

# RTPI response to the MHCLG consultation on the National Planning Policy Framework and National Model Design Code

*March 2021*

## About the RTPI

The RTPI champions the power of planning in creating prosperous places and vibrant communities. As a learned society, we use our expertise and research to bring evidence and thought leadership to shape planning policies and thinking. As a professional body, we have over 25,000 members across all sectors, and are responsible for setting formal standards for planning practice and education.

This is the RTPI's response to the Ministry of Housing, Communities and Local Government consultation on the [National Planning Policy Framework and National Model Design Code](#).

The consultation seeks views on draft revisions to the National Planning Policy Framework (NPPF). The text has been revised in several areas covering sustainable development, plan-making, housing, transport, flood risk, the natural and historic environments, Article 4 Directions and minerals planning, in addition to design quality. This consultation also seeks views on the draft National Model Design Code (NMDC), which provides detailed guidance on the production of local design codes, guides and policies to promote successful design.

## General comments

### National Planning Policy Framework

**Quality design:** We are pleased that the government has listened and made proposals to strengthen the NPPF to empower Local Planning Authorities (LPAs) to reject poor design and drive up quality. People have blamed local authority planners for poor design for too long, Planners in council practice do not generally design buildings and up until now have had few powers to reject development on the grounds of poor design.

A survey in 2020 revealed 88% of our members wanted greater powers to reject poor design but lacked the policy support and resources to do so. Our underlying approach is to focus on how the profession can support delivery of quality design while recognising that enhanced support on skills and capacity is critical to delivery.

**Capacity:** Our survey also found that 61% of planners have the skills, knowledge and experience to focus on design quality, but that there was insufficient resource in local authorities

to enable these skills to be fully deployed.. In our submission to the Comprehensive Spending Review, the RTPI asked for £81m over four years for a Design Quality Fund<sup>1</sup>.

**Sustainable Development Goals (SDGs):** We strongly welcome the addition of the references to the 17 SDGs in the NPPF. However, we recommend that the Government go further and introduce a dedicated sustainability performance framework for England. This could be based on emerging approaches in the UK nations reviewed in the RTPI research *Measuring What Matters: Planning Outcomes Research*<sup>2</sup>.

**Article 4:** The proposed restrictions on the use of Article 4 directions are deeply concerning principally because they would make it harder for Local Planning Authorities (LPAs) to reject poorly designed housing schemes in inappropriate buildings.

The class E PDR proposal as it stands would irrevocably damage the high street by turning essential shops and services to “dead” residential frontages. Active frontages on our high streets are safer and provide much needed local amenities necessary to cater for an increase in working from home<sup>3</sup>. We need to ensure economic capacity post pandemic, not stifle it by allowing landlords to change shops to housing and restrict LPAs from being able to make the right judgement for their areas. Furthermore, Permitted Development (PD) rights directly contradict beauty and design. We recommend that all development be considered in a joined-up approach, not in isolated consultation papers and proposals.

**Local character and design preferences:** We are concerned that the requirement in the National Model Design Guide and NMDC that LPAs should prepare codes and guides, which reflect local character and design preferences, could jeopardise necessary growth. Local preference should not be used to resist increased density where growth has been previously approved through the local plan process and particularly where schemes have made all reasonable efforts to respond to local context and deliver quality design.

**Affordable housing:** There is a high risk that stipulating that 10% of ALL homes in a plan should be solely for affordable home ownership would introduce unwelcome inflexibility and reduce the ability of local plans to meet housing need. Post Brexit and post pandemic is not the time for stipulating a blanket 10% for all local plans to have affordable housing, with the impact of these major events on housing need unclear. Delivery of affordable housing is critical however there is also a need to allow LPAs to judge for themselves the right mix for their area.

**Climate change:** We need an overarching framework for securing economic recovery post Covid-19, delivering housing numbers and building beautiful. Action on carbon reduction should be the first amongst equals in the planning process. Specific additional text is needed in chapter 2 of the NPPF to provide clarity on the importance of climate change within the context of sustainable development, and to explicitly set the 2008 Climate Change Act at the centre of the planning system. National policy should also out a carbon reductions delivery test to ensure that all local authorities are accountable for any failure to achieve carbon reductions in new development the same way they are accountable for a failure to deliver housing targets.

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<sup>1</sup> RTPI (2020) [Summary of the RTPI submission to the Comprehensive Spending Review](#)

<sup>2</sup> RTPI (2020) [Measuring What Matters: Planning Outcomes Research](#)

<sup>3</sup> RTPI (2021) [RTPI response to supporting housing delivery and public service infrastructure consultation](#)

**Annex 1 on Implementation:** Removing the Housing Delivery Test transitional arrangements makes sense because these are now outdated. However, we maintain our view that the Test is generally setting up local authorities to fail, as they are only responsible for permissions not completions<sup>4</sup>.

**Timing and scope:** We understand the main purpose for this consultation is to implement the recommendations of the Building Better Building Beautiful Commission and to introduce the National Model Design Code. However, we question the timing and limited scope of this consultation and suggest it would be better to consult on one comprehensive update alongside or after a new Planning Act has been legislated for. Another benefit to this approach would be that an updated NPPF could then factor in the Transport Decarbonisation Plan that has been published with the implications that will have for design matters.

### **The National Model Design Code**

The National Model Design Code (NMDC) and guidance notes are broadly encouraging although sufficient emphasis is not provided on the urgent need to address climate change. Further details are also needed on energy, accessibility and transport matters.

**The announcement of pilots:** We welcome these as a pragmatic approach to identify and provide potential solutions for practical issues such as skills, capacity and in areas of marginal viability.

**Resources:** Delivery will require substantial investment in skills and resources into our planning system. Our submission to the 2020 Comprehensive Spending Review analysed the fiscal situation facing LPA's today, and showed that the planning.

**A multi-disciplinary approach:** This will be essential to delivering quality design outcomes with a need for planners, architects, developers, and communities to collaborate on delivery. The pilot programmes should help to identify how these relationships will work in practice. It will be particularly helpful for the pilots to develop a real-world understanding of how the relationship with highways departments works with the application of codes.

**Permitted Development Rights:** The juxtaposition of increasing use of PD Rights with proposals to introduce rigorous design standards is an uneasy contrast and risks creating a two-tier system. We continue to raise strong concerns with the expansion of PD rights, most recently in our consultation response to supporting housing delivery and public service infrastructure<sup>5</sup>.

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<sup>4</sup> RTPI (2018) [RTPI response to the revised draft National Planning Policy Framework consultation](#)

<sup>5</sup> RTPI (2021) [RTPI response to MHCLG Supporting housing delivery and public service infrastructure consultation](#)

## Chapter 2: Achieving sustainable development

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

#### Section 2 - Achieving sustainable development

We strongly welcome the addition of the references to the 17 Sustainable Development Goals (SDGs), which was adopted through the 2030 Agenda for Sustainable Development by all United Nations Member states in 2015. In the RTPI's response to the 2018 revisions to the NPPF, we highlighted the need for this addition, as an important step following the UK Government signing up to the blueprint in 2015<sup>6</sup>.

However, contrary to the high-level definition of sustainability in UN Resolution 42/187 already referenced in the NPPF, the SDGs have specific measurable targets. We would prefer to see explicit reference made to these targets and a clear indication of how the planning system adheres to them. Particularly, albeit not exclusively, to those sitting under SDG11 – Sustainable Cities and Communities.

The RTPI Measuring What Matters: Planning Outcomes Research aims to better measure and demonstrate the value of planning and how it helps create sustainable and successful places<sup>7</sup>. The project looks beyond process driven measurements, such as speed of processing applications and number of houses built, towards a more holistic approach, assessing planning in terms of placemaking aspirations and social, economic and environmental value, in order to track and improve the impact of planning. The project has culminated in the development of a report and series of practical toolkits, which can be adapted by local planning authorities across the UK and Ireland to improve their outcome measurement.

The research made early and clear links between planning, measuring outcomes and SDG's, which provide a "*higher level anchor*" in the research's "*common toolkit*". The research report, recommended the '*development of measures and indicators that connect planning to each of the national performance placemaking outcomes and the UN SDGs*' in the jurisdictions.

The SDGs do not only encourage sustainability policy at a local authority level but also commit the UK to national monitoring of progress towards their achievement. Our research builds on steps taken across the nations to improve on how planning performance is measured in terms of outcomes on the ground - Project Ireland 2040: NPF<sup>8</sup>, the Well-being of Future Generations Act (Wales)<sup>9</sup> and Scottish Government's National Performance Framework<sup>10</sup> are seeking to align actions against the SDGs.

We would therefore like to see a triple action approach to delivering on these recommendations in England:

- A dedicated sustainability performance framework for England, see emerging approaches in the UK nations reviewed in the RTPI research Measuring What Matters: Planning Outcomes Research

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<sup>6</sup> RTPI (2018) [RTPI response to the revised draft National Planning Policy Framework](#)

<sup>7</sup> RTPI (2020) [Measuring What Matters: Planning Outcomes Research](#)

<sup>8</sup> Government of Ireland. [Project Ireland 2040 National Planning Framework, P. 19](#)

<sup>9</sup> [Well-being of Future Generations \(Wales\) Act 2015](#)

<sup>10</sup> Scottish Government [National Performance Framework](#)

- A commitment to include the resources, upskilling, monitoring and compliance of Local Plan policy against the SDGs. This should be supported with guidance on how local authorities can monitor and evaluate Local Plans against the SDG's.
- We encourage MHCLG to coordinate efforts with other parts of Government so that planning can measurably contribute to the UK commitment towards the SDGs.

#### Paragraph 11a - The presumption in favour of sustainable development

The Climate Change Committee's recommended pathway to net zero requires a 78% reduction in UK territorial emissions between 1990 and 2035<sup>11</sup>. This moves the target into the forward planning horizon of a local plan. If this generation of plans and guidance do not contribute towards delivery of this target, achieving the necessary reductions will become increasingly challenging.

We therefore welcome the proposed amendment to this paragraph. This sends a strong and important signal that development of plans needs to be considered in the context of the Government's legal duty to reduce emissions to net zero by 2050, and the critical role of planning in promoting a pattern of development, which is compatible with this objective.

To provide additional clarity on this important paragraph, we recommend the following amendments:

- "All plans should **actively achieve** a sustainable pattern **and form** of development..."
- Linking the word 'mitigate' to a footnote that makes reference to the amended Climate Change Act and the Paris Agreement
- Emphasising the importance of accessible locations
- Specific additional text is needed provide clarity on the importance of climate change within the context of sustainable development, and to explicitly set the 2008 Climate Change Act at the centre of the planning system.

To support this revised policy, we recommend that government update planning guidance as a matter of urgency, to clarify how patterns and forms of development can mitigate climate change at the scale and pace required. For reference, modelling by the Tyndall Centre shows that local authorities should achieve an average 12-14% annual reduction in emissions in order to achieve a local carbon budget aligned to the Paris Agreement commitments, and the RTPI has evidence on what this might look like<sup>12</sup>. Policy and guidance should also emphasise the relationship between sustainable patterns of development at a local/strategic scale.

The references on the need for plan making to align growth and infrastructure are encouraging. However, delivering this objective will require complementary actions, which go beyond the current policy revisions and the scope of the Planning White Paper. Barriers and solutions have been documented in research by the RTPI and others<sup>13</sup>.

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<sup>11</sup> Climate Change Committee (2020) [Sixth carbon budget](#).

<sup>12</sup> RTPI (2021) [Net Zero Transport: the role of spatial planning and place-based solutions](#)  
RTPI (2018) [Settlement Patterns, Urban Form and Sustainability](#)

<sup>13</sup> RTPI (2019) [A Smarter Approach to Infrastructure Planning](#)

RTPI (2020) [Planning for critical infrastructure in London](#)



With the scale of climate emergency, it is disappointing that further details are not provided on either the legal duty to reduce emissions to net zero by 2050 or on local energy standards following the Government's recent response to the Future Homes Standard consultation<sup>14</sup>. We therefore recommend that the NPPF clarify that local authorities are able to set local energy efficiency standards and for this be inserted into the extant paragraph 150(b). Supporting practice guidance on this would also be helpful for LPAs. Furthermore, issues such as conservation covenants and other mechanisms for nature recovery carried over from the Environment Bill.

#### Paragraph 20b – Strategic Policies

It is important to note that transport covers more than just infrastructure. We recommend that recognition of the need for provision of non-infrastructure such as sustainable transport services be added e.g. bus services should be added to this paragraph.

## Chapter 3: Plan-making

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

#### Paragraph 22 - Strategic policies

We broadly support the addition of the 30 year timeline for new settlements or major urban extensions, recognising that these types of development require longer timeframes. However, further details are required to address the challenges of political change and delivery including how the allocation would operate alongside the 5 Year Housing Land Supply.

Crucially however, clarity regarding the circumstances under which the policy requirement would be expected to apply will be needed. As such, we would welcome a commitment to other mechanisms of delivery in the NPPF e.g. Development Consent Orders and changes to the Planning Act 2008.

#### Paragraph 24 to 27 - Maintaining effective cooperation

We note that the Duty to Cooperate (DtC) remains for the time being and recognise the policies here are likely to be subject to change in the next NPPF review following the Government's response to the Planning White Paper consultation. Strong collaboration across local government structures will be essential in any future replacement for the DtC. The RTPI recently published proposals on Green Growth Boards to deliver joined-up strategies for climate action, infrastructure, housing provision, health and nature recovery<sup>15</sup>.

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CIHT (2019) [Better Planning, Better Transport, Better Places](#)

RTPI (2021) [Net Zero Transport: the role of spatial planning and place-based solutions](#)

RTPI (2020) [RTPI response to the Planning White Paper](#) see section 3 on Green Growth Boards

<sup>14</sup> MHCLG (2021) [Government response to the Future Homes Standard: changes to Part L and Part F of the Building Regulations for new dwellings](#)

<sup>15</sup> RTPI (2021) [Planning for a better future: RTPI proposals for planning reform in England](#)

More broadly, quality design principles should apply to all place-making and two-tier authority areas through county councils have a significant role to play in delivering 'good growth' in terms of infrastructure delivery, especially sustainable transport.

#### Proposed paragraph 35(d) – Examining Plans

We would be interested to know what problem this change is intended to solve.

## Chapter 4: Decision making

### Q3. Do you agree with the changes proposed in Chapter 4? Which option relating to change of use to residential do you prefer and why?

#### Tailoring planning controls to local circumstances, proposed paragraph 53

No, we do not agree with the proposed options for the use of Article 4 directions to remove national Permitted Development (PD) rights, which are unsatisfactory. Increasing the threshold for the issuing of Article 4 directions for PD to Residential from 'local amenity/wellbeing' to 'wholly unacceptable impact/interest national importance' is inappropriate. We recognise that this could create a short-term boost to housing supply, however it would also make it harder for LPAs to reject poorly designed housing schemes in inappropriate buildings.

- **Proposed first bullet point:** We are concerned at how the term '*wholly unacceptable*' would be defined with such matters most appropriately assessed through a planning application.
- **Proposed second bullet point:** It would be helpful to define what '*to protect an interest of national significance*' means and whether, for example, it includes settings of world heritage site and zone 1 London CAZ areas. Many uses that are of regional and local importance to the economy and society allow LPAs to meet the needs identified in their Local Plans.
- **Proposed bullet point 3:** We question the justification for this proposed change is
- **Proposed bullet 4:** We are concerned that the statement that Article 4 directions should '*in all cases apply to the smallest geographical area possible*' could be open to interpretation and it would be more helpful to state whether the area is Borough or whole authority wide.

We have regularly outlined our concerns regarding the expansion of PD rights<sup>16</sup>. Many local authorities have already 'made' or 'confirmed' (after a 1-year grace period) Article 4 Directions for office to residential, light industrial to residential. We have recommended that Government allow these to be extended and continue as a transitional provision in these new PD rights<sup>17</sup>

It is unclear what "*wholly unacceptable*" means with such matters most appropriately assessed through a planning application. The term "*national significance*" is simply too high a bar to set.

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<sup>16</sup> RTPI (2019) [RTPI response to MHCLG consultation on 'Planning reform: supporting the high street and increasing the delivery of new homes'](#)

<sup>17</sup> RTPI (2021) [RTPI response to MHCLG Supporting housing delivery and public service infrastructure consultation](#)

There are many uses that are of regional and local importance to the economy and society that allow LPAs to meet the needs identified in their Local Plans.

Furthermore the proposed text does 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 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. This risks becoming confusing and inconsistent. The current unprecedented expansion of PD rights requires that LPAs retain some local controls; this is critical important because the impact of the wide range of new PD rights that have been introduced is not yet clear.

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

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

#### Delivering a sufficient supply of homes, proposed Paragraph 65

We are gravely concerned that by stipulating that 10% of ALL homes in a plan should be solely for affordable home ownership would introduce unwelcome inflexibility and reduce the ability of local plans to meet housing need as it should be assessed in the local plan evidence base. In particular due to the overreliance on developer contributions to generate affordable housing for rent (as opposed to other more suitable forms of funding) there is a risk that in parts of the country with low gross development value, no affordable housing for rent will be produced through the planning system at all.

#### Identifying land for homes, proposed paragraph 73

We welcome the addition that the supply of large numbers of new homes must include ‘a *genuine choice of transport modes*’ and it is encouraging to see the emphasis in bullet 73 c) on ‘*the quality of places to be created*’.

However, RTPI research<sup>18</sup> shows that stronger policy will be needed to ensure that development is compatible with legal obligations to reduce emissions from surface transport. The NPPF should set out how local plans or individual applications should measure and demonstrate how they are contributing to the delivery of net zero. This should include a focus on reducing the need to travel, through home-working, digital services and local living.

With these conditions in place, the planning system should then require that development achieve clear modal targets for active, public and shared transport, aiming for levels, which exceed current UK best practice scenarios. This will require the close and early integration of transport and land use planning, enabled by robust strategic planning arrangements. As with other principles of good planning, this will deliver wider co-benefits, for example around public health and productivity<sup>19</sup>.

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<sup>18</sup> RTPI (2021) **Net Zero Transport: the role of spatial planning and place-based solutions**

<sup>19</sup> RTPI (2018) **Settlement Patterns, Urban Form and Sustainability**



## Chapter 8: Promoting healthy and safe communities

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

#### Paragraph 92

We recommend changing the references to ‘*encouraging walking and cycling*’ to instead ‘*designing to enable walking and cycling*’ because ensuring the location and suitability of active travel infrastructure is critical to increasing uptake.

RTPI research on Enabling Healthy Placemaking<sup>20</sup> calls for greater levels of cooperation and collaboration between health, social care, and planning professionals to ensure people’s health needs are integrated into the conceptualisation, design and planning stages of new developments in the future.

#### Paragraph 93

We recommend that there should be a reference to the clustering of social, recreational and cultural facilities and on ensuring that appropriate housing densities are co-located. The benefits of the ‘15-minute neighbourhood’ have emerged strongly from recent RTPI research on net zero carbon<sup>21</sup> and the clustering of local facilities is central to achieving this.

## Chapter 9: Promoting sustainable transport

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

We recognise that MHCLG may be reluctant to update this Chapter until the Transport Decarbonisation Plan has been published. However, the lack of robust policy and guidance on sustainable transport risks undermining the positive changes proposed for Paragraph 11a, and the wider objectives of promoting good design. For example, Paragraph 104 remains limited to requiring ‘significant development’ to be ‘focused on locations which are or can be made sustainable’ rather than this being a core requirement of *all* development.

Similarly, much of the language in Paragraph 103 remains vague or weak, such as the requirement for “*opportunities to promote walking, cycling and public transport*” to be “*identified and pursued*”. This seems highly unlikely to deliver the government’s recently stated ambition for “half of all journeys in towns and cities to be walked or cycled by 2030<sup>22</sup>.”

Furthermore, the RTPI’s research on Net Zero Transport shows that radical changes are needed across the built environment to reduce emissions from surface transport at the scale and pace required to meet legal targets. This requires that all new development be carbon neutral or carbon positive in terms of transport emissions, and with integrated transport/land use strategies, which enable comprehensive measures to be enacted which reduce travel demand by promoting local living, and drive model shift to active, public and shared transport at levels, which exceed current UK benchmarks.

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<sup>20</sup> RTPI (2020) [Enabling Healthy Placemaking](#)

<sup>21</sup> RTPI (2021) [Net Zero Transport: the role of spatial planning and place-based solutions](#)

<sup>22</sup> [House of Commons Transport Select Committee meeting 3 February 2021](#)

#### Paragraph 104

We recommend amending this paragraph to make it consistent with paragraph 73, which refers to a genuine choice of transport modes.

#### Paragraph 105d

Beyond providing for walking and cycling networks, the need for adequate facilities for bus services should also be added to this paragraph. This could affect the design of the development e.g. having roads wide enough for buses and limited on-street parking and ensuring fit for purpose bus stops linked to the walking network.

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

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

No answer proposed for this section.

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

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

##### Proposed paragraph 126

We recommend an addition to the text here to ensure that neighbourhood plans also have a role in the provision for sustainable transport through walking, cycling and public transport.

##### Proposed paragraph 127

We are concerned that the requirement in the National Model Design Guide and NMDC that LPAs should prepare codes and guides which reflect local character and design preferences could jeopardise necessary growth. Local preference should not be used to resist increased density where growth has been previously approved through the local plan process and particularly where schemes have made all reasonable efforts to respond to local context and deliver quality design.

##### Proposed paragraph 128

It will be important for the LPA to decide how and when to prepare design codes and guides based on the resources available to them

##### Proposed paragraph 130

This is a largely positive addition and broadly echoes our response to the DEFRA consultation on the England Tree Strategy on the need to focus on delivering the '*right tree in the right place*'<sup>23</sup>. It is encouraging to see the policy support for tree-lined streets for the contribution they

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<sup>23</sup> RTPI (2020) [RTPI response to DEFRA England Tree Strategy consultation](#)

can make greening and addressing the climate change agenda. Our #ReTreeFit campaign has been launched to ensure everyone can benefit from ‘aesthetic joys, and environmental and wellbeing bonus’ of trees<sup>24</sup>.

A recent RTPI survey found that planners overwhelmingly support a nationwide push for tree planting in both new developments and existing communities<sup>25</sup>. 96% of respondents said that trees are important to their work in creating healthy, attractive, environmentally and climatically sustainable places. Our Plan The World We Need report highlighted the importance of access to green spaces and the climate and ecological crisis; it is clear that the role of trees is central to meeting these challenges. It must be recognised that trees are not the only criteria for determining whether a place is well designed or appropriate to context.

Addressing the following issues would help to deliver on the Government’s objectives:

- The role that highways departments have in supporting delivery of tree-lined streets will require appropriate consideration and specifically the custom and practice that has been produced by the Highways Act 1980. The announcement that Manual for Streets will be revised is welcomed and we look forward to seeing the updated guidance and how that supports delivery of the strategy.
- Clarifying the practical advantages to considering trees early in the planning process alongside providing clear definitions of the terms ‘street’ and ‘tree-lined’ would be helpful.
- The benefits of planting hedges or a combination of trees with hedges should be recognised in addition to roadside trees in order to most effectively reduce pollution exposure from cars in near-road environments<sup>26</sup>.
- Creating space for trees may require some road space reallocation from motor vehicles to ensure there is enough safe pavement space for all users, including those with wheelchairs, pushchairs etc. This should be seen as part of a wider reallocation of road space from motor vehicles to more active travel modes such as walking and cycling, and in the context of the Transport Decarbonisation Plan.
- Canopy cover: particularly in relation to the design codes documents, the code/guidance is weak on encouraging innovative thinking on trees, pigeonholing trees to simply just be on streets. The starting point on trees should be about setting targets to increase canopy cover (to address climate emergency), through retention of existing trees and planting new ones.
- Either the wording of the NPPF or supplementary guidance in the PPG should refer to the importance of selecting the right species. Certain pests and diseases are becoming widespread across parts of the South East of England (e.g. Oak Precessionary Moth or Ash dieback) and where qualified arborists are not employed in-house, it is important that planners are signposted to this sort of consideration
- There will be a need to support planners and developers so that trees can survive and thrive especially in a changing climate. This should also include more emphasis on the management of trees and ensuring they receive adequate water.

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<sup>24</sup> RTPI (2021) [The Right Tree in the Right Place](#)

<sup>25</sup> RTPI (2021) [RTPI Tree survey](#)

<sup>26</sup> University of Surrey (2019) [Plant hedges to combat near-road pollution exposure](#)

### Proposed paragraph 133

This is a welcome addition; we have previously set out how it can often be hard for an LPA to refuse a scheme only on the grounds of bad design. Raising the requirement from ‘refusal of poor design’ to ‘refusal of anything not well-designed’ is a coherent and practicable way of improving design standards. Importantly this must not mean that schemes that have made all reasonable efforts to respond to local context and to deliver quality design being refused without sufficient justification.

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

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

No answer proposed for this section.

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

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

#### Proposed paragraph 151

Smart energy and climate change should have equal status with the provision of housing, transport and economic growth in national policy, and enable LPAs to take appropriate action, including by setting targets, which go beyond national standards<sup>27</sup>. Policy should set clear metrics for carbon accounting, monitoring and reporting by Local Plans.

Government needs to demonstrate clearly that it is serious about using the planning system to secure “*radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience*”. Currently this is hard to believe: the emphasis on housing delivery above almost all else, and all that has followed from that including short-term considerations about viability (rather than costs to occupiers over a building’s lifetime / to the public purse). There is no implementation architecture on climate change to match that on housing delivery, no testing by the Planning Inspectorate of the soundness of plans on climate change and few supportive appeal decisions. This needs to change.

To do this we need an overarching framework for securing economic recovery post Covid-19, delivering housing numbers and building beautiful. Action on carbon reduction should be the first amongst equals in the planning process. National policy should set out a carbon reductions delivery test to ensure that all local authorities are accountable for any failure to achieve carbon reductions in new development the same way they are accountable for a failure to deliver housing targets. In short, it should be accepted that only development, which is fit to take its place in a net-zero emissions future in a changing climate should be permitted.

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<sup>27</sup> RTPI (2019) **Planning for a smart energy future**

### Planning and flood risk, proposed paragraph 160

We encourage MHCLG to publish as soon as possible their assessment of “*whether current protections in the NPPF are enough and consider options for further reform, which will inform our wider ambitions for a new planning system*”<sup>28</sup>. This is necessary to understand what further changes may be required to the NPPF.

It is unclear how the sequential test could be applied to surface water or reservoirs for example in the absence of government guidance. We question whether MHCLG are happy to see new development in currently defended areas (risk) as opposed to steering to locations with the lowest probability.

We are encouraged by the focus on natural flood management techniques such as green infrastructure and Sustainable Drainage Systems (SuDs). These have the added benefit of contributing to improving biodiversity, reducing erosion, reducing urban heat islands, improving water quality, contributing to health and well-being and offering opportunities for learning and engagement from the local community. However, only 3 per cent of authorities reported receiving adequate information to appropriately assess a planning application for SuDs highlighting the skills gap within the development industry around natural flood management<sup>29</sup>.

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

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

#### Paragraph 175 and 176<sup>30</sup>

We strongly support the addition to paragraph 175 that any development within the setting of national parks and other designated areas should be sensitively located and designed to avoid adverse impacts on the designated landscapes. National parks do not exist in isolation and have important functional relationships with their surroundings, for example, views in and out of these diverse and inspirational landscapes contribute to their special qualities. Development within the setting of a national park should be consistent with its purposes in line with the duty set out in Section 62 of the Environment Act 1995. This requires all relevant authorities including neighbouring local planning authorities to have regard to these purposes. It would be useful to cite this duty in a footnote to paragraph 175.

We understand that the matter of considering whether development in a national park is major or not is primarily for the development management stage. However, in order to ensure that an allocation is deliverable it is necessary to consider at a high level during the plan making stage whether a development proposal within a designated landscape is major or not and if it is whether it could meet the policy tests set in the NPPF. This is the approach taken by the South

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<sup>28</sup> MHCLG (2020) **Planning for the future**

<sup>29</sup> Landscape Institute and the Construction Industry Council (CIC), Flood Mitigation and Resilience Panel (2019) **Achieving Sustainable Drainage: A review of delivery by Lead Local Authorities**

<sup>30</sup> Points on paragraphs 175 and 176 were omitted in error and added to the response immediately following closure of the consultation and submitted to MHCLG



Downs National Park Authority when preparing the Single Issue Soft Sand Review of the West Sussex Joint Minerals Local Plan and was found sound at a recent examination. This approach follows on from the recent High Court judgment in R (Advearse) v. Dorset Council (Case No: CO/2277/2019) in which paragraph 46 sets out the successive stages for the consideration and implementation of policies in the NPPF.

Habitats and biodiversity, proposed paragraph 179d

We are encouraged by the additions here to ensure that biodiversity is an integral part of design for developments alongside the requirement for development to enhance public access to nature.

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

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

Proposals affecting heritage assets, proposed paragraph 197

It is important to recognise that a robust planning process already exists for considering the removal or erection of statues and other historical monuments. We are concerned that the proposed NPPF text could lead to planning decisions that undermine community engagement if LPAs are required to judge what historical monuments are acceptable or unacceptable – this process should at least be initiated outside of the pure ‘planning’ LPA process.

This proposal requires detailed consideration to avoid unintended consequences and reinforcement of inequalities. It is important to recognise that a robust planning process already exists for considering the removal or erection of statues and other historical monuments.

We therefore recommend that the NPPF text be revised to factor in the following:

- Decisions on removal or retention should be made locally in line with the views expressed by communities as part of local engagement exercises and then be delivered through the existing planning process.
- Through the local engagement exercises, the impacts of potentially of retaining a heritage asset – which may be having a negative impact on particular communities should also be considered against the potential benefit of removing or moving the heritage asset.
- We would also welcome a positive statement of the need to ensure historic, current and future diversity is reflected in the public realm.

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

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

Yes.

Paragraph 209

We agree with the addition of mineral consultation areas to this paragraph.

## Annex 2: Glossary

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

**Green Infrastructure** – We recommend this entry be renamed to ‘Green and Blue infrastructure’ to reflect the important role of river and canal corridors.

**Mineral consultation Area** – we agree with the definition provided, however consultation on all non-mineral applications is unduly onerous on all parties concerned. We recommend instead that matters such as the proximity, scale and type of non-mineral development should be the principal factors for deciding whether consultation with the Mineral Planning Authority is necessary.

**Recycled aggregates** – further consideration needs to be given to this definition because not all construction waste meets a certain specification and not all waste is therefore suitable for recycling.

## National Model Design Code

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

We support a greater role for national and local design codes, which can improve the quality and sustainability of new development by supporting early engagement and the flow of information between local authorities, developers and infrastructure providers. In order for the code to deliver positive outcomes under a new planning system as outlined in the Planning White Paper, it will also need to include reference to matters beyond design such as meeting economic, social, environmental and health objectives in the future. Flexibility will be critical and codes should not be so prescriptive as to stifle professional design expertise and innovation particularly in response to climate change, future pandemics or technological changes. We recommend a twin track approach to making sure design codes are not too prescriptive in order to prevent future excellence in design. A principle of ‘comply or justify’ should be embedded within codes, and justification for deviation in the future can be judged by Design Review Panels or appropriately trained Urban Design officers within LPAs.

Although guidance on design matters is much welcomed, there will be three lengthy pieces of guidance (National Design Guide, National Model Design Code and Guidance Notes for Design Codes in circulation). We therefore recommend that Government work to ensure concise guidance documents wherever possible.

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

#### a) the content of the guidance

The National Model Design Code (NMDC) and guidance notes are broadly encouraging as is the announcement of pilots as a pragmatic approach to identify and provide potential solutions for practical issues such as skills, capacity and in areas of marginal viability. It will be particularly helpful for the pilots to develop a real-world understanding of how the relationship with highways departments works with the application of codes.

However, meeting the Government's target of net zero by 2050 and staying at that level requires proactive planning in how buildings are warmed and cooled, and how we travel. Climate change should be the focus in placemaking. The NMDC and guidance notes could be stronger in outlining how the built environment can meet challenges. The illustrative layouts are also standard and not reflective of modern day practices. We are concerned that they risk reinforcing outdated estate layouts, which put cars and roads as the dominant feature.

#### Paragraph 27, Content

RTPI research found that smart energy must not be seen as a bolt on extra to placemaking or the preserve of a few specialists<sup>31</sup>. Smart energy should be central to planning: for new homes, jobs, transport and infrastructure, including how people access services. It can support clean growth, mitigate climate change and meet the Government's net zero target. We therefore suggest that addressing energy challenges and climate change be integrated with the list at paragraph 27 of the NMDC for what all design codes should achieve as a minimum.

#### Accessibility

The NMDC starts to pull together the necessary changes for making the built environment more accessible to all, and assist in enhancing wellbeing, however further details are needed. For example, we would welcome guidance on the importance of materials and how these can impact on legibility and design, movement.

#### Paragraph 203

The Guidance Notes for Design Codes should also be rephrased on page 79 where it states, "These (*energy efficiency*) requirements *need to be balanced* against other design code considerations". We recommend instead rephrasing this sentence to "*integrating these requirements*" and deleting '*balanced against*'.

#### Transport

As we describe in Q6, RTPI research has provided robust evidence on the changes needed to reduce emissions from surface transport<sup>32</sup>. In practice, this will require a far greater proportion of new developments to be car-free, or to have much stronger restrictions on private vehicle ownership, parking and movement than under current practice.

With that in mind, the section on 'Movement' in the Code and accompanying guidance should be expanded to provide clear examples of what this level of ambition means for the design of buildings, streets and neighbourhoods, drawing on exemplars from Europe which have achieved high levels of accessibility by walking, cycling and public transport use. This will require integration with the updated Manual for Streets, and should incorporate relevant recommendations from the upcoming Transport Decarbonisation Plan. The NMDC could also be more ambitious in the guidance on cycling, parking and Low Traffic Neighbourhoods.

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<sup>31</sup> RTPI (2019) **Planning for a Smart Energy Future**

<sup>32</sup> RTPI (2021) **Net Zero Transport: the role of spatial planning and place-based solutions**

## b) the application and use of the guidance

### Scale

The scale at which design codes be produced and level of detail they provide will vary according to local and regional circumstances. There is a pressing need to fill the void in governance for strategic planning. The design process begins when we make decisions about which land to allocate and what it will be used for, coding can support delivery of quality design but cannot inform decisions on land use. The NMDC appears to be largely urban orientated and does not appear to address design at the village scale.

Area wide codes could be prepared relatively quickly and set a broad framework for development that LPAs could enhance with their relationship with the development community, statutory consultees and Neighbourhood Planning groups. Our response to the Planning White Paper recommended the use of site-specific design codes followed by design review<sup>33</sup>. We noted how there is a need for a site-specific creative process that only site-specific codes can deliver.

#### Paragraph 23, Coverage

Existing sites must also be considered with the retrofitting of existing homes one of the biggest challenges for achieving net zero emissions. We have recommended a national retrofit programme. Furthermore, we recommend that planning applications to alter existing places should take into account the relevant design code.

### Status

The weight that LPAs can attach to design codes and to what extent it provides support for refusing a scheme on the grounds of bad design will be critical elements in how effective design codes are. The NMDC states “*national [design code] documents should also be used to guide decisions on applications in the absence of locally-produced guides or codes*”. Clarification will be necessary on whether Local Authorities will need to place too much resource into preparing local design codes / guidance if the NMDC can be used instead.

### Quality Assurance

**Design review panels:** The guidance notes outline a range of possible community engagement tools and techniques of which design review panels are highlighted as one. We are keen to emphasise the important role that such panels should play in the delivery of high quality design.

These panels should be mandatory and act as the key mechanism, with every LPA required to have one whose role it is to monitor the delivery of projects through both formative reviews on design proposals and summative reviews on schemes as they are delivered. Design review panels are most effective when acting as a critical friend for councillors and as a bottom up consultative route for the community.

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<sup>33</sup> RTPI (2020) [RTPI response to the Planning White Paper](#)

**Robust Post-Occupancy Evaluation measures** should be promoted to monitor the performance gap, with a blended approach of BIM (Building Information Model) and site visits by planning professionals (with councillor visits also encouraged). The results of monitoring work should inform the Local Plan review.

### A multi-disciplinary approach

In order to deliver quality design outcomes it is important that planners, architects, developers, highways departments and communities collaborate and the pilot programmes should help to identify how these relationships will work in practice.

**Integration with highway design:** Highways Authorities should be required to adopt Manual for Streets or an equivalent place-led local approach that delivers exemplary highways design. Designs must take advantage of the very highest levels of service by walking, cycling, shared and public transport modes, and ensure that sustainable travel choices are viable for the widest range of journeys. It is encouraging that the Chartered Institution of Highways & Transportation are leading on the revision to Manual for Streets and we note their analysis that “*Streets and roads make up around three-quarters of all public space*”. This reemphasises the need to deliver exemplary highways design.

**Biodiversity:** The draft NMDC could be stronger on the need for biodiversity with more detailed recognition of the fundamental concept of form, character and ‘growing out’ of the natural environment. In addition, aspects such as buildings as habitats and SUDS require further development.

### Skills and Resources

Delivery will require substantial investment in skills and resources into our planning system. Our submission to the 2020 Comprehensive Spending Review analysed the fiscal situation facing LPAs today, and showed that the planning system requires approximately £500 million invested over the next four years. Included within that figure is the need for an £81 million Design Quality Fund<sup>34</sup>. Research by Public Practice found that the estimated cost of adopting a Design Code for an area of approximately 1,000 homes could be £139,000<sup>35</sup>.

Sufficient time and resources for local authorities will therefore be needed to invest in the preparation of design codes, including in-house design skills and to deliver effective community engagement, participation and informed consent. We also recommend that local authorities be supported in leading by example in the way that they use their land and assets.

**Office for Place:** The details around how the Office works in practice and critically supports LPAs delivery of improved outcomes on design are critical. Ultimately delivery has to be local and the overriding principle must be to support LPAs achieve high quality design. Experience from around Europe suggests that a small and agile team nationally can have a huge impact, but only if they reach out to work with an inclusive network of local partners.

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<sup>34</sup> RTPI (2020) [Summary of the RTPI submission to the Comprehensive Spending Review](#)

<sup>35</sup> Public Practice (2020) [Resourcing a new planning system](#)



### **c) the approach to community engagement**

We welcome the guidance note statement that “*it should be easy for participants to engage with the process*”. It has never been more important, in the wake of the pandemic, that communities have a say on how their local area looks and functions. There will be a critical role for raising public awareness of design codes and guides and explaining how communities can become involved and have their say. The guidance notes include a positive recognition that a proportionate approach to the level of community engagement will be needed. This should be based on the type, form and detail of design guidance being produced.

## **Public Sector Equality Duty**

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

All of the proposals in this consultation should be subject to a rigorous Equalities Impact Assessment. The proposals for Article 4 and heritage assets particularly require assessment.