

LEVELLING UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY

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.

Contact details: Sue James AA Dipl, RIBA, FICFor (Hon) – sue.jamesriba@gmail.com

GENERAL COMMENTS AND RECOMMENDATIONS

The Bill itself

We support several of the policy objectives in the Bill. As ever we need to close the gap between aspiration and delivery and have outlined a few issues below.

Ensuring the effectiveness of planning

- The role and implementation of planning is critical to achieving the Government's wider ambitions.
- Planning can provide positive benefits and should not be seen as 'red tape' hindering actions and outcomes; indeed, it is the means to achieve positive actions delivering long term benefits.

Cumulative impact

The issue of interrelationships requires more input i.e., at street or neighbourhood level, recognising the impact new development will have on climate and biodiversity in its existing context, and what relationships are created by the addition of development. This is more than BNG!

Climate risk

CCRA3 identified 54 areas of risk with 'high urgency' scores, many of which need responses from planning and land use. How is this being translated into planning policy and the National Adaptation Plan (NAP3)?

Beauty

While TDAG recognises that the National Model Design Code and the Bill's requirement that all local authorities have design codes is an attempt to ensure 'beauty' in new developments, we find the concept of beauty (including the work of the BBBBC) problematic in its description of 'beauty at three scales':

- Beautiful buildings (windows, materials, proportion, space)
- Beautiful places (streets, squares, parks and the 'spirit of place')
- Beautifully placed (sustainable settlement pattern sitting in the landscape)

We would support Dame Fiona Reynolds' view that 'beauty is more than aesthetics - *it's a set of moral values and perspectives, which inform outcomes. Not just the appearance of housing, but the whole question around location and sustainable built form.*'

Stewardship

This is one of the tenets of the BBBBC and TDAG supports this. There is too often a performance gap in the public realm where schemes are undertaken but are not maintained and just do not stand the test of time – which is also poor for achieving net zero!

This is also the case with new tree planting – the failure rate is too high. We need to talk in terms of not tree planting numbers, but tree establishment given that trees, even in harsh urban landscapes can thrive and live long lives delivering increased benefits and value as they age and mature – assuming that the right places have the right trees planted in the right way with the right (and not onerous or costly) aftercare.

Design codes and why we also need a National Underground Design Code

The policy objectives emphasise the value and benefits of the National Model Design Code. For this consultation we will not comment on 'design codes' as such but recommend that there is the need for a 'National Underground Design Code' as a necessary companion document because, if above ground ambitions are to be met, then below ground requirements need to work in tandem.

In this regard TDAG supports the proposed Government Foresight project on the Future of the Sub-surface which is looking particularly at the shallower sub-surface which has most impact for urban areas and development.

Infrastructure

The work of Transport for New Homes (<https://www.transportfornewhomes.org.uk/>) and others emphasise the need to have sustainable transport systems in place before housing developments as well as reports from the CIHT on the need to integrate land use planning and transport planning (<https://www.ciht.org.uk/media/16871/fixing-a-failing-planning-and-transport-system.pdf>).

The Bill calls for the requirement to deliver the infrastructure that the community needs and we note the House of Lords amendment to the Levelling up Bill Schedule 11, page 344, line 31 on the infrastructure levy with the Member's explanatory statement saying: *for infrastructure funded by IL associated with a development to be built, before development may commence.*

TDAG would like to see infrastructure, such as sustainable transport, installed before building development begins. Ideally, it would like to see green and blue infrastructure in place beforehand too, but appreciates that site management during the buildings process may not allow all such areas to be delivered early. However, developers should justify where this is possible and where not, and why.

Utilities

In line with the need for a National Underground Design Code and early consideration and delivery of infrastructure in new developments, TDAG recommends that the utilities in new developments must use shared service ducts – this will enable other ‘above ground’ benefits such as street trees to be delivered successfully for the long term. It will also overcome the constant problems of streets being closed for access to utilities etc. It will also facilitate the integration of water management with tree planting where SuDS are located on the surface. It should provide long term savings in terms of both costs and disruption.

Why we need a comprehensive land use framework and strategy for England.

All decisions relating to development, 15-minute cities, resource use (water, food etc), transport, flooding, nature recovery networks, improving health and wellbeing, tree planting at scale and so on, depend on having the necessary land use data and mapping so that the necessary layers can be checked before locations are decided and confirmed. We are aware of the House of Lord’s Report, the land use work that Defra is undertaking and the work of the Geospatial Commission on land use data (<https://www.gov.uk/government/news/new-geospatial-data-projects-to-shape-the-future-of-land-use>) and the pilot studies in Devon and Cambridgeshire by the Food, Farming and Countryside Commission

We would recommend that a comprehensive land use framework should include input from at least DLUHC, Defra, DfT and the Department of Health and Social Care.

Local authority resources

This is an issue that is raised repeatedly with TDAG:

- there is not sufficient resource to develop tree and woodland strategies (we have demonstrated that this need not be a barrier – see <https://www.tdag.org.uk/trees-planning-and-development.html>)
- There is insufficient resource to properly interrogate planning applications and then there is insufficient resource to ensure enforcement so that development is actually delivered as agreed etc.
- There is insufficient communication and understanding between different departments in local authorities, to ensure a properly co-ordinated approach – between highways engineers, planners, landscape architects, and the LLFA, and one that maximises the benefits of a site for the future users and the environment

There is also a disparity of resources between different authorities, sadly often linked to economic and social deprivation and these areas tend also to suffer from lower funding in terms of developer contributions etc.

How can ‘levelling up’ help to overcome these issues and what guidance can be given to local authorities to find funding levels to match the services they need to deliver?

RESPONSES TO SPECIFIC CONSULTATION QUESTIONS

Chapter 6: Asking for beauty

Q.33: *Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?*

A general comment about ‘beauty’ has been made above.

TDAG recommends that what is meant by 'beautiful' should be examined. The BBBBC analysis was concerning – see above – with the definition of beautiful buildings starting with 'windows!'

Similar definitions are required for "well-designed".

- 'Well-designed' because the approach to placemaking creates a healthy environment in which people and nature can thrive?
- 'Well-designed' because the buildings are fit for purpose, perform well for a long life of hundreds of years not decades and can be easily maintained for longevity?

Finally, what is ugliness?

How do we really define the 'spirit of the place' and avoid 'clone town' housing or 'clone town' placemaking so that you no longer see the same developments in all parts of the country?

Equally, how do you avoid pastiche and the recreation of what is already in place?

It is vital that the issues raised in these questions do not get confused with 'style' (J. Mordaunt Crook *the Dilemma of Style*)!

Equally, trees are too often added to schemes to achieve planning permission with little investigation, collaboration or consideration of how to get it right in terms of designing with trees, delivery and long-term performance.

Chapter 7: Protecting the environment and tackling climate change

Q.37 *How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?*

Artificial grass is not an option if there is a serious intention to integrate nature into new developments.

(<https://www.plymouth.ac.uk/discover/why-are-artificial-lawns-bad-for-the-environment#:~:text=Why%20is%20artificial%20grass%20harmful,soil%20dwellers%20such%20as%20worms.>)

Equally, not allowing or promoting artificial grass, also means not allowing unnecessarily large areas of hard paving instead. Permeable paving, whether through permeable blocks or gravel can be easily substituted, as policies that ban paving over gardens has not been effective.

All local planning authorities need to have clear adopted strategies and policies about the integration of nature recovery strategies, tree strategies, biodiversity and environmental net gain with strategies on local land use, potential development sites, transport infrastructure etc.

Q.38 *Do you agree that this is the right approach to making sure that the food production value of high value farmland is adequately weighted in the planning process, in addition to current references in the Framework on best and most versatile agricultural land?*

How the land is used for the most productive and required purpose is why we need a comprehensive land use framework for England along with the necessary data as described in general comments above.

Q.39: *What method and actions could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?*

There are four areas to consider here:

1. Buildings: Many organisations will have commented on this. Carbon Emissions (Buildings) Bill reflecting the industry proposal for the Part Z amendment to the Building Regulations would clearly be a major step forward.
<https://www.building.co.uk/comment/why-our-part-z-proposals-must-be-a-milestone-on-the-road-to-net-zero/5120998.article>

NB. TDAG supports the responses made by the more built environment focused professional institutions and organisations including the Construction Industry Council and the Good Homes Alliance.

2. Low carbon public realm i.e., all the engineered urban elements beyond the buildings also need to be net zero.

Refs:

UKGBC: *Building the case for net zero: A case study for low carbon residential developments*

<https://www.ukgbc.org/ukgbc-work/building-the-case-for-net-zero-low-rise-developments/>

TDAG online workshop 20th September – link will be provided here:

<https://www.tdag.org.uk/events.html>

3. Climate based master planning

There needs to be much more consideration about microclimate design in master planning for new developments as part of climate change adaptation and mitigation. Planners need to understand the role of built form, trees and green/blue infrastructure as well as general considerations such as orientation as this has an impact on both the environmental and comfort performance of the buildings as well as on the spaces between where trees can both reduce glare from buildings and cool the surrounding areas.

To look more specifically at the benefit to building if designs recognised the changing demands according to orientation, with special reference to overheating due to unprotected glazing, especially on the south and west facades; for the avoidance of doubt the elevations should not be the same but rather vary according to their orientation. This also has an impact on measurable carbon demand.

4. The role of trees and nature-based solutions

Work led by Professor Matt Disney at UCL demonstrated that carbon capture and other benefits by urban trees has been undervalued:

"Trees in our urban forests are undervalued. A lot of plans focus on tree cover, but this push could come at the expense of large, mature trees..."

If one large tree is replaced with 10 small ones, the canopy cover may increase, but carbon storage will go down, as will most of these other benefits like shade tolerance or slowing surface water run-off – at least until the new trees survive beyond 20 or 30 years old, which is far from a given."

(<https://www.ucl.ac.uk/news/2021/jul/exhibition-explores-carbon-cycle-space>)

Trees also have a role in reducing the urban heat island reduction helping to cool the spaces between buildings, reducing glare from the buildings while also improving the environmental performance of lower rise buildings themselves.

Space in the urban environment is precious, so we need to combine as many benefits into urban spaces as possible, by fully integrating tree and amenity planting, with SuDS and a biodiverse plant selection. This is a powerful combination that delivers an environment appropriate for both nature and people, and is an efficient use of land.

Q.40 *Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?*

Nature based solutions provide many benefits.

If planning is to deliver nature-based solutions for the many benefits that can be provided, then all local authorities should have:

- Adopted Climate Adaptation Strategies
- Adopted Local land use strategies
- Adopted tree and woodland strategies including monitoring and management.
- Adopted green infrastructure strategies including monitoring and management.
- Ensure that 'SuDS on the surface' that use trees and planting are integrated all the time, everywhere, and that their ongoing management and maintenance is properly covered via adoption based on a comprehensive and long-term management plan

'Adopted' is critical as these strategies cannot sit on the side lines as 'guidance' only.

Please note:

Trees should be in a separate strategy albeit integrated with a number of other strategies, but not a sub-set of a GI Strategy.

Trees have very long lives and outlive and once established are, or should be, permanent infrastructure elements. They should not subject to change as other elements of GI can be, especially green roofs and walls.

Chapter 10: National Development Management Policies

Q.51: *Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?*

Yes – specific ones to be carefully considered.

Q.52: *Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?*

Yes:

- Having got a comprehensive land use framework for England, all Local Authorities need their own local frameworks so that they have current data on land use, biodiversity, tree cover, areas of flooding, underground assets/utilities etc., etc.
- Planning must engage with a wide range of policies with nationally agreed principles, although needing some local variations, including building regulations, air quality, climate change adaptation and mitigation, water management, health, employment, reducing social and economic inequality etc. All councils should ensure that their policies are integrated and do not conflict.

This is valuable, not only for small builders but for consultants, of different size, working in different local authorities where they have to spend too much time assessing different policies.

Finally, TDAG supports the points made in submissions from the Construction Industry Council, the Chartered Institution of Highways and Transportation, Lynne Sullivan as Chair of the Good Homes Alliance and the Institute of Chartered Foresters.