

# **NPPF AND NATIONAL MODEL DESIGN CODE CONSULTATION 2021**

## **A written response from the Trees and Design Action Group**



The Trees and Design Action Group (TDAG) was founded in 2007 as a not for profit and apolitical collaborative forum to promote best practice in the planning, planting and management of urban trees. TDAG was incorporated as a charitable trust in 2013.

The TDAG model was at the time of creation, and remains today, a unique and effective world leading model.

The group shares the collective vision that the location of trees, and all the benefits they bring, can be secured for future generations through strong collaboration in the planning, design, construction and management of our urban infrastructure and spaces.

The uniqueness of TDAG is that, as an organization, it crosses the boundaries associated with professional disciplines engaging with a wide range of professionals who have an interest in trees and the built environment. They include leading built environment practitioners and developers as well as organisations such as the Forestry Commission, the Woodland Trust, the Tree Council and the Community Forests. No other built environment organization in the UK provides such an effective forum or communicates with such a wide range of disciplines.

The key strength of TDAG is that those taking part in TDAG's work can do so in TDAG's name i.e., a neutral organisation with no commercial agenda influencing its guidance, proposals or actions.

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### **TDAG GENERAL COMMENTS ON THE NPPF CONSULTATION REGARDING TREES**

- All that we do moving forward must respond to the climate and ecological emergencies.

This is outlined in 14 and 15 but should be emphasised as an over-arching requirement.

- Planning is in the lead role to make this happen and it is also the mechanism where many policies and strategies can be joined up across government and across local authorities – all engaged with policy and delivery and so it must take that lead, set out what needs to be done (and the implications up and down the system) and so give everyone clear guidance for design and delivery.

- Tree strategies: all local authorities should have tree strategies (separate from green infrastructure strategies) embedded in local plans and with statutory status.
  - Tree strategies should be developed on a cross-departmental basis as the benefits of a robust tree strategy need the support and input of the tree officer, the highways department, the health department, the housing department etc.
  - Local tree strategies should include requirements to retain existing trees; have tree replacement policies to replace the multiple services that trees deliver and urban forest management plans to ensure adequate maintenance and care for the public estate.
  - Defra is currently working on guidance for preparing tree and woodland strategies and these strategies should be clear and succinct recognising universal principles and local requirements.
  - Developers should provide management plans for trees on new developments.
  - This means that consideration of trees, both existing and proposed, would be included at the earliest stage in a project's development.
  
- 'Red tape': developers engaged with TDAG have suggested that 'red tape' is useful for setting out a level playing field and clarifying what is expected to be delivered.
  
- Costs: There needs to be a clear rationale for tree planting costs in different locations and ongoing maintenance costs for adopted trees i.e., street trees – national guidance needed here as commuted sums currently vary widely for no clear reasons. 'Tree planting' should mean the actual cost of putting a tree in the ground, which will vary depending on the size of tree and location, plus the cost of post-planting care (5-10 years) until the tree is established and has gained independence in the landscape. Thereafter, barring accidents or disease, ongoing maintenance costs should be minimal until the tree reaches end of life – at least 10s if not 100s of year hence.
  
- Utilities and services: in all new developments it should be mandatory for these to be in shared service ducts to a) reduce further conflict with tree roots and b) make access more available and less disruptive with possible future damage to tree roots.
  
- Trees in streets should also be recognised as an integral part of urban infrastructure, and an element that actually gains in asset value over time, and are critical for their role in conjunction with SuDS and the management of heavy rain events. So, SuDS should be mandatory for all new developments.

### **Specific comments on paragraph 130**

This additional paragraph is of critical interest to TDAG and so is commented first with other comments on the NPPF revisions included below.

*Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined (49), that opportunities are taken to incorporate trees elsewhere in developments (such as community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and*

*local planning authorities should work with local highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.*

### **TDAG comments on clause 130**

We welcome the support for street trees but make some points below as to how this could be delivered successfully.

- Suggest deleting 'community orchards' – there are many ways that trees can be incorporated in new developments beyond streets - either list more opportunities or delete.
- Plant trees in the appropriate way so that tree root conflicts are not an issue which also means more resilient foundations for low rise buildings (housing) when on shrinkable soils (amendments to Building Regs Part A, NHBC Chapter 4.2 and insurance guidelines as current recommended distances would make much street tree planting impossible. (TDAG and FC are working on this with NHBC and others)
- Many streets in new developments will be providing for multiple users (Gear Change/Active Travel England) – research shows that cyclists feel better if there are trees between the cycle path and motorised (even electric) vehicles.
- Pedestrians, on the hierarchy, are, of course, at the top and they also like dedicated walking routes. Tree-lined routes are also known to be an incentive for walking and cycling and these need to be shaded in summer...so in addition to environmental benefits, there are also health benefits etc for tree lined streets.
- Extending the use of streets further, they are part of community cohesion...Jan Gehl and others have shown the value of door-step engagement, meeting your neighbours, children's play etc and, again, the role of trees to enhance the environment including practical benefits such as summer cooling are vital.
- To enhance biodiversity in new developments, tree lined street should be linked to green spaces – square or parks with more landscape layers for wildlife. This approach is being taken in Barcelona, for example.
- Species selection for trees in a changing climate will be vital. Native species are not necessarily the best choice in urban environments with changing climate conditions and all tree strategies should avoid being prescriptive about this.
- Designing for trees: there are many ways to design for trees in streets and this does not necessarily mean pairs of trees on opposite sides of the street 8-10 metres apart. How to design with trees in streets should be explained in more detail in the Model National Design Code (see TDAG comments on this below).
- Getting it right: ideally the order of events should be 1) the right reasons to plant a tree – know what the purpose is and what you are hoping to deliver, 2) creating the right place in which to plant it, 3) selecting the right method for planting depending on the location and 4) selecting the right tree...so Right Reason, Right Place, Right Tree is a more useful mantra than the reverse.

Reference 49:

*(49) Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.*

**TDAG comment on reference 49:**

'Inappropriate'? Just as there should be a more holistic climate-based approach to planning there needs to be a 3-D built form /climate-based approach to planning new developments. This could mean that street trees are not appropriate for all streets. Some streets, for other design and use reasons, may too narrow, that the 3-D form they create ('canyon') does not lend itself to adding trees or at least trees of any significant size.

**TDAG COMMENTS ON OTHER PROPOSED REVISIONS**

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

We welcome the inclusion of the 17 Sustainable Development Goals and recommend that the Government now sets measurable targets on climate change against progress could be measured both locally and nationally.

Clause 8 c)

*an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy*

**TDAG comment:** need to take a climate led approach to planning and placemaking.

Clause 11 a)

*all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects*

**TDAG comment:** critical that all development has sustainable transport systems available.

**TDAG recommendation:**

We need a Land Use Framework for England to ensure that decision making is appropriate for whatever decision is being made (see the work of the Food Farming and Countryside Commission <https://ffcc.co.uk/what-we-do/land-use-framework> with pilot studies planning for Devon and Cambridgeshire. Also the work of Natural Capital Research <https://www.natcapresearch.com/> )

Up to date open-source mapping should integrate the many mapping works of Natural England, Environment Agency, British Geological Survey etc, etc as one accessible, national resource held by MHCLG-Defra for all baseline information.

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

Clause 22.

*Strategic policies should look ahead over a minimum 15-year period from adoption (see town centres), to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. **Where larger scale***

**development such as new settlements form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.**

**TDAG comment:** agree with long term vision and this is particularly relevant if it includes tree planting as trees lives for many 10s if not 100s of years.

Clause 35. d)

*Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework **and other statements of national planning policy, where relevant.***

**TDAG comment:** Planning is the mechanism whereby many requirements can be joined up – very important that these are understood and that they also ensure that planning and infrastructure as well as Building Regulations all align and all focus on delivering net zero as required under the Climate Change Act.

### **3. Do you agree with the proposed changes to Chapter 4: Decision making?**

Clause 53.

*The use of Article 4 directions to remove national permitted development rights should*

- *where they relate to change of use to residential, be limited to situations where this is essential to avoid wholly unacceptable adverse impacts*
- *[or as an alternative to the above – 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]*
- *where they do not relate to change of use to residential, be limited to situations where this is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)*
- *in all cases apply to the smallest geographical area possible.*

#### **TDAG Comment:**

We have concerns about the first two options:

- First option: what is meant by 'wholly unacceptable adverse impact'? Clarity is needed here.
- Second option: What would be an 'interest of national significance'?
- TDAG supports the comment made by South Downs National Park Authority that there should be analysis by Government of the impacts, both intentional and unintended, of the recent changes to permitted development and the point made that the " *proposed NPPF does not match the legislation for Article 4 Directions as outlined in Schedule 3 of the Town and Country Planning Act (General Permitted Development) (England) Order 2015 permitting 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. This risks becoming confusing and inconsistent.*"

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

Clause 73.

*The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (**including a genuine choice of transport modes**). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.*

### **TDAG comment:**

'Choice of transport modes' provided they are all low or zero carbon?

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

Clause 92. b)

*are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of **attractive**, clear and legible pedestrian **and cycle** routes, and high-quality public space, which encourage the active and continual use of public areas; and*

### **TDAG comment:**

Research shows that, unless pedestrian and cycle routes are made in alternative locations, pedestrians and cyclists feel much safer when trees separate them from vehicles. In other locations, trees are clearly important for providing summer shade during active travel/exercise.

See also 105 d) for which comments above also apply  
*provide for high quality, **well-designed** walking and cycling networks and with supporting facilities such as **secure** cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);*

Clause 109. c)

*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*

### **TDAG comment:**

- See separate comments on the National Model Design Code
- This should also include reference to Streets for a Healthy Life, Homes England and the review of Manual for Streets (work in progress...give publication date)

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

### **TDAG Comment:**

We really do need a land use framework for England with open source and up to date mapping to inform all decision making (see comment above under section 2)

Clause 118. Brownfield sites

**TDAG comment:**

Many brownfield sites can be very biodiverse and consideration should be given, where appropriate, for retaining sites for biodiversity value and potential open space – see the work of the Wildlife Trusts in this regard.

See also comment under protecting the green belt.

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

**TDAG comment:**

We have some concerns about the role of design codes and how much they can lose sight of the particularity of place and the place responsive design that emphasises the 'local'.

Clause 126. Neighbourhood planning groups

**TDAG comment:** beyond the funding boost announced, what other help is provided for groups to develop neighbourhood plans in our more disadvantaged areas? Should this be part of the levelling up approach to planning?

Clause 130: street trees

Please see opening comments on pages 2-3 above.

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

**TDAG comment:**

There could be more creative uses for the green belt. In many places it is of very low quality or over-industrialised farm land. Could there not be more ambition for our Green Belts with market gardens, orchards and food growing close to towns and reducing food miles while improving the quality of place as well as woodlands and amenity spaces for people. This approach was proposed in response to 'Your Big Idea' at the recent Trees, People and the Built Environment International Urban Tree Research conference in February 2021. The Wildlife Trusts have also proposed an opportunity for improving the Green Belt with proposals for areas of 'Wildbelt' and linear routes of biodiversity corridors on roads and rail leading into towns and cities.

<https://www.wildlifetrusts.org/sites/default/files/2020-09/Wildbelt%20briefing%20September%202020.pdf>

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

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

**TDAG comment on Chapters 14 and 15:**

These two chapters should be the opening requirements of the NPPF as they are the over-arching challenges of our time and decisions relating to these critical issues would be further enabled with a land use framework for England – let's start with knowing what we have.

We support the point made by South Downs National Park Authority *that "bolder changes should have been made to this part of the Framework in order to achieve Goal 13 of the United National Sustainable Development Goals cited in paragraph 7."*

TDAG also reiterates the call for the Government to set measurable targets on climate change against which progress could be measured both locally and nationally.

**Glossary:**

*Green infrastructure: A network of multi-functional green **and blue** spaces **and other natural features**, urban and rural, which is capable of delivering a wide range of environmental, **economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity**. ~~And quality of life benefits for local communities.~~*

**TDAG comment:** this is an improved definition

**Additional references which will be useful to all engaged in planning and delivery – strategic planning, development control, developers and consultant design teams.**

Trees and Design Action Group provide free online guidance at [www.tdag.org.uk](http://www.tdag.org.uk) and include:

- *Trees in the Townscape: a guide for decision makers* (2012)
- *Trees in Hard Landscapes: a guide for delivery* (2014)
- *Tree Species Selection for Green Infrastructure: A guide for specifiers*
- *First Steps in Urban Air Quality*
- *First Steps in Valuing Trees and Green Infrastructure*

ICE with UDG, PRIAN, TDAG

Street Design Standards – current and withdrawn practice

<https://www.udg.org.uk/sites/default/files/publications/files/Briefing-Sheet-Street%20Design%20Standards%20-%20Published%202020-08.pdf>

**TDAG COMMENTS ON THE NATIONAL MODEL DESIGN CODE**

**What is not included and where design has a critical role.**

- Microclimate and microclimate-based design and masterplanning
- Climate change
- Biodiversity net gain

**Page 30 – All new streets should include street trees.**

No mention of:

- Species selection for a changing climate
- Benefits that trees can deliver if properly considered from the outset – amenity value, of course, but also carbon storage, carbon sequestration, air quality, rainfall interception integrated with SuDS for surface water management etc
- Orientation of streets, wind directions, impact of 3-D built form

## **Illustrations can mislead**

Page 24:

- secondary streets show trees in potential street canyons, for example.
- No understanding of the need to place trees to enable canopy spread over time.
- How to accommodate high sided vehicles

Page 17: 'urban neighbourhood' with a tree planted in the street very close to a house. No mention of need for caution on geological conditions...shrinkable soil? Need for the low-rise buildings in these situations needing resilient foundations to accommodate the proximity of tree root and therefore the need for joined up thinking – amendments to Building Regulations Approve Document A (within MHCLG) and NHBC Chapter 4.2 and insurance guidance on the presence of trees in streets and gardens within prescribed distances of dwellings.

Finally, given the value now attached to increasing urban tree cover and the many benefits and quality of placemaking that they can deliver, there should be a page at least on 'designing with trees' to identify the purpose, the brief, what particular benefits are sort in a particular situation, what is the location (hard street, green verge etc) and therefore method of planting etc...as a starting point.

Again, the National Model Design Code could benefit from referencing the TDAG documents as many of these issues are resolved in them.