

## Appendix A - SDNPA Design Code Scoping

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### Legislative Basis

1. The Levelling Up and Regeneration Act 2023 (LURA) sets out the framework for a new plan-making system which will be introduced via secondary legislation.
2. Section 15F (1) of the Levelling Up and Regeneration Act 2023 Schedule 7—Plan making requires a local planning authority to produce a design code for the whole of its area that “includes requirements with respect to design that relate to development, or development of a particular description, which the authority consider should be met for planning permission for the development to be granted”. This does not have to include every type of development or every aspect of design.
3. The Local Plan timetable required for every local planning authority (15B) must include how it intends to meet the requirements of 15F to produce a design code. The Secretary of State has the power to issue a direction if a local planning authority does not comply with these requirements.
4. The Design Code is a ‘supplementary plan’ (15CC), and is the only one that can be prepared on an area-wide rather than a site specific basis. The Secretary of State will make regulations about the preparation of supplementary plans, which must require a proposed supplementary plan to be the subject of consultation with the public.
5. The transition date to this new system was initially any Local Plans submitted to the Planning Inspectorate after 30th June 2025, but Government recently consulted on moving this date back to December 2026. This transition date is crucial to whether the South Downs Local Plan Review needs to accord with the existing plan-making system or the new one proposed in the LURA. If the December 2026 transition date is confirmed, and the Local Plan Review meets its agreed timetable, then it will be submitted and examined under the existing plan-making system, and the production of a Design Code would not be required. It would also not be required if Government decides not to introduce Regulations to bring Section 15F(1) into force.

### Emerging Planning Reform - Plan-making Consultation September 2023

6. The following are extracts from the Levelling-up and Regeneration Bill: consultation on implementation of plan-making reforms launched July 2023. These provide a direction of travel from the government regarding Design Codes.
  - 176. ... local planning authorities will also be able to use supplementary plans to discharge the new Bill requirement to produce an authority-wide design code which will be used to provide, or reinforce an authority’s overarching design vision, setting out high level strategic design parameters to apply to development.
  - 178. The reforms will remove the role of Supplementary Planning Documents and Area Action Plans... Supplementary plans will have the same weight as a local plan and other parts of the development plan. They will therefore also be subject to consultation and an independent examination.

- 183. The Bill states that all supplementary plans must be designed to secure that the development and use of land in the authority's area contribute to the mitigation of, and adaptation to, climate change, so far as the relevant plan-making authority consider appropriate, having regard to the subject matter of the supplementary plan.
- 184. Supplementary plans will also benefit from wider reforms mentioned in this consultation document. These include ensuring evidence base requirements are proportionate and plan preparation processes and plans themselves are digital, transparent, understandable and map-based.
- 185...supplementary plans will not have a defined preparation time such as the 30 months proposed for local plans and minerals and waste plans...
- 186. The Bill sets out that supplementary plans must be in general conformity with a relevant operative spatial development strategy and the relevant plan-making authority must have regard to any other part of the development plan which has effect for the area or a site to which the plan relates when preparing a supplementary plan (including the local plan and its local vision for growth, and any neighbourhood plans). However, they can be prepared prior to the adoption of a new style local plan.
- 190. Depending on content, supplementary plans may be subject to Environmental Assessment (or subsequent Environmental Outcomes Reports) obligations. We expect planning authorities to use an environmental screening approach for supplementary plans similar to that used for neighbourhood plans.
- 194... The Bill ensures that regulations must require a proposed supplementary plan to be the subject of consultation with the public. We intend to set out in regulations that supplementary plans should have a minimum of one formal consultation stage, the timeframe for which will be set out in the local plan timetable or minerals and waste plan timetable.
- 195. The Bill's approach to the independent examination of supplementary plans is broadly modelled upon the existing arrangements for neighbourhood plans (which already form part of the development plan once brought into force).
- 196. The general rule is that the independent examination is to take the form of written representations. However, the examiner must cause a hearing to be held for the purposes of receiving oral representations if the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of an issue or that a person has a fair chance to put a case.
- 197. The Bill provides two options for the independent examination of supplementary plans. Plan-making authorities may submit their draft supplementary plan to the Secretary of State, for the examination to be carried out by a person appointed by the Secretary of State, or to an examiner of the authority's choosing who is an independent, impartial person and who is suitably qualified.
- 204. ...SPDs will remain in force until planning authorities adopt a new style local plan or minerals and waste plan.

## Proposed reforms to the National Planning Policy Framework and other changes to the planning system – Consultation July-September 2024

7. Further changes were consulted on in the summer of 2024. Chapter 3, paragraph 12 says  
 "... Rather than district-wide design coding, we want to focus local planning authority efforts on the preparation of localised design codes, masterplans and guides for areas of most change and most potential – including regeneration sites, areas of intensification, urban extensions and the development of large new communities".
8. This indicates that Government is considering not introducing Regulations to bring Section 15F(1) of the LURA into force. This would mean that it is not mandatory to produce an area-wide Design Code. In this event the National Park Authority will not be progressing such a Code and will instead continue to rely on its award-winning Design Guide SPD.

### Baseline documents

- Design Guide SPD (2022)
- Sustainable Construction SPD (2020)
- Habitats Regulations Assessments TAN (2021)
- Dark Skies TAN (2021)
- Ecosystem Services TAN (2019)
- Extensions and Replacement Dwellings TAN (2023)
- Camping & Glamping TAN (2021)
- Viticulture TAN (2021)
- Biodiversity Net Gain TAN (2022)
- Scale-Scale Renewable Energy TAN (2022)
- Equestrian Development TAN (2023)
- Landscape Character Area Assessments
- Roads in The South Downs
- Nationally Described Space Standards

Village and Parish Design Statements adopted across the South Downs National Park also provide locally specific design information.

### Precedent Document

- Lake District Design Code

### Document Scope (subject to potential change as work progresses)

1. How to Use the Design Code (Checklists?)
2. Landscape Led (Contextual) Design Approach
3. All Development
  - Character (content distilled from Design Guide SPD and LCAs)
  - Site Context (new content, starting with Lake District context study)

- Settlement pattern (content distilled from Design Guide SPD + new map-based evidence)
  - Orientation (content distilled from Design Guide SPD)
  - Placemaking (content distilled from Design Guide SPD)
  - Access (content distilled from Design Guide SPD)
  - Legibility (content distilled from Design Guide SPD)
  - Active frontages (content distilled from Design Guide SPD)
  - Scale (Grain and Mass) (content distilled from Design Guide SPD)
  - Street Design (content distilled from Design Guide SPD)
  - Natural surveillance (content distilled from Design Guide SPD)
  - Materials (content distilled from Design Guide SPD + new map-based evidence)
  - Building Design (content distilled from Design Guide SPD)
  - Hard Landscaping (content distilled from Design Guide SPD)
  - Ecosystem Services (content distilled from ES TAN)
  - Biodiversity (content distilled from BNG TAN, HRA TAN and updated)
  - Blue and Green Infrastructure (content distilled from Design Guide SPD)
  - Flood Risk and Sustainable Drainage Systems (SuDS) (content distilled from Design Guide SPD)
  - Sustainable Construction (new content detailing requirements for new LP sustainable policy)
  - Built Heritage (content distilled from Design Guide SPD updated for sustainable retrofitting measures)
  - Dark Skies (content distilled from DNS TAN)
  - Rural Roads (content distilled from Design Guide SPD + new map-based evidence)
4. **New Homes** (content distilled from Design Guide SPD)
    - Affordable Housing (content distilled from AH SPD)
    - Countryside/settlement edge (content distilled from Design Guide SPD and new content)
    - Single Dwellings (content distilled from Design Guide SPD)
    - Perimeter blocks (content distilled from Design Guide SPD)
    - Density (content distilled from Design Guide SPD)
    - Accessibility (content distilled from Design Guide SPD)
    - Parking (content distilled from Design Guide SPD and Parking SPD)
    - Residential Amenity (content distilled from Design Guide SPD)
    - Daylight and Sunlight (new content based on BRE guidance)
  5. **Space Standards** (content distilled from Design Guide SPD)
  6. **House Extensions and Alterations** (content distilled from Design Guide SPD and Extensions and Replacement Dwellings TAN)
  7. **Conversions** (new content)
  8. **Rural Holiday Accommodation** (content distilled from Design Guide SPD Extensions and Replacement Dwellings TAN)
  9. **Farmstead Development** (content distilled from Design Guide SPD)
  10. **New Agricultural Buildings** (content distilled from Design Guide SPD)
  11. **Older Peoples' Accommodation** (content distilled from Design Guide SPD updated for daylight/sunlight/dementia friendly)
  12. **Non-residential Development**
    - Viticulture (content distilled from Viticulture TAN)

- Commercial development (content distilled from Design Guide SPD reviewed and updated)
  - Shopfronts (content distilled from Design Guide SPD and reviewed)
13. Equestrian Development (content distilled from Equestrian TAN)
  14. Small-Scale Renewable Energy (content distilled from S-SRE TAN)
  15. Lifespan – Management Plan, Participation, Community Involvement

Supporting Information

Glossary