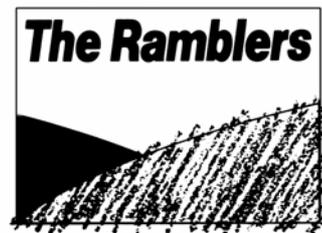


Consultation Paper on New Planning Policy Statement 11 (PPS 11)

A response from Wildlife and Countryside Link



Consultation Paper on New Planning Policy Statement 11 (PPS 11) – A response from Wildlife and Countryside Link

Wildlife and Countryside Link (Link) has expressed a number of key concerns over the planning reform agenda and continues to believe that the provisions of the Planning and Compulsory Purchase Bill do not deliver the clarity and purpose which the planning system requires. However, we recognise that much of the procedural content of PPS 11 is enshrined in the Bill itself and is not open to significant change through guidance. We have therefore restricted our comments to a number of key concerns that are within the scope of PPS 11.

Link brings together 32 voluntary organisations concerned with the conservation, protection and enhancement 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 almost 7 million people in the UK, have a turnover of over £700 million and manage over 398,000 hectares of land. This response is supported by the British Mountaineering Council, Butterfly Conservation, the Council for British Archaeology, the Council for National Parks, Friends of the Earth, the Herpetological Conservation Trust, the Open Spaces Society, the Ramblers' Association, the Royal Society for the Protection of Birds, the Wildlife Trusts and the Woodland Trust.

The Scope and Purpose of Regional Spatial Strategies (RSS)

We believe PPS 11 should make clear in Chapter 1 that RSS is a key mechanism for securing the sustainable development of the English regions ensuring that environmental protection, social equity and procedural fairness are at least as significant as traditional economic development. Paragraph 1.2 and 1.3 make no mention of sustainable development as the key underpinning of the purpose of Regional Spatial Strategies. Instead it highlights housing provision as a key priority but makes no mention at all of landscape, biodiversity or built heritage. The PPS would benefit from a table or box listing broad matters that should be covered in RSS (a similar list exists in PPG12, Development Plans).

Chapter One should provide further guidance as to the meaning of the 'spatial planning' objective. PPS 11 should clarify how this broadening of traditional land-use planning considerations can make a key contribution to delivering sustainable development by ensuring that concepts such as environmental capacity and environmental justice are at the heart of decision-making. For the sake of clarity PPS11 should explain how the definition of spatial planning in draft PPS1 should be understood in the context of regional planning.

PPS 11 should also make clear the precise status of RSS in relation to other regional strategies. The current ambiguity will lead to confusion in the decision-making process. It is both logical and consistent that RSS should set the overarching spatial framework for the entire region. Such a framework must be informed by other regional strategies but should be the only regional document with a clear and pre-eminent legal status in the decision-making process.

The Locational Specificity of RSS

Link is extremely concerned that the RSS process may be used to enforce

centralised policy decisions on major infrastructure provision in a way which may prejudice the detailed evaluation of individual proposals. The Aviation White Paper and the contents of paragraph 1.16 of the draft PPS 11 have raised widespread concerns that the new legal status of RSS will be used to make what are effectively site specific allocations of major new infrastructure. The recommendation that the discussion surrounding RSS should be the forum for debate about the location of major infrastructure developments insinuates that this is the forum for decisions about such developments. This is unacceptable in terms of human rights.

The central rationale for not allowing a right to be heard at RSS preparation is that such policy is strategic and not site specific. This is of vital legal significance since to make site specific land allocations would be determinative of individual human rights and engage the Human Rights Act (1998). However, the draft Planning Policy Statement 11 is confusing, suggesting that RSS can be locationally specific and even that RSS preparation processes can be used for site specific allocations of regionally significant waste developments such as incinerators (Para 1.16 of PPS 11). This problem is compounded in relation to infrastructure projects by the Aviation White Paper, which appears to contain site-specific indicative maps which RSS must have regard to. Indeed the Aviation White Paper suggests the need for particular reviews of RPG 14 and takes account of its provisions in relation to Stansted (see page 118 of the Future of air transport (DFT 2003)).

PPS 11 must make absolutely clear that RSS can neither make specific allocations nor contain indicative site-specific maps. Paragraph 1.16 should be deleted. The text should make clear that while generalised expressions of growth or conservation policy are acceptable, the final approval of site-specific matters must be left to the established planning process and must be conducted in line with the provisions of the EIA and Habitats Directives and other relevant legislation and guidance.

In addition PPS 11 must give greater clarity for the non-expert on precisely what the difference is between locational and site specificity. RSS should not contain policy references to projects where existing site specific proposals exist. Such discussions damage the reputation of planning and public mind and may raise legal issues in relation to the Human Rights Act 1988 if such projects are endorsed by RSS policy.

Participation in Regional Planning

The new legal status of RSS means that regional policy will have a direct influence on the Local Development Framework and individual development control decisions. RSS policy on infrastructure and housing will not be open to challenge from the local level. In addition, unlike structure plans, RSS will have no direct democratic accountability to the public.

Our key concern is that the increase in the importance and influence of regional planning has not been matched by an increase in community participation. Clause 7(3) of the Bill states that no person has a right to be heard at the Examination in Public (EiP) of a draft RSS. The net result is that many community groups and individuals directly affected by a proposed RSS will not get a chance to debate their needs and concerns, nor will they have an opportunity to test proposals by others. The reality of this exclusion has been clear in the EiP for London's emerging spatial development strategy: *the London Plan*. At a recent preliminary meeting, community groups expressed their concern that they had not been invited to EiP meetings relevant to them, in favour of developers' interests. It was noted by the EiP panel that there were only limited seats available at the meetings and that seats had to be

prioritised.ⁱ Though Link believes it is important to have spatial strategies that integrate land use with other social policies in the regions, this should not be done at the expense of the voice of the communities that live in those regions.

A right to be heard at the RSS Examination in Public remains a key Link objective. However, we recognise the positive initiatives in PPS 11 to promote public participation and therefore endorse the following initiatives:

- Including the opportunities for public participation in a clear project plan so that the effectiveness can be monitored. We would welcome a statutory status for this document along similar lines to statements of community involvement.
- Financial help for participants.
- Efforts to promote the wider understanding of the RSS preparation process and of regional planning in general.

We remain concerned about the following issues:

- A lack of creative approaches to selling the message as the importance of RSS to the future of communities. There is a need for a communications strategy which goes beyond the normal, dull and sometimes apparently non-existent efforts to publicise the RPG process. Emphasis should be placed on using the media more effectively and requiring all tiers of local government to publicise and promote the RSS preparation process (including town and parish councils).
- PPS 11 should be cautious about the assumption that stakeholder groups can somehow be representative of the wider community. In the first instance representativeness can only be guaranteed to the democratic electoral system. Secondly the objective should be to encourage the broadest expression of views about the quality of the RSS. Particular emphasis should be placed on reaching out to excluded groups. Draft PPS12 (paragraph 3.1.3) suggests the tailoring of techniques to engage appropriate parts of the community at relevant stages. We suggest that this is included in PPS11 also.
- Further clarification is urgently required either in PPS 11 or from the Planning Inspectorate as to the precise criteria by which participants will be selected for EIP hearings. We strongly urge that those who are refused a hearing are offered some other forum for the expression of their views in front of the inspector so that it is clear that their views are being taken into account in a meaningful way and they do not believe that their voice is being deliberately excluded.

Detailed standards of participation (Annex E)

We welcome more detailed guidance including a 'toolkit' of techniques which could be used to encourage participation into the RSS. Greater emphasis should be made on front loading this process and careful consideration should be given as to whether the current preparation timetable allows for meaningful participation and whether sufficient resources exist at a regional level to make this effective. We believe the most effective way of establishing the precise standards for participation at regional level would be to hold a conference involving Government RPBs and representatives of the business environment and community sectors.

A Statutory Role for County Councils

LINK warmly welcomes the Government's decision to provide a statutory role for county councils in RSS preparation and review. We believe the county councils have key expertise in relation to landscape, biodiversity, archaeology and built heritage which must make a vital contribution to creating and delivering effective regional planning.

Sub Regional Planning

A crucial determining factor for the success of the new RSS process will be how sub-regional planning issues are addressed. The draft PPS11 emphasises the need for partnership working where a 'strategic policy deficit' has been identified. However, any formal working relationship will still be at the behest of the Regional Planning Body, although the consultation draft states that 'the Government expects such arrangements to exist in all regions.' If partnership working is only encouraged where a strategic deficit exists then this is unlikely to be comprehensive.

A Coherent National Policy Approach to Planning for the Regions

Among the most important reasons for the failure to redress regional imbalances over the last decade has been the absence of a strong, coherent national spatial policy. Link believes that there is a need for an overarching national spatial framework within which individual RSS should operate. Such a policy should aim to ease development pressure in the most congested regions (especially London and the rest of the South East, including parts of the East of England region) and promote investment in urban renewal in other regions. Any such policy should take as its starting point the differing environmental capacities of the regions to accommodate development without unacceptable harm to the countryside, the wider environment and people's quality of life.

This issue has been recognised in terms of the shared DTI / ODPM / Treasury Public Service Agreement target to reduce regional disparities. This is undermined, however, by the objective to maximise economic growth, a point echoed in a recent Select Committee Report on Regional Disparities. This problem has been exacerbated by the emphasis on major growth in the South East in the Government's Sustainable Communities Plan.

ⁱ 2nd preliminary meeting for the Examination in Public for the London Plan, 16 January 2003, London