation - National Planning Policy Framework and National Model Design Code

Available at: [National Planning Policy Framework and National Model Design Code: consultation proposals - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/national-planning-policy-framework-and-national-model-design-code-consultation-proposals)

Appendix 1 – Proposed Response to National Consultation: NPPF and Model Design Code

Revisions to the National Planning Policy Framework & New Draft National Model Design Code

Consultation Deadline: 27th March 2021

Submitted by: Planning Policy Team, London Borough of Hillingdon

Proposed changes to Chapter 2: Achieving sustainable development

1. Do you agree with the changes proposed in Chapter 2? (Y/N)

Yes, subject to amendments.

The Council is supportive of strengthening the role of planning in protecting and enhancing the natural, built and historic environment (Paragraph 8(c)). The Council is also supportive of the change to the presumption in favour of sustainable development (Paragraph 11(a)) to make more direct reference to the importance of both infrastructure and climate change.

The introduction of the 17 Global Goals for Sustainable Development (Paragraph 7) is welcomed for giving priority to these issues in the planning system. However, it would be beneficial for clarification on whether a local plan would also need to be assessed against all 17 Global Goals for Sustainable Development, alongside the existing definition of sustainable development set out in Paragraph 8 and the amended text in Paragraph 11.

The term 'beautiful' has also been included within Paragraph 8(b), as well as in four other parts of the NPPF. This change is a result of *Policy Proposition 1* of the Building Better Building Beautiful Commission's *Living with Beauty* report. Whilst the Council is broadly supportive of the report and its recommendations, as currently proposed, the insertion of the term 'beautiful' into the NPPF would be without definition. The Council would therefore propose that a more precise definition of the term is provided to provide clarity in decision-making.

Proposed changes to Chapter 3: Plan-making

2. Do you agree with the changes proposed in Chapter 3? (Y/N)

Yes. The amendment to Paragraph 20 to refer to the design quality of places is supported. The amendment to Paragraph 35(d) to confirm that 'national policy' for the examination of local plans is not restricted to the NPPF is supported.

Proposed changes to Chapter 4: Decision making

3. Do you agree with the changes proposed in Chapter 4? (Y/N)

No. The Council considers that the use of Article 4 directions should continue to be at the discretion of the local planning authority, in response to local circumstances. The Secretary of State already has powers to modify or cancel Article 4 directions where this can be justified and further limitations on their use is not supported.

If changes are progressed, the first proposal is preferred. The Council consider its existing Article 4 directions are essential to avoiding wholly unacceptable adverse impacts. The second proposal is not supported as it would only allow for the use of Article 4 directions where there are wholly unacceptable adverse impacts of national significance.

The Council has historically restricted the use of Article 4 directions to the smallest geographical area possible and therefore there is no objection to the approach being advocated in the final line of Paragraph 53.

The Council would also reiterate comments made in the previous national consultation regarding the need for transitional arrangements to be put in place for existing Article 4 Directions after July 2021, when amendments to the General Permitted Development Order are anticipated. The lack of clarity on the continuation of existing Article 4 directions is a matter of concern.

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

4. Do you agree with the changes proposed in Chapter 5? (Y/N)

Yes. The amendments to confirm the existing interpretations of Paragraphs 65 and 70 are supported. The amendments to Paragraph 73 are also supported, however it would be beneficial if there was a threshold for the definition of 'larger scale development', which would allow Paragraph 73 to be applied on a consistent basis.

Proposed changes to Chapter 8: Promoting healthy and safe communities

5. Do you agree with the changes proposed in Chapter 8? (Y/N)

Yes. The amendment to Paragraph 92 (b) to clarify the expectations for attractive pedestrian and cycle routes is supported. The amendment to Paragraph 97 to emphasise high quality open space can deliver wider benefits for nature and efforts to address climate change is also supported.

Proposed changes to Chapter 9: Promoting sustainable transport

6. Do you agree with the changes proposed in Chapter 9? (Y/N)

Yes. The amendment to Paragraph 105 (d) to encourage walking and cycling is supported. The amendment to Paragraph 109 (c) to prevent reliance on outdated highway guidance (Design

Bulletin 32) and refer to more recent guidance, including the National Model Design Code, is also supported.

Proposed changes to Chapter 11: Making effective use of land

7. Do you agree with the changes proposed in Chapter 11? (Y/N)

Yes. The amendment to Paragraph 124 of the NPPF to include an emphasis on the role that area-based character assessments, codes and masterplans can play is supported. Full comments on this are included within the response to Question 15.

Proposed changes to Chapter 12: Achieving well-designed places

8. Do you agree with the changes proposed in Chapter 12? (Y/N)

Yes, subject to amendments.

The Council is supportive of the aspiration to improve the quality of new developments. However, the introduction of the term 'beautiful' without a more precise definition will be difficult to implement through decision making or local plan preparation.

Paragraph 127 has been amended to emphasise that all local planning authorities 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 Council is supportive in principle of introduction of local design codes, as they can provide a greater steer on what the Council and community want to see in their local area. However, there are likely to be significant resource implications if all local planning authorities are to prepare design codes. The '*Living with Beauty*' report outlines that there will be transitional costs with the approach, noting in particular that any lowering of costs in development control will not occur before costs have increased in strategic planning. The Government should therefore consider whether this significant re-engineering of the planning system would justify new burdens payments being provided to Council's on an interim basis. This would partly help local planning authorities address the identified skills gap in design expertise.

Paragraph 128 has been included to outline that design guides and codes would carry weight in decision-making and should be produced either as part of a plan or as supplementary planning documents. However, it outlines that applicants could also elect to prepare codes for sites which they propose to develop, although it is unclear from the current drafting what weight these would carry in decision making. Whilst the principle of applicants working with local planning authorities to provide design codes on specific sites is supported, the wording in the NPPF should be clear that these would not carry the same weight as those prepared and adopted by the local planning authority.

The amendment to Paragraph 130 to enhance the policies around the inclusion of new trees in development is supported. However, it should be noted that the policy for ensuring new trees are provided (footnote 49) is now stronger than the policy for retaining trees, which simply states 'wherever possible'. On the basis that existing trees have significantly more value than those

recently planted, the policy should be strengthened so that there is an expectation that trees of merit are retained unless there is a clear, justifiable and compelling wider public benefit to their removal.

The amendment to Paragraph 133 to outline that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, is supported.

Full comments on the content and application of the National Model Design Code are included within the answer to Question 15.

Proposed changes to Chapter 13: Protecting the Green Belt

8. Do you agree with the changes proposed in Chapter 13? (Y/N)

No objection is raised to the slight amendment to Paragraph 149 (f) to clarify the position regarding community Right to Build Orders, Neighbourhood Development Orders and the Green Belt.

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

9. Do you agree with the changes proposed in Chapter 14? (Y/N)

Yes. The Council is supportive of the Government seeking to strengthen national planning policies regarding flood risk. Flooding can cause significant harm and disruption to infrastructure, properties, health, wellbeing, land and natural habitats, meaning it should hold a prominent place in the planning system. The Council notes that the Government has committed to considering further measures to strengthen planning policy and guidance for proposed development in areas at risk of flooding from all sources.

The Council supports the amendment to Paragraph 160 and 161 to clarify that the sequential approach to plan-making and decision-making should apply to all sources. However, the Council would note that clarity would be needed through the National Planning Practice Guidance as the sequential test currently only applies to fluvial flood zones 2 and 3. It should also be noted that in urban areas, the prevalence of surface water flooding is high. An unintended consequence of this proposed amendment could therefore be to direct development away from a significant proportion of low-density brownfield land in sustainable locations. It would also reduce the number of opportunities to introduce sustainable urban drainage systems into areas with existing surface water flooding through new development. The proposed amendment could also have significant resource implications for development management teams processing sequential tests, as well as those seeking to promote minor development that does not fall within the narrow definition provided within the National Planning Practice Guidance. The Council would therefore welcome confirmation on the extent of surface water flooding that would trigger a sequential test, as well as the triggers for other sources of flooding.

The Council is supportive of the amendment to Paragraph 160(c) to clarify that plans should manage any residual flood risk by using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management). The Council is also supportive of bringing the Flood Risk Vulnerability Classification within the NPPF. An expanded definition of what is meant by 'resilient' is also welcomed.

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

11. Do you agree with the changes proposed in Chapter 15? (Y/N)

Yes. The Council is supportive of the amendment to Paragraph 179(d) to clarify that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around other developments should be pursued as an integral part of their design.

Proposed changes to Chapter 16: Conserving and enhancing the historic environment

12. Do you agree with the changes proposed in Chapter 16? (Y/N)

Yes. The Council is supportive of the amendment to outline a process for assessing such applications. The Council is not currently considering any applications to remove or alter a historic statue, plaque or memorial.

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

13. Do you agree with the changes proposed in Chapter 17? (Y/N)

Yes. The Council is supportive of the clarification provided by the two amendments to mineral policy.

Proposed changes to Annex 2: Glossary

14. Do you have any comments on the changes to the glossary? (Y/N)

Yes. The Council is supportive of the clarity provided by the introduction of new definitions within the glossary. In particular, the update to the definition of 'green infrastructure' is welcomed.

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

A. The content of the guidance

The Council is broadly supportive of the breadth of content covered within the National Model Design Code and its associated guidance notes. It is considered that the basic concepts of good design are outlined, whilst allowing sufficient interpretation to set local standards and expectations. However, it is clear that some of the design suggestions would not be applicable to a London context and it is important that Paragraph 17 is retained to ensure that the National Design Code is applied flexibly according to local circumstances, as not all characteristics and design parameters will be relevant.

Given the Government has recently proposed a 35% uplift to the housing need figures for the 20 largest cities and urban centres in England including London, it is notable that the design guide does not address the issuing of increasing capacity in urban areas on brownfield sites, where the most significant increase in housing capacity is likely to be required. In particular, there is limited guidance for the types of development currently taking place in urban areas and no reference to flatted developments within the section on different housing typologies. If the National Model Design Code is to be utilised in existing urban areas, then reference to some of the most common development scenarios should be included.

The Council would also advocate the following more minor changes:

- The term 'community infrastructure' should be given a broad definition within the Glossary or amended to 'social infrastructure' to confirm that larger scale infrastructure provision should also be considered in the design of schemes.
- Air quality, noise pollution and protected views could be included within the baseline analysis.
- Recognition needs to be had to recent amendments to the Use Class Order within the 'use' section of the National Design Code. These amendments have removed the differentiation of some of the land uses listed, meaning there is less scope for the planning system to secure floorspace for particular uses. E.g. 'medical facilities' now fall within the broader Use Class E.

B The application and use of the guidance

Resourcing

As already highlighted within the response to Question 8, there would be significant resource implications for local authorities when producing a design code. The 'Living with Beauty' report outlines that there will be transitional costs with the approach, noting in particular that any lowering of costs in development control will not occur before costs have increased in strategic planning. The responsibility would fall within the Local Plan teams, who are already responsible for delivering local plans, supplementary planning documents, statutory monitoring and addressing new national and regional policy.

Noting that there will be limited spare capacity within existing planning policy teams for this new requirement, the Government should consider whether this significant re-engineering of the planning system would justify new burdens payments being provided to Council's on an interim basis, prior to any savings in development control costs being realised. In addition to the above, the Living with Beauty Report recommends that the training of planning officers should be similarly expanded, and the government should provide resources to enable this. It recommends that

planning officers would be encouraged to pursue postgraduate qualifications in urban design, with the cost of programmes covered by the government. Such schemes need to be implemented as a matter of urgency to begin addressing the skills gap that would be created from the requirement for design guides and codes to be created by all local planning authorities simultaneously.

The production of a design guide and code would appear to be a significant undertaking, which would not be dissimilar to the amount of work that is required to produce a local plan. Furthermore, there are aspects which would be more resource intensive than a local plan process. The requirement to consult on the document at three different stages using a variety of in-person and digital engagement tools is significant. The creation of the 'baseline' would also involve the purchase of a large amount of additional GIS data. The desire for a highly visual document will also slow the speed to which the document can be produced.

Weight in Decision Making

The Council considers that the guidance is currently unclear with regards to the status of the National Design Guide, National Model Design Code and Manual for Streets after the adoption of local design guidance and would request further clarity.

As already highlighted within the response to Question 8, the proposed revisions to Paragraph 128 of the NPPF outline that design guides and codes would carry weight in decision-making and should be produced either as part of a plan or as supplementary planning documents. However, it also notes that applicants could also elect to prepare codes for sites which they propose to develop and it is unclear what weight such codes would carry in decision-making. Paragraph 128 and the associated guidance should be amended so that weight should only be attributed to design codes that have been agreed as part of the development plan, supplementary planning document or planning permission. Developers and landowners should still be encouraged to collaborate with local authorities on design codes produced through these mechanisms.

C The approach to community engagement

The Council supports the desire for design guides and codes to have considerable community engagement. Keeping the level of engagement open is also supported and will allow the Council to operate a proportional approach to community engagement, using the engagement tools that they feel would be most appropriate in their local area.

The document outlines that the preparation of design codes and guides requires the demonstration of measurable community support. Noting the previous points raised above, it is not understood how a local planning authority would certify measurable community support for a document that has been produced by a developer without their involvement.

Public Sector Equality Duty

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

The introduction of design guides and codes has the potential to improve the quality of design in new development, which should benefit everyone. Ensuring that all members of the community are represented will depend on the quality of the community engagement undertaken by the local planning authority. As highlighted above, additional resourcing will be paramount in ensuring that local planning authorities can deliver successful community engagement.