



Introduction

The Trees and Design Action Group (TDAG) is an open collaborative forum facilitating cross-sector and cross-disciplinary dialogue and projects promoting the role of the urban forest throughout the United Kingdom. The group shares the collective vision that the location of trees, and all the benefits they bring, can be secured for future generations through better collaboration in the planning, design, construction and management of our urban infrastructure and spaces.

Established in 2007 as a not-for-profit and apolitical collaborative forum, TDAG incorporated as a charitable trust in 2013. Its membership, online publications and information are free. This approach enables TDAG to assimilate ideas and knowledge independently of organisational hierarchy, profit or commercial interests.

In the response to the Raynsford Review from the Trees and Design Action Group we have set out some specific issues for urban trees in the summary below, followed by a more comprehensive review of planning issues for landscape, green infrastructure and trees. **The content commencing on page 3 has also formed the basis of the Landscape Institute's submission to the Raynsford Review.** The LI's submission is supported by TDAG, as many of the issues, concerns and recommendations therein reflect the objectives of TDAG and the multiple benefits associated with greening the urban environment.

Summary points specifically relating to trees and the need for a National Tree Strategy

The Benefits of Urban Trees

1. There is indisputable evidence that trees provide multiple benefits to society.
2. Urban trees make a positive contribution towards achieving key national objectives including climate change, transport, health and sustainability.
 - Climate change mitigation by reducing urban heat extremes and improving surface water management and so reducing flood risk.
 - Supporting the health agenda by encouraging walking and cycling, reducing stress and so improving mental and physical health.
 - An contributing element to improve urban air pollution
3. Outside urban areas trees have an important role in ancient woodlands (as demonstrated by the work of the Woodland Trust) and on linear infrastructure routes which need to work with nature to achieve multiple benefits (as demonstrated by the work of Network Rail, Highways England and the National Grid (Linear Infrastructure Network – LINet)

While it is recognised that ‘trees’ are not the only way to achieve the objectives, they can make a long-term cost-effective contribution to all of them, and where there is no one obvious solution, then accumulating gains and every small enhancement contribute to the overall level of success.

Barriers and Problems

1. There is poor cross-departmental coordination within national government.
 - This is resulting in inconsistent delivery of important national objectives at the local level, with Sheffield street tree losses and Wandsworth horse chestnut avenue removal in the face of strong community opposition, being two recent and obvious examples.
 - The current strategic guidance from national government is not delivering the multiple community benefits available from urban canopy cover consistently at the local level.

Action required

- Britain needs a national tree strategy to improve local delivery of tree benefits.
- It should include:
 - All Local Planning Authorities should have a comprehensive tree strategy and management plan as part of their core planning policies.
 - All strategies should include plans to optimise urban canopy cover and ensure that it is delivered as evenly as possible to include areas of current deprivation.
 - Tree whole life value should be factored into the planning decision-making process. We now know a great deal about the asset value of trees and the ecosystem services that trees provide (i-Tree Eco). We also know a great deal about the whole life costs of trees in various urban situations (street trees, parks and green space, private land etc)

In addition:

Maintenance requirements for trees and green infrastructure should be built into all planning permissions. Too often highway departments are nervous about adopting additional green and blue infrastructure elements – trees and SuDs (even if SuDS are the only viable option for surface water management in towns and cities where the grey stormwater system is at capacity or beyond because of misunderstandings in terms of costs.

Reference: *Trees in the Townscape: A Guide for Decision Makers* (TDAG 2010) – this offers a 12 point action plan that covers the key issues relating to trees and planning.

The Trees and Design Action Group would be happy to elaborate on what a national tree strategy and local tree strategies would include. This was also set out by the Forestry Commission and GLA in 2008 and can be updated to suit present conditions. (There is some move in Defra already to consider this and this should be undertaken with DCLG, DfT and the Department of Health as a minimum for cross-departmental collaboration).

For feedback, queries or requests for further information from TDAG please contact:
Sue James (Suejamesriba@gmail.com) and Ian Phillips (ianphillips@btinternet.com)

LOOKING AT THE WIDER ISSUES IN MORE DETAIL FOR BOTH TREES AND GREEN INFRASTRUCTURE.

One of the most significant comments made by Hugh Ellis at a Raynsford Review meeting was that there appeared to be “no consensus on purpose of planning and its objectives”. This inclines one to wish for a blank sheet on which to build an intelligent and useful planning system!

The English planning system and sustainable Development

Overview

The UK Government’s sustainable development strategy for planning in England remains as set out in *Securing the future: delivering UK sustainable development strategy*, originally published in March 2005 and republished 25 March 2011. Reference is made to this in the NPPF.

The opening paragraph of the Executive Summary states: *Our Strategy for sustainable development aims to enable all people throughout the world to satisfy their basic needs and enjoy a better quality of life without compromising the quality of life of future generations.*

This document builds on the global commitments made at the Rio Summit in 1992 and sets out a number of detailed commitments.

Also in 2005, the UK Government set out its General Principles for the Planning System¹. This established the primacy of a Plan Led System, with a national, regional and local hierarchy and for regional and local plans to undergo formal Sustainability Appraisals (but not required for national planning policy, due to a quirk of the relevant, over-arching European Directive). There was a clear commitment in this statement to the principle of planning *for all development* in the public interest. Section 27 states:

The members of the local planning authority are elected to represent the interests of the whole community in planning matters. When determining planning applications they must take into account planning considerations only.

Section 29 states:

The planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

These commitments have, arguably, been somewhat diminished in more recent years through de-regulation and initiatives to streamline the planning system, justified by arguments that the planning system was difficult to understand and, more significantly, inappropriately delaying or inhibiting desirable economic development, in particular new housing. Regional Spatial Strategies have been extinguished other than for London and a couple of key policies enabling development in

¹ The Planning System: General Principles, ODPM, March 2005

the SE England RSS. Neighbourhood Plans have been introduced with an emphasis on rewarding local communities for designating development sites whilst providing opportunities for them to influence their environment. They have been more successfully produced in rural parishes (where boundaries are already in place) rather than urban areas, where boundaries are less easily defined and there are fewer or no established representative bodies. In recent years, local planning authorities (LPAs) have suffered resource cuts and loss of staff and specialist expertise whilst trying to cope with frequent policy and legislative changes.

With regard to sustainability, the NPPF states in Section 6:

6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

However, most of the NPPF's key references to sustainability, particularly concerning environmental, social, cultural and good place-making, are in paragraphs 7 to 17, thus potentially diminishing the significance of these issues as over-arching principles.

Recommendation #1: The references in Paras 7 to 17 of the NPPF should be more clearly emphasised as government policy relating to sustainable development and be accorded great weight as a material consideration.

Recommendation #2: The NPPF should also include specific reference to the relevance in planning matters of other extant government policy and commitments such as the Natural Environment White Paper *Making Space for Nature* and international treaty obligations, such as the *European Landscape Convention*.

Opportunities for landscape, trees and green infrastructure in development

All landscapes matter – not just those in designated areas, such as National Parks and AONBs. Many planning applications do not include any provision for landscape treatment. It is arguable that a dormer window or rear extension and other small-scale development may not have landscape implications and that it would be disproportionate to require any landscape input into such schemes. This failure to address landscape as an issue frequently extends to other development, such as industrial or commercial buildings, some infrastructure installations and developments in highly urbanised environments.

However, this fails to recognise that many development proposals where there are no obvious existing landscape associations, including some small-scale projects with external space implications, could provide opportunities for landscape improvements which would be in the public interest. New development should result in a net improvement in sustainability and environmental quality, and any adverse impacts should be effectively mitigated or compensated for. Where on-site opportunity is unavailable (subject to robust testing), then CIL contributions for offsite landscape, tree planting and / or Green Infrastructure strategies may provide a solution, subject to appropriate policies being in place.

Such opportunities are recognised in the largely ignored Section 197 of the 1990 Planning Act, which places *a duty* on LPAs to consider the desirability of requiring the planting of trees when granting planning permission and to then protect such new plantings with a TPO. This duty applies to all planning permissions, but tends to be exercised only in the case of larger developments or where a proposal has an obvious adverse impact on existing trees or sensitive surroundings.

Trees are important natural capital assets and are often the most effective means of retro-fitting green infrastructure elements into existing urban areas, where space may be at a premium. As they grow, their contribution to essential ecosystem services increases.

Where new trees are planted as an express requirement of a planning permission (and therefore are seen as delivering a desirable / essential strategic purpose) their long-term retention and management is best addressed through a TPO. Conditional TPOs are typically issued at the time of approving planning proposals and take effect when the trees in question are planted (possibly some months later) and then enable normal TPO protection standards to be applied.

Bristol City Council has applied an effective mechanism, based on policy and a tree valuation system, of obtaining substantial financial compensation for the loss of public trees arising from development. This has created an incentive to produce designs that minimise tree loss and a funding stream for new tree planting and management. Sefton Borough Council has a policy in place, based upon its tree strategy, to require new development to incorporate trees or a financial contribution to enable off site tree planting.

Recommendation #3: Emphasise the duty under S.197 of LPAs to consider the opportunities for and desirability of tree planting by incorporating this as a standard item to be included within all reports recommending the grant of a planning permission. Standardise the protection of any trees to be planted in association with a planning permission by the use of a Conditional TPO (as described in the TPO Regulations, Model Form of Order). Recommend that LPAs adopt planning policies (supported by tree strategies) that formalise the valuation of trees by a recognised method to enable compensation for tree loss.

Green Infrastructure (GI)

The need for regulatory management to ensure implementation and quality control of landscape-related issues was further recognised explicitly in the *NPPF Impact Assessment*² (DCLG, 2012) where the delivery of green infrastructure was stated as requiring government intervention to counter a likely market failure to make appropriate provision.

GI offers opportunities to address multiple policy objectives, including public health, biodiversity, climate change mitigation and adaptation, flood risk management, energy efficiency, clean air and water, recreational facilities and cultural heritage. It can also embrace the provision of food, fibre and fuel. The development of effective, multi-functional GI networks may be a key factor informing reviews of Green Belt designations. It is a key element of good place-making.

GI is most effectively delivered at a landscape scale, based on landscape character area assessments (which may also relate to water catchment areas) and applied on a sub-regional basis, rather than being confined to administrative boundaries. Local, small and medium scale contributions to GI, e.g. which may arise in routine development management work, can be identified as opportunities that help to build a multi-functional network of green assets, if there is an over-arching strategy with some clear GI vision and objectives.

2

<http://webarchive.nationalarchives.gov.uk/20120919132719/www.communities.gov.uk/documents/planningandbuilding/pdf/2172846.pdf> pages 65-68

Recommendation #4: Strengthen the references within the NPPF for local planning authorities to prepare green infrastructure strategies and for these to be co-ordinated with neighbouring authorities under the Duty to Co-operate. Ensure that all relevant development proposals contribute either directly to the development and establishment of green infrastructure or indirectly via CIL contributions. It should be emphasised that GI strategies identifying gaps, opportunities and needs are most effectively produced at a sub-regional scale, making use of Landscape Character Area Assessments and a wide range of data inputs.

Does the planning system contribute to achieving sustainable development in the long-term public interest?

Good landscape planning, design and management has a significant role to play in achieving good place-making and high quality developments that result in enhancement, rather than merely acceptability.

Circular 11/95 on the *Use of Conditions in Planning Permission* (now revoked except for the Model Conditions Annex) recognised this by including extensive guidance on the rationale and importance of addressing design, landscape and tree matters through conditions in Paras 43 to 52. Para. 49 stated:

Landscape design may raise special considerations. The treatment of open space can vary greatly and the objective should be to ensure that the intended design quality is achieved in practice.

If the planning system has a fundamental *raison d'être*, it must be to act in the public interest. This must ensure, at least, avoiding or mitigating the broader or long-term, as well as direct, adverse effects of development. At best, it should be a positive force, seeking to deliver development that provides for beneficial effects. The post-war planning system emerged from public and political concerns relating to slum dwellings, suburban sprawl, ribbon development and loss of countryside that were associated with unfettered development. It embraced the principles of pilot projects such as the garden cities and suburbs and introduced environmentally-focussed initiatives such as the Green Belt, New Towns and Tree Preservation Orders.

Most development is generally concerned primarily with the provision and functioning of buildings and structures, and the attention of both developer and local planning authority tends to be focussed on these issues. There is also significant political pressure to deliver economic benefits and housing supply. However, the treatment of external areas within the development site and the effects of the development beyond its boundaries will often have very significant implications for future occupiers or users and for the wider community and public interest. Landscape treatment, in its widest sense including its use of natural capital assets, can make a positive contribution in new development at all scales to recognised issues of sustainability, such as biodiversity, climate change adaptation and mitigation, energy efficiency, pollution control, flood and water management, community cohesion and public health.

Sustainable development needs to consider broad landscape principles at the earliest stage of inception, taking into account matters such as layout, access, orientation, capacity and character and responding positively to wider issues such as making best use of natural capital and climate change mitigation and, more urgently, adaptation.

Development and landscape in the planning system

The European Landscape Convention (Council of Europe treaty ratified by UK Government in 2007) requires *“landscape to be integrated into regional and town planning policies and in cultural, environmental, agricultural, social and economic policies, as well as any other policies with possible direct or indirect impacts on landscape”*.

Article 1 defines the terms used in the ELC. These include:

“Landscape” – an area perceived by people whose character is the result of the action and interaction of natural and/or human factors.

“Landscape policy” – an expression by the competent public authorities of general principles, strategies and guidelines that permit the taking of specific measures aimed at the protection, management and planning of landscapes.

“Landscape protection” – actions to conserve and maintain the significant or characteristic features of a landscape, justified by its heritage value derived from its natural configuration and/or from human activity.

“Landscape management” – action, from a perspective of sustainable development, to ensure the regular upkeep of a landscape, so as to guide and harmonise changes which are brought about by social, economic and environmental processes.

“Landscape planning” – strong forward-looking action to enhance, restore or create landscapes.

Within the planning system, landscape issues tend to embrace many of the principles of sustainability, relating environment to people and the management of change. Landscape considerations are typically broader in scope and longer term than those concerned primarily with land use and structures. This has long been recognised within the planning system where landscape has been accorded special consideration.

The general thrust of changes to the planning system since 2010 have tended to favour the economic aspects of development over environmental, cultural and social issues. Many environmental considerations have, by and large, remained in place due to their basis in EU Directives that have been transposed into UK legislation, (e.g. Habitat Regulations, EIA, Strategic Environmental Assessment, etc). They have, however, frequently been criticised by some influential politicians and representatives of the development sector as preventing or adding unnecessary delay, cost and complexity to development projects. The unknown outcomes of the UK’s proposed exit from the EU could result in EU based environmental protection measures being diluted or extinguished.

Recommendation #5: That the NPPF includes a policy commitment to giving substantial weight to relevant international environmental policy and legislation, on the basis that many environmental issues, notably those concerned with biodiversity, pollution and climate change impacts, have implications beyond national boundaries, and are key to realising sustainable development.

It has long been recognised that good landscape treatment provides important public benefits in terms of all that is implied by good place-making.

High quality landscape treatment can and does add tangible economic value. For example, a series of case studies by CABE in 2005 (*Does Money Grow on Trees?*³) demonstrated that proximity to green open space could add significant percentages to property values. The provision of high quality landscape and a green environment will generally help to overcome objections to new development from existing communities and expedite progress through the planning system.

Case Study – Landscape adding value to development

Brooklands eastern expansion area of Milton Keynes⁴.

The special planning environment applicable in Milton Keynes included the use of development tariffs incorporating two elements: a sum set aside for public works including landscape; and a commuted sum payable to the independent Milton Keynes Parks Trust. The application of the tariff ensured that the developer not only funded green infrastructure but agreed the standards which would be achieved and the designs in advance of any building works. As a result, design quality was assured, and significant public landscape was secured throughout the area. This included forestry, public parks and other incidental public spaces. One such, the Brooklands Meadows Park, with a budget of £2m, was completed around 2011. Being located around a natural watercourse, it was also designed to function as a transient flood reservoir in times of spate. Soon after its completion, the developer, Places for People, reported significant uplift in the market value of new homes sold alongside the park, illustrating the economic value of high quality, accessible landscape, hence the all-round desirability of funding-secured, forward-planned public space and the tariff/Parks Trust mechanism for delivery. The Landscape Architect for the development was Roger Griffiths Associates Ltd.

Does the National Planning Policy Framework provide an effective framework for the delivery of sustainable development?

The NPPF contains a number of statements that can be interpreted and applied to enable the delivery of sustainable development. Appendix A provides a brief summary of the sections that are supportive of 'green' issues.

How can effective changes be made to national policy on key issues such as the viability test?

Strong policies should set out requirements for development to provide full mitigation based on a holistic assessment of direct and indirect impacts, to address whole-life issues of resilience and sustainability and to deliver some public benefit from the value added by the granting of permission to develop. If these are clearly set out and costed, developers would have sufficient certainty to

³ <http://webarchive.nationalarchives.gov.uk/20110118095356/http://www.cabe.org.uk/files/does-money-grow-on-trees.pdf>

⁴ <https://www.milton-keynes.gov.uk/planning-and-building/growing-mk/eastern-expansion-area-eea>

incorporate the implications into their assessment of land values. They would then be able to deliver expectations either directly or via financial contributions (such as CIL). It is therefore arguably the responsibility of the regulatory system, in both central and local government, to intervene in an otherwise imperfect market, to ensure that the public interest is properly catered for. Viability calculations should take such public interest issues on board as fundamentally as the cost of materials, labour and reasonable profit expectations. It is accepted that there will be complexities involved, and there may need to be allowance for genuinely unforeseen circumstances, but these are routinely addressed in construction contract law and therefore could similarly be addressed in the planning system.

The scope of the planning system

How effective is the application of the plan-led planning system? Would a zonal planning system based on systems in the EU be more transparent and effective?

Zonal planning tends to be applied at a sub-district or borough scale. It is therefore less likely to address matters at a landscape scale, which is essential to enable, for example, green infrastructure networks. Zonal planning can be an effective mechanism for streamlining the delivery of regeneration development but its application as a fast-track solution may lead to less attention being paid to environmental, social and landscape character issues. If zonal planning is implemented in accordance with an approved, adopted masterplan with appropriate contextual and sustainability references, and there are robust quality control measures and resources to ensure attention to detail, it can be a useful planning tool. It should not, however, be viewed as a widely-used substitute for policy-led local planning and application-based development management. The current system enables (but does not always deliver) wider community involvement, more transparency and, arguably, better and more sensitive place-making that responds to local considerations.

Zonal planning may risk a reduced consideration of unintended consequences, including environmental issues, and insufficient consideration of relationships to surroundings beyond the zonal perimeter. Area Action Plans, as formally adopted policy documents, already make reasonable provision for zonal development, but incorporate both procedures and content that encourage more sustainable projects that are context-sensitive.

The post-war New Towns, from Stevenage to Milton Keynes, have proven to be quite good examples of zonal planning, but were, by and large, sensitively managed by land-owning Development Corporations with masterplans (often landscape-led), strong infrastructural provision and controls on high quality design and long term management matters.

Zonal planning based on landscape and physical geography, such as landscape character areas and water catchments, could provide an effective basis for sub-regional planning to include green infrastructure networks. Administrative or political boundaries do not necessarily reflect the physical nature of the land and create inappropriate artificial edges for policies that should relate more to natural characteristics. These are not necessarily well-addressed through the Duty to Co-operate.

There is a strong argument here for regional planning, addressed in more detail below (page 10).

Should land use control apply to all land uses, including agriculture and forestry, in light of the social and environmental challenges that we face?

Agriculture and forestry represent the conventional, productive land uses of the countryside. Their operational requirements have always been outside the remit of the planning system and this remains a broadly appropriate position. However, as farmers and foresters develop new practices and activities that affect the landscape and seek to develop new income streams, the planning system has an important role to play in balancing landowners' aspirations against wider public interests. Leisure and recreation facilities and accommodation are increasingly seen as profitable uses of rural land, as are farm shops and energy production, but all these have an impact on the landscape via infrastructure and ancillary buildings as well as intensified visitation and access requirements. New agricultural practices, such as the increased use of poly tunnels and shelters for crops and animals, increase productivity but also may have adverse impacts on landscape and biodiversity interests which would benefit from mitigation.

Since 2015, basic subsidies to farmers and landowners under the EU based CAP regime via the Rural Payments Agency require an element of 'greening' and, for higher level payments, entry into a 'stewardship agreement' which addresses, inter alia, biodiversity and landscape enhancements. If the UK leaves the EU, there is a commitment by the UK government to continue these payments until 2021. Following this period, it is possible that farmers and landowners will seek to maintain or increase their income through a broad range of diversification measures that may adversely affect the landscape and its underlying ecosystems. If the government does not introduce a robust new mechanism for subsidies incorporating good biodiversity and landscape conservation practice, there may be a growing responsibility placed on the planning system to intervene in and manage rural land use.

Much development associated with farm diversification and, of course, non-agricultural rural development such as housing and leisure provision, already falls within the scope of the present planning system, and planning interventions may be perceived as an unwarranted intrusion into a land owner's management expectations, leading to resentment and mistrust. There is some considerable political support for a reduction of planning intervention into rural landowning development, but this does not seem likely to be beneficial in terms of sustainability principles.

Where farm or estate diversification is proposed to introduce new unconventional activities or features, it can be helpful for all concerned for the landowner to prepare a Whole Estate Plan (WEP) and for this to be submitted for consideration by the Local Planning Authority. A WEP would typically include a business plan for the estate over, say, a 25 year period, showing building and management proposals. It would incorporate a proportionate sustainability assessment including positive, neutral and negative environmental impacts and mitigation measures as appropriate. If approved by the LPA, this would form the basis for enabling development within the estate that might otherwise be less acceptable. There would thus be a benefit to the landowner in providing greater certainty of outcome for future diversification proposals and for the public interest in ensuring that adverse impacts were being adequately mitigated.

The emerging South Downs National Park Local Plan is incorporating this principle⁵ as part of its partnership approach to working with farmers and landowners within a designated landscape. The Park Authority is also developing a 'cluster' approach to encourage neighbouring farmers and landowners to co-operate in developing common management strategies that will benefit their business interests alongside local community and environmental considerations.

Recommendation #6: The NPPF should require Local Plans to incorporate policy support for Whole Estate Plans to be submitted and approved to provide a more holistic approach to development initiatives, including environmental outcomes and potential mitigation, and for these to enable sustainable rural development to progress.

The spatial structures of the planning system

How effective are the structures of the planning system in relation to the national, sub-regional, local and neighbourhood scales, and how effective are their inter-relationships?

The revocation by the coalition government (2010-2015) of regional planning, other than in London, has resulted in a significant loss of strategic overview in England, with local planning tending to be defined by administrative boundaries rather than the nature of the land, and by a somewhat protective, introspective approach, influenced predominantly by housing market and needs studies. The Duty to Co-operate (but not necessarily to agree) has not resulted in significant cross-boundary collaboration between planning authorities, despite the fact that populations tend to move regularly and unwittingly across these boundaries to obtain goods and services.

Case Study – Partial Retention of Regional Planning in SE England to deliver housing⁶

An example of the importance and effectiveness of strategic planning at a regional level is apparent in the retained policy NRM6 from the SE England Regional Spatial Strategy. Following a Sustainability Appraisal of the proposed withdrawal of the RSS (as required under the EU Directive on Strategic Environmental Assessment), Strategic Policy NRM6 relating to the Thames Basin Heaths Special Protection Area (SPA) was retained (together with Structure Policy H2 on a housing allocation at the RAF base at Upper Heyford, Oxfordshire). These policies remain (exceptionally) extant whilst the remainder of the RSS has been revoked.

Policy NRM6 establishes a Joint Strategic Partnership (JSP) across 11 local planning authorities and 3 county councils to assist in delivering some 20,000 houses within 5km of the internationally protected Thames Basin Heaths SPA. The JSP is a key part of a three pronged approach that enables new housing to be developed with appropriate mitigation measures that offset the adverse impact that each house, cumulatively and in combination, will have on the conservation objectives of the SPA. Specifically, these are to protect the scarce lowland heath habitat for threatened species of ground-nesting birds from predations by cats, disturbance by dog-walking and other recreational pressures associated with nearby residential use. The JSP's function is to monitor and manage housing provision across the sub-regional area of influence against essential environmental

⁵ Policy SD 25 and para 7.15 of the Pre-submission South Downs National Park Local Plan
<https://www.southdowns.gov.uk/planning/national-park-local-plan/>

⁶ <https://www.bracknell-forest.gov.uk/planning-and-building-control/planning/planning-policy/development-plan/south-east-plan>

mitigation measures, such as the provision of Semi-natural Areas of Natural Greenspace (SANGs) and heathland management interventions. The JSP's functions and associated mitigation measures are formally established and maintained – and the building of housing in this key development area of the Home Counties enabled - by the retention of this scrap of regional planning policy.

It has been argued that regional planning as previously applied was too remote from local communities and at too large a scale for effective representation and participation. However, the gap between national planning policy (and national infrastructure provision) and local policy planning, with sporadic inputs from neighbourhoods, is great and fails to address key strategic issues. **There is therefore a case for sub-regional planning to bridge the divide between national and local interests.**

Case Study – Sub-Regional Planning in SE England led by the landscape

The pre-submission South Downs National Park Local Plan applies policies on a sub-regional basis across areas administered by 15 local authorities. The Park includes 176 town and parish councils and has assisted in the production of 50 Neighbourhood Plans. It covers urban as well as rural areas, with four market towns and 166 Conservation Areas, serves a population of 112,000 and receives 46 million visits per year. It is the eighth largest planning authority in England.

The landscape-led Local Development Plan, emphasises the importance of natural capital and ecosystem services and their delivery through strategic green infrastructure networks, within a context of managing change and enabling development that is well-designed and responds to local character. The Authority has worked closely with local communities to encourage them to prepare Neighbourhood Plans, Parish Plans and Village Design Statements as a means of positively engaging people with the planning system. It is allocating provision for 8000 new houses within the Park.

While this approach may be facilitated within the context of a designated National Park, it provides a model set of principles that can be applied in other scenarios, including urban and metropolitan areas, to achieve more sustainable development and reduce local resistance to change. The Park Authority has achieved this through its partnership-led process, employing extensive consultation, and by producing strategic policies over the whole of its area of interest that command broad support.

The Plan's recognition of Landscape Character Areas across 18 landscape types and its promotion of a strategic Green Infrastructure Network are made more effective and relevant by the scale at which it operates. The emerging plan provides a compelling case for the preparation of strategic policies at a sub-regional scale and relating these to local communities.⁷

Case Study - Wider-scale planning scope - Coventry

The question of housing development around some of our conurbations is particularly strained where Green Belt is a factor. The city of Coventry cannot develop all 36,000 homes it requires to meet national objectives within its own boundaries without compromising the quality of its internal environment and reducing access to green space. Conversely, its close physical association with Warwickshire and Solihull, mediated through the overriding planning constraint of the surrounding

⁷ <https://www.southdowns.gov.uk/planning/national-park-local-plan/>

Green Belt, mean that there are few options for expansion without complete accord between the three authorities with regard to development strategy. A redefinition of a planning authority with purview of a wider area would enable a balanced, integrated strategy to be developed that could positively address the potential for development that enhances the relationship between the city and its surroundings.

Is there a case for an English national plan? If so, what would be its scope and governance?

A National Plan would be highly desirable to establish key strategic challenges and objectives and to set out proposals for meeting housing, employment and infrastructure needs. A National Plan would logically incorporate Nationally Significant Infrastructure Projects (NSIPs) both with and without geographic locations. It would need to embrace and include the important, topic-specific content of National Policy Statements (NPSs) in terms of need, assessment requirements and decision-makers' considerations.

A National Plan would also incorporate other significant land uses and designations, such as forestry and agricultural land classifications, landscape character areas, green infrastructure networks, sites and areas of biodiversity importance and relate these to proposed growth areas and communications networks, both physical and broadband.

Whilst such a comprehensive plan would in past times have been too complex to easily assimilate and analyse, the use of Geographic Information Systems now enable multiple layers of data to be viewed and cross-referenced, often bringing to light relationships, both positive and negative, that would otherwise have not been properly realised.

A National Plan would enable better informed analysis, debate and decision-making regarding what is needed and where it should go, the relevant opportunities and risks and proposals for holistic responses to these.

Its policy content would set out national strategies, which could include, for example, forestry and trees, agriculture, minerals, communications, energy, strategic green infrastructure networks, Green Belt land and designated areas of biodiversity and landscape sensitivity, etc. and, where relevant, clear national standards and, where appropriate, site allocation proposals.

Community involvement in planning

How inclusive and effective are current approaches to community involvement in planning?

See Section above re South Downs National Park Authority which has worked hard and successfully to encourage significant community planning involvement through a combination of Neighbourhood Plans, Parish Plans and Village Design Statements as relevant. See footnote below for reference.⁸

⁸ <https://www.southdowns.gov.uk/planning/community-planning/neighbourhood-development-plans/>

There are a number of established community engagement tools which can be used by trained facilitators to involve individuals and community interests in the planning process and influence outcomes. These can encourage wider awareness and ownership of development-related changes and result in more inclusive and beneficial results. An example of one methodology is below.

Case Study – CABE Space Spaceshaper community engagement tool

CABE Space produced a useful community engagement tool called Spaceshaper, derived from the CIC Design Quality Indicator (DQI). The DQI enabled all the parties of interest to a building (i.e. developer, architect, engineers, users and occupiers, maintainers, etc.) could provide feedback on how well a building had achieved its intended objectives. Spaceshaper could be applied in this way to review open spaces of all types and could extend its participants to include local community representatives, local authority departments, the police, local businesses, as well as the design team, owners and managers. The process crucially involved establishing and analysing a dialogue between disparate interests, thereby raising awareness of wide-ranging issues by all concerned. Spaceshaper's use could also be applied to inform the design of new open space and regeneration or management interventions in existing spaces. It was used effectively to engage wide involvement and encourage community ownership in the design and management of a variety of urban areas, including streets, housing estates, public squares and parks. Since CABE Space's demise, Spaceshaper has fallen into disuse, but the model (or other similar engagement tools) could usefully be re-applied if an appropriate body was able to supervise its use and fund the appropriate training and distribution.

Neighbourhood planning

The process of preparing a neighbourhood plan varies in terms of its effectiveness in involving a wide and representative proportion of the community. Many neighbourhood plans have a strong landscape content with landscape character assessments forming part of the baseline evidence. This is a topic in which all sectors of the community can engage by drawing attention to key local features, special views, valued open spaces, heritage assets, etc.

Nationally Significant Infrastructure Projects (NSIPs) and community engagement

A planning application or proposal which is not well-received or controversial is more likely to attract community involvement and response than an invitation to join the process and preparation for a neighbourhood plan.

The 2008 Planning Act requires the applicant to lead the process for community involvement prior to the formal submission of a major infrastructure application. The acceptance process tests the consultation against certain criteria. Local communities, represented by parish councils, local interest groups and individuals often have concerns which relate to the landscape. The landscape and visual impact information tend to be included in different places in the application, which can present a challenge for local groups to interpret. **There is a case for the application to clearly signpost all landscape and visual impacts and / or for some guidance to be provided for local communities.**

The examination process allows for local communities and individuals to engage in writing and at hearings, but this can be intimidating unless there is some expertise available to assist or make

representations. Such expertise is less likely to be available to economically or socially disadvantaged communities.

Effective implementation

What are the key delivery issues that can aid effective implementation?

There is a strong case for applying a front-loaded process to the consideration of development proposals, but it is accepted that this should be proportionate, to avoid abortive work and costs. The potential environmental, economic and cultural impacts (positive and negative) of development therefore need to be addressed in principle, together with mitigation where appropriate, at the outset. The provision of Design and Access Statements can encompass these principles, and their preparation need not be seen as a significant cost or constraint. Rather, they should be a key element of the initial feasibility assessment of any development project, regardless of scale but related to context. For example, it might be entirely acceptable to justify a new off-the-shelf front porch on a nondescript suburban house because of its functionality in reducing heat loss and providing shelter at a reasonable cost. Arguments for the same porch on a Listed Building would probably be unacceptable.

If the submitted design principles are acceptable, there can follow an iterative process of further refinement relating to the discharge of conditions. These more detailed considerations should simply reflect (in advance of implementation) as an open process the stages that are essential elements of any development and should not add undue costs, although the time delays for approvals would need to be considered.

Landscape implementation issues

The quality control of building materials, construction and component standards is formally managed through the use of Building Regulations rather than the planning system, with significant reference to formal BSI guidance and recommendations. **However, the delivery of soft landscape treatment in a development, i.e. the use of plants, is especially vulnerable to poor or inconsistent quality control and the planning system therefore has an important role to play in ensuring that the design objectives are achieved and maintained.** Plants are live organic materials. They grow in size, they are susceptible to damage, neglect, pests and diseases and changed environmental conditions and, eventually, they will die. These dynamic processes therefore require appropriate handling, management and maintenance throughout their lifespans if they are to fulfil their purpose.

Speculative developers in particular may have little interest in the long-term maintenance of soft landscape and future occupiers may be similarly disinclined, particularly if the landscape elements are irrelevant to the use of the site or would give rise to avoidable costs.

Many development applications include presentational landscape design drawings to achieve consent but then fail to implement the proposals to a reasonable standard. It can be tempting for developers and contractors to cut costs through poor practice and lack of competent supervision in supply, handling, preparation, planting and aftercare. The results show up long after completion in dead or defective trees and other plants and there is often little or no enforcement due to lack of awareness, interest and / or resources. There is significant anecdotal evidence to support this.

If landscape design details submitted for approval include specification details and planting schedules to accompany drawings, this provides a basis for the planning authority to enforce

standards of implementation, subject to the availability of appropriate expertise that will be able to properly assess quality. The use of conditions relating to landscape should cover 3 separate stages as below, the first two being discharged independently at the appropriate time.

- a) Landscape design submission and approval (pre-commencement)
- b) Landscape implementation in accordance with the design (post-completion or phased completion)
- c) Landscape management (ongoing for life of development)

Recommendation #7: In the absence of any other quality control commitment, the planning development management system should ensure that the landscape design proposals are fully implemented and delivered to a reasonable and agreed standard by imposing distinct design, implementation and management conditions that can be discharged at appropriate stages.

Recommendation #8: Where a development includes some landscape treatment or implications at the application stage, the planning system should seek to ensure, through the use of conditions and / or planning obligations (requiring management plans and / or management agreements), that these will be managed and maintained to a reasonable standard for the life of the development to achieve the design objectives.

These recommendations assume that a LPA has the appropriate skills and resources in place. Where these capabilities are not available, particularly in the case of major, significant or sensitive development, it would be desirable for the LPA to seek / require a developer-funded Service Level Agreement to procure appropriate and independent expertise. This resource would be used not only to scrutinise, assess and advise on the proposals, but also to deal with the discharge of conditions, including the detailed requirements emerging from a Development Consent Order relating to Nationally Significant Infrastructure Projects (NSIPs).

Planning and Highways objectives and tensions

The achievement of planning objectives can be adversely affected by conventional highways considerations, despite the many publications and design guidance documents, (esp. Manual for Streets) that recognise that streets and roads serve functions that transcend the unobstructed passage of motor vehicles and the protection of other users from this.

Streets and roads are potential green infrastructure corridors if planted and managed appropriately. Street trees provide the biological 'stepping stones' that support wildlife, together with the provision of shade and contributions to reducing the urban heat island effect and, to some degree, air pollution, particularly in established urban areas. However, the prevailing highways engineer view remains (understandably, given their operational focus) that street trees are a maintenance liability on their budget, rather than a green asset. Whole life cycle costing therefore needs to be included in such decision making.

Opportunities for streets to be used as public open space are being explored (e.g. Exhibition Road, South Kensington and New Road, Brighton). Unadopted and unmetalled, rough-surfaced, residential streets can provide for traffic-calmed, communally managed, play streets which encourage community cohesion through joint management and shared use.

Roads and associated vehicular access areas in urban areas occupy as much land take as buildings. Particularly in residential areas, their design can be much more people-sensitive and multi-functional than highway adoption standards allow for. Residential development in the Vauban district of Freiburg, Germany provides good examples of motorised vehicles, bikes, pedestrians, childrens' playspace and urban greenery occupying common space without obvious friction or undue risk.

Arguably, planning powers supersede highway powers, but the threat of refusal to adopt new roads tends to give highways engineers considerable influence over design, particularly in new residential and mixed-use developments. Many of the guidelines for elements of highways design are interpreted as regulatory requirements, and alternative approaches disparaged or disallowed in the interests of a standardised approach to adoption...

It would be helpful for there to be stronger endorsement from central government for the design guidance in Manual for Streets and Manual for Streets 2, regarding the roles of streets, roads and other vehicular areas as components of open space and how they might be designed to be more multi-functional, with movement and access controlled by design, rather than bolt-on humps and signage. There is also a strong case for developers, planning authorities and highway authorities to collaborate in addressing highway design issues and opportunities at an early stage of project planning. There will be cases where publicly accessible streets and spaces are more appropriately designed and managed without needing to be formally adopted as highways.

Disconnect between the NPPF and the Manual for Streets

Disconnect between NPPF and Manual for Streets policies, and the actual practice of highways design and implementation. The focus on air quality and surface water management does not sufficiently inform County Highways practice. Changing the culture of the Highways engineer to a street engineer is a massive issue and some authorities are still in the position where Highways Departments feel that they have tried Manual for Streets and don't like it. There are some successes on the details – Northamptonshire's Highways have agreed to a "formal flexibility clause" which permits SuDS within 5m of the adopted area and confirmed their support for trees. A new person has been appointed from within WSP Kier to respond to concerns from planning about the lack of place-making focus. There remains a prevailing view that still sees trees, SuDS and even wider streets, as a negative liability, rather than an asset. A review of MfS could be beneficial. Making the standards compulsory would help deliver the policies around place making which NPPF envisages, but which can on occasion be undermined by highways requirements.

Case Study: Site in Wellingborough Town Centre

Site is owned by the Borough Council, with objective of securing new housing on existing underused surface car parks. There were two years' planning negotiations with the applicant to get an acceptable scheme, which involved the client recognising the need for a new masterplan and landscape expertise, resulting in a much better scheme. However, Highways comments have subsequently downgraded or deleted many of the landscape and street elements in the scheme which enabled pedestrian priority and landscape quality. This has resulted in a scheme that does

not adequately meet planning policy objectives, while the developer is caught between meeting the planning policies and getting an adoptable street.

How can the planning service be best resourced to meet current and future needs?

The public planning system benefits hugely from the availability of in-house expertise but it is increasingly difficult for LPAs to employ specialists given constraints on public funding. However, it is vital for the proper exercise of planning functions for LPAs to be sufficiently competent to prepare appropriate policies relevant to local requirements, to properly assess submissions and to recognise opportunities and gaps in delivery that can be addressed by the planning system.

Public sector planners need support and inputs from a range of specialists to develop initiatives, identify gaps and needs, and to challenge or verify reports from specialist consultants acting for developers.

Landscape-related issues are fundamental to achieving sustainable development through the planning system. There is a common requirement to consider context, often informed by landscape (including urban landscape) character assessment, and to properly address the treatment of spaces around buildings as well as the buildings themselves. The planning system has a vital role to play in establishing strategic green infrastructure networks and addressing issues such as climate change resilience, public health and wellbeing, community cohesion and good place-making. It therefore needs to incorporate the expert resources that can inform and help to deliver these objectives through policy, development management and ongoing enforcement.

Trees occupy a special role within the planning system, in terms of protecting existing and providing for new plantings. The government recognised the role of the urban forest in the 2012 Final Report of the Independent Panel on Forestry. However, relatively few local authorities have adopted tree strategies and they are rarely cross-referenced to development plans. Specialist tree officers provide essential arboricultural advice and enforcement services on development sites and deal with protected tree applications. They should also be utilised to work with planners in developing tree strategies for formal adoption, covering both public and private tree populations within the authority area (and collaborating with neighbours). These may form part of wider Green Infrastructure strategies.

Where local authority resources are so constrained as to inhibit the full time employment of specialist expertise, use is regularly made of consultants to fill gaps, deal with special projects and additional workload. There are also some examples of authorities sharing specialist resources on a part-time basis. In developing effective responses to increasing complexity of issues, authorities would benefit from joint support for pools of expertise in architecture, urban design, landscape, ecology, environmental economics, arboriculture and heritage. Staff in such pools would benefit from variety of work, mutual interaction and support, with potential for career development, and could offer a range of locally informed, specialised services to their member authorities that would be individually unaffordable, whilst potentially reducing consultancy costs.

Design standards

The use of Design Review Panels has produced beneficial results, providing a level of impartial, objective, expert advice to developer and local planning authority alike. The concept, championed originally and funded by CABE, has been adopted within a number of local planning authorities and members of DRPs may work on a pro-bono basis or receive remuneration. Participation by developers is voluntary but can assist in expediting complex or controversial applications.

Anecdotal evidence suggests that decimated LPAs are using Design Review to work out policy on the hoof! *“No development framework, no parameter plans, no masterplans. Planners no longer have the resources so we are evaluating regulatory frameworks alongside proposals. Consultative panels become the planning frontline. This is what the hollowed out public sector looks like.”*

Until its independence was terminated by DCMS in 2012, CABE (previously the Royal Fine Arts Commission) and its subsidiary organisation CABE Space were funded by DCMS and DCLG (at a cost of c.£8m pa) to provide a comprehensive source of multi-disciplinary expertise to advise on matters of policy and design to local planning authorities and developers. CABE were able to intervene directly in plans and projects that were perceived as being important or significant either because of their sensitivity, complexity or novelty. CABE and CABE Space employed a core staff with expertise in a range of fields relevant to development and made use of some 400 Enablers, who were selected for their expertise in particular fields, notably architecture and landscape, but including also engineering, transport and energy. CABE also produced a range of widely-respected publications, including original research, good practice guidance and policy proposals. The diminution of CABE as a subordinate body within the Design Council and its loss of public funding and government support has left a significant gap.

There remains a strong case for there to be a nationally funded and empowered resource that can intervene to assist local planning authorities by providing a pool of expert resources who can provide advice and direction on plans and projects and offer design review panels to comment constructively on the quality of development proposals, with powers to intervene in appropriate circumstances. A national resource of expertise would help to ensure delivery of high quality design and a consistency of policy approach across disparate authorities. Advice and guidance from a national body would carry substantial weight and influence and, if centrally funded, would present an attractive added value for both local authorities and developers.

Recommendation # 9: Encourage more local authorities to make greater use of Design Review Panels (DRPs). Regional / sub-regional DRPs might usefully be shared amongst neighbouring authorities and their services applied to strategic issues as well as individual development projects. Central government should provide funding that recognises the value provided by these panels in guiding high quality, sustainable development to meet NPPF aspirations, but also in providing other services such as design mentoring and training.

Recommendation # 10: Establish a centrally funded body with core staff and pools of experts (Enablers) from multiple disciplines to provide a range of specialist advice, guidance and limited support to local planning authorities (and other relevant decision-makers) either in response to requests or, where there is an identified issue of national or other strategic interest, to exercise powers of intervention. Such a body could also publish research and good practice case studies to reach and influence a broad audience.

What skills and expertise are appropriate for planners; and what does this imply for planning education?

Synthesis of inputs and outputs.

Design principles esp. urban design and context; development economics; environmental economics; research; analysis; challenging established positions; diplomacy; negotiation skills; presentation and report writing; communications to diverse audiences, including consultation initiatives and techniques; balancing competing arguments; problem-solving; judgement; professional standards and objectivity; project management; policy development; law. All this plus an awareness of the roles and value of other professional experts.

Green Infrastructure

Green infrastructure now has to be a central requirement in planning for sustainable development, rather than an optional extra, as its application of ecosystem services valuation contributes responses to a wide range of urban and rural challenges⁹. It needs appropriate cross-disciplinary resources and expertise to prepare and co-ordinate landscape-scale strategies and delivery mechanisms.

Health led planning

Health has come up the agenda effectively with Public Health England, Healthy Spatial Planning etc. This needs to be one of the considerations when dealing with policy and planning applications and will influence highway design, green space provision etc.¹⁰

⁹ <https://www.gov.uk/guidance/natural-environment#para027>

¹⁰ Hugh Barton, City of Wellbeing; Place Alliance Healthy Places Group; PHE Spatial Planning for Health https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/625568/Spatial_planning_for_health_an_evidence_resource.pdf

INTENTIONALLY BLANK

National Planning Policy Framework, published March 2012

Download full document from:

<http://www.communities.gov.uk/documents/planningandbuilding/pdf/2116950.pdf>

Key clauses of potential relevance to landscape and trees

Information prepared by Ian Phillips MRTPI, CMLI

NOTE – The references below are only intended as a signpost to some of the content of the NPPF and are generally paraphrased or simplified extracts. Reference should be made to the original source document and the full wording and context of each clause in all cases. No reliance should be placed on the wording below without such further reference.

NPPF - Building a strong economy

- S21- identify priority areas for environmental enhancement
- S28 -Plans should respect the character of the countryside
- S52 – New settlements may follow principles of Garden Cities
- S53 - Resist development of residential gardens

NPPF on design

- S58 - Positive references to landscape design and incorporation of green and other public space
- S59 - Local quality standards, strong sense of place, local distinctiveness – use of design codes
- S61 - Respond to local character, integrate into natural, built and historic environment
- S64 - Refuse permission for poor design

NPPF – Promoting healthy communities

- S69 - Safe and accessible development and high quality public space
- S74 - Protection of open space and playing fields unless surplus or replaced with better
- S76 - New designation of ‘Local Green Space’

NPPF – Green Belts

- S92 – Promotes Community Forest Plans as material considerations

NPPF – climate change and flooding

- S94 - Proactive strategies to mitigate and adapt to climate change
- S96 - New development to take account of landform, layout, orientation and landscaping to minimise energy consumption
- S97 - Maximise renewable and low carbon development but address adverse impacts, including cumulative landscape and visual impacts.
- S99 - Long term risks to be managed through adaptation measures, including green infrastructure

NPPF – natural environment

- S109 - Protect and enhance *valued* landscapes
- Recognise benefits of ecosystem services

- Minimise impact on biodiversity and seek net gains
- S110 - Prevent pollution
- Remediate poor quality land
- Develop land of least environmental value
- S113 - Set criteria based policies to test development against wildlife, geodiversity and landscape and establish hierarchy of international, national and locally designated sites
- S114 - Strategic approach in Local Plans for creation, protection, enhancement and management of networks of biodiversity and green infrastructure

NPPF – natural environment

- S117- Plan for biodiversity at landscape scale across boundaries
- Identify and map ecological networks – international, national and local sites; corridors and stepping stones and areas identified for habitat creation or restoration
- Preserve, restore and re-create priority habitats, link to targets and identify indicators for monitoring
- Specify types of development suitable for identified Nature Improvement Areas
- S118 - Refuse permission for development resulting in loss or deterioration of irreplaceable habitats
- S123 - Protect areas of tranquillity
- S125 - Limit impact of light pollution

NPPF – local plan making

- S152 - Seek net gains in economic, social and environmental dimensions. Adverse effects to be avoided, mitigated or compensated.
- S156 - Local plans to set out strategic priorities to include strategic policies on:
 - transport, telecommunications, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy
 - health, security, community and cultural infrastructure and other local facilities
 - climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape

NPPF – local plan making to include:

S157 - Clear strategy for enhancing natural, built and historic environment and supporting Nature Improvement Areas

- S165 - Sustainability appraisals
- S170 - Landscape character assessments
- S171 - Health and wellbeing
- S177 - Infrastructure together with development

NPPF - Collaborative working

- S178 - Duty to co-operate across administrative boundaries, especially for strategic priorities
- S179 / 180 - Collaborative working, joint policies and strategies, consultation with LEPs and Local Nature Partnerships