

# Planning for the Future : The 2020 Planning White Paper

## Response by the Urban Design Group

*This response is based on a series of consultation events run by the Urban Design Group through 2020. Nearly 1000 people registered for the events, with an audience including architects, civil and highway engineers, housebuilders, landscape architects, planners, surveyors, housebuilders and developers.*

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Extensive and very helpful contributions were made by delegates and informally by members of the Urban Design Group.

*The Urban Design Group is a registered charity dedicated to improving the design of towns and cities in the UK and worldwide*

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## 0. Actions required beyond the Planning System

Achieving the ambitions for a better built and natural environment and implementing the proposals in the White Paper will require substantial action outside of the town and country planning system. Extensive proposals are made in this response which will enable the planning system to operate more efficiently, with fewer obstacles, and enable a far better outcome. The planning system can and will make an important contribution, but it is wrong to think that it can solve problems which can only be solved elsewhere.

### 1. A Vision

The basis of the planning system should be a clear vision for England and its regions, cities, towns, villages and countryside, with clear objectives for

- economy
- environment and
- society;
  
- for achieving the 2050 net zero carbon target
- for long term food, water, energy, environmental and economic security
- for climate change adaptation and mitigation, including urban heat islands and loss of land through coastal erosion and inundation.

Land that should be protected from development in interests of national food security and environmental protection will include:

- **Protected land** - the government has undertaken to increase the amount of protected land in the UK to 30% by 2030.
- **Land for agriculture** - given the grave uncertainties the impact climate change will have on food production in the UK and internationally, it is imperative to protect productive agricultural land. The method of farming also has implications for flood risk.

Reflect this in a **land use framework for England** which is open source with compatible data which will enable a range of layers to be used across the social, economic and environmental spheres to improve decision making.

## 2. Systems Approach - working to a common vision

Use a systems approach to ensure that planning, taxation, funding, subsidies, grants, regulation, statutory duties, and technical standards work towards the vision, and do not conflict with each other. Most government departments have a role to play in this.

### a. Integrate land-use planning and taxation

Bear in mind the different tax regimes in the areas proposed

- |                     |   |
|---------------------|---|
| i. Growth Area      | 0% VAT  |
| ii. Renewal Area    | 20% VAT for reuse or improvement of buildings |
| iii. Protected Area | 20% VAT for reuse or improvement of buildings |

### b. Integrate land-use planning with funding

The principle of restricting government sourced funding to schemes that are in-line with government policy and best practice guidance, as established in Gear Change the Government's new Cycling and Walking Plan for England, should be broadened to cover funding in general. At present, government funds are being used to finance projects that are in breach of statutory duties and conflict with the statutory 2050 net Zero Carbon target.

#### Capital works

- i. Ensure the Housing Infrastructure Fund is spent according to the principles of Gear Change, the Government's Plan for Cycling and Walking and on public transport. At present the fund is being used almost exclusively on major road construction.
- ii. The need for funds for supporting infrastructure and affordable homes will be different to the amount that can be raised by the proposed Infrastructure Levy, and that other funding sources will be required.

#### Reform Maintenance funding

Maintenance is of great importance. Inadequate maintenance of buildings, streets, public spaces and green space can set in a spiral of social and economic decline.

Lack of funding for maintenance causes many local authorities to be unwilling to adopt landscape areas, and trees, and streets and public realm that is created to anything but a basic specification using the cheapest materials.

**Commuted sums** are required from scheme promoters to fund on-going maintenance. They act in effect as a tax on quality; a tax on trees. A developer can reduce the requirement to pay commuted sums by eliminating or reducing the number of trees in a scheme. Providing a better, more liveable, more

beautiful built environment should be something that is promoted by the funding system and taxation systems, not hindered.

The system of funding of maintenance should be changed to avoid these adverse effects.

**c. Integrate land-use planning with transport planning**

Surveys repeatedly show that low density, car-based development continues to be the norm, with a more recent trend to locate housing schemes that are too small to be self-sustaining, in areas of open countryside. The transport implications are not adequately taken into consideration.

The planning system must take true sustainability as its starting point, and see that the principle is reflected in planning decisions.

Despite over 40 years of advice from professional institutions, on the need to integrate transport and land use planning, they remain as divided as ever. This must be addressed in the new system.

**d. Integrate land-use planning with detailed design of highways, highway adoption standards, SUDS, utilities etc**

The standards used by local authorities must reflect current best practice and support the objectives set for the planning system. Unfortunately a majority of local authorities are applying standards that are out of date, and contrary to Government best practice guidance and statutory duties. The production of a revised Manual for Streets 3 will, on its own, not be sufficient. Suggested remedies include:

i. **Statutory Guidance on Street Design** - Give the Secretary of State for Transport powers to issue statutory guidance on street design, and place a duty on highway authorities to have due regard to the statutory guidance, through an amendment to the Highways Act 1980.

ii. **National pre-approved detailed construction drawings** - Produce at a national level a resource of pre-approved detailed construction drawings that reflect the objectives of planning, Manual for Streets 3, and other technical areas such as trees, drainage, waste management and utilities. A system should be established whereby following the standard details would automatically lead to adoption by the local authority. The difficulty in agreeing highways details can delay the development process by months or even years.

**e. Integrate the planning approval and technical approval processes for development - it should be a One step process**

Planning approval, highways development control, highways adoption, and SUDS adoption should be a one-step process based on common agreed standards, rather than at present, a multi-step process based on conflicting standards, that vary from one local authority to the next.

f. **Critical infrastructure: introduce a system for subsurface design, planning and management of underground assets including: electricity, gas, telephone and cable, drainage, SUDS, water supply, water recycling, waste management, district heating and cooling**

All development depends on critical infrastructure.

There are no arrangements to plan, design and manage critical infrastructure at present, other than to keep streets in private ownership. The lack of an effective system for managing sub-street space (including the regime under the New Roads and Street Works Act, and the regulatory regime set by the utility regulators including OFGEM and OFGAS) presents society with annual costs, and disruption running into £ billions, as well as acting as a block on the upgrading of urban areas to meet the challenges of climate change and population growth.

The current regime dates back to the 1960s and earlier, and is wholly unsuited to modern needs.

- i. **Tree planting hindered** - the Government's ambition for tree planting in every new street requires room for tree roots, which in turn require protection from damage by utilities works.
- ii. **City resilience** depends on effective use of underground space for purposes including existing utilities, waste management, SUDS, water recycling, tree pits and tree roots, district heating and cooling. Trees have a vital role to play in tackling heat waves, through the shade they provide, and evaporative cooling from their leaves.

It is recommended that a system be introduced for the effective planning, design and management of critical infrastructure. This will require the use of

- digital positioning and recording of underground assets, and
- measures such as the use of combined utilities ducts and tunnels.

g. **Regulation of infrastructure providers**

Ensure regulators work to the same high-level vision and objectives as set for the planning system - for example,

- the railway sector should be regulated and operated in a way to ensure that there are incentives to open new railway stations to support new and existing settlements. At present the performance regime hinders the creation of new railway stations.
- franchise contracts should require an increase in cycle infrastructure, including the ability to take bikes on trains for both local and strategic connections to encourage active travel and a mixing of sustainable modes in line with Gear Change.

### 3. The Planning System

#### 3a. Local Housing Needs Assessment

The current and proposed systems of housing needs forecasts have been heavily criticised for leading to the allocation of housing based on past growth trends, and for failing to reflect the needs of areas with potential or need for growth as part of economic regeneration. The result has been the allocation of housing to areas which do not have jobs, or where there are intense environmental constraints.

The methods need to reflect the capacity of local areas to absorb increases in population. This should be determined by factors including the availability of jobs, the availability of suitable land, the capacity of local infrastructure, and the pressures on the local environment, including loss of biodiversity and availability of water supply: there is a limit to the abstraction of water from rivers and underground aquifers. Many areas are already under stress and this is expected to worsen with climate change.

#### **Recommended considerations for determining Local Housing Needs**

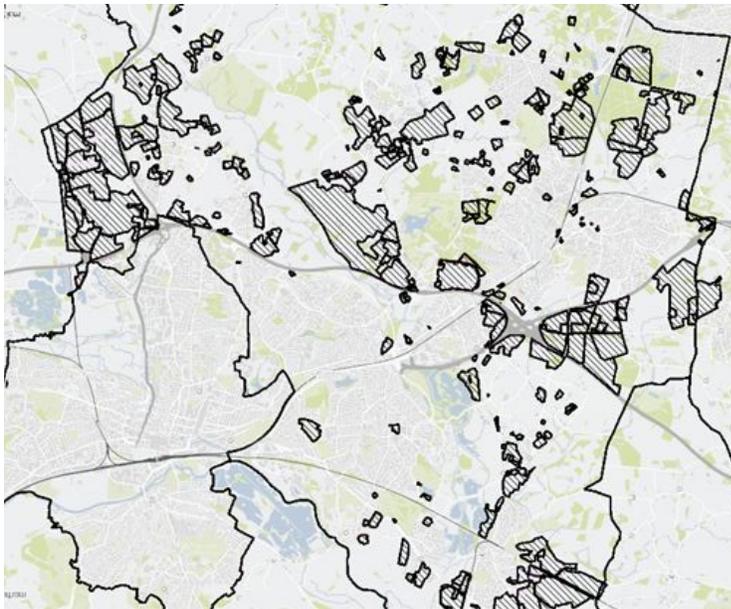
1. **Assessment of the locality**
  - a. **Land available for sustainable development,**
    - i. Land with walking, cycling or public transport access to employment, health, community, retail and leisure facilities
    - ii. Protected areas deducted
      1. Land required for agriculture - necessary for food security
      2. Land required for nature conservation, or natural beauty
    - iii. Land unsuitable for development, eg owing flood risk, poor ground conditions, contamination etc.
  - b. **Local Quality of life** - existing levels of crowding, and quality of life possible
  - c. **Availability of Jobs** - and the National Industrial Strategy
  - d. **Infrastructure** - the ease with which new rail, and light rail systems could be added, and roads constructed. There will be areas where hilliness will act as a constraint.
  - e. **Water supply/drought** - with due regard given to areas where there are water shortages, or where abstraction of water from rivers and underground aquifers is already at its limit
  - f. **Other local restrictions**, such as landfill capacity, air quality, climate etc
2. **Population Change**
  - a. Projected endogenous change of the existing local population
  - b. Projected change in the national population
3. **Local Housing Requirements** should be determined with due regard to the above considerations and projections.

## 3b. Creating the Local Plan

### The problem of scattered sites

The planning process currently starts with a call for sites made to developers and landowners. The result is a chaotic scatter of small housing sites, rather than sensible, sustainable additions to established towns. The problem is aggravated by the fact that local planning authority boundaries rarely reflect functional transport, economic or environmental boundaries. It is vital to plan and design at a strategic level that reflects the realities of movement patterns and how local economies work.

**Step 1 - Call for Sites** – landowners/promoters are invited to put forward their land for consideration for inclusion in the local plan. The landowners fill in a standard form. The result is a scatter of sites. Some landowners will go so far as to commission plans and a prospectus to demonstrate how their land might be developed.



*Scattered development sites proposed to a district council following the “call for sites”*

**Step 2 - Desktop Assessment** – is undertaken by the local authority, verifying what was put on the forms submitted by the landowners/developers, the densities, issues such as flooding and access, looking at the total numbers of dwellings, against the requirement to demonstrate 5 years’ supply of housing land. The sites will then be scored, and the sites selected for inclusion. Sites with fewest objections tend to be chosen: often those close to or on political boundaries, pushed to the very edge of the planning authority area. This often means that the sites are poorly connected and lack access to essential community infrastructure, schools, hospitals, shops and jobs.

The ensuing consultation on the local plan is dominated by responses from consultants representing landowners. There is little response from local communities, who find the process remote and complex.

This approach compromises sustainable development from the outset. The scatter of sites hard-wires car-dependency, and makes good planning difficult or impossible.

## **Recommendation for Local Plan Production:**

### **Adopt a Strategic Urban Design - Strategic Planning approach to create the local plan**

The Planning White Paper Proposes 5 stages in the production of a local plan.

**Stage 1 [6 months]: “calls for” suggestions for areas under the three categories**

**Stage 2 [12 months]: The local planning authority draws up its proposed Local Plan**

**Stage 3 [6 weeks]: Submission to secretary of state and Publication for public comment**

**Stage 4 [9 months]: A planning inspector appointed considers whether the three categories shown in the proposed Local Plan are “sustainable” as per the statutory test**

**Stage 5 [6 weeks]: Local Plan map, key and text are finalised, and come into force**

Stages 1 and 2 should be re-ordered and enhanced to increase community involvement, speed and thoroughness, without increasing the length of the process.

#### ***Revised Stage 1a [12 months] Vision and Local Plan Research and Evidence Collection***

Involve the local community in developing a vision for their area.

Identify potential Growth, Renewal and Protected Areas based on sustainability criteria and an assessment of the local area, and the potential to create coherent development.

***Revised Stage 1b [3 months]: “calls for” suggestions for areas under the three categories***

***Revised Stage 2 [3 months]: The local planning authority draws up its proposed Local Plan***

***Stage 3 [6 weeks]: Submission to secretary of state and Publication for public comment***

***Stage 4 [9 months]: A planning inspector appointed considers whether the three categories shown in the proposed Local Plan are “sustainable” as per the statutory test***

***Stage 5 [6 weeks]: Local Plan map, key and text are finalised, and come into force***

## Enhanced proposals for Fast-tracking Local Plan Preparation

### Stage 1a [12 months] Vision and Local Plan Research and Evidence Collection

**Involve the local community in developing a vision for their area.**

**Identify potential Growth, Renewal and Protected Areas based on sustainability criteria and an assessment of the local area.**

*From the old Stage 2: “Produce any necessary evidence to inform and justify the plan. “Higher-risk” authorities will receive mandatory Planning Inspectorate advisory visits, in order to ensure the plan is on track prior to submission.”*

*The local authority simultaneously:*

*(i) opens a debate with the local community over the future of individual towns, districts and villages*

*(ii) undertakes preparation work for the local plan, gathering any necessary evidence to inform and justify the plan*

#### **a. Urban form character assessment**

*Appraise the form and setting of each town and produce a statement describing:*

- *topography*
- *structure of principal streets*
- *green/blue infrastructure*
- *local/district/town centre locations*
- *rail station locations*

#### **b. Suitability of land in the area for development and sustainability analysis**

- *Accessibility, nearness to facilities such as schools, shops, health centres, and employment*
- *Potential for sustainable transport and active travel, in line with “Gear Change”*
- *Constraints such as floodplains, quality of agricultural land, microclimates*

#### **c. Identify strategic urban design options for the coherent development of the area**

**Stage 1b [3 months]: (reduced from 6 months) “calls for” suggestions for areas under the three categories,**

including comprehensive “best in class” ways of achieving public involvement at this plan-shaping stage for where development should go and what it should look like.

*With the revised Stage 1a this stage would be far less resource intensive and less lengthy as only sites in pre-defined ‘suitable areas would be coming forward in the ‘calls for’. There would be more certainty for landowners, fewer sites for the local planning authority to assess and reduced potential for conflict and lengthy challenges at the inquiry.*

**Stage 2 [3 months or less] (reduced from 12 months): The local planning authority draws up its proposed Local Plan**

*With the evidence gathering, sustainability analysis, and community visioning work already undertaken in Stage 1a, this stage will be rapid.*

## 4. Design Codes

- a. Design codes work hand in hand with masterplans: this should be recognized in the planning system.
- b. Design Codes and Design Guidance vary greatly in depth and breadth. Some are long and detailed documents, specifying particular architectural styles, materials and detailing necessary for ensuring an area has a particular identity. Some are strategic documents, with content limited to broad direction, such as on streets or quarters, specifying building heights, build-to lines, street widths etc.

As Design Codes are to become a core component of the planning system, it is recommended that a specification for different types design codes is given through statutory guidance or regulation.

- c. Design Codes can take a long time to create: years if there is disagreement between stakeholders. Differences over highway standards and drainage are a common cause of delay, especially where the highway authority is still using 1960s era street design and adoption standards. The proposals made above in section 2 are important if the Design Codes process is to be fast-tracked. The recommendations were:
  - i. **Statutory Guidance on Street Design** - Give the Secretary of State for Transport powers to issue statutory guidance on street design, and a duty on highway authorities to have due regard to the statutory guidance, by an amendment to the Highways Act 1980.
  - ii. **National pre-approved detailed construction drawings** - Produce at a national level a resource of pre-approved detailed construction drawings that reflect the objectives of planning and Manual for Streets, and other technical areas such as trees, drainage and utilities. A system should be established whereby the standard details would automatically lead to adoption by the local authority. The difficulty in agreeing highways details is a major cause of delay in the development process which can run into months or even years.
- d. **Set Mandatory National Housing Quality Standards**, including minimum space standards, minimum floor to ceiling heights, requirements for light, sound insulation etc - strengthen link to building regulations. Quality of homes should not be negotiable or linked to viability, i.e. people in low value housing areas deserve the same housing quality as those higher value areas. This approach will also speed the production of Design Codes.

## 5. Ensuring Quality

The 2020 [Housing Design Audit for England](#) conducted by the Place Alliance found a range of serious problems with housing development and with the operation of the planning system including:

- Poor, low density, greenfield development
- Mediocre quality
- Highways, bins and parking
- Lack of character or sense of place
- Streets, connections and amenities
- Poor walkability and car-dependence
- Environmental impacts
  - Poor energy performance of buildings
  - Lack of biodiversity



It concluded that the planning system is approving housing development that, under the National Planning Policy Framework, should be refused on quality grounds. In one in five of the housing schemes audited, the developments were of such poor quality that planning permission should have been refused outright.

It is critical that the reforms to the Planning System address this problem.

A development project as it moves from planning into construction can be subject to changes which reduce the quality of the scheme.

Options to ensure quality is maintained include:

- Organisation - giving an individual or body coordinating responsibility for progressing a development in line with the agreed masterplan and design code.
- Enforcement by local authority - which will require adequate resourcing, and robustness to resist unwarranted attempts by a developer to by-pass the detail of the Design Code or the Vision for the site.
- External enforcement - adopting the model proposed by the Government in the establishment of Active Travel England.
- Enforcement by a landowner or master developer
  - Landowner retains a controlling interest
  - Housebuilders issued with a licence to build
  - Land subject to a covenant that travels with the freehold, which gives right to sign off on the planning and construction drawings:
  - Covenants may also require that after the occupation of the property, changes must comply with the design code; with non-compliant alterations requiring approval

The new Planning Act should reinforce the mechanisms available to ensure quality is delivered and not eroded.

There have been instances where a developer has been able to persuade a planning authority to set aside a design code, for reasons of viability or changing circumstances. It will be important for the

operation of the new planning system that a Design Code, once agreed with the community, stays in place. The new Planning Act should contain provisions to ensure that Design Codes, once agreed with the local community, may only be amended through further involvement of the community.

## 6. Skills and Human Resource

A survey of [Design Skills in English Local Authorities](#) was carried out by the Place Alliance for the Urban Design Group in September 2018. With over 200 replies, the survey found that resources for the production of new proactive local design guidance for sites or areas have now largely disappeared.

- Almost half of local planning authorities have no dedicated in-house design capacity at all
- Of those that do, most have only a single officer often covering design as one part of a larger role
- Only around 10% have what might be referred to as an urban design / place-making team (more than two people)

The survey found that there is an increasingly heavy reliance on conservation staff to double up as urban design officers, and a significant reliance on external consultants.

Non-specialist planning officers are making the key decisions in relation to design of schemes of all types, including public realm schemes and the preparation of design guidance. This may be contrary to professional codes of conduct which prohibit professionals from undertaking work they are not competent to do.

The survey observed that urban design related training is still available for three quarters of planning officers and half of councillors, but typically this is minimal and focused on raising awareness rather than on developing design skills competence.

Options for reducing the workload include:

- Stagger the local plan cycles between local authorities to avoid a single massive peak in workload
- Use the systems approach (outlined in section 2) to eliminate unnecessary complexity, waste and delay
- Improve the design content of built environment courses to

The Building Better, Building Beautiful Commission final report [Living with Beauty](#) stated::

*“Many planning schools do no actual “designing” with their students and only teach a rudimentary design appreciation [...] urban design is typically seen as a specialism rather than a common grounding that all built environment students should cover.”*

The need is for design education in its widest sense, including both function and aesthetics.

- Improve professional development to ensure design is covered, and that planning professionals and the Planning Inspectorate are able to successfully apply the new planning regime.

## **7. Digital: 3D models, layered GIS information**

There is strong support for the move towards a digital infrastructure for planning, and the design, management and maintenance of the built environment.

## **8. Demonstration and Prototyping**

The Building Better, Building Beautiful Commission report stated that “We need to develop more homes within mixed-use real places at ‘gentle density’”. There is an urgent need to demonstrate this at a range of scales from smaller extensions of existing urban areas, through to creating large communities that are of a sufficient size to support public transport systems (light rail, tram etc), walking, cycling, combined with an outstanding quality of life. England needs to break away from the default development model of car-dependent housing estates.