

Transport Planning Society

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Dear Sir/Madame,

TPS Response: Consultation on the National Planning Policy Framework and National Model Design Code

The Transport Planning Society is pleased to have the opportunity to comment on both the Draft National Planning Policy Framework (NPPF) and the National Model Design Code (NMDC). We completed the questionnaire attached to the publications as requested but believe the further comments on each document in this letter would be helpful to the MHCLG.

NPPF

This version of the revised NPPF is focused almost exclusively on changes arising from the Building Beautiful Commission publication and the subsequent designs codes. Consequently, the proposals do not address the more fundamental changes to the NPPF which we believe are needed and which we requested in our response to the Planning White Paper. Our comments are made on the assumption there will be a further to the NPPF.

We are pleased the 17 United Nations Sustainable Development Goals (SDGs) are included in Chapter 2. Also, we are pleased Para 11.a includes infrastructure and climate change as objectives and Chapter 3 asserts a plan must include sustainable transport to be “sound.” This latter requirement forms the basis for prioritising sustainable transport provision which needs to be made clear to developers, local authorities and the Inspectorate if it is to signal a radical change in approach.

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Para 11 changes from: "...plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change" to "...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 support this change but would like the emphasis to be included.

This provides a key opportunity to ensure the integration of planning and transport as a sustainable pattern of development that mitigates climate change, in line with the Government's Net Zero policy. However, we believe this focus could be improved by tightening this important paragraph up further by:

- Substitute 'promote' to '**actively achieve**' or something stronger.
- Ensure '**mitigate**' is understood – perhaps with a footnote to explicitly link this to the Government's Net Zero policy, Paris Agreement and so on. The RTPI believes the latter implies most local authorities should reduce emissions by 12-14% per year).
- Change to "sustainable pattern **and form** of development."

There are major changes proposed to Chapter 9 on promoting sustainable transport because the wording is not only weak, but also inconsistent with the strong line in Para 11 which we believe must be tightened up (as we said in the 2018 NPPF consultation). Failing that, we believe guidance is needed to make clear the requirements for achieving a truly sustainable pattern of development in transport terms, with the same level of detail found in the NMDC, for example. Therefore, we suggest a National Settlement Pattern Code containing key spatial principles and criteria.

We welcome the addition in Para 22 about the need for strategic policies to sit within a long-term vision (minimum 30 years) when they deal with larger-scale new development, like new settlements. However, we believe this requirement of strategic policies should apply regardless of whether an area is pursuing new settlements. Achieving targets around carbon, health and so on requires plans to address the whole area.

In our view, there is more emphasis on beautiful design than getting the basics right. We believe strongly sustainable transport should be viewed as a determinant of development, rather than buried within other considerations which may receive greater weight in practice.

Additionally, we believe strongly the NPPF must include reference to the key elements of available good practice advice to ensure it is both known about and utilised. This statement is made in the context of some poor practice in both the public and private sector. For example, where the out of date DB32 is used instead of the Manual for Streets (MFS).

In addition to the strategic comments above, our detailed comments are:

- Para 11.b – The draft still does not make clear the presumption in favour of sustainable development must include accessible locations. In 11.b.ii '... adverse impacts ... would significantly and demonstrably outweigh the benefits' could include the legacy of car-dependency. Arguably this is implied in 11.a as an element of mitigating climate change. However, we believe mitigating climate change should be made explicit.

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- Para 12 and 17 et seq. – There is reasonable text about local planning authority decisions, but nothing about highway authority views or the role of highway/strategic transport authorities. These bodies need to be referenced clearly if they are not the also the local authority. There should be clear links between proposals for development and both local transport plans and local plans.
- Para 20 – Transport is not just about infrastructure. Mention should be made of active and sustainable transport services, such as walking routes, cycling routes and bus services, which are non-infrastructure but extremely important.
- Para 27 – Statements of Common Ground are often very limited because there may not be much common ground. Accompanying the Statements of Common Ground should be a Duty to Co-operate to ensure the difficult issues are addressed.
- Paras 35 and 109.c – to be consistent with national policy, the focus should shift from road building to promoting sustainable means of access if we are to deliver net zero.
- Para 73 – The addition of ‘a genuine choice of transport modes’ is correct, but could be interpreted in several ways. We suggest the wording ‘**sustainable transport modes.**’ Para 73.c is an improvement on the previous version, but could both be more explicit and not be restricted “larger scale” only.
- Para 84 talks of local facilities, but does not mention other vital services, such as local buses.
- Para 88 mentions ‘accessible sites’ without being clear what this means. It could mean good access for cars, but would be better if it referred explicitly to active and sustainable modes.
- Para 92 – Mention is made of ‘encouraging’ walking and cycling, but we suggest this should be stronger to require the design ‘**to enable and encourage**’ walking and cycling. This assumes the infrastructure is in the correct place.
- Para 105.d could mention not only walking and cycling networks, but also proper facilities for bus services. Provision for buses might be important to the design of the development, such as ensuring appropriate road width, limiting on-street parking and integrating bus stops with the walking network. Although this is hinted at in Para 111, we believe the ‘encourage public transport use’ should be strengthened to be ‘**prioritising public transport access.**’ All the text needs to be strengthened around both prioritising sustainable transport and ensuring the correct location if the Government objectives are to be delivered. This chapter still includes references to “severe” impact of traffic which undermines much of what the Government is seeking to do.
- Chapter 12 – this needs to ensure neighbourhood plans have a role in the provision of active and sustainable transport modes.
- Chapter 14 – the only change relates to flooding in the context of climate change. There should be reference to decarbonisation also.

National Model Design Code

In general, the NMDC is very good aside from the aspect of sustainable transport. In this area, we need more ambitious codes for cycling, parking, low traffic neighbourhood and so on.

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The proposed permitted development expansion is 'permissive' which undermines completely the NMDC's positive comments about mixed use. Improving the take up of the MFS seems key and should be obligatory. The MFS 3 (particularly street types) and new guidance, including LTN 1/20, should have a close link to the NMDC. The MFS may need to be a bit more prescriptive to ensure it replaces the DMRB, DB32 and so on.

Some developers choose the path of least resistance and in many cases, revert to the less suitable DMRB rather than the MFS. Such practices should be actively prevented, with a focus on designing better now. This implies a wider reform of the various guidance documents is required to ensure the standards are not only used by everyone, but also are consistent with each other.

Within this theme, the role of the car and car parking is crucial. The NMDC focuses on car parking, while key issues such as cycle parking, electric vehicle charging and so on are discussed only in footnotes. Parking is still treated as vital to the success of a development, rather than sustainability and 'beauty'. The infrastructure should be flexible to accommodate future uses as change is most likely. Potentially there could be an obligation to ensure any space allocated for car parking can be repurposed in future should demand fall.

Density is an important aspect of future design which is missing from the NMDC. The aim should be to ensure a minimum density to make public transport feasible. Part of the challenge here is local authorities have no control over which plans are brought forward by developers. However, each authority can zone land as it wishes and use its Local Plan, which is there to give future guidance to developers, to mandate density. Therefore, a key component of the Local Plan should be where can and cannot be developed. The NMDC is light on active transport infrastructure and does not appear to account properly for developments in large cities where buildings may be taller than six floors.

We believe the NMDC misses a number of key issues, such as climate change and net zero, whole life carbon in construction, use and maintenance and broader environmental impacts. Addressing these key issues holistically is essential to deliver the Government objectives and targets.

There is going to be a considerable challenge in terms of responsibility for implementing the NMDC, particularly around resources, capacity and capability. Local authority funding has been stretched for the last decade and this streamlining of the planning system is coming at a time of limited resources and additional pressures. There is a widespread view that funding is barely adequate to cover the statutory duties. The challenge of integrating the NMDC will be exacerbated across multi-tier authorities. Sub-regional or regional integration is important to ensure the NMDC is applied in a consistent way. Concern has been expressed that Local Plans may be potentially delayed due to lack of adoption of a NMDC.

Another key consideration is whole life costs and the LPA's ability to maintain developments across their design life. Some authorities require developers to fund the design code or the delivery of its aims, but it would soon become difficult to manage this at scale.

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There is also the need to ensure a street works as well on day 101 (or 10,001) as at day one: this comes down to maintenance which is increasingly underfunded, hence some authorities not requiring footpaths as they cannot afford to be maintained. “Beauty” can cost, particularly features which require regular ongoing maintenance, such as planting as part of SUDS and street trees more generally. The ability for authorities to secure the very best finish in terms of materials can not only be difficult in the face of strong push back from developers, particularly on grounds of viability, but also conflict with, for example, affordable housing levels.

Consideration of how commuted maintenance sums are calculated and treated by authorities internally needs to be considered. This funding could be ring-fenced in a stronger way to ensure it was used to meet the development’s whole life costs. For larger developments, it may be appropriate to consider the role of more innovative approaches, such as endowments, which provide an ongoing revenue stream for maintenance of infrastructure or services, such as subsidised bus services. Sometimes, private sites are not well maintained and problems arise when the council is expected to fix issues which arise on land it does not own or control.

Significant resources are needed to deliver the design code. For example, the trial authorities required £50k each. Beyond funding, resources to build capacity in the planning authority are needed. One example is to ensure good quality training courses are available to council staff. The resources required for meaningful community engagement could be considerable, particularly with multiple district authorities within a county. It will be important to ensure the local design code does not become a form of a ‘NIMBY Charter,’ leading to nice areas improving and poorer areas, or those where residents and stakeholders engage less, becoming less attractive.

Detailed comments:

- Para 9 – this is a good reference to contribution to net zero by 2050, but it may need to be brought forward as Government policy evolves.
- Para 11 – there is a clear reference to street patterns, but we question if this enough and clear enough.
- We are pleased to see movement is one of the key elements listed in NMDC. Also, we support the aim to engage with communities early when preparing local design guide/codes – the [TPS and the Royal College of Art](#) are working on a project of relevance to this.
- We are pleased the NMDC includes a reference to the MFS, but believe this should be in the NPPF.
- Para 21 – We are pleased a Vision and consultation is required.
- Para 26/27 – it is good that movement pattern is an essential component of the NMDC and the movement strategy is to be included. However, it is weakened by “where appropriate” and we suggest this qualifier is removed. We support inclusion of an access/street hierarchy and believe this should use the best practice form, such as the TfL format.
- Para 28 – it is good that there is a reference to street network/public transport routes for large developments. However, we believe this should be extended to all developments. Also, reference should be made to active and sustainable transport modes.

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- Para 30 – includes reference to public transport accessibility and road hierarchy but we believe we need a new, more comprehensive standard of public transport accessibility.
- Section 2A, p10 – the requirement for design vision to be developed with the local community is good. The vision should include not only traffic, parking, walking and cycling, but also public transport. We recommend using the RCA project approach, not a traditional one.
- Our major concern is around the illustrative layouts. They are outdated because they reinforce stereotypes of estate layouts which put cars/roads as the dominant feature. This contrasts the layouts in the Netherlands and Germany where the focus is on walking and cycling.
- Para 49 – it is good that movement is covered and all elements of it but the detail and diagram in Para 50 appears to focus on parking.
- Para 52 – this standard format lacks imagination and any design focus on walking and cycling. There is no imagination or encouragement to create better layouts and challenge designers.
- P24 – the list of streets and layouts uses the standard approach which reinforces current arrangements. This will constrain imagination rather than push us to do better. See figure 29.
- Para 58 – the words are acceptable, but the diagrams are outdated. The statement in this section that low traffic neighbourhoods are acceptable ‘if’ supported by local community is very limiting if we are to move the Government agenda forward. We believe community engagement is essential in the planning and delivery of LTNs and recommend the approach in the RCA project as the way forward. The relationship with the MFS 3 is unclear.
- Para 65 – In the homes and buildings section, there is no reference to provision of cycle parking, the internet or electric charging facilities.
- Nothing is said about parking in front gardens for existing developments. It should not be permitted to hard surface the entire front garden to park a car. Such impervious surfaces impact both drainage and the appearance of the street and encourages more car use.

We would be pleased to discuss these responses with you further.

Yours sincerely,

Mark Frost
Chair, Transport Planning Society

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