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**Proposed changes to the NPPF and National Model Design Codes**

***Consultation Response 25 March 2021***

**Summary**

Bath Preservation Trust (BPT) is committed to campaigning on planning to protect and enhance Bath’s historic and future environment, amenity and countryside. We are a charity promoting high standards of planning and architecture in Bath, striving to ensure the future success of our special heritage city through conservation, education and museums. We have a long history of engaging with planning policy and development proposals since the charity was founded in 1934.

BPT’s response to the Planning White Paper in October 2020 welcomed the greater focus on design and the intention for design guides and codes to be locally produced with input from local communities.

BPT are members of Civic Voice. We have included in this submission some elements verbatim from the submission of Civic Voice, with whom we are aligned.

**Headline points**

* **BPT supports the greater focus on delivering high quality design in the planning system through design codes, but design and community engagement needs to be considered in the context of the wider reforms to the planning system.**
* **We are concerned that the delivery of high-quality design will be undermined by the proposed widening of permitted development rights** preventing a planned approach to our town and city centres and risking harm to historic character.
* **We are very concerned that the delivery of high-quality design will be undermined by limited local authority resources, capacity and skills**. Developing and setting design codes applying them to decision making would place an increased administrative burden on already overstretched and underfunded LPAs. **Raising the ambition on design has to be followed through with resourcing.**
* We welcome the requirement for codes to be developed based on meaningful and effective community engagement and local aspirations.
* **The role of civic and amenity societies in the consultation process needs to be more clearly defined and strengthened.**
* **Communities must still be given the right to consider and respond to individual planning applications.**

**Comments on proposed changes to the NPPF**

* We support strengthening of policies for sustainable development. Ch2, especially para 11a.
* We welcome the amendment to wording to include 'beautiful' well designed places. Para 8b, para 125.
* We welcome the strengthening of wording which emphasises the role of planning in protecting and enhancing the natural and built environment. Para 8c.
* We welcome the inclusion of design quality in strategic polices. Para 20.
* We do not support the changes to decision making through Article 4 directions. Article 4 directions are an important local tool taking account of special characteristics in a place which would the threatened by permitted development. In our experience they are not over-used or inappropriate. Such changes would make it harder to implement Article 4 directions; therefore, extended PD rights risk loss to historic character, harm to the diversity of high streets and facilitation of poor-quality homes. Para 53.
* We welcome new paragraph 73 which gives sufficient weight to tools such as masterplans and design codes to secure high quality places with a variety of well-designed and beautiful homes.
* We welcome new paragraph 80 (e) which removes ‘innovative’ and places emphasis on ‘outstanding’ design.
* There is a missed opportunity (in Chapters 8 and 9) to say quite plainly that we need to reduce car use in the UK. The way in which we design new places to be healthy and safe communities can positively contribute to achieving this.
* We welcome new paragraph 109(c) which gives weight to national guidance, including the National Design Guide and National Model Design Codes.
* We are concerned about lack of resourcing to implement these changes. If the NPPF raises the ambition on design it needs to be followed through with local authority resourcing – LPAs will need the skills in-house to prepare and implement National Model Design Code~~s~~, masterplans and character assessments, and to assess those prepared by third parties.
* We strongly support the inclusion of, and emphasis on, area-based character

assessments, codes and masterplans as helpful tools in ensuring land is used efficiently whilst also creating beautiful and sustainable places. However, this must be backed up with local authority resourcing - they will need the skills and specialist expertise in-house to prepare and implement codes, masterplans and character assessments. par124.

* We welcome new paragraph 127 which places a requirement on the LPA's to produce design codes consistent with local character. The requirement for local authorities to prepare and implement Design Codes must be backed up with resourcing for specialist expertiseembodying ~~a~~ deep knowledge of local character.
* We welcome new paragraph 128 and the requirement for codes to be developed based on effective community engagement and local aspirations; we welcome the commitment to give communities greater say in the design standards for their area and a model community engagement process. However, Local Authorities will also require additional resourcing to undertake additional community engagement.
* We consider the role of civic and amenity societies needs to be more clearly defined. There needs to be a statutory duty to consult with appropriate civic societies within local communities at all stages of plan making and in the preparation of design codes, masterplans and character assessments.
* We welcome new paragraph 130 which makes provision for all new streets to be tree lined, though note that in some historic environments, underground services or archaeology may inhibit tree planting.
* We welcome new paragraph 133 which makes it clear that development that is not well designed should be refused especially where it fails to reflect local design policies, and which gives significant weight to development which reflects local design polices and government guidance on design.
* We welcome amendments to paragraph 175 to clarify that the scale and extent of development within the settings of National Parks and AONB~~'~~s should be sensitively located and designed so as to avoid adverse impacts on the designated landscapes. We consider that the policy must go further to include the setting of World Heritage Sites, as should paragraph 176.
* We welcome new paragraph 197 which has been added to clarify that authorities should have regard to the need to retain historic statues, plaques or memorials, with a focus on explaining their historic and social context, where appropriate, rather than removal.  However, we recognise that there may be legitimate reasons for removal or interpretation in a more appropriate context in certain cases, which should be managed through the planning process.

**Comments on the National Model Design Code**

**General Comments**

* We welcome the role design codes could play in improving design standards and places.
* Design codes require a holistic approach that should take account of the three tenets of sustainability (economic, social, and environmental). They need to incorporate standards (such as space, light, access to green spaces and freedom from pollution), and to have wide applicability, rectifying the current situation with regard to Permitted Development exemptions.
* Design codes need to be context-specific and locally distinctive, not a generic national code, which would defeat the object.
* Design codes need to be properly resourced in-house otherwise there is a danger that if they are not done well they have a damaging and long-lasting effect.
* There is a need for local codes rather than standardised ones, or a combination of both.
* We support the Government’s commitment to piloting local design codes. The learning from this exercise will be critical to the success of the Government’s ambitions for raising design quality

**Detailed comments**

* We see the potential for local planning authorities to produce design codes for specific sites/areas e.g. Growth areas or Protected areas. We also believe that design codes should not be the only mechanism for higher quality design, design guides may also be beneficial. These may also be more easily accessible for organised community groups such as civic societies to undertake, unlocking the potential for more community capacity to aid local planning authorities.
* A key concern here is that once codes are established as a basis for the design of new development, any opposition to proposals which are designed in compliance with them will be stifled.
* In our view, it is far better to invest in resource in-house, for the wider benefits of increased local expertise, long standing commitment to an area and relationship building with local communities.
* Design codes need to be undertaken by suitably skilled personnel otherwise there is a danger that if they are not done well they have a damaging and long- lasting effect. Where produced by developers they must be properly scrutinised to ensure “effective input from the local community.” However, “effective input from the local community” and “empirical evidence of what is popular and characteristic in the local area” are not the same, and must be balanced against proper design standards to avoid replication of poorly-designed schemes popular only in the absence of something better.
* There needs to be a mechanism for reviewing and updating design codes and pattern books.
* We are pleased to see that a review of the Manual for Streets is proposed, and this should be integrated into design codes and local pattern books.
* Design guides and codes are a desirable tool, but they cannot cover every area or every possible form of development. Even in areas where planning departments are well resourced, design codes will not be enough on their own, they will need to be supported by masterplans, character assessments, pattern books and placemaking plans.

The approach to community engagement

* ***It is critical that all stakeholders, residents and communities, are involved and participate in the co-design of national and local codes and pattern books, and involved in the consultation process on design codes before the window of opportunity is closed and not reopened until such a time as the national design code is subsequently reviewed.***
* We welcome the requirement for codes to be developed based on meaningful and effective community engagement and local aspirations, we welcome the commitment to give communities greater say in the design standards for their area and a model community engagement process. However, Local Authorities will also require additional resourcing to undertake additional community engagement.
* We think the role of civic and amenity societies needs to be more clearly defined and strengthened. There needs to be a statutory duty to consult with appropriate civic societies within local communities at all stages of plan making and in the preparation of design codes, masterplans and character assessments.
* The NMDC promotes local variation in design guides and codes, primarily led by the local authority. We think that this should also be widened to other organised community groups named in the local Statement of Community Involvement, enabling them to access support and bring forward design guides and codes if they wish.
* We welcome the inclusion of ‘community panels or forums’ in the list of engagement tools in Table 82. of the NMDC Guidance notes.
* The Local Plan stage should not be the sole place for meaningful engagement and should not lead to reduced opportunities for engagement later in the process, when further detailed information becomes available. Communities must still be given the right to consider and respond to individual planning applications.