

Draft Revised National Planning Policy Framework

The Urban Design Group responds with concern over the ability of the planning system to deliver genuinely sustainable development.

Over the next ten years, around three million new homes will be built in the UK, together with supporting uses such as shops and services, schools and workplaces. At current typical housing densities around 90 square miles of land will be needed to accommodate this – an area of land roughly equal to the size of Surrey.

Surveys have reported on the large amount of new greenfield development being located in unsustainable locations that cannot be served by satisfactory public transport or active travel modes, and are inherently car dependent and energy intensive, and which will be too small to be able to meet their own needs in terms of offering a range of retail, work, health and education facilities. In addition, the 2020 Place Alliance Housing Design Audit for England, reported that the planning system was not preventing poor quality development, despite the requirement in the NPPF that permission should be refused for development of poor design.

It has been noted that many of the sites proposed for new settlements are on the very edge of planning authority boundaries, suggesting that the achievement of sustainable development has been subordinated to other concerns.

The 1920s were characterised as the Era of Ribbon Development, with the eventual passing of the Restriction of Ribbon Development Act in 1935. There is the prospect that the 2020s will be characterised, not as an era when sustainable development was achieved, but as an era where unsustainable development patterns prevailed, irreplaceable countryside was lost, and car dependency, heavy demands for energy and unhealthy, inactive lifestyles were locked in.

The current approach for identifying sites for development is decoupled from any attempt to ensure sustainable development or a brownfield first approach. The current Sustainability Assessments appear to be acting more as a tick box exercise, offering post hoc justification that lacks openness and transparency.

We welcome the proposed revised text at 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;”* We recommend that government reinforces this by providing policy guidance and definition of sustainable patterns of development, and attach suggested content as an annex.

We advise that additional actions are needed:

1. England needs a clear definition, established in law, of what sustainable development is, and how it can be consistently and objectively assessed and measured.
2. A clear sustainability test for local plans and site allocations related to this definition, with objective standards for sustainability assessment should be established.
3. Allocation of land for development should undergo as rigorous a testing for environmental, social and economic sustainability as for deliverability.
4. The National Planning Policy Framework needs to ensure all planning policies flow from the need to meet the sustainable development goals, as well as linking to other Government

targets and policies such as the net zero carbon target, and the Environment and Agriculture Acts, together with wider statutory duties policies on public health, obesity, active travel, crime and disorder, equalities and so on.

5. The Planning system needs to convey an understanding that good design applies at all scales, from a strategic urban design level, at the city region scale, to individual towns, neighbourhoods, and down to fine details, such as the quality of individual buildings, streets, parks and public spaces. All scales matter. The design decisions made over the strategic scales often have implications at more local scales.
6. We are uncertain that the tests for soundness of local plans satisfy the Wednesbury Test, in that they fail to take into consideration the role of local plans and the planning system as a whole in discharging the broad range of statutory duties placed by Parliament on local authorities, and specifically:

Duties under the Equality Act 2010

S1 Public sector duty regarding socio-economic inequalities

“to reduce the inequalities of outcome which result from socio-economic disadvantage”

S148 Public sector equality duty

A public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The Protected Characteristics are: age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

NB Due regard is defined under the Common Law as an essential preliminary to a decision necessitating a substantial, vigorous and open minded approach; where consideration is given to measures to avoid adverse impact before fixing on a solution. It is emphatically not a tick box exercise.

The scattered development patterns being approved in local plans place people who cannot afford to run a car, or who by reason of age or disability are unable to drive a car, at a profound disadvantage, and clearly run counter to the duties set out in the Equality Act.

Planning and Compulsory Purchase Act 2004

S 19 Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change,

Climate Change Act 2008 (2050 Target Amendment) Order 2019 2050 net Zero Carbon Target

It is unclear how this is being justified and satisfied.

Achieving Sustainable Patterns of Development

The Urban Design Group suggests that this new section should cover the following:

1. An introduction

- a. A requirement to take a 'whole-town' approach where the efficiency and health of the whole town is considered when making planning decisions.

How decisions over location and urban form are at the top of a causal chain that leads to a wide range of impacts including social isolation, physical and mental health, success of businesses, congestion, requirements for car parking and environmental impacts such as increased flood risk, noise and air pollution and energy use.

- b. The importance of a vision for each settlement, and details on what that vision should contain.
- c. A definition of sustainable patterns of development covering:
 - i. Landscape, topography and climate
 - ii. Movement structure and public realm
 - iii. Neighbourhood structure
- d. A reminder about design for people:
 - i. all people covered by the Equality Act 2010, including people of different socio-economic groups and people with protected characteristics including disabled, and elderly people, and both men and women.
 - ii. children, including providing safe routes to primary and secondary schools and routes to see friends, and the avoidance of exposing them to highways where traffic is travelling at speeds which are beyond their capacity to judge.
 - iii. the importance of ensuring that towns are designed so that people can continue to live fulfilled lives as they move through the different stages of life.

2. Requirements for Planning policies and decisions

A. Landscape and topographic setting of a settlement;

- reduction of energy use in buildings by making most use of the shelter provided by landscape and topography;
- reduction of air pollution and urban heat island effects by utilising natural convective flow of air across topography, including avoiding built forms that block the flow;
- open spaces and the potential for interconnection to increase habitat value.

B. Movement structure and public realm;

- a description of what is meant by a well-connected site:
 - a list of key types of destinations to which access will be required, including main shopping centres, secondary schools, health centres, employment areas etc;
 - the importance of permanent built-up streets connecting new development to existing areas, including urban boulevards;

- the importance of high-quality walking and cycling routes (created with a high-quality environment including overlooking, tree planting etc), and the limitations of certain types of route which may be unsuitable for some groups of people, for example, after dark (owing to concerns over personal security) or in winter or adverse weather;
- the importance of permanent public transport infrastructure: rail, metro, light rail, with frequent services that offer journey times that compete with car use;
- the potential for use of Transit Oriented Development principles in Metropolitan areas covering rail, metro, light rail and guided bus;
- the limitations of conventional bus services, including the inability to guarantee a bus service over the long term.
- ensuring that streets have both a movement and a place function (see Manual for Streets), and the need for streets, which in urban areas provide the bulk of the public realm, to be destinations and places in their own right, and not merely movement corridors servicing designated 'sites'.
- ensuring that Local Street design standards fully reflect latest Department for Transport guidance unless there are clear and cogent reasons to do otherwise.

C. Neighbourhood structure

- There should be a clear understanding of where a proposed development would sit in a settlement hierarchy: for example, city quarter, town neighbourhood, village or hamlet all convey expectations about the size of a community, the range of amenities that one would expect to find and the degree of separateness or connectedness that the development would have to adjoining urban areas. These are planning aspirations not marketing terms to be applied by a land developer.
- Development areas may indeed be made up of more than one component. For example, part may form an extension to an existing village or town while the rest may form a stand-alone new town. These decisions should be informed by watersheds and movement rather than arbitrary ownership boundaries.
- Having a clear idea as to the identity of major development will enable a local plan or site development brief to set out clear expectations for neighbourhood structure, including the provision of land for:
 - schools and community amenities
 - formal and passive recreation
 - convenience shopping and services
 - designated employment areas
 - live/work and opportunities for home-based businesses
as well as the scope for energy production and the potential for a settlement to generate mixed uses over time that would reduce the need to travel for daily needs.

3. Prevention of unsustainable development patterns

- Advice that Planning policies and decisions should resist the creation of large isolated developments where there is no guaranteed alternative to car ownership and use for the pursuit of normal life, or which fail to contribute to the social and economic wellbeing of the wider area.