

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES**

TO: POLICY AND RESOURCES COMMITTEE

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**NATIONAL PLANNING REFORMS – Changes to the National Planning Policy
Framework and Design Codes**

PURPOSE OF REPORT

To inform Committee of the Planning Consultation and to agree to the form of the response.

RECOMMENDATIONS

To agree that the comments on the consultation are as set out in the report.

REASONS FOR RECOMMENDATIONS

In order to ensure Pendle contribute to the discussions on national reforms to the planning system.

ISSUE

Introduction

- 1 The Government has set out a number of proposed reforms to the planning system. The reforms seek comments on amendments to the National Planning Policy Framework (“the Framework”) and on the proposals to require Design Codes to be ubiquitously used throughout England.

Changes to the National Planning Policy Framework

- 2 The proposals are to alter part 11 which looks at plan making. The changes here are proposed to reflect the need to build in a sustainable way whilst meeting the needs of the planning area and adapting to climate change. These changes are sensible and should be supported.
- 3 A main thrust of the changes are to seek to improve design quality. The emphasis seems to be shifting from the quality of developments to the quality of places. Paragraph 20 changes the emphasis from developments to place in Local Plans. A seemingly minor wording

change but this will require yet another layer of evidence to be added into the already large evidence base needed for Local Plans. There will have to be a design quality assessment of all of the Borough. If this is to be added then there should be a transitional arrangement for Plans going to submission. There also needs to be guidance on a light touch piece of evidence to support these strategic policies.

- 4 New paragraph 22 seeks to add in that a longer term vision needs to be added into Plans where larger scale development is proposed. It is difficult to understand what this means. Local Plans are embodiments of the vision for the future of an area and this has to be set out in the strategic policies and Vision that Plans have to have. Pendle has been critical of the persistent tinkering with the Planning system in many of the comments we have made to past consultations. That is also a theme here. A 30 year vision will add another layer of evidence that is frankly not necessary. The 30 year vision also flies in the face of the general emphasis of current planning policy which is to review Plans every 5 years and to base evidence such as population projections around much shorter timeframes.
- 5 Paragraph 36 (d) introduces wording for the examination of Plans. It indicates that Plans should be examined on National Planning place but then adds “and other statements of national planning policy – where relevant”. This basically means that any statement from Government needs to be taken into account including ministerial statements. It is in effect elevating such policies to that of being adopted public planning policy for examinations. There are concerns that this is legally a correct approach to Plan making. That will be for the courts to decide. However it is clearly poor policy making and will make Plan making susceptible to all manner of additional burdens and challenges to introduce such a wide scope of policies that may be examined. As with any other part of a Local Plan examination each part is examined based on evidence. The wording takes us away from Plan making based on the Framework and supporting guidance on how that is interpreted to the realms of Plan examination based on things such as ministerial statements. This means that many policies will not have been subject to public consultation or scrutiny. Pendle should object to this proposed change.
- 6 Paragraph 53 seeks to tighten the situations where Article 4 directions may be used. It is not clear from the evidence what has led to these proposed changes. However what is being proposed does not seem unreasonable except for the second bullet point which seeks to restrict the use of the Directions to situations where the national interest is affected. That in effect would curtail their use.
- 7 Paragraph 127 proposes to require Local Planning Authorities to produce design guides or design codes in accordance with the national design code. That will require the production of a number of codes that fit in with the design characteristics of the different constituent parts of the Borough. We do not have the resources or the full skill set to produce those as will a significant number of other Councils.
- 8 Paragraph 133 is welcomed but with a necessary alteration to it. It indicates that development that is not well designed should be refused. That is welcomed but in situations where the “tilted balance” is engaged the poor quality of design must significantly and demonstrably outweigh the benefits of the scheme. If design is being elevated to being a critical national issue it should be added to the footnote of paragraph 11 which in effect disengages the tilted balance. Otherwise the intention of improving design will be negated in many situations.
- 9 Paragraph 130 requires plans for new streets to ensure they are tree lined. This will mean streets are likely to be wider to accommodate wider service strips but there will also be implications for highway authorities who generally do not want trees in the highway. Worryingly the policy leaves the design to Local Government in general to sort out as it

states we should work collaboratively with tree officers and highway staff to work out how this can be achieved. This strikes me to be a situation where there is a policy intent to deliver highway trees but there is no solution to how that can happen so that issue has been avoided and left to Local Government to resolve. That is not a cohesive way to deliver such a policy which will apply to every new street on any development.

- 10 The proposed changes include putting flood risk categories into the Framework itself. This will give it added emphasis and is welcomed.

Design Codes

- 11 The Framework proposes changes to design standards at paragraph 130. It states:

“the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code”

- 12 The proposal is that design codes will become more widely used to inform planning decisions on new planning applications. Members will recall in the recent Planning Reform Consultation three land use allocations were being discussed that would potentially lead to planning permission being automatically granted should a development conform to a design code. Whilst the responses to that consultation are still being considered by Government that is a direction that we appear to be heading in. The piecemeal consultation on planning changes does not allow for a full debate on them to happen nor does it allow for constructive comments to be made. Any comments made should reflect a process that does not allow a full picture to emerge.
- 13 Design codes will be based on assessments of areas for their design characteristics. The intention is that Councils will assess their urban areas and will identify locations that share similar characteristics. These would then be subject of more detailed work producing design codes that would be used in helping to shape the form of future developments. The production of a design code would then follow the model one that the Government is consulting on.
- 14 Design codes per se are useful tools to help inform planning decisions. In themselves they are not the main issue of concern. The main issue here is how Government expects Local Authorities to produce them.
- 15 The production of a Design Code, even following the standard methodology the Government have set out is an intensive process. There is a considerable weight of evidence that is needed to be produced (traffic flows, junction designs, utility infrastructure, historic environment etc) that would take a considerable time to produce. To be useful and effective this would have to be done for small areas of Pendle as we have many areas that have their own individual characteristics.
- 16 I would also have to question the need to have design codes for wide areas of the Borough. In areas of little change the production of a design code would involve a significant effort and cost to affect limited change. The Guidance on producing them should refer to codes going to areas where change is anticipated.
- 17 In situations where change comes about unexpectedly planning policy could require developers to produce master plans with the requirement to engage effectively with the public to be properly engaged in producing.

- 18 Producing a design code also requires design skills. The financing of local authorities has meant that skills that Councils may have previously had are no longer available. There would be a national skills shortage to produce these.
- 19 Producing design codes is expensive. We do not know how many will need to be produced but if there are several this would require a significant resource to be allocated to it what we do not have. Councils should receive back the full costs of producing them.
- 20 There needs to be flexibility on the standards used in producing the codes. For example reference is made to the Government requiring adherence to the Natural Accessibility Green Space Standards ("ANGST"). The legacy of the industrial revolution on the pattern of growth in Pendle is such that we basically have no chance of reaching those standards without large scale demolitions on replacing terraced housing with parks. That is not realistic. The Guidance needs to recognize that not all places can achieve the same standards.

IMPLICATIONS

Policy:	The consideration of the introduction of design codes will have wide ranging impacts. At present the changes to the planning system are being undertaken piecemeal and that is not a good way of considering such major issues.
Financial:	The costs of producing design codes will be significant and cannot be met through current budgets. Local Authorities will need to receive extra finance to produce them.
Legal:	None
Risk Management:	Without adequate resourcing there are significant financial risks.
Health and Safety:	None arising directly from the report.
Sustainability:	None
Community Safety:	None arising directly from the report.
Equality and Diversity:	None

APPENDICES

LIST OF BACKGROUND PAPERS

- *Guidance Notes for Design Codes*
- *National Model Design Code*
- *Draft Changes to the National Planning Policy Framework*