

The Mayor of London's and Transport for London's response to the proposed changes to the National Planning Policy Framework and draft National Model Design Code consultation

Question	Do you agree – Yes / No Comments
NPPF	
<p>Q1. Do you agree with the changes proposed in Chapter 2?</p> <p>Definition of sustainable development</p>	<p>Yes.</p> <p>Para 7 - The reference to the United Nation's 17 Global Goals for Sustainable Development is supported.</p> <p>Para 11a - The references to a sustainable pattern of development, improvement of the environment, mitigation of and adapting to the effects of climate change are supported.</p> <p>TfL also strongly welcomes the changes to paragraph 11 which seek to align growth with the provision of infrastructure and make effective use of land in urban areas. The renewed focus on growth in urban areas, where public transport infrastructure already exists and lower carbon lifestyles are possible, will result in more sustainable development. Moreover, urban areas benefit from agglomeration and contribute to innovation and economic growth in a manner not matched by rural or small settlements.</p>
<p>Q2. Do you agree with the changes proposed in Chapter 3?</p> <p>Local Plan timeframe and large scale delivery</p>	<p>-</p> <p>Para 22 - The ability to include a strategy and set of policies that look further ahead (at least 30 years) to support the long-term delivery of larger scale development is welcomed. The new text could be improved to include reference to large scale urban development in addition to new settlements. In London, the Mayor's London Plan already does this by looking 20-25 years ahead and designating Opportunity Areas where growth is associated with infrastructure schemes, such as the Bakerloo Line extension, Crossrail 2, the DLR extension to Thamesmead and bus rapid transit as well as secure funding such as through the Mayoral CIL.</p> <p>Para 35d - The proposed reference to other statements of national planning policy should make it clear that these are national policy statements that have been consulted on and therefore have the same material weight as the NPPF and does not include Ministerial Statements that have not undergone consultation.</p>
<p>Q3. Do you agree with the changes</p>	<p>No.</p>

proposed in Chapter 4? Which option relating to change of use to residential do you prefer and why?

Article 4 Directions

With respect to the proposed new clause: *“where they relate to change of use to residential, be limited to situations where this is essential to avoid wholly unacceptable adverse impacts”*, the words “wholly unacceptable” are highly subjective and open to interpretation or opinion. A more appropriate term would be “significant” – where this can be measured and assessed more objectively having regard to the particular circumstances of each case. The following wording is suggested: “where they relate to change of use to residential, be limited to situations where this is essential to avoid ~~wholly unacceptable~~ **significant** adverse impacts”.

This test could be applied more objectively at the strategic and local level, depending on the particular circumstances of each case.

With respect to the alternative clause: *“where they relate to change of use to residential, be limited to situations where this is necessary in order to protect an interest of national significance”*, the recognition of the need to protect commercial uses that are of national significance would be welcomed. However, whilst it is essential that interests of national significance (including London’s nationally significant office locations in and around central London) are safeguarded from the significant negative impacts of permitted development rights, the proposed alternative clause does not ensure that other strategic clusters of business space, including viable employment space in town centres, high streets and industrial areas can be safeguarded from significant negative impacts that arise from permitted development rights. In such cases, interests of regional, sub-regional and local significance, such as town centres, high streets and industrial areas are also critical – for businesses and communities. Cumulatively these business locations are of strategic importance to the London and UK economy. However, the commercial and industrial capacity required to service nationally important clusters are unlikely to be able to demonstrate the ‘national significance’ threshold referred to as they are secondary businesses or supply chain, but nonetheless their erosion will harm economic success at a range of scales.

The impact of permitted development rights on the health and vitality of town centres and high streets and the communities who rely on them is an essential consideration. Limiting the clause to interests of national significance only, will not deliver sustainable development and good quality growth in these locations. The alternative proposed clause in its current form is not supported. The text needs to go beyond the inclusion of nationally significant uses and recognise other strategic and locally important uses as well.

	<p>With regard to the new proposed clause: <i>“in all cases apply to the smallest geographical area possible”</i>, it should be noted that the geographical areas where significant negative impacts can be identified, will vary significantly in size. For example, the geographical area of London’s nationally significant office locations is substantial, compared to locally significant business clusters and local high streets. There is an inherent risk that the wording <i>“smallest geographical area possible”</i> could be taken to an extreme of individual business premises, which would be an onerous task for both local authorities to prepare, and government officials to assess. It would be more appropriate for this clause to be worded as follows: <i>“in all cases apply to the smallest geographical area justifiable having regard to the potential impacts of the proposed permitted development right-possible”</i>.</p> <p>TfL also considers the proposed changes to paragraph 53 require amending. While the intention to allow flexibility in appropriate circumstances is understood, by severely restricting the application of Article 4 directions there is a significant risk that, for example, very high levels of public transport connectivity are not utilised to their full potential as commercial uses providing employment opportunities are converted to housing. Additionally, the operation of an increasingly 24-hour city can be compromised by the competing needs of residents even with the agent of change policy in place. This is already a problem in many parts of London and would be set to get worse if authorities could not protect areas from inappropriate residential development. As such, any restrictions on the application of Article 4 directions should set out considerations which inform their application such as: impacts on the night-time economy, the ability for town centres and high streets to be serviced overnight or in the early morning and the provision of local shops and amenities that can be accessed by foot.</p>
<p>Q4. Do you agree with the changes proposed in Chapter 5?</p> <p>Transport & Design</p>	<p>Yes</p> <p>Para 73 - The proposed changes to paragraph 73 are strongly welcomed. By including reference to the need for 'a genuine choice of transport modes', a clear message to developers and planning authorities that car-dependent development is not sustainable, nor acceptable. However, to avoid any misinterpretation of what is meant by a genuine choice of transport mode it is recommend the addition of the word sustainable to the text as follows 'a genuine choice of sustainable transport modes'. To complement this, alongside the proposed changes to paragraph 92 and 105 (also welcome),</p>

	<p>a change to paragraph 107 to better align with the new approach which underlines the importance of travel by non-car modes would be welcomed. Urban areas require a significant reduction in car travel to deliver the healthy, beautiful places the NPPF and National Model Design Code are promoting. Evidence suggests this is primarily possible through a reduction in car ownership and this is best delivered through the introduction of appropriate maximum parking standards. The criteria for these are set out in paragraph 106, however as currently drafted, paragraph 107 dissuades planning authorities from adopting maximum standards. Furthermore, the link between convenient parking to 'vibrancy' or the success of a town centre has been undermined by evidence, including a recent DfT publication on the potential to switch to sustainable modes. As reflected in the many images in both the report of the Building Better, Building Beautiful Commission and the National Model Design Code, cars do not add to beauty or health but detract from them. They also undermine another key policy in the NPPF - making effective use of land.</p> <p>Para 73c – Officers welcome the new wording that supports the implementation of the National Model Design Code (NMDC).</p>
<p>Q5. Do you agree with the changes proposed in Chapter 8?</p> <p>Effective use of land</p>	<p>Yes</p>
<p>Q6. Do you agree with the changes proposed in Chapter 9?</p> <p>Transport</p>	<p>Yes</p> <p>To complement the proposed changes to para 73 (see the response to Q4) and the proposed changes to paragraph 92 and 105 (also welcome), a change to paragraph 107 - to better align with the new approach which underlines the importance of travel by non-car modes - would be welcomed. Urban areas require a significant reduction in car travel to deliver the healthy, beautiful places the NPPF and National Model Design Code are promoting. Evidence suggests this is primarily possible through a reduction in car ownership and this is best delivered through the introduction of appropriate maximum parking standards. The criteria for these are set out in paragraph 106, however as currently drafted, paragraph 107 dissuades planning authorities from adopting maximum standards. Furthermore, the link between convenient parking to 'vibrancy' or the success of a town centre has been undermined by evidence, including a recent DfT publication on the potential to switch to sustainable modes. As reflected in the many images in both the report of the</p>

	<p>Building Better, Building Beautiful Commission and the National Model Design Code, cars do not add to beauty or health but detract from them. They also undermine another key policy in the NPPF - making effective use of land.</p>
<p>Q7. Do you agree with the changes proposed in Chapter 11?</p> <p>Efficient use of land</p>	<p>Yes</p> <p>Para 124 - This change supports the NMDC and the requirements of London Plan policy.</p>
<p>Q8. Do you agree with the changes proposed in Chapter 12?</p> <p>Design</p>	<p>-</p> <p>Para 125 - The addition of the word 'sustainable' is supported.</p> <p>Para 126 - Welcome the additional text.</p> <p>Para 127 - The additional text is generally supported, but there is a lack of clarity on the expected coverage of design codes. For example, is all the LPA area to be covered by a design code. Please also see response to Q15 in terms of lack of resources for producing and community engagement on design codes. The revised text should also make clear that any design code or guide should reflect the scale of growth set out in the development plan.</p> <p>Para 128 - The revised text is generally supported, however the inclusion of the following text "(although applicants may also elect to prepare codes for sites which they propose to develop)" creates uncertainty in terms of the weight that should be afforded to such design codes compared to design codes prepared as part of the plan or SPD. If this text is intended to refer only to design codes submitted with an outline application for a site it should make this clear.</p> <p>In addition, the Mayor has concerns that the National Model Design Code and National Design Guide be used for decision-making in the absence of locally-produced guides or codes or relevant design policies in the development plan. This appears to undermine the previous wording in paragraphs 127 and 128 that highlights the importance of community engagement and design that reflects local aspirations.</p> <p>Para 130 – In general, the additional text that recognises the importance of trees is welcome.</p>

	<p>Para 133 – Welcome the proposed new text that supports the refusal of poorly designed scheme.</p> <p>Para 133a – Whilst compliance with a design code, local and nation design guidance is welcome, the significance of this should not outweigh potential negative impacts of the scheme such as an inappropriate land use.</p> <p>Para 133b – Welcome the reference to outstanding and innovative design. To minimise the risk of LPAs being overly restrictive to a development it is suggested the proposed text be amended as follows: ‘...so long as they fit in with enhance the local context by responding positively to the distinctiveness of the overall form and layout of their surroundings.’</p>
<p>Q9. Do you agree with the changes proposed in Chapter 13?</p> <p>Green Belt</p>	<p>-</p>
<p>Q10. Do you agree with the changes proposed in Chapter 14?</p> <p>Flooding</p>	<p>Yes</p> <p>Welcome the increased prominence of the Flood Vulnerability Classification by including it as Annex 3 in the NPPF (instead of being PPG).</p>
<p>Q11. Do you agree with the changes proposed in Chapter 15?</p> <p>Biodiversity</p>	<p>-</p> <p>Para 179c – Welcome changes to this paragraph.</p>
<p>Q12. Do you agree with the changes proposed in Chapter 16?</p> <p>Historic statues, plaques, memorials</p>	<p>No</p> <p>The historic and cultural sensitivity of the historic statue, plaque or memorial proposed to be altered or removed should be considered with community opinion, consent and expertise. If the asset is of such high architectural importance, it may not be appropriate, in terms of the setting of the asset to include a structure to provide an explanation of the historic or social context. This also needs to be assessed if considering retaining a sensitive / controversial historic asset.</p> <p>Authorities should seek community opinion/consent/expertise to ensure a more diverse cultural legacy is secured in line with the requirements of the Equality Act 2010. Unrecognised,</p>

	<p>unidentified, traditional or invisible community cultural value should be celebrated in the public realm, as a lack of visibility prevents people from participating in and truly enjoying the public realm.</p> <p>In this regard, the NPPF should explicitly encourage the creation of new statues, monuments and plaques that celebrate notable achievements and contributions by members of society, in ways that reflect the diverse nature of modern Britain.</p>
<p>Q13. Do you agree with the changes proposed in Chapter 17?</p> <p>Minerals</p>	<p>-</p>
<p>Q14. Do you have any comments on the changes to the glossary?</p>	<p>Green infrastructure – support the amended definition.</p>
<p>Q15. We would be grateful for your views on the National Model Design Code, in terms of</p> <p>a) the content of the guidance b) the application and use of the guidance c) the approach to community engagement</p>	<p>Please see response below and a version including illustrations has been submitted via email to PlanningPolicyConsultation@communities.gov.uk</p> <p>See attached</p>
<p>Q16. We would be grateful for your comments on any potential impacts under the Public Sector Equality Duty.</p>	<p>It is extremely disappointing that the government has not set out how it has given due regard to its Public Sector Equality Duty.</p> <p>The government’s commitment to good design is welcome. However, the government has not set out in enough detail how design codes will be delivered in practice and does not provide enough assurance that there will be no direct discrimination on protected groups. The Mayor is concerned about negative impacts on the following groups protected under the Equality Act 2010:</p>

- Age (children and older people)
- Disability (e.g. people affected by sight loss, Deaf people, people with learning difficulties, wheelchair users, and people with hidden disabilities)
- Gender reassignment
- Pregnancy or maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

The proposal to promote the protection of all historic statues, monuments and plaques without appropriate engagement with the community, and the lack of promotion of new monuments that celebrate the diversity of Britain would be likely to negatively impact the protected groups of age, disability, gender reassignment, race, religion or belief, sex and sexual orientation. The text should be amended to ensure that protected groups are fully represented in the built environment.

Officers also believe that there will be negative impacts for people on low incomes. For example, the delivery of Neighbourhood Plans in London suggests that these are more likely to be delivered in affluent areas.

In addition, the limit on Article 4 Directions and the inability to protect local services is most likely to affect those less able to travel such as disabled people, older people, people who are pregnant or on maternity/paternity leave and people with small children and buggies. It also has the potential to reduce the variety of facilities that support protected groups, which could mean that their needs are not met and affect their ability to positively participate in public life, thus failing to advance equality of opportunity between people who share a protected characteristic and those who do not.