

18 March 2021

MHCLG

By email only

Dear Sir / Madam

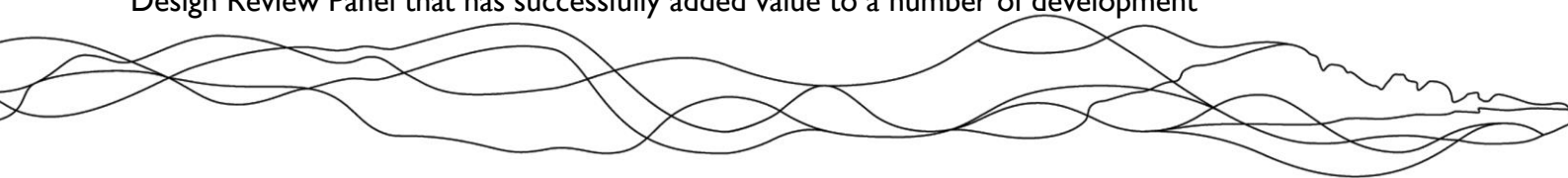
Subject: National Planning Policy Framework and National Model Design Code consultation proposals

The South Downs National Park Authority welcomes this opportunity to comment on the draft revisions to the National Planning Policy Framework (NPPF) and the draft National Model Design Code. We would like to make detailed comments on four key matters as set out below. Our answers to the 16 questions in the consultation document are set out as an addendum to this letter. We are also signatories to the response by National Parks England, which we support. We look forward to working positively with you on the forthcoming changes to the planning system.

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 Authority when preparing the Single Issue Soft Sand Review of the West Sussex Joint Minerals Local Plan and was found sound at our 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.

We welcome the Government's emphasis on good design and the creation of beautiful places both in the amendments to the NPPF and the draft National Model Design Code. This is line with the first purpose of national parks, which is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area. We are currently preparing and will shortly consult on our first Design Supplementary Planning Document (SPD), which will provide guidance on our landscape led approach to design in the South Downs. We have a well-established Design Review Panel that has successfully added value to a number of development

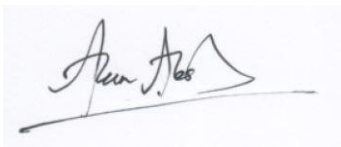


proposals. We have adopted a number of village design statements as SPDs, and have found that they can greatly aid local acceptance of development and ensure good local design standards.

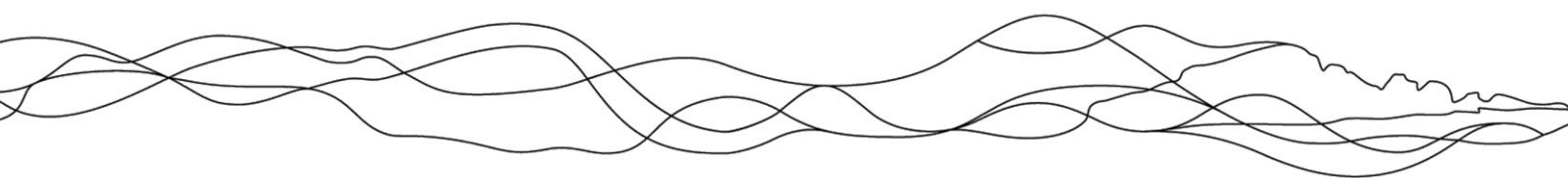
National park authorities have a duty to seek to foster the economic and social wellbeing of local communities within the National Park in pursuit of our purposes. We do not support either of the options given in paragraph 53 on Article 4 directions. Clarity is required on the first option as to what is meant by 'wholly unacceptable adverse impact'. The policy test set in the second option is 'to protect an interest of national significance' is much too high. Article 4 directives are local tools used by local planning authorities to address local issues such as the loss of scarce fit for purpose employment premises. We do agree that article 4 directives should apply to the smallest geographical area possible. The current unprecedented expansion of permitted development rights requires that local planning authorities retain some local controls particularly as the impacts of the wide range of new permitted development rights that have been introduced are not yet clear. We would welcome an analysis by Government of the impacts, both intentional and unintentional, of the recent changes in permitted development.

Please do get back to me if you have any queries on any points that I have raised.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Alun Alesbury', with a long horizontal line extending from the end of the signature.

Alun Alesbury
Chair of Planning Committee
South Downs National Park Authority
Alun.Alesbury@southdowns.gov.uk



What is your name? Alun Alesbury

What is your email address? Alun.Alesbury@southdowns.gov.uk

What is your organisation? South Downs National Park Authority

What type of organisation are you representing?

Other (please specify): National Park Authority

1. Do you agree with the changes proposed in Chapter 2: Achieving sustainable development?

We welcome the inclusion of the 17 Sustainable Development Goals, which lie at the heart of the 2030 Agenda for Sustainable Development adopted by all United Nations Member States in 2015. Goal 13 is to take urgent action to combat climate change and its impacts, which is addressed in paragraph 11 of the NPPF. We would urge the Government to set measurable targets on climate change against which progress could be measured both locally and nationally.

2. Do you agree with the changes proposed in Chapter 3: Plan-making?

We welcome the change to paragraph 22 that a vision for large scale development should look at least 30 years ahead. The long term vision for the South Downs National Park set in both our Partnership Management Plan and Local Plan goes up to 2050. It could be that the visions developed by all local planning authorities for their areas and not just their major development areas should look ahead by at least 30 years.

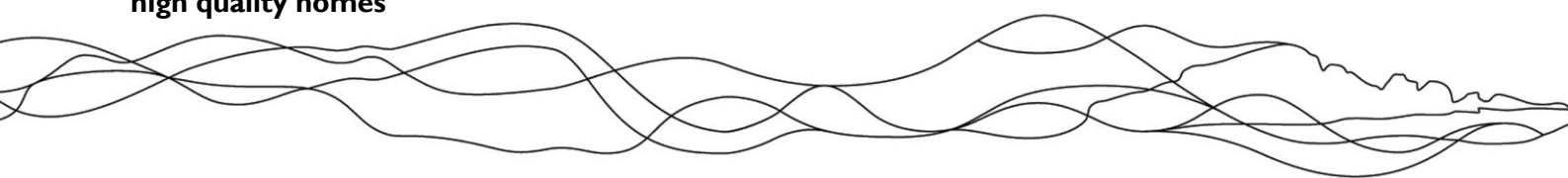
We question the addition of 'other statements of national planning policy' to the fourth test of soundness set out in paragraph 35 d. The Government makes a great number of policy statements and many are clearly at an early stage of policy formulation. Although they provide a useful sense of direction in terms of national policy, we do not think that they should be given the same weight as the NPPF.

3. Do you agree with the changes proposed in Chapter 4: Decision making?

We do not support either of the options given in paragraph 53 on Article 4 directions. Clarity is required on the first option as to what is meant by 'wholly unacceptable adverse impact'. The policy test set in the second option is 'to protect an interest of national significance' is much too high. Article 4 directives are local tools used by local planning authorities to address local issues such as the loss of scarce fit for purpose employment premises. We do agree that article 4 directives should apply to the smallest geographical area possible. The current unprecedented expansion of permitted development rights requires that local planning authorities retain some local controls particularly as the impacts of the wide range of new permitted development rights that have been introduced are not yet clear. We would welcome an analysis by Government of the impacts, both intentional and unintentional, of the recent changes in permitted development.

Furthermore, the proposed NPPF 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 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. This risks becoming confusing and inconsistent.

4. Do you agree with the changes proposed in Chapter 5: Delivering a wide choice of high quality homes



The clarification in paragraph in regard to neighbourhood plans is welcomed.

The deletion of the word 'innovative' from paragraph 80 (e) simplifies this policy test for isolated homes in the countryside so that they simply have to be of an outstanding design. The removal of the word does not mean that such new homes cannot be innovative. Furthermore, with rapid advances in new technology, what is considered innovative design today may well be considered to be mainstream and standard in the future.

5. Do you agree with the changes proposed in Chapter 8: Promoting healthy and safe communities

We welcome the added reference to cycle routes in paragraph 92. We agree that access to high quality open spaces can deliver wider benefits for nature and efforts to reduce climate change.

6. Do you agree with the changes proposed in Chapter 9: Promoting sustainable transport?

We welcome the added reference to well-designed walking and cycling networks and secure cycle parking.

7. Do you agree with the changes proposed in Chapter 11: Making effective use of land?

No comments

8. Do you agree with the changes proposed in Chapter 12: Achieving well-designed places?

We welcome the Government's emphasis on good design and the creation of beautiful places. We acknowledge that design guides and codes can increase the quality of places delivered, but do question whether their use allows truly innovative design to come forward that speaks to the landscape in which it is located. We agree that securing local buy-in is important but have found, in practice, that local involvement can tend to focus on the architectural style of new development rather than the quality of the new places being created. We are also aware of instances where the enforcement of standards in design codes has proved problematic.

We strongly support the concept set out in paragraph 130 of planting the right tree in the right place and agree with the important contribution trees make to urban and rural areas. However, we would question the drive for all streets to be tree-lined as this may not be appropriate in all circumstances and would appear to be at odds with the concept of the 'right tree in the right place.' The policy test for streets not to be tree-lined in footnote 49 are set very high. Furthermore, it would be helpful to add that the planting of trees should be considered early on in the design process as part of a comprehensive landscaping scheme. We agree that local planning authorities and applicants should work with their local highway authorities. However, our experience is that many laudable schemes for tree lined streets are opposed by county highway departments.

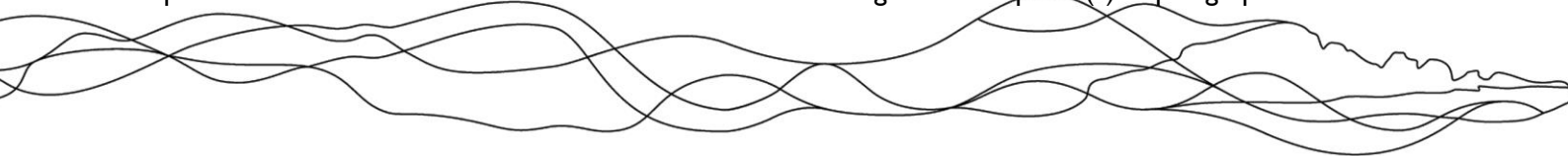
We strongly support the statement in paragraph 133 that development that is not well designed should be refused.

9. Do you agree with the changes proposed in Chapter 13: Protecting the Green Belt?

No comment

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

We welcome the change to paragraph 160 to clarify that the sequential test should take into account all potential sources of flood risk. We also welcomed the change to bullet point (c) of paragraph 160



that flags up the role of green infrastructure in reducing the causes and impacts of flooding and promotes taking an integrated approach to flood risk management.

However, we do think that bolder changes should have been made to this part of the Framework in order to achieve goal 13 of the United Nations Sustainable Development Goals cited in paragraph 7. We would urge the Government to set measureable targets on climate change against which progress could be measured both locally and nationally.

11. Do you agree with the changes proposed in Chapter 15: Conserving and enhancing the natural environment?

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.

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We support the addition to paragraph 179 about enhancing public access to nature.

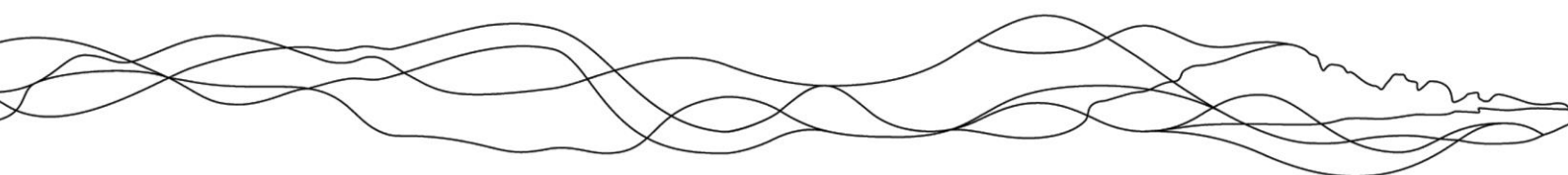
12. Do you agree with the changes proposed in Chapter 16: Conserving and enhancing the historic environment?

The commemoration of historical figures as part of our cultural heritage is a complex and sometimes emotive matter. The Authority is concerned that paragraph 197 has been added to the Framework for political reasons outwith the planning system. We recommend that full consideration of the removal or alteration of historic statues, plaques or memorials is given by the local planning authority, who should in turn consult with all sections of the local community. This consultation on the NPPF also provides an opportunity to add a positive statement on ensuring that historic, current and future diversity is reflected in the public realm with appropriate understanding of the context of the time.

13. Do you agree with the changes proposed in Chapter 17: Facilitating the sustainable use of minerals

We agree with the addition of mineral consultation areas to paragraph 209.

We agree with the deletion in paragraph 210 (f) of the requirement for quarries that provide materials to repair heritage assets to be located close to the historic asset in question. In terms of distance, there are quarries, such as the clay tile quarries in East Sussex, that serve historic buildings in London. However, we would question the deletion of the word 'small-scale' as such quarries are



often located in sensitive areas and are only acceptable because they are small and they serve a specialist market.

Proposed changes to Annex I: Implementation

No comments

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

We welcome the addition of blue spaces to the definition of green infrastructure as this recognises the important role of river and canal corridors.

We agree with the definition provided of mineral consultation areas. However, we would like to draw your attention to guidance drawn up by the Mineral Planning Authorities about when they should be consulted on non-mineral applications in mineral consultation areas. Consultation on all applications is unduly onerous on all parties concerned.

Further thought needs to be given to the definition of recycled aggregates as they need to meet a certain specification and not all construction waste can be recycled.

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

As stated in our answer to question 8, we welcome the Government's emphasis on good design and the creation of beautiful places. This is line with the first purpose of national parks, which is to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

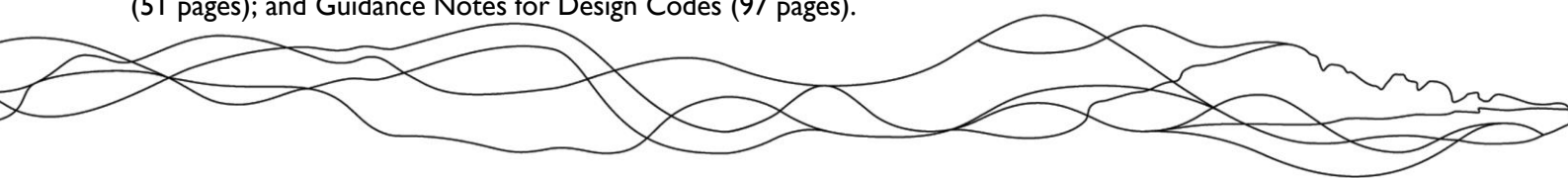
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a) the content of the guidance

Overall the document is clearly set out and makes good use of illustrations. We would recommend that that it is stressed that some elements of design need to be considered from the beginning of the design process and re-visited iteratively throughout. An obvious example of this is sustainable construction and the orientation of buildings to optimise solar gain without overheating. We agree that nature and green spaces should be woven into the fabric of our villages, towns and cities. However, we would question the inclusion of the overly prescriptive hierarchy of open space provision for children and young people with local areas of play, local equipped areas of play and neighbourhood equipped areas of play. We welcome the expectation that all development schemes should achieve biodiversity net gain, but would ask that 10 per cent should be a minimum expectation. Several references are made to landscape in the document and we would request that this is defined in the glossary using the European Landscape Convention definition: 'an area perceived by people whose character is the result of the action and interaction of natural and/or human factors.'

b) the application and use of the guidance

We agree that the document could be helpful when local design guidance is not available and in facilitating self-build and custom-build. We also agree that it is important for local planning authorities to work collaboratively with local communities and developers to develop design guides. However, we would question whether there should be a single, more concise document rather than a suite of documents including the National Design Guide (66 pages), National Model Design Code (51 pages); and Guidance Notes for Design Codes (97 pages).



c) the approach to community engagement

We agree that it is important to engage local communities in the design of their local neighbourhoods from scoping to master planning. However, it will require considerable resourcing to raise public awareness and understanding of design codes in order to engage local communities meaningfully in their formulation.

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

No comments

