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Rt Hon Robert Jenrick MP
The Secretary of State for Housing, Communities and Local Government

By email

Xx March 2021

****MEMBERS PLEASE NOTE THAT THIS IS A DRAFT RESPONSE SUBJECT TO CIVIC VOICE BOARD SIGN OFF****

Dear Minister,

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

Civic Voice is the national charity for the civic movement. We are campaigning for a more accessible, balanced, collaborative, and democratic system, as set out in our Manifesto. Civic societies exist in over 70% of local authority areas and are some of the most numerous participants in the planning system. 71% of our members agree that the country needs to build more homes and we submitted this as part of our evidence to the Building Better Building Beautiful Commission (BBBBC) in April 2019.

Civic Voice's response to the Planning White Paper in October 2020 welcomed the greater focus on design and the intention for design guides and codes to be locally produced with input from local communities. In a Civic Voice survey, undertaken in September 2020, 79.6% of respondents [164 responses] supported the idea for design guides and codes to have a more central role in the system. The Government's emphasis on delivering good design through design guides and codes is clearly welcomed by Civic Voice members.

As colleagues in your department are aware, Civic Voice has been meaningfully engaging with its members on the proposed planning reforms and successive consultations, through a variety of online surveys, regional member briefings and roundtable discussions, webinars, newsletters, and blogs, to gain views on the proposals from across the civic movement. In December 2020 and January 2021, we held a series of roundtable discussions with members to explore the direction of the Planning White Paper and permitted development rights changes. We then followed this up in February/March 2021 with specific discussions on the new design announcements and National Model Design Code (NMDC). Our engagement with members has shaped this response.

We have 5 key points, which we will expand on in our detailed response overleaf:

- 1. Civic Voice support the greater focus on delivering high quality design in the planning system through design guides and codes, but design and community engagement needs to be considered in the context of the wider reforms to the planning system**
- 2. We are concerned that the delivery of high quality design will be undermined by:**
 - a. Widening of permitted development rights preventing a planned approach to our town and city centres**
 - b. Limited local authority resource, capacity, and skills**

3. **Community engagement doesn't have to be world class, it just needs to be meaningful. We fear the NMDC will be undermined by the PWP proposals for reformed community engagement in planning**
4. **Communities must still be given the right to consider and respond to individual planning applications.**
5. **Other design tools, in addition to design codes, are available and beneficial.**

We trust this response is helpful and we look forward to continuing discussions with Ministers, Government officials and the new Office for Place.

Yours sincerely,



Ian Harvey
Executive Director

Civic Voice welcomes the opportunity to comment on the proposed revisions to the [National Planning Policy Framework](#) and the proposed new [National Model Design Code and Guidance Notes](#). Our response is focused on the key themes Civic Voice members have fed back to us during the course of our meaningful engagement with members. These are:

- 1. Civic Voice support the greater focus on delivering high quality design in the planning system through design guides and codes, but design and community engagement needs to be considered in the context of the wider reforms to the planning system**
- 2. We are concerned that the delivery of high quality design will be undermined by:**
 - a. Widening of permitted development rights preventing a planned approach to our town and city centres**
 - b. Limited local authority resource, capacity, and skills**
- 3. Community engagement doesn't have to be world class, it just needs to be meaningful. We fear the NMDC will be undermined by the PWP proposals for reformed community engagement in planning**
- 4. Communities must still be given the right to consider and respond to individual planning applications.**
- 5. Other design tools, in addition to design codes, are available and beneficial.**

We will now expand on each point in turn.

- 1. Civic Voice support the greater focus on delivering high quality design in the planning system through design guides and codes, but design and community engagement needs to be considered in the context of the wider reforms to the planning system**

Civic Voice members have consistently told us that they would support more development if the look, design, and location of new developments was based on genuine community engagement and considered the local character of an area. The civic movement welcomes the greater focus and emphasis on achieving well designed development through the planning system. Societies also welcome the National Model Design Code and see design guides and codes as part of the solution to help drive up design standards.

Whilst we welcome the Government taking steps to achieve this through the recent design announcements and the National Model Design Code, we cannot respond to this consultation in isolation, without considering the announcements and proposals in the context of the Government's *Planning White Paper* (August 2020), the accompanying *Changes to the Current Planning System* (August 2020) consultation and *Supporting housing delivery and public service infrastructure* (December 2020) [through permitted development] consultation. Civic Voice formally responded to all three consultations.

If the proposed planning reforms outlined in the White Paper are confirmed in legislation, as envisaged by MHCLG, once a design code has been set, development will be allowed to go ahead without further consideration by local planning authorities or communities. We understand that this may also be the intention behind the proposed 'fast track to beauty' and further widening of permitted development/prior approval processes, although we would welcome clarification on this.

In the wider planning reforms, through new style Local Plans, we understand that developers who can demonstrate that their scheme is *Code-compliant* within Growth areas or '*Provably*

Popular will be allowed to go right ahead and build without local scrutiny or accountability of the detail. This is also hinted at in the White Paper with respect to proposed Renewal areas and 'faster routes for detailed consent'. It is not clear what these might be as various consent routes are suggested, but we strongly oppose the idea, as it appears to be set out in the Planning White Paper, that public consultation is excluded from later stages of the planning process. Reducing community input and engagement to setting zones or 'areas' and then 'design codes' is not world-class civic engagement, to which the Government aspires in the Planning White Paper.

Whilst we warmly welcome the National Model Design Code and its aims for good community engagement within the local design code/guide process, we are more concerned with the wider reforms to community participation in the planning system. As the proposals currently stand, considering the detail of schemes, at the current individual planning application stage for Growth Areas and Renewal Areas, will disappear in the reformed planning system. Civic Voice cannot support this change.

We know that civic societies add value to the planning process. They are not about stopping development. Instead, they bring helpful local context and knowledge of an area to aid decision making. Communities know their areas better than anyone. We must ensure there are opportunities for this local input as schemes evolve and make their way through the planning process. 77% of Civic Voice members say that the statutory consultation period for individual planning applications is the main stage in which they engage with the planning system, so we are concerned that this local knowledge, expertise and added value will be lost to the new system. We have to find a way to ensure community participation and help rebuild public trust in planning.

The danger with moving to a system which is simplified for speed and with 'fixed' rules to create certainty is that it is impossible to fully envisage all the potential impacts and unintended consequences that may result. Design codes will never be able to be 100% prescriptive and there will always be room for interpretation of intentions at detailed design stage, which must remain open to public scrutiny.

In conclusion, we welcome the development of a planning system which makes it easier to refuse development that is 'not well designed' and provides opportunities for community groups to have earlier and more meaningful engagement in planning and design of their local area, but not at the expense of design codes replacing the right for communities to make representations at the later, more detailed, planning application stage.

2. We are concerned that the delivery of high quality design will be undermined by:

a. Widening of permitted development rights preventing a planned approach to our town and city centres

As previously stated, Civic Voice considers this consultation cannot be read in isolation, it must be considered in the wider context of the planning reform, in particular, the *Planning White Paper* (August 2020) proposals and the consultation, *Supporting housing delivery and public services infrastructure* (December 2020), both of which Civic Voice responded to.

You will be aware that Civic Voice objected strongly to latter consultation which proposed to further widen permitted development rights to allow a much wider range of uses to change to housing, for all the reasons set out in our response. In particular, we were concerned that the proposals to widen permitted development could:

- Be harmful to the diversity of our high streets, town, and city centres.
- Enable the creation of poor quality homes and living environments.
- Lead to the loss of historic character within our conservation areas through inappropriate development and unsympathetic alterations.

Members' feedback has been clear. The civic movement welcomes the greater focus and emphasis on achieving well designed development through the planning system. However, the civic movement is extremely concerned that delivery of this much needed step change in design quality in development will be fundamentally undermined by greater deregulation of the planning system through permitted development, which has been coming in through successive legislative changes in recent years, and with rights proposed to be widened further.

The problems of widening permitted development rights in recent years are widely known, and recently evidenced in [MHCLG commissioned independent report](#) into the matter. This report demonstrated that it is not creating high quality or 'beautiful' development and the very nature of the permitted development/prior approval process does not enable communities to meaningfully engage with or shape such development in their local area, two of the fundamental aims of the Planning White Paper.

In light of this, Civic Voice objects to the proposed changes to the NPPF regarding Article 4 Directions, which would make it harder for local planning authorities to proactively manage their cities, towns, and villages. The bar for local planning authorities to implement Article 4 directions, where they consider permitted development rights would be harmful to the local amenity or well-being of an area, is already high. To make the thresholds even higher, as set out in the Government's proposed changes to Para. 53 of the NPPF would be harmful. It would effectively reduce the tools available to local planning authorities to prevent harmful or inappropriate development and would remove the ability for local people to have a say in the future development of their area.

Further widening of permitted development rights together with this specific proposal on Article 4 directions seems to be at odds with the Government's aim to raise design quality and increase the importance of 'beauty' in the planning process as well as the aims for 'best in class' community engagement. For these reasons, Civic Voice objects to this proposal.

b. Limited local authority resource, capacity, and skills

The Government's ambitions for design quality are high. Civic Voice welcomes this and the new National Model Design Code.

However, our membership questions the capacity of local planning authorities to deliver all of this, as well as implement planning reforms, and achieve 'best in class' community engagement. At the same time, our members recognise that some local authorities are barriers to progressing this wider agenda and a huge cultural change is urgently needed.

This change will place new burdens on local planning authorities at a time when we know, local government has had reduced funding since 2010, and there are acute challenges in terms of in-house resource, capacity, and skills (which the RTPI and the Place Alliance highlighted).

Until recently, design codes have mainly been used by applicants for large scale development proposals, and for these sites, evidence suggests that they help to deliver design quality.

Research undertaken by Public Practice surveying local authorities has given an estimated cost of adopting a design code for an area of c.1,000 homes as high as £139,000. Assuming approximately two thirds of the 337,000 homes a year required by the Government's new Standard Method will be in Growth Areas, the total national annual cost of producing design codes would be £31m.

We do not think it is realistic to expect a local planning authority to be able to code all land within their area. The resources, time, cost, and expertise needed to undertake such an exercise would be so large, it would never be a strategic priority for a local authority. We also query the value of such an exercise if that is the Government's ambition.

Design guides and codes are a desirable tool, but they cannot cover every area or every possible form of development. Even in areas where planning departments are well resourced, design codes will not be the whole answer. In other areas, they may contribute little. The risk is that so much work will be required up front for a local planning authority to set the zones and 'rules' to prevent unintended consequences that new style Local Plans become just as complicated as they currently are, or that poor quality or poorly planned development results through 'light touch' design codes, because local planning authorities and communities are unable to consider the detail of proposals as they develop beyond principles into detailed schemes. We accept there is no easy answer to this, so we welcome the Government pilots and look forward to hearing the published outcomes.

Whilst we struggle to see how design codes will work in Renewal areas, we see the potential for local planning authorities to produce design codes for specific sites/areas e.g. Growth areas or Protected areas. We also believe that design codes should not be the only mechanism for higher quality design, design guides may also be beneficial. These may also be more easily accessible for organised community groups such as civic societies to undertake, unlocking the potential for more community capacity to aid local planning authorities.

Not about consultants, but resourcing local government

The design sector has become an industry, with a myriad of consultants offering design services to local authorities. From our experience at Civic Voice working directly with many organised community groups, we know that many communities are put-off by 'outside experts'. Some consultants prefer certain approaches and often push that model as the solution, rather than finding the right solution for a local community.

Despite the costs of the pandemic, it is vital that the Government follows up on its rhetoric and invests in design quality and community engagement within local government. In our view, it is far better to invest in resource in-house, for the wider benefits of increased local expertise, long standing commitment to an area and relationship building with local communities. We recommend that 'new burdens' funding is provided to local planning authorities to give them the appropriate skills, capacity and resource to deliver the step change required.

We support the Government's commitment to piloting local design codes, 10 pilots due to be announced shortly and a further 10 in due course. The learning from this exercise will be critical to the success of the Government's ambitions for raising design quality.

Engaging communities

We know that many local authorities have different success rates when it comes to engaging with their communities. A local planning department does not always have the necessary local knowledge about an area and that is why it is critical that local communities are engaged in the planning process. Sufficient resources and training must be available to all local authorities and the wider community, who are being asked to prepare or input into design codes. We must ensure that every local authority has the appropriate in-house built environment professional expertise, and community engagement skills, to ensure good quality decision making. Our recommendation is for local government to have a network of in-house community planners, as called for in the [Civic Voice Manifesto 2020-23](#) and referred to in the NMDC. By this we mean, people who have the appropriate and necessary soft skills and expertise to build relationships and work with local communities to aid the planning process.

If the point of design codes being introduced is to help communities support development, those same communities must be meaningfully involved in the Local Plan process. The NMDC promotes local variation in design guides and codes, primarily led by the local authority, although it could potentially be by applicants and neighbourhood planning groups. We think that this should also be widened to other organised community groups named in the local Statement of Community Involvement, enabling them to access support and bring forward design guides and codes if they wish.

Long standing evidence demonstrates that neighbourhood planning predominantly favours rural and more affluent areas, meaning this is unequal for urban settings. Other organised community groups, such as civic societies, should be able to bring forward design guides and codes in collaboration with the local planning authority to redress this balance.

3. Community engagement doesn't have to be world class, it just needs to be meaningful. We fear the NMDC will be undermined by the PWP proposals for reformed community engagement in planning

Meaningful engagement in the NMDC

Civic Voice members welcomes confirmation in the National Model Design Code that design guides and codes will need to be tailored to each locality, reflecting distinct character, design preferences and aspirations based on community engagement. We are pleased to see that the National Model Design Code provides an overarching framework to guide local planning authorities in undertaking meaningful engagement with the wider local community.

To make these concepts more accessible, we warmly welcome the visual nature of the NMDC showing what good design can look like through pictures and diagrams, as well as describing it in words, and promoting best practice by highlighting examples. Because it applies to all schemes and places, across England, it is sensible that it does not define how to achieve it in detail - this is for each local area to establish for itself. Our members support this approach.

We have received clear feedback that communities want to see and share best practice and good examples of design tools being used elsewhere. We recommend that the Government invests in training and support for community groups on the full range of design issues and tools. Civic Voice would welcome discussing this with MHCLG and the new Office for Place.

We support the expectation in the NMDC that local design guides and codes will be prepared with community involvement but still consider formal consultation should be required before local design codes are adopted. We welcome the proposal to measure public support for codes but are unsure at this stage, how evidence will be gathered for 'provably popular places that have measurable community support' (Para. 218 of the NMDC Guidance Notes).

Statement of Community Involvement

We believe that Statements of Community Involvement must be the bedrock of community involvement. These statements should define how local planning authorities will meaningfully engage communities in planning but, unfortunately, far too many have become too long, out of date and out of touch documents, stating little more than the statutory requirements.

We recommend that the Government highlights good practice through a 'National Statement of Community Involvement', showcasing 'best in class' engagement at the different stages of the planning process. We recommend you strengthen Para. 128 of the NPPF to highlight the value Government places on community engagement through Statements of Community Involvement. Civic Voice suggests the following wording:

*128. Design guides and codes can be prepared at an area-wide or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents (although applicants may also elect to prepare codes for sites which they propose to develop). All guides and codes should be based on **meaningful community engagement as set out in the local Statement of Community Involvement** and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should also be used to guide decisions on applications in the absence of locally-produced guides or codes.*

Community panels

We welcome the inclusion of 'community panels or forums' in the list of engagement tools in Table 82. of the NMDC Guidance notes.

This links with the Government's current [Planning Practice Guidance](#) which confirms at Para. 022 that '*Community panels or forums can be set up by local planning authorities or third sector organisations, such as civic societies, to represent the views of local communities by scrutinising plans, policies or applications. They can be made up of residents, local councillors and other members of the community and are most effective when membership is diverse and inclusive, representing the whole community...*'

Civic Voice will be raising awareness of this key method of community engagement amongst communities, local government, and the development industry.

4. Communities must still be given the right to consider and respond to individual planning applications.

Civic Voice is reiterating this point from our earlier response to the Planning White Paper as it consistently came up in feedback from members in the sessions we held on the new design announcements.

Civic Voice welcomes the ambition to encourage greater, early, and more meaningful community engagement in the development of Local Plans. This chimes with our own research which showed that 84.4% of our members want civic societies and communities to have an earlier voice in the planning system. However, the Local Plan stage should not be the sole place for meaningful engagement and should not lead to reduced opportunities for engagement later in the process, when further detailed information becomes available.

We are not against principle of greatly improving levels of public engagement in Local Plans and, at the same time, speeding up Local Plans. We warmly welcome those ambitions. However, we disagree on how the Government proposes to achieve this, through the proposals set out in the Planning White Paper. In our view, a six month 'call for sites' exercise and a later 6 week window for comments once the plan is published, with limited or no opportunities for community engagement thereafter, once proposals develop past principles into detailed schemes, is not 'best in class engagement'.

We have to find a way for organised community groups to continue to have a voice throughout the planning system. Civic Voice is happy to assist Government thinking as policies develop.

5. Other design tools, in addition to design codes, are available and beneficial.

A concern from our members is that the communication from Government seems to be solely focused on design codes, and not on improving design through a variety of means.

We fear the Government is falling into the same trap as it did with 'neighbourhood planning', thinking that this will be the 'silver bullet' to bring communities onside to solve the housing crisis. Design Codes will not be enough on their own and we worry that expectations are being raised too high as to what can be achieved by design codes. This may well not be the intention of Government, and it intends to highlight all design tools available to local planning authorities, but this is the perception that organised community groups currently have.

In particular, Civic Voice members can see the potential for them to be involved in and help prepare design guides rather than design codes. However, this could be a confidence or community capacity issue, and interest may increase as more examples, training and support come forward.

Civic Voice will continue to engage with Ministers, MHCLG and the new Office for Place in helping to shape proposals and ensuring the community voice remains at the heart of the reformed planning system.

END