

RTPI Cymru



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5<sup>th</sup> August 2008

Technical Advice Note 12: Design Update  
Planning Division  
Welsh Assembly Government  
Cathays Park  
Cardiff CF10 3NQ

Dear Sir / Madam

### **Consultation on Limited Revisions to Technical Advice Note 12**

RTPI Cymru is pleased to submit a response to the revisions to TAN 12: Design as appended. RTPI Cymru's Policy and Research Forum have considered the proposed revisions and its comments are set out below against the consultation questions.

The revised TAN could benefit from some thorough editing to correct some minor errors and avoid repetitive sections.

We would also draw your attention to the workshop notes on Design and Sustainability from the Welsh planning conference in July, also appended. The workshop contained over 40 planners from Wales, of all ages and from all sectors. The proceedings provide a good cross section of opinion.

We would particularly draw your attention to the last page showing individual participants' ranking of the groups' opportunities and threats to achieving good design in Wales. These indicate that LDP policy is a significant opportunity in the next 12 months for achieving sustainable design in the longer term. This opportunity will not be realised unless there is early discussion and publication of good practice on design policy. The gap before PPW and its companion guide are revised will be too long to influence the current group of LDPs. **We consider there is an opportunity for collaborative work between Welsh Assembly Government, WLGA, DCfW and RTPI Cymru to progress some workshops on this issue.** This could be done in co ordination with any proposed training or workshops that develop from the emerging Climate Change re-consultation results or any LDP training sessions which may already be planned. RTPI Cymru is intending to hold a planning for climate change conference in March 2009, which may also be able to facilitate such a session.

Given that another perceived opportunity is collaboration across professions, this work should be expanded to include other practitioners.

You will note that the workshop indicated barriers to be the lack of national policy. However, this does not accord with the RTPI Cymru view, especially in light of the Minister's announcements at the conference.

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The Forum has expressed a particular concern that high level policy objectives for design contained in LDPs does not become overly prescriptive at the exclusion of understanding development economics. There is a crucial need here to be able to integrate design ideals, sustainability objectives and commercial consequences so to avoid a disjoint between planning and delivery. This is not a call to restrict design requirements simply to ensure a developer's profit in bad times (partly as we accept that would not necessarily be an additional cost). But is a plea to ensure that the implications of policy proposals are fully understood from all angles. For these policies to be successful they need a wider buy-in than just from planners.

The Forum would therefore, encourage the active engagement of RICS Wales, RSAW, ICE, with RTPI Cymru and DCfW in working with LPAs to devise good practice guidance. As a way forward, we would like to propose that the Assembly Government holds a meeting with these various organisations to discuss what would be the most effective way to implement sustainable design policy.

In terms of resources, cross disciplinary training and efficient use of all available public sector resources will be important to the success of TAN 12. Assembly Government promoted development should be exemplars of good design. It will also be important for organisations like RSAW, RICS Wales and the HBF to be seen to be working alongside the Welsh Assembly Government and DCfW to promote sustainable design.

I trust you find the Forum's comments helpful but do not hesitate to contact me should you require any further clarification. The Forum has no objection to these comments being made public.

Yours sincerely,

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## **RTPI CYMRU RESPONSE TO DRAFT TAN 12**

### **Question 1: Appropriateness of the TAN response to the MIPPS' definition**

There is no definition of good design (other than inclusiveness) in the first section (2.1) (a quote from the MIPPS). The statement in para 3.10 about good design should be incorporated into Section 2 and the statement in para 1.4 about the rejection of poor design should be amended to reflect the new definition.

For example:

- Section 2: Move the last sentence in para 3.10 and amend as follows: *The design of development can be described as good quality if it is shown to address the objectives outlined in Section 3.11.*
- Section 1.4: Amend the last sentence of para 1.4 as follows: *Design which is inappropriate in its context, fails to take the opportunities available to improve the character and quality of an area and the way it functions or fails to provide the best sustainable option, should not be accepted.*

### **Question 2: Legislation Exemptions**

RTPI Cymru has no strong views but wonder whether adding householder development in designated areas will just create confusion. In any case, the Forum would question whether householder development in special areas needs to be an exemption. As far as National Parks and Conservation Areas are concerned the National Park Authorities and LPAs respectively can include tight policy guidance in SPGs or LDPs to ensure good design for all types of development, including householder, in those areas. Reference to National Parks, conservation areas, special landscape areas etc could be inserted in paras 4.2 to 4.5 under Development Plans and of course they are already mentioned in para 4.6 on SPGs.

### **Questions 3 and 4: Legislation Categories**

RTPI Cymru has no strong views but categories should be simple and unambiguous / well defined to prevent problems with interpretation.

### **Question 5: Objectives**

Welcome the changes.

### **Question 6: Diagrams and Figures**

No comments.

### **Question 7: LDPS and Design**

This is an area where the delegates participating in the design and sustainability workshop at the RTPI Cymru conference (July 2008) felt there were significant opportunities to improve design in Wales. Little has been publicised by the Assembly Government about what kind of policy is appropriate for the various stages of the LDP and SPG or about the SEA objectives.

The PPW Companion Guide is out of date on design issues. Further work needs to be done on local design policy by the Assembly Government and DCfW in coordination with the national work on climate change policy.

As one aspect of this issue, RTPI Cymru considers that TAN 12 would benefit from including or cross referring to an agreed Welsh cross disciplinary definition of “zero carbon” to set the context for LDP policy.

Para 4.4, last sentence: This needs further explanation. We are not sure how DAS by an applicant could set policy in the first instance. Does this mean that in the absence of local design policy, DAS should refer to national policy?

There should also be a statement here or in a similarly appropriate location that is active and refers to the applicant; for example:

*Applicants must refer to adopted local design policy (either development plan or SPG) in their DAS and assess their proposals against it. If local policy is out of date, national policy should be used.*

Para 4.5, last sentence: This line about the PPW Companion Guide refers to a CABE footnote but does not explain the relationship.

Section 4 (Development Control) should include a statement about DAS being proportionate and LPAs being reasonable in their requests for information.

Para 4.12 refers to independent design advisory panels but only cites DCfW and then suggests there might be conflicts of interest. The sentence needs editing to clarify that DA panels can be locally appointed and formed by the LPA and modelled on the approach of DCfW, especially with respect to conflicts of interest.

#### **Question 8: Chapter 5 general comprehensiveness & responses re climate change**

See above re the definition of zero carbon.

The Assembly Government has made statements about the fact that additional weight should be given to zero carbon in public buildings until such time as building regulations make it a universal requirement. This should be reinforced in the TAN.

#### **Question 9: Appendix 1 and DAS comprehensiveness**

No comment.

#### **Question 10: Table 2**

No comment.

#### **Question 11: Former Appendix 1**

Agree that the former Appendix 1 is best placed in TAN 22.

#### **Question 12 and 14: Sources and Contacts**

This needs a restructure as Access should not be a separate list and there is repetition; e.g. Manual for Streets. DCfW and CABE are both listed as Sources and should be in Contacts.

There are publications by both that are relevant and could be listed here (e.g. footnote 2). There should also be key references on environmental sustainability, e.g. SEA guidance, Code for Sustainable Homes and WLGA sustainability guide or cross references to documents that contain such lists. The research findings contained in the Leron Report completed for DCfW, should also be referenced.

#### **Question 13:**

We do not have any suitable images at the current time.

**RTPI Cymru First Wales Planning Conference  
Positive Planning for Wales 3<sup>rd</sup> July 2008**

**Workshop 3: Design and Sustainability**

**Facilitated by Lesley Punter of RTPI Cymru and Carole-Anne Davies, Anna Lermon and Wendy Richards of Design Commission for Wales**

**1.0 Purpose of the workshop**

- 1.1 The workshop sought to identify key factors which would assist in achieving sustainable design. The comments from the workshop are intended to inform the RTPI Cymru response to draft TAN 12.
- 1.2 Participants were asked to discuss the following two statements:
- Describe the main opportunities that exist to achieve sustainable design;
  - Describe the main barriers to achieving sustainable design.

Upon leaving the seminar participants were asked to identify one barrier and one opportunity that was the most significant personally to them. This was done by placing a coloured sticky dot next to the points raised by the group.

- 1.3 As the group was so large the participants were split into two groups (group 1 led by Lesley Punter and group 2 by Carole-Anne Davies). Due to time limitations, the workshop involved only the discussion outlined above and could not include an intended panel discussion.

**2.0 The introduction to the workshop**

- 2.1 Lesley Punter welcomed everyone to the workshop and introduced the topic and provided a brief background to the issues.
- 2.2 For the purposes of the discussion the definition of design was agreed to be that in MIPPS 01/2008 and the definition of environmental sustainability as expressed in draft TAN 12.

*Ministerial Interim Planning Policy Statement 01/2008: Design Definition*

“Design is taken to mean the relationship between all elements of the natural and built environment. To create sustainable development, design must go beyond aesthetics and include the social, environmental and economic aspects of the development, including its construction, operation and management, and its relationship to its surroundings”

*Draft TAN 12: Environmental Sustainability*

Includes: biodiversity, carbon reduction, construction materials, water management, waste management, landscaping, climate adaptation... benchmarked against sustainable building standards. (paragraph 3.25)

The participants were given these definitions on an A4 sheet for use in the workshop.

- 2.3 Lesley noted that there are 3 main elements to sustainable design; these are the environment, the economy and society (or environment, economic and social). In the current economic downturn she suggested that concern may be raised about the environment becoming less important, however there is now a base from which to work to ensure this doesn't happen. Survey evidence in the Guardian on Wednesday 2<sup>nd</sup> July also shows this is not happening. (Glover, J (2008) *Climate more urgent than economy, say voters* Wednesday 2 July 2008, Guardian, <http://www.guardian.co.uk/environment/2008/jul/02/climatechange.ethicalliving>)
- 2.4 Design remains on the agenda in Wales as the announcements made by the Minister of Environment, Sustainability and Housing, Jane Davidson, at the RTP1 Planning conference demonstrated. With regard to Design and Access Statements the two MIPPS and the draft TAN 12 identify that the statements will be broader in approach than those in place in England. Design is a broad issue and requires a wide range of interests and skills to implement it.

### **3.0 The group discussion: the main opportunities and barriers to sustainable design**

- 3.1 Numerous opportunities and barriers for the implementation of sustainable design were identified by the two groups.

The opportunities were:

- Leadership from everyone – officers, members and the opportunity to strengthen leadership from the professionals. The aspiration for sustainable design is there. (group 1);
- The public perception of environmental issues is increasing and people are buying into them (group 1);
- Economic and environmental necessity add to the impetus to create sustainable design (group 1); An opportunity to turn the message around whilst oil prices are high, to get buy in from the public (group 2) ;
- The public – an opportunity to push lifestyles, urbanity, resources, to raise expectations (group 2);
- There is now a positive buzz when people are discussing sustainable design, (group 1);
- The emerging LDP system – an opportunity to take forward all these issues through the process of policy, include the community and improve communication with the public (Group 2) and to include environmental policies (group 1);
- The Manual for Streets (group 1);
- LPAs can implement policies in a more positive way (group 1);
- The devolution and changing of building regulations (group 1);
- Time to review and use case studies from elsewhere - good and bad - looking at sustainable design exemplars e.g. Switzerland / Austria / Germany (group 1);
- There are more examples of best practice, and exemplars increasing in Wales (group 1);
- Following devolution the Welsh Assembly Government is willing to create its own agenda (group 1);

- National standards coming through ,and future standards, are providing a level playing field for developments (group 1) Use of BREEAM and The Code as an opportunity rather than a stick- develop a Welsh ‘kite mark’ (‘Menergi’ as in Switzerland) which would aspire to add brand value to sustainable design) (group 2);
- There is innovation through architecture and some good architecture which is being promoted by the architectural press and institute (group 1);
- Collaborative working:
  - between the public and private sector – there are greater opportunities for this (group 1);
  - Collaborative working with other organisations outside the Local Planning Authority such as Universities / DCFW adjacent LPAs etc. (group 2);
  - Internal collaboration cross-departmental within LPAs, using the Wales Spatial plan and economic / transport and planning forums (group 2).
  - For planning officers and building control officers to work together on large and small schemes. Householder applications buy in essential. Opportunity for both to work more closely together. (group 2);
- The preference for brownfield land allows for potential brownfield regeneration (group 1);
- A register of professionals who can deliver on the sustainability agenda. Can LPAs help on this (group 1)?
- Skills development opportunity with sustainable development issues (group 1);
- New technology exists and is being developed to assist sustainability (group 1);
- To cause a groundswell of small implemented issues via local scale up to large scale (group 1)
- A financial incentive from the WAG to implement renewables and the provision of easily accessible information for the public (group 1).

### 3.2 The barriers to the implementation of sustainable design were:

- Skills and knowledge:
  - DC staff are not all qualified to deal with all aspects of sustainable design group 1);
  - A broader understanding/knowledge is required everywhere (group 1);
  - Lack of skills construction / builders / architects – short sightedness of developers (group 2).
- More resources are needed by LPAs, consultancies and statutory bodies to improve skills and knowledge. Smaller developers don’t have finances for expertise unlike major developers, but conversely local developers consider the local context but bigger developers focus on pattern book development (Group 1); Resources – hamstrung local authorities and local people who cannot afford to ‘live’ properly. (group 2);
- Cost: is sustainable design more expensive? Short term versus long term costs (group 1);

- Under S106 processes, the advantage of sustainable design has to be weighed against other community benefits, developers only have so much money (group 1);
- Local political/corporate dimension- politicians want local facilities and tangible benefits (group 1);
- Economy of Wales – some areas still struggling economically and for employment – they are happy to take any development (group 1);
- Confusion over what is sustainable development, for example do windmills work (group 1);
- Transport infrastructure – we're not being proactive enough on highway design. Reference was made to the example show in the conference of Adamsdown in Dublin, but this was countered with Welsh examples of Coed Darcy in Neath Port Talbot County Borough Council. Although it was agreed that examples were hard to come across (group 1);
- Highway engineers – they have standards which they have to apply and they find it difficult to deviate including the changing of surface colour (group 1);
- Flexibility between disciplines – and corporate flexibility (group 1);
- Another example was parking standards (group 1);
- Planners guidance needs to be coordinated better – there are too many issues to consider in many different places (group 1);
- Lack of corporate working, and in LPAs the skills needed are often in different departments which is hard to link together. For the planner it is hard to manage being told something contrary by two professionals e.g. value engineer and architects (group 1);
- What is the true value of sustainable development appraisals – are they being used properly and have they an understanding of the 3 issues of sustainability? (group 2);
- Often environmental **vs** economic not working together as environmental side – sustainability as a barrier. (group 2);
- Skills and resources – planning officers vs. Building control – who is delivering what may not be clear (group 2);
- LPAs scared to say 'This is not good design' and refuse applications on design grounds, no one should accept bad design at the cost of other things (group 2);
- Poor architects who bring it down to the lowest common denominator. Contemporary design needs to be undertaken by good designers in order for it to be successful (group 2);
- Developers should be investing in long term regeneration and not quick wins (group 2);
- Volume house builders need to employ good architects (group 2);
- Perception of costs in terms of what code level is achievable (group 2);
- Lack of clarity of legislation – should we be aiming higher than Code 3? (group 2);
- Cultural barriers (group 2).

3.3 Using the dot method (see 1.2) the main opportunities and barriers selected by participants as most significant to them personally were:

Main opportunities:

- Emerging LDP Policies (group 1);

- Public perception – green issues awareness (group 1);
- Collaboration across professions and regions, trying to solve problems together rather than on our own / seeking skills from other sources (group 2);
- LDP / Community Strategies / Public Campaigns, realise value of SA / SEA and 3 strands (group 2).

Main barriers:

- Peoples behaviour / expectations culture of aspirations – house size etc (group 1);
- Policy vacuum national / local (group 1);
- Financial / professional / technical resources limited (group 2);
- Poor clients / short sighted developers / negative perceptions & absence of clear strategies (group 2).

Rapporteur: Anna Lermon, DCFW/Cardiff School of Planning (with Wendy Richards note taking in the other of the two groups).