

Link response to Consultation on draft Planning Policy Statement 3: Housing February 2006

INTRODUCTION

Wildlife and Countryside Link (Link) brings together 37 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practise and advocate environmentally sensitive land management and food production and encourage respect for and enjoyment of natural landscapes and features, the historic environment and biodiversity. Taken together, our members have the support of over 8 million people in the UK.

Link welcomes the opportunity to respond to this consultation paper. Link believes that planning is fundamental to protecting and enhancing wildlife and the natural and historic environment. This response is supported by the following organisations:

- Bat Conservation Trust
- Buglife: The Invertebrate Conservation Trust
- Butterfly Conservation
- Campaign to Protect Rural England
- Council For National Parks
- Friends of the Earth
- Herpetological Conservation Trust
- Open Spaces Society
- RSPB
- The Wildlife Trusts
- Woodland Trust

SUMMARY

Link is concerned that PPS 3 draft does not provide an effective framework for the delivery of new housing because:

- It fails to strike the right balance between market demand and the national objective of sustainable development;
- It lacks a clear sequential approach to site selection, allocation and release;
- It fails to address the damage to biodiversity being caused by the widespread failure of planning authorities to adhere to the formal definition of brownfield land;
- It could exacerbate public opposition to new housing by marginalising the plan led system and therefore effective local participation;
- It risks producing a diffuse spatial pattern of development which may undermine sustainable development;
- Together with the draft Code for Sustainable Homes, it fails deliver the right framework for step change in sustainable construction.

INTRODUCTION

Link is strongly committed to meeting the housing needs of our population. We also believe we need a robust planning system that ensures the right homes are built in the right places to meet identified need and foster urban regeneration, but without sacrificing the countryside, biodiversity and the other qualities that make places special.

Our response to draft PPS 3 is based on the belief that the development we require should be delivered through the plan-led system in an inclusive and participative way that ensures genuinely sustainable development. We are concerned that PPS 3 draft fails to integrate the environmental dimension of sustainability (as set out in paragraphs 8, 24 and 28 of PPS1) and so risks undermining the integrity, effectiveness and public credibility of the planning process. In particular, Link is concerned that the emphasis in the consultation draft on meeting market demand in high-price areas risks seriously breaching the principles of sustainable development.

We acknowledge that the process of forecasting housing provision does not happen in a vacuum. We are aware that the policy in draft PPS 3 must be read together with PPS 1 which stresses the importance of integrating the objectives of sustainable development. However, in general there is too little emphasis in the draft PPS itself of key sustainable development issues raised by housing provision.

KEY CONCERNS

Market demand

Draft PPS3 proposes that planning decisions should be driven significantly more by market demand than under the current system. It is contradictory, ambiguous or silent on important matters, for example whether housing need is viewed as part of demand or separately, and the extent to which environmental considerations should be taken into account in assessing whether land is appropriate for housing.

We are concerned that this failure to distinguish sufficiently between housing need and housing demand also has potentially damaging implications for wildlife and the countryside, especially when seen in the context of the Government's objective to deliver 'a better balance between housing demand and supply in every housing market' (paragraph 1).

Link recommends that final PPS3 should seek to meet affordable housing need as a priority. It should do this by giving priority to meeting local housing needs rather than crude market demand, and requiring local authorities to consider a wide range of local needs (including affordable, subsidised homes for rent, for part-ownership and cheaper homes for sale, e.g. to meet the needs of first time buyers). This should be combined with a major increase in public funding for affordable housing.

Sequential approach

The most significant concern is the lack of a clear sequential approach, prioritising development on urban brownfield land in areas which reduce the need to travel. This has serious implications for the countryside and for urban areas in need of regeneration. The policies proposed within draft PPS3 for achieving this are absent or significantly weaker than the existing guidance (PPG3), and in practice the draft PPS carries the risk of increased development on green fields (as the Partial Regulatory Impact Assessment in Part 3 of the consultation paper admits).

Link believes planning policy should put brownfield first by including clear criteria and measures to ensure a sequential brownfield-first approach is applied at regional, sub-regional and local levels, guiding the identification, allocation and release of land for housing.

There is concern in some places at the loss of urban gardens to unplanned, opportunistic redevelopment. We welcome the qualification of such sites' suitability for development in paragraph 36 of draft PPS3; we recommend that the approach here should be strengthened and expanded on it the final PPS to show how pressure for intensification in urban and suburban areas, including development of gardens, should be carefully planned for in Local Development Frameworks. The twin objectives should be to protect, especially, those areas with networks of gardens known to be of high value to biodiversity or which are rich in features which are likely to

make them so, and to focus urban intensification on places it will be most sustainable (e.g. within walking distance - 'pedsheds' - of local centres).

Policy should make clear that local brownfield strategies should be comprehensive, robust, backed up by resources and commitment and have important status in policies, plans and decisions.

Importance of protecting 'brownfield' biodiversity

The widespread loss of biodiversity from the countryside has highlighted the increasing importance of previously developed land in some areas for its wildlife value. In some cases, the application of current policies is resulting in the endangered species now largely restricted to 'previously developed land' being put at risk of extinction. This problem is recognised in the England Biodiversity Strategy (Defra 2003) which sets the objective of 'Key brownfield biodiversity conserved through site protection, mitigation and habitat creation'. The definition of previously developed land included in PPG 3 explicitly excludes all sites that contribute to nature conservation. It is essential that the main body of final PPS3 should retain this critically important point and make clear to planning authorities that they should neither allocate such sites for development, nor approve applications for development on them where they would harm the sites' nature conservation value. This should bring planning policy for housing into line with PPS 9, which states that "*Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests' and 'where such [previously developed] sites have significant biodiversity or geological interest of recognised local importance, local planning authorities, together with developers, should aim to retain this interest or incorporate it into any development'*". As a minimum, sites that make a significant contribution to UK BAPs or LBAPs should be excluded from the definition 'previously developed'.

Public Participation in Planning for Housing Provision

Overall, the PPS should place much greater emphasis on community participation and consensus-building in planning for new housing. This commitment should be included in Paragraph 1 as an over arching theme of the government's objectives. In addition to this general commitment there are a number of policy proposals in draft PPS 3 which are, and will be perceived to be, directly antagonistic to community participation.

The consultation paper suggests (page 19) that the early release of land will be achieved not by reviewing local Development Plan Documents (DPDs) but by means of non-statutory Supplementary Planning Documents. The process of preparing and reviewing DPDs offers a number of standards for participation and independent scrutiny which act as important safeguards to communities. The suggestion (in paragraph 47 (d)) that the phasing order agreed in an LDF could be changed through SPD is, therefore, unacceptable. It is also contrary to existing policy on public participation in PPS 1 (ODPM 2005). The phased release of land is a vital part of the plan's ability to control and deliver sustainable development over the long term (we note that the consultation proposes to rule out phasing of years 1 to 5 in high demand areas but retain it for years 6 and beyond). Changing the phasing order and priority is a fundamental change to housing policy and should only be considered through a full review of the development plan which takes into account the cross-cutting implications for local communities. The use of SPD in this manner would gravely undermine the public legitimacy of planning, since these documents are not tested by independent examination. We recommend that final PPS3 should be revised to remove this potential problem.

Environmental capacity

Absent from draft PPS3 are references to environmental capacity, promoting sustainable patterns of development, reducing the need to travel by car and promoting urban renaissance, all of which are integral to current policy guidance (PPG3). Consideration should also be given to availability of water resources when planning housing development. We recommend that final PPS3 should

require local and regional plans to carry out robust assessments of environmental capacity to inform the level, distribution and location of new housing, and act on the results.

Sustainability Appraisal

The draft policy places too much reliance on Sustainability Appraisal as a basis for ensuring that housing is distributed and located in a way which protects the environment and contributes to sustainable development. While Sustainability Appraisal is vital, environmental considerations and objectives should be an integral part of planning for housing at all stages.

Green infrastructure and access to wildlife-rich green space

Urban wildlife is a key part of what makes towns and cities attractive to those who live and work there, and urban habitat often connects in valuable ways to the surrounding landscape. The provision of housing located close to greenspace and biodiversity should be one of the Government's objectives for housing. Development of ecologically valuable sites is potentially very damaging and will inhibit progress towards meeting the 2010 target to halt biodiversity loss.

Draft PPS3 supports the provision of 'green infrastructure' in new housing development, alongside other forms of infrastructure. This includes access to wildlife-rich greenspace, open space for recreation and flood management and other compatible uses. Further details can be found in *Biodiversity by Design*¹ and *Planning Sustainable Communities*². We welcome this, and believe it should be made clear that this approach applies as much to brownfield sites – which currently account for 72% of new housing – as greenfield. We also wish to see sufficiently detailed good practice guidance accompanying final PPS3 to ensure that the long-term quality and manageability of such green space is assured.

Local Biodiversity Action Plans are a key strategic document that should be taken into a consideration when determining the allocation of land to housing and the provision of greenspace.

The spatial consequences of the new housing supply methodology

The rationale of the Government's Communities Plan was supposedly to focus growth in those areas best able to be serviced with sustainable infrastructure. It was presented as a focused spatial policy in response to growth in the wider South East, although we believe that in practice the effects of the growth areas in particular are likely to be anything but sustainable. The consequence of the current recommendations will produce precisely the opposite effect of that envisaged by the Communities Plan. As well as the growth it provided for, regional and local planning authorities will be required to meet ambitious housebuilding targets, implying significant growth beyond the identified growth areas. The requirement for those local authorities in high demand areas to release land identified in LDFs earlier than planned will exacerbate this trend. This may result in a whole series of individual local authorities releasing land early in areas of high demand. Draft PPS3 and the government have offered no clear view of how this new form of diffuse urban growth will deliver a wider pattern of sustainable development both inside and between high-demand regions. Ultimately the proposals also need to be carefully considered in relation to their impact on overall regional inequalities.

Sustainable Construction

The government has a major opportunity to secure a step change in the environmental performance of new and existing housing by delivering low carbon and sustainable communities. This will be essential for economic as well as environmental reasons. However, the recent

¹ *Biodiversity by Design. A guide for sustainable communities.* Town and Country Planning Association, 2004.

² *Planning Sustainable Communities. A Green Infrastructure Guide for Milton Keynes and the South Midlands.* Environment Agency et al., 2005.

package of measures contained in PPS 3 and Code for Sustainable Homes is a major missed opportunity. We are extremely disappointed that:

- The scope of code has been reduced from all buildings to only new domestic dwellings;
- The code remains voluntary for all private sector housing;
- Draft PPS 3 provides only the weakest incentive to local authorities to 'encourage' the use of the code and then only on large strategic sites.

The current formulation of paragraph 39 provides for only the mildest commitment to achieving new design and construction standards and is unlikely to have any effect on the behaviour of applicants. This approach is surprising given the positive role planning can play in reducing the environmental implications of new and refurbished housing. Link is particularly disappointed that draft PPS 3 does not appear to consider the results of the ENTEC study into the environmental implications of housing growth scenarios, which concluded that the environmental impact of new housing can be significantly reduced by achieving higher building standards. The study specifically identified the achievement of the EcoHomes Excellent standard as significant way of reducing CO₂ emissions. Given these conclusions, it is unsatisfactory and irrational that PPS3 does not seek to ensure the highest design standards for all development.

CONCLUSION

It is vital that the planning system should remain plan-led and accountable, and give priority to meeting local housing needs consistent with wider sustainable development objectives such as countryside protection, natural resource conservation and urban regeneration. We can have the homes we need without destroying the countryside or neglecting urban areas. In fact, homes planned with sustainability and protection of the countryside and biodiversity in mind will be greener, richer places in which to live, giving greater quality of life both now and in the future.