



**Response to the Government consultation on:**

**REVISIONS TO THE NATIONAL PLANNING POLICY FRAMEWORK AND  
INTRODUCTION OF A NATIONAL MODEL DESIGN CODE**

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**RICHMOND COUNCIL RESPONSE TO THE PROPOSED AMENDMENTS TO THE  
NATIONAL PLANNING POLICY FRAMEWORK**

**Chapter 2: Achieving sustainable development**

**Do you agree with changes proposed to Chapter 2?**

**No**

**Comments:**

- Richmond Council welcomes the incorporation of the 17 Global Goals for Sustainable Development in paragraph 7. Goal 13 is to take urgent action to combat climate change and its impacts. We urge the Government to ensure that significant weight is given to sustainability and climate change considerations through the development plan process and dilute the danger that a lack of a 5-year supply will lead to poor quality development.
- It is considered that the importance of sustainable development and tackling the climate emergency should be made stronger still through the use of clearer wording. It is recommended to replace the word ‘promote’ and instead require that plans ‘deliver’ or ‘ensure’ sustainable development. It is also considered that this should recognise that it is not just the ‘pattern’ of development that is important, but also the form of development. In addition, rather than ‘seeking’ to mitigate climate change, there needs to be full recognition in the NPPF that we are facing a climate emergency, and therefore plans should ‘maximise the contribution to addressing climate change’ or similar.
- We do not concur with the addition of the word “beautiful” in paragraph 8(b), particularly as this in the context of “a social objective”. A sufficient number and range of homes and infrastructure, including social infrastructure is needed to support strong, vibrant and healthy communities. Homes need to be accessible, functional, practical, energy and water efficient, built to low-carbon standard, meet space standards and be climate resilient. Beauty is highly subjective and in the eye of the beholder. The introduction of the concept of “beautiful” places and homes into national planning policy is therefore questionable, particularly as the revised NPPF does not attempt to define what is exactly meant by the term “beautiful” for policy purposes. It is noted that there is still a subjective assertion of what ‘beauty’ is in the Building Better Building Beautiful Commission’s (BBBBC), Living with Beauty, report, i.e. *“Beauty includes everything that promotes a healthy and happy life, everything that makes a collection of buildings into a place, everything that turns anywhere into somewhere, and nowhere into home. It is not merely a visual characteristic, but is revealed in the deep harmony between a place and those who settle there.”* A lack of definition in the NPPF will therefore be problematic for both

developers as well as local planning authorities as decision-makers as to what forms of development are “beautiful”.

- We support the express reference to the importance of infrastructure.

### **Chapter 3: Plan-making**

#### **Do you agree with changes proposed to Chapter 3?**

**No**

#### **Comments:**

- Richmond Council welcomes the changes to paragraph 20 in terms of strategic policies having to set out an overall strategy for the pattern, scale and design quality of places, and to paragraph 22 that a vision for large scale development should look at least 30 years ahead.
- We do not agree with the addition of ‘other statements of national planning policy’ to the fourth test of soundness set out in paragraph 35d. The Government and its Ministers make in general a whole raft of statements; although they provide a useful sense of direction in terms of national policy, we do not think that they should be given the same weight as the NPPF. These statements are often Written Ministerial Statements, and because they are not subject to a public consultation process, their weight should be different from what is contained in the NPPF.

### **Proposed changes to Chapter 4: Decision making**

#### **Do you agree with changes proposed to Chapter 4?**

**No**

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

- Richmond Council strongly opposes the new proposed paragraph 53. We do not support either of the options given in that paragraph. The ability for a local planning authority to use Article 4 Directions is already limited, and there must be a “particularly strong” justification for the withdrawal of Permitted Development (PD) Rights.
- Clarity is needed as to what is meant by “wholly unacceptable adverse impact”. It is evident that Government wants to curtail the use of Article 4 directions by local planning authorities. However, what is proposed is fundamentally different to the current guidance relating to Article 4 direction, which is “limited to situations where this is necessary to protect local amenity or the wellbeing of the area”.
- In addition, the policy test set in the second option in terms of protecting “an interest of national significance” is much too high.
- Article 4 directions are key local tools used by local planning authorities to help manage local issues and uses in their area where the blanket use of a PD Right would otherwise cause harm, including in recent years the loss of scarce employment/commercial premises. It is considered vital that local authorities have the ability to respond to locally significant issues using the appropriate planning tools, including through limiting the nationally set PD Rights where necessary through the use of Article 4 directions.

- Whilst government has taken on board various recommendations from the BBBBC report, Proposition 25 made several recommendations on encouraging resilient high streets, including:  
*“Given the systemic under-supply of homes in some parts of the country, there is a danger that an unregulated implementation of the current policy [to permit shrinkage of A1 space where appropriate] will see all shops converted to homes. This might be very hard to manage, with consequences for ground floor design and location of bin stores. This can lead to ‘disastrous impact on the beauty and character of local high streets and contribute further to their decline.’ [and] To prevent this, we recommend the protection through ... Article 4 Directions of the ‘core’ of high streets and the very strict use of design codes through which change is facilitated.”*  
 Not only has government chosen to ignore this recommendation; it has gone further by proposing to substantially limit the use of Article 4 Directions more widely than previously
- It is therefore of the utmost concern that government is considering yet further permitted development rights, such as the change of use of Class E (commercial, business and service) to C3 (residential), but not to allow local planning authorities to retain some local control through Article 4 Directions, particularly where existing and forthcoming national PD Rights would have harmful impacts on the local area. Government created the new Use Class E to boost the vitality and viability of town centres, to help them recover and thrive in a post-pandemic world; the Council has expressed some concern on the new Use Class E but it is acknowledged that by enabling premises to switch easily to leisure, culture and community uses, this could encourage footfall for remaining retail premises and serve an important social purpose. However, by the proposal for the new PD Right to allow all those to convert to residential, and then disabling local authorities from ring-fencing valuable alternative town centre uses through the use of Article 4 Directions, we consider that the government is shooting itself in the foot.
- Furthermore, the proposed changes to the NPPF in paragraph 53 do not match the legislation for Article 4 Directions as outlined in Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015. This permits a local planning authority to introduce an Article 4 direction where it considers that the development to which the direction relates would be prejudicial to the proper planning of their area or constitute a threat to the amenities of their area. The NPPF cannot amend the relevant legislation and would not take primacy over the law.
- The new proposed paragraph 53 should therefore be deleted as otherwise it will be confusing and inconsistent with legislation.
- We urge the government to address the fundamental disconnect between the aspirations of the NPPF in relation to design quality as well as the National Model Design Code and the range of PDR already available and further proposed. On the one hand, government seeks to expand PDR and cut red tape whilst on the other hand it tries to put good quality design at the forefront of decision making. It is therefore important that these matters are considered holistically, especially with the introduction of the National Model Design Code, the role of design coding and relationship with PDR (especially where this involves new construction). An element of design coding for town centre sites is the specifying of ground floor land uses to promote active frontages. There is an apparent disconnect here with the expansion of PDR.

## **Chapter 5: Delivering a wide choice of high quality homes**

### **Do you agree with changes proposed to Chapter 5?**

**No**

**Comments:**

Whilst the Council welcomes the clarification in paragraph 65 about the total number of homes to be available for affordable home ownership as well as the clarification in paragraph 73 relating to “a genuine choice of transport modes”, we do not agree with the addition of the word “beautiful” in paragraph 73(c). The Council welcomes the focus on the quality of places to be created, as well as linking it with masterplans and design codes to secure well-designed homes. As already mentioned in response to Chapter 2, we are concerned about the overuse of the word “beautiful”, especially as there is a lack of definition of what is exactly meant by “beautiful” in the NPPF. The focus of the NPPF should be on good urban design and place-making, ensuring homes are accessible, functional, practical, meet space standards and can adapt to the changing climate. What is considered beautiful can be highly subjective and dependant on the eye of the beholder; and new development and architectural styles do not always appeal to everyone on all levels at the time they are proposed. Contemporary and non-traditional design may be interpreted by some as poor design whilst “traditional” or pastiche designs may not be seen by others as authentic in their function, use or detail. Instead of overemphasising “beautiful” homes, the NPPF should make it clear that well designed homes need to be built as low-carbon, to be energy and water efficient as well as climate resilient. In the context of a Climate Emergency this is of utmost importance.

We do not have any comments on the proposed deletion of “innovative” in paragraph 80(e) as this applies to isolated homes in the countryside.

**Chapter 8: Promoting healthy and safe communities**

**Do you agree with changes proposed to Chapter 8?**

**No**

**Comments:**

Whilst the Council supports the notion of securing design quality of pedestrian and cycle routes, we are less enthusiastic about the addition of the word “attractive”. As with the word “beautiful” in Chapter 5 (see our response to this above), the word “attractive” can be highly subjective. What is more important to support sustainable modes of transport and encourage a shift change to walking and cycling, to help mitigate climate change, is a focus on functional and safe pedestrian and cycle routes.

The proposed change to paragraph 97 is supported; it is important that a network of open spaces can deliver improvements to biodiversity as well as mitigating and adapting to climate change.

**Chapter 9: Promoting sustainable transport**

**Do you agree with changes proposed to Chapter 9?**

**Yes**

**Comments:**

The Council welcomes the added reference to well-designed walking and cycling networks and secure cycle parking. We recommend adding a reference to “Manual for Streets” at the end of paragraph 109(c). This is to ensure consistency with guidance in the National Model Design Code.

### **Chapter 11: Making effective use of land**

#### **Do you agree with changes proposed to Chapter 11?**

**No**

#### **Comments:**

Whilst the Council supports the proposed changes to new paragraph 124 as it is important to make efficient use of land and utilise tools such as area-based character assessments, design codes and masterplans, we disagree with the emphasis on creating “beautiful” places for the reasons outlined in our responses to Chapters 2 and 5 (in terms of the subjective use of the word “beautiful”).

### **Chapter 12: Achieving well-designed places**

#### **Do you agree with changes proposed to Chapter 12?**

**No**

#### **Comments:**

- Whilst the Council generally welcomes the proposed revisions to this chapter, we disagree with the emphasis on creating “beautiful” places for the reasons outlined in our responses to Chapters 2 and 5 (in terms of the subjective use of the word “beautiful”, which is also incorporated throughout Chapter 12).
- The emphasis on good design is welcomed, but we do question whether design guides and codes allow for truly innovative design to come forward that fully responds to the town-/landscape in which it is located.
- We agree with the notion of the changes in paragraph 126 in terms of enabling local groups to engage in the production of design guidance and codes. Government has to date not acknowledged or put measures of support in place to recognise that this will be a very time-consuming part of the process requiring significant resources. In addition to the lack of resources, there is currently a skills shortage in local planning authorities. Very few local planning authorities are set up to deal with this at present as it will become an emerging requirement where local authorities produce their own codes. The process is very resource intensive involving workshops with community stakeholders. Securing local buy-in and genuine engagement with the local community is very important; however, we have found that in practice, local involvement can tend to focus on the aesthetics and architectural style of new developments rather than the quality of the new places being created, and government’s emphasis on “beautiful” will further exacerbate this. From experience, we know that in practice it can be very difficult to genuinely engage communities in higher-level plans or guidance documents compared to site-specific proposals (e.g. those to be assessed and consulted on as part of a planning application). The design coding process would therefore require a fundamental shift change in how

communities engage with local planning authorities, and government needs to take the lead to communicate this shift in emphasis to involvement early on in the process. There is also a risk that the loudest voices are heard in that engagement being the ones who resist development and also desire to have their local area reflect what they know and like (and consider to be beautiful), which may not deliver the overarching requirements to maintain a five year housing land supply and so on. Thus, greater tension could result.

- The Council supports the proposed revisions set out in paragraph 127, though acknowledge local authorities could prepare design codes previously in line with the guidance set out in 2006. A report by the Urban Design Group in association with UCL in 2012 found that design codes had been produced for around 33% of local authorities.
- In 2004 the then government launched an extensive pilot programme in England, aimed at assessing the potential of design coding to deliver better quality development, more rapidly. The findings of the pilot programme were set out in ‘Design Coding in Practice, An Evaluation’. The positive findings about the use of design coding was subsequently incorporated in National Planning Policy, initially in PPS 3 (Housing) and then the first NPPF in 2012. It is therefore welcomed that design coding is now taken a stage further with the revisions to the current NPPF.
- Paragraph 128 recommends that design codes be prepared as part of a plan (presumably Local Plan) or as supplementary planning documents (SPD). Producing design codes with community engagement is a very resource intensive task, and if they were to be produced as part of a Local Plan, it could extend the preparation time of Local Plans if carried out in tandem unless the process is properly resourced. It may be more appropriate to flag up areas or sites in the Local Plan as part of the Site Allocation process for which codes are proposed and then later produced and implemented as Supplementary Planning Documents. They would carry material weight in the planning decision-making process.
- The Council welcomes the proposed revisions set out in paragraph 130 setting out the ambitions for creating tree-lined streets, as recommended in the BBBBC report. This can form an important element in design coding. They make a significant contribution to the character and appearance of urban areas, can help to mitigate climate change and add value and improve biodiversity. We agree it is essential to collaborate with highways engineers and tree officers to ensure the right trees are planted in the right places (although care needs to be taken that this is not at odds with all streets needing to be tree-lined). In this context, we recommend that the NPPF also adds reference to the need for planting climate “resilient” trees. The policy tests in footnote 49 are very high, and whilst we welcome the overall importance and emphasis on trees in the NPPF, it is disappointing that government has not taken the opportunity to develop similar strong policies in relation to climate change and net zero carbon standards in new development. It will be necessary to understand the limitations to this ambition caused by the presence of significant and costly utilities of statutory undertakers, Government should consider working with statutory undertakers to ensure that these restrictions do not prevent future delivery of this ambition. This should be addressed in the upcoming new Manual for Streets.
- The Council welcomes the proposed revisions set out in paragraph 133 which clarify the importance of the plan-led approach to decision-making. We agree that significant weight should be given to local design policies and local design codes in the decision-making process, particularly where they have been prepared with involvement from the local community.

- Paragraph 133(b) highlights that significant weight should be given to outstanding or innovative designs that promote high levels of sustainability. For decisions to give weight to sustainability these should be based on designs that are in accordance with design codes that set out the criteria for measuring sustainability, which should embrace a number of measures. These will need to include relationship to and enhanced provision of sustainable modes of transport, zero-carbon for building efficiency and whole life-cycle carbon, street trees, re-use of existing buildings etc.

### **Chapter 13: Protecting the Green Belt**

#### **Do you agree with changes proposed to Chapter 13?**

**No**

#### **Comments:**

Neighbourhood development orders and community right to build orders grant planning permission for specific types of development in a particular area. A Community Right to Build Order can include housing, community centres, business and enterprise hubs and these assets can be disposed of for the benefit of the wider community. As a Neighbourhood Development Order can allow development to go ahead without the need to submit an application, it is not clear why the proposed change is required; there is a similar benefit with a Community Right to Build Order. Generally, as Green Belt (and Metropolitan Open Land) is a policy constraint, it is not clear that it would be acceptable to expand those developments which are considered to be ‘appropriate’ to include development in any other situation which would be inappropriate. It would be more acceptable to address this through the plan making process, including in Neighbourhood Plans, or for those proposals which do require an application to have to demonstrate a case of Very Special Circumstances.

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

#### **Do you agree with changes proposed to Chapter 14?**

**No**

#### **Comments:**

- It is evident that the changes in this Chapter focus largely on flooding. The Council is concerned that government has missed the opportunity to be more robust on its climate ambitions, and specifically the role the planning system can play in bringing all greenhouse gas emissions to net zero by 2050 in the UK. Climate change is the biggest challenge facing the built environment, and the NPPF does not do enough to address it. Throughout the NPPF, the relatively limited additional references to climate change are largely tokenistic and lack substance. For example, the Council would have expected a much bolder requirement for developments to reduce greenhouse gas emissions, and for the NPPF to set out a clear pathway, timetable and commitment to zero carbon homes / developments. This should be underpinned through the Future Homes Standard, which falls far short of the mark in this regard.
- In addition, paragraph 151 should have been amended to fully reflect that planning has a key role to play in shaping and creating places and that new developments should secure radical reductions in greenhouse gas emissions. We would recommend that the NPPF

encourages local authorities to set higher energy efficiency standards than national policy, especially as the implementation date for the Future Homes Standard is still some time away (implementation is proposed for 2025) and it is lacking. New developments providing homes, schools and workplaces etc. that are built now should be net zero, and in addition, the NPPF should require a shift to low embodied carbon material in all buildings, moving towards a future with whole-life cycle impact assessments.

- It is recommended that government ensures the need to tackle the climate emergency is a golden thread throughout the NPPF and this should be woven into the implementation of all NPPF policies. Planning’s role in making liveable places in a changing climate should be much clearer. We therefore urge government to set measurable targets on climate change against which progress can be measured both locally and nationally.
- We support the intention to increase weight associated with flood risk considerations. However, it is considered that the revisions create some practical difficulties and more guidance is required. For example, the application of the Sequential Test in an urban area is already complex and difficult to apply in practice, for example in the context of Richmond borough, which has many existing established communities and parts of town centres in areas prone to flooding from rivers. The notion of ensuring all sources of flood risk are taken into account in plan-making and decision taking is welcomed, but guidance is needed on the practicalities of applying this. For example, it is not clear what relative weight should be given to sites with river flooding versus surface water flooding versus sites with ground water flooding issues (large parts of Richmond borough are susceptible to groundwater flooding).
- Similarly, whilst we are currently required to reduce the causes and impacts of flooding through development, the revisions require the use of natural flood management techniques as part of an integrated approach to flood risk management, and there is little guidance about how this would be implemented, working alongside other agencies. In addition, the ability for buildings to be brought back into use quickly after flooding may depend on the quality of materials used (for example, water resilient paint etc.), which may be out of the scope of planning decisions.
- We support moving the flood vulnerability classifications from planning guidance to national policy.

### **Chapter 15: Conserving and enhancing the natural environment**

#### **Do you agree with changes proposed to Chapter 15?**

**Yes**

#### **Comments:**

The proposed changes to paragraph 179 are supported as this aligns with the Council’s green agenda to improve biodiversity and enhance public access to nature.

We have no comments in relation to the changes applicable to National Parks, the Broad and AONBs as these are not applicable to this Authority.

### **Chapter 16: Conserving and enhancing the historic environment**

#### **Do you agree with changes proposed to Chapter 16?**



**Yes**

**Comments:**

- The Council generally welcomes the inclusion of the requirement that the removal and alteration of statues, plaques, or memorials, whether listed or not, should be subject to an application process. However, the commemoration of historical figures as part of our cultural heritage is a complex and sometimes emotive matter, and it is of concern that paragraph 197 may have been added to the NPPF for political reasons outwith the planning system.
- It should be noted that many local planning authorities do not have full inventories of these historic assets, particularly if they are not statutorily or locally listed. It should be clarified whether there is an expectation that local authorities identify such features in a local list, and if this is so government needs to recognise and provide funding to authorities for this resource intensive task.
- We also recommend adding a new reference to the NPPF to ensure that historic, current and future diversity is reflected in the public realm with an understanding of the context of the time.

**Chapter 17: Facilitating the sustainable use of minerals**

**Do you agree with changes proposed to Chapter 17?**

No comment

**Annex 2: Glossary**

**Do you agree with changes proposed to the glossary?**

**Yes**

**Comments:**

The Council supports the proposed change to the definition of green infrastructure as this aligns well with its green and climate change agenda. The importance of using roof spaces in urban areas such as London to improve biodiversity represents an under-utilised resource. The wider definition of the recognition that green infrastructure can deliver economic, health and well-being benefits is important to communities.

**NATIONAL MODEL DESIGN CODE**

**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**

**General comments:**

- Overall, the view of officers is that the NMDC is considered to be a positive document, and that it will help support the Council in seeking to achieve good design across all developments. It is a wide ranging and broadly generic design document, reflecting its status as national guidance to be applied across a national context.
- The idea of championing excellent design and beauty in the built environment through localised design codes is supported. However, the Council’s concerns in relation to the use of the word “beauty” or “beautiful” throughout the NMDC should be noted as set out in the Council’s responses to the NPPF above (on proposed changes to Chapters 2 and 5 of the NPPF).
- It is considered that the NMDC will allow for detailed, locally sensitive and contextual design codes to be developed with early community engagement, and in general terms, we welcome this approach.
- We are however concerned that the mantra behind the NMDC and its guidance fundamentally conflicts with the thrust of wider planning reforms that continue to be promoted. Most notably, the continued expansion of PD Rights of increasing degrees of scale allows very little to no consideration to be given to the quality of design, environment or living standards. This is a central shortcoming and one that government needs to address.
- The Council questions how a design code model could actually work in wider contexts, such as borough-wide applications. It is very unlikely, if not impossible, to formulate a code document that will successfully address the different urban contexts contained within entire boroughs. It then becomes necessary to create more localised and sometimes site-specific codes, which require significant investment, both in time and resources, which are not readily available to local authorities.
- The NMDC should focus more on place shaping and specifically on people. The focus on “beauty” may risk the importance of place shaping become diluted, i.e. the need to create places where people want to live, work and visit; fostering a positive sense of identity and supporting the formation of sustainable linked communities. We recommend that the final NMDC focuses more on people, trying to understand for example how and why people use certain places and emphasising the importance of promoting a positive sense of place and identity that addresses the local communities’ needs.
- It is not clear how the Code can have the weight of policy when it has not been subject to the same rigour as a Development Plan Document.
- Overall, our preference would be for a single, more concise document rather than a suite of documents including the separate National Design Guide, the National Model Design Code and the Guidance Notes for Design Codes. An overarching combined document would help in particular decision-making processes on planning applications.

### **Comments on the content of the guidance:**

- The content of the guidance is well thought out, reads well and the illustrative, graphic nature of the document makes it easy to understand. The alignment with the ten characteristics of well-designed places as set out in the National Design Guide and the broad coding process is clearly presented and supported in principle.
- The NMDC proposes that area-wide design guidance would be supplemented by more locally specific guidance based on ‘area types’. The typologies suggested include ‘urban neighbourhoods’, ‘inner suburbs’, ‘outer suburb’, ‘villages’ etc. It is noted that in a diverse urban/semi-urban authority such as Richmond, rather than being homogenous groupings,

these ‘area types’ would include a wide variety of neighbourhoods that each have their own characters, both in terms of design and the built form. They each have different strengths and challenges, and present different opportunities for new development and require different design responses. These aspects of a diverse borough are not necessarily adequately captured through the draft NMDC at present.

- The NMDC does not include a section that directly addresses climate change, though it does make reference to methods that will assist in ensuring that development contributes towards addressing the climate change emergency, such as by sustainable construction and energy use. Given the significance of the climate change emergency, which is considered to be the biggest challenge facing the built environment, this should be given a much greater emphasis.
- In addition, there are some issues that we consider central to the design agenda that the NMDC does not identify as being essential requirements to address through design codes / guidance, such as space standards, accessibility, light aspect and privacy, security, gardens and balconies as well as energy efficiency and climate change aspects such as the use of sustainable drainage systems and microclimate-based design. Whilst it is suggested that these ‘may’ be covered elsewhere (and in Richmond’s instance these matters are covered in the Local Plan), it is considered that these factors should be factored in at an early design stage and therefore also addressed through codes / guidance.
- Design Codes at local levels should be developed with a thorough strategic understanding of the opportunities, considerations, and constraints. The historic built environment and local heritage must be understood as part of the key evidence base by which design codes emerge, and this should include non-designated heritage assets, which should be assessed and recorded through the production of local lists. There is a danger that without the production of local lists, design codes could suggest solutions that cannot be realised once the significance of an area is more thoroughly understood, or which inadvertently result in the loss of significance by the loss of historic features or buildings. Therefore, it is recommended that this aspect is featured more clearly in the final version of the NMDC.

### **Comments on the application and use of guidance:**

- A key challenge in implementing the area type-based approach to design guidance will be determining how discrete can or should the area types defined be, and how many different typologies should be identified. This is likely to need to take into account both the diverse nature of boroughs such as Richmond, the priority associated with high quality design and the need for robust NMDC compliant guidance, as well as workload pressures and resourcing requirements. It is also recognised that good design guidance is important, but it cannot alone solve all the challenges related to actually achieving good design, and that there needs to be a ‘whole-place’ approach to planning, design, funding and delivery.
- We therefore question how a design code model could actually work in a wider context as suggested by government, such as borough-wide applications. It is very unlikely, if not impossible, to formulate a code document that will successfully address the different urban contexts contained within an entire borough. It then becomes necessary to create more localised and sometimes site-specific codes, which require the investment of time and resources perhaps not readily available. Overall, there needs to be a balance between standardisation and distinctiveness. By creating codes that cover large areas

we are running the risk of limiting the opportunity for different and distinct development and therefore innovation.

- It is also not clear how design guidance or a design code would sit alongside Conservation Area Appraisals and Management Plans. It could create duplication if a design code also covers designated conservation areas. In a borough like Richmond, with 85 designated conservation areas which cover large parts of the borough, including parts of town centres where future growth is envisaged, it is not entirely clear at this stage for which areas design codes should be prioritised.
- Local design codes need to be properly tested by local authorities and/or an independent body with sufficient expertise; more guidance would be welcomed in this regard. It is good practice to commission an independent body to design for worst case scenarios in using the design code. In this way the testing can help to refine the design codes. During implementation there needs to be monitoring of the application of the design codes. Questions need to be asked as to whether they are too flexible or inflexible; whether the codes should be mandatory or should some be discretionary; whether there is scope to revise them post approval etc. There is also a question about the enforceability of codes. These matters should be fully addressed by government prior to the publication of the final documents.
- The practicalities of implementing the recommendations of the NMDC and the wide-ranging, multi-faceted community engagement and consultation proposals all have very significant resourcing implications for local authorities. This is a key concern that needs to be addressed to ensure local authorities have both the resources as well as the skills in taking these proposals forward.
- It is important that a collaborative approach to the preparation of design codes is undertaken and identifies suitable skillsets, including urban design, landscape, ecology, heritage and community engagement and these are embedded within local authorities. There is a need for various disciplines to work together to achieve the best possible outcomes and public benefits; this is however very resource intensive. Support and advice from the government in relation to resourcing requirements is requested.

#### **Comments on community engagement:**

- Paragraph 14 of the NMDC identifies the need for communities to be involved at each stage of the process. This aims to address the aspiration to bring democracy forward in line with the ambition of the wider planning reforms suggested by the Planning for the Future White Paper.
- It is worth noting that design codes can be prepared by Local Authorities, Local Authorities in association with consultants, Local Authorities in association with developers/consultants, and by Neighbourhood Groups as part of a Neighbourhood Plan. For Local Authorities preparing a Design Code for part of their area, they will need to do so with the active engagement of stakeholders including the local community. For Local Authorities to embark on this process they need to have the resources and skills in place as the process is very resource intensive. Suitable in-house skills and capacity within local planning authorities to deliver on the aspirations of the codes are often not in place; however, they are needed to ensure that the public benefits promised are realised.
- Where a design code is prepared by a developer and their consultants, there should also be a requirement on them to actively involve the local authority and communities. This would help to reassure local authority officers and the community that the process

has actively sought out hard-to-reach and seldom-heard groups and that the process is transparent at each stage of decision taking.

- Consultation is proposed throughout the NMDC at the beginning of each of the three stages of producing a design code. This level and frequency of engagement is a significant undertaking to get right. For example, Richmond Council found producing a dozen Village Planning Guidance SPDs for the majority of the borough a very resource intensive programme over a period of a few years. A lot of resources went in to meaningfully engaging with residents so they felt they have had impact and input into it; this involved for example drop-in events, walkabouts in the local areas with residents etc.
- The aspiration is supported but appropriate skills and resources in engagement must be embedded in policy and design teams to make sure this is effective. It is recommended the government gives full consideration to this.
- The guidance sets out a range of well-established tools for engaging with local communities. The use of Placecheck can be carried out using mobile technology to inform and interrogate the character of places. Similarly, urban design charrettes have moved into the digital age and can often reach a wider number of people. Even break out rooms on Teams and Zoom can be used for smaller discussion groups to feed into the wider online event. A combination of traditional and digital methodologies may be appropriate.
- The guidance is helpful in setting out a range of community engagement techniques. It is important to tailor community engagement to seek to obtain the views of hard-to-reach / seldom-heard groups. These may be engendered through using trusted intermediary contacts, community opinion influencers who may be able to help design a more effective engagement and taking events to places where people meet that may be more accessible for them. The events need to be properly structured at each stage of the design code process.
- It is noted that government is due to set up a central “Office for Place” to help communities develop design codes. It is recommended that community engagement and consultation specialists are also embedded within the proposed Office for Place to develop guidance holistically across the Local Plan process. This should include masterplanning and design coding steps to support local authorities in planning effective targeted engagement at each stage that is clear and easy to understand for the public.
- The practicalities of implementing the recommendations of the NMDC and the wide ranging, multi-faceted community engagement and consultation proposals all have significant resourcing implications for local authorities. The national aspiration of the NMDC is supported at a local level, but in order for local authorities to deliver on these aspirations the government should ensure that local planning authorities are sufficiently resourced with suitable skillsets in order to meet the expectations being set out for them.
- Overall, the shift in emphasis to frontloading the design process, i.e. to Local Plan and Design Code stages rather than the planning application stage, will require considerable resourcing to raise public awareness and understanding of design codes in general. As set out in our response to the proposed changes to Chapter 12 of the NPPF, in practice it can be very difficult to genuinely engage communities in higher-level plans or guidance documents compared to site-specific proposals (e.g. those to be assessed and consulted on as part of a planning application). The design coding process would therefore require a fundamental shift change in how communities engage with local planning authorities, and government needs to take the lead to communicate this shift in emphasis to

involvement early on in the process. This will be necessary to ensure local communities are willing to and can engage meaningfully in the formulation of design codes.

- There is also a risk that both local authorities and communities will question the value of design codes if this only applies to new development that requires planning permission, and therefore a significant amount of change including new development could take place under PD Rights where a design code would not apply, and in turn local communities will not see the outcomes they are expecting following a lengthy engagement process on a design code. It is therefore important that where design codes have been produced by local authorities in consultation with local communities that these also apply to developments carried out under PD Rights.

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

No comments