

Consultation Paper on Planning Policy Statement 1: Creating Sustainable Communities

Response from Wildlife and Countryside Link



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INTRODUCTION

1. Wildlife and Countryside Link (Link) brings together 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 around 7 million people in the UK. This statement is supported by the Bat Conservation Trust, the British Mountaineering Council, Buglife – the Invertebrate Conservation Trust, Butterfly Conservation, the Campaign to Protect Rural England, the Council for British Archaeology, the Council for National Parks, Friends of the Earth, the Herpetological Conservation Trust, the National Federation of Badger Groups, the National Trust, the Open Spaces Society, the Ramblers' Association, the Royal Society for the Protection of Birds, the Wildfowl and Wetlands Trust, the Wildlife Trusts and the Woodland Trust.

2. Link believes that sustainable development should be the principal objective of a modern planning system, and campaigned for the strengthening of clause 38 of the Planning and Compulsory Purchase Act, which states '*The person or body must exercise the function with the objective of contributing to the achievement of sustainable development*'. PPS1 is of fundamental importance in setting out the key principles of the planning system and in guiding local planning authorities and other users of the planning system on how to translate the sustainable development duty into practice.

Sustainable development

3. Link welcomes the primacy accorded to sustainable development, as the purpose of the planning system, in the draft PPS1. However, we are deeply concerned at the over-emphasis of the economic, compared to the social and environmental objectives of sustainable development. Throughout the document, the facilitation and delivery of development for economic benefit is promoted, rather than the delivery of the four elements of sustainable development in the overall public interest.

Integration

4. Similarly, while we are pleased that the draft PPS calls for the integration of the four pillars of sustainable development, rather than the outdated concept of balance, we feel that the draft text continues to advocate trading-off of objectives rather than seeking to achieve them simultaneously. Again, the paragraphs on integration strongly favour economic growth, to the potential detriment of the environment.

Planning in the public interest

5. The misguided emphasis on planning 'delivering' development undermines the welcome commitment in paragraph 1.6 to planning in the public interest. A planning authority should oversee the setting of the publicly agreed policy framework within which development proposals may come forward; it may even play a role (for example in regeneration) in encouraging development to take place. But it is not, and it should not become, the role of planning authorities actively to promote and facilitate development (as suggested in paragraph 1.15). Such an approach will risk seriously undermining their objectivity and by extension their public credibility.

The wider role of planning

6. The draft PPS fails adequately to recognise the wider role of planning in determining land-use. Planning has at least as great a responsibility for identifying and enabling the protection, conservation and enhancement of the positive qualities of existing environments, and limiting change, as it does for enabling built development. Much greater guidance is needed on these crucial elements of the role of planning, and their centrality to the achievement of sustainable development.

Sustainable Communities

7. The concept of Sustainable Communities is far less encompassing than that of sustainable development (as illustrated by Annex A of PPS1, which gives no reference to the importance of conservation or to the natural environment), and as such the title of the draft PPS1 - Creating Sustainable Communities – is misleading. Furthermore, the focus of the Sustainable Communities Plan is overwhelmingly on the growth areas, to the exclusion of much of the rest of the country. We suggest a more appropriate (and less confusing) title for PPS1 would be 'Planning for sustainable development'.

POSITIVES

8. Notwithstanding comments made throughout this response, the following basic elements of the draft PPS1 are welcome:

- The statement that “*planning operates in the public interest*” (paragraph 1.6);
- The primacy accorded to sustainable development, and the explicit assertion that planning should seek to integrate – not balance – sustainable development objective;
- The recognition of the importance of the protection and enhancement of the quality and character of the countryside and the historic environment (paragraph 1.5);
- The strong commitment to the plan-led approach (paragraph 1.6);
- Recognition of the importance of planning enforcement (paragraph 1.9);
- A continuing commitment to reducing the need to travel (paragraph 1.21);
- Inclusion of explicit reference to the need to promote the more efficient use of land (paragraph 1.22), through higher density, mixed use development using “suitable” previously developed land and buildings;
- The recognition of the role of planning in minimising resource use and maximising efficiency (paragraph 1.21);
- The assertion of the importance of high quality design to the achievement of sustainable development;
- The commitment to public involvement in all aspects of planning.

OMMISSIONS

9. The draft PPS omits a number of important principles of sustainable development, which are recognised in the UK Sustainable Development Strategy (1999)¹ and other important strategies such as the Wales Spatial Plan (2003) and the findings of the Royal Commission on Environmental Pollution's 23rd report 'Environmental Planning'. The following should be incorporated and explained:

- **The precautionary principle:** where the environmental impacts of certain activities or developments are not known, the proposed development should not be carried out, or extreme caution should be exercised in its undertaking. The application of strategic environmental assessment to plans and strategies should allow the incorporation of the precautionary principle at an early stage.
- **Environmental limits:** ensuring that resources are not irrevocably exhausted or the environment irreversibly damaged;
- **The polluter pays principle:** ensuring that those who produce damaging pollution meet the full environmental, social and economic costs, while measures are taken to prevent pollution as far as possible;
- **Environmental justice:** putting people at the heart of decision making, reducing social inequality by upholding environmental justice in the outcomes of decisions;
- **Inter-generational equity:** ensuring current development does not prevent future generations from meeting their own needs;

10. **In addition, the PPS could be significantly enhanced by the inclusion of the following:**

- A statement of commitment to the **plan, monitor and manage** approach: Since the Government's repudiation of the discredited predict-and-provide approach in its White Paper *Planning for the Communities of the Future* (1998), plan, monitor and manage (PMM) has officially been at the heart of the Government's approach to planning for housing. Planning Policy Guidance note 3 *Housing* (PPG3, 2000) has reinforced this, in the context of the sequential approach to site assessment, allocation and release. PMM is vitally important in good planning, and we urge the government to use PPS1 to reaffirm and extend its commitment to it, not only in relation to housing but to other areas such as employment and minerals planning. This would set the scene for the forthcoming drafts of Minerals Planning Statement 1 (replacing MPG1) and PPS 4 (replacing PPG4) to take forward the PMM approach in relation to minerals (especially aggregates) planning and employment respectively – both areas where we believe change is urgently needed.
- **A list of Environmental issues** for consideration in development plans: PPG12 'Development Plans' contained such a list (under paragraph 4.4), and Link raised concern at the absence of this from the draft PPS12. It is crucial that planning

¹ A Better Quality of Life – A Strategy for Sustainable Development for the UK – CM 4345, May 1999

authorities are made aware of all of these issues, and we urge that the list be included, if not in the final PPS1 then in PPSs 11 and 12.

- **Greater recognition of the importance of the historic and cultural environment and of the value people attach to their surroundings.** We suggest that this could be achieved by reiterating the benefits the historic environment provides as set out in paragraph 52 of PPG1;
- **Recognition of the contribution the historic and natural environment make to urban and rural regeneration and also towards greater social inclusion and cohesion,** and similarly, recognition of the potential costs of environmental degradation to the economy and/or to social wellbeing. The stated commitment to sustainable development is currently undermined by the absence of this;
- **Greater promotion of the role of positive planning:** The PPS should advocate the goal of bringing new benefits, rather than merely mitigating against damage. Enhancement should be a theme in all plans and applications – i.e. new benefits should be sought and provided wherever possible. As well as requiring strong design in development, large-scale enhancement of the landscape and biodiversity is needed to ensure that development does not harm the chances of the natural environment to adapt to climate change.
- **Informed decision-making:** A statement is needed setting out the fundamental importance of ensuring that decisions are evidence-based. Provision of sound environmental and other information to underpin decision-making is a key role of the planning system which is required to fulfil the UK's commitments under the Aarhus Convention and other international agreements. This means the PPS1 should include two strong obligations, first on planning authorities to maintain adequate environmental records for their areas, and second on those proposing development (whether through public plans and programmes or private developments) to provide sufficient environmental and other information with their proposals for informed decisions to be made.

SPECIFIC COMMENTS

Sustainable development – the purpose of the planning system

11. As noted above, we are concerned that the economic pillar of sustainable development is afforded much greater weight than the environmental and social pillars throughout the PPS. A number of specific concerns are highlighted in the coming sections.

12. We welcome the recognition of the importance of planning enforcement in **paragraph 1.9**. However, we believe further information to be necessary on how this is to be achieved and resourced. The government should prescribe broad performance standards for each element of the enforcement service, including 'investigation', 'evaluation', 'action' and 'monitoring and review'.

13. **Paragraph 1.13** lists the four pillars of sustainable development, as listed in the Sustainable Development Strategy¹. Notably, however, the order in which they are listed has been changed from that in the Strategy – i.e. the economic pillar has been placed at the top. We are concerned that this may suggest, to those using national planning guidance, a shift in the Government's priorities, and would urge that this list be shown as it is in the Strategy.

14. We are concerned at the statement in **paragraph 1.15** that planning should provide for improved productivity. This level of detail gives far greater weight to the economic aim of sustainable development than is given to others anywhere in the draft PPS.

15. Similarly, **paragraph 1.16** suggests an aim of planning policies to be '*to avoid constraining economic growth*'. Again, this promotes the delivery of development above the other objectives of sustainable development. We call for the removal of such statements from the final PPS.

16. **Paragraph 1.20** is weak – the statement that planning policies should *aim to* protect the character and quality of the countryside etc. compares unfavourably with statements in paragraphs 1.15 -1.17 on encouraging and enabling economic development. Planning policies should promote environmental protection and enhancement.

17. While the statement of Government's commitment to protecting and enhancing the natural and historic environment is welcome, we consider it essential that biodiversity be explicitly mentioned as a key element of the quality of the environment, and a measure of the achievement of sustainable development.

18. The final sentence of **paragraph 1.20** states that planning policies should aim to protect the character of the countryside and successful urban areas, and refers particularly to '*our most valued townscapes and landscapes, particularly those with national and international designations*'. The recognition of the need to protect our finest landscapes is welcome and supported. However, while it may not be intended, we are concerned that this emphasis could be interpreted as detracting from the need to protect the wider countryside heritage and biodiversity found in towns and cities, which, while not designated is of considerable value to local people. The importance of local designations should also be recognised here and in PPS7.

19. Notwithstanding the above comments, the recognition in this paragraph of the role of positive planning policies in improving the environment is commended, and we would suggest that this section could be usefully expanded (see the earlier bullet point on Positive Planning).

20. **Paragraph 1.21** on the prudent use of resources should be considerably strengthened. The statement that '*prudent use...does not necessarily mean denying ourselves the use of non-renewable resources*' weakens the imperative to reduce the use of non-renewable resources wherever possible, and should be removed. We do not believe it to be sufficient for policies to '*reflect a preference for minimising the need to consume new resources over the lifetime of a development*'. Rather, policies should be required to specify that energy efficiency, water recycling and minimisation of resource use are essential parts of any proposal in order for it to be considered. They should also require maximum possible use of secondary and recycled aggregates and alternative building materials and the retention of useable assets such as historic buildings. There should be a clear commitment to protection of the irreplaceable.

21. These requirements should apply to all levels, from consideration of strategic options in the RSS, through sub-regional and local planning, to site master plans and individual planning applications. The application of Strategic Environmental Assessment to plans should help in making this a more integral part of the planning process.

22. In addition, the PPS might usefully refer to the broader role of local authorities in encouraging people to change their habits towards minimising resource use and maximising efficiency in their everyday lives.

Delivering Sustainable Development

23. Many of the points under **paragraph 1.22** are welcome. However, we have serious reservations about the **fourth point**:

- Bringing forward sufficient land of a suitable quality in the right locations to meet the expected needs for housing, for industrial development, and for retail and commercial development to provide for growth and consumer choice.

24. This statement is open to wide interpretation – particularly the terms ‘sufficient land’ and ‘in the right locations’, which could be seen to relate simply to demand. The use of the term ‘growth’ is also questionable – we would strongly object to physical growth being portrayed in the PPS as an objective of the planning system. If the term is intended to mean economic growth, we would question the definition of this. Would all areas be required to plan for economic growth, even where it is unlikely, unacceptable or unwanted? We would strongly urge that this phrase be clarified in the final PPS.

25. Further, the suggestion that planning should bring forward land is a distorting simplification of the necessary process, including Strategic Environmental Assessment, of identifying sites and assessing alternatives - including non-provision - to development options.

26. The **seventh point of paragraph 1.22** ‘*Recognising the need to protect as well as enhance biodiversity...*’ makes no reference to the need to protect the historic environment, landscape and townscape character, habitats or water quality, though together these are fundamental determinants of environmental quality. Conserving such assets should be a core objective of sustainable development alongside the other points listed.

27. The desirability of enhancing such assets (not just biodiversity) should then be noted as a separate further point. We welcome the reference to the need to address the causes and impacts of climate change, pollution and waste and resource management. However, the latter half of this point states that where development is to go ahead in spite of expected environmental detriment, ‘*measures to prevent, reduce or offset adverse effects should be considered.*’ We would argue that it is inappropriate to include this statement here - none of the other bullet points contain such caveats, and this contributes to the downgrading of the importance of environmental, in relation to economic, objectives throughout the draft PPS.

28. However, PPS1 should, elsewhere, lay out a sequential approach towards development which should include reference to the need for compensation to be provided where found necessary. An example of such an approach, promoted elsewhere by Link², is provided in Appendix 1 to this paper.

29. The **seventh point** also includes the phrase ‘*on the basis of sound science*’ in relation to addressing the ‘*causes and impacts of climate change, pollution and*

² Issues to be included in the new Biodiversity Planning Policy Statement replacing PPG9: *Nature Conservation*. Wildlife and Countryside Link scoping paper, February 2003

waste and resource management implications'. This is the only point containing such a reference and we believe it is wrong to stipulate this requirement specifically, only in relation to this objective - all actions by planners should be made in the light of accurate information, whether relating to the environment or the economy. Therefore we suggest removing this reference.

Integrating the four aims of sustainable development

30. We are heartened by the emphasis placed on the need to integrate the aims of sustainable development, rather than reliance on the outdated concept of balance. However, we do not feel that this message is adequately borne out in **paragraphs 1.23 – 1.26**, which in places clearly advocate trade-off between the objectives. Stronger guidance on how to achieve integration, rather than trade-off, is desperately needed, in the PPS and supplementary best practice guidance.

31. In addition, clear distinction must be made between how sustainable development is incorporated into planning policy and how it is applied to individual decisions. Planning policy must always seek the highest standards of integration providing a framework for sustainable development, while in specific cases we acknowledge that, rightly or wrongly, other material considerations may be influential. We strongly doubt whether it would be appropriate for a planning authority to promote one strand of sustainable development over others as envisaged by **paragraph 1.24**. This should be redrafted to ensure integration is promoted by planning policy, and to make clear that development control decisions should carefully seek to uphold this integrative approach wherever possible. The last sentence gives equivalence to avoiding or mitigating impacts: this should refer to avoiding impacts wherever possible and otherwise mitigating them if, given all other considerations, they are unavoidable.

32. The **third bullet point in paragraph 1.25** should be removed. The concept of disproportionate costs will act to encourage development that produces significant environmental damage by enabling developers to argue that the costs of avoidance, reduction, compensation and mitigation will be prohibitive and disproportionate. The principles of sound planning and assessment, rather than what can be afforded, must be used to deal with issues of relative environmental, social and economic costs of proposals.

33. The **fourth point in paragraph 1.25** again points to the need for trade-off by painting a picture in which environmental concerns are diametrically opposed to social and economic interests. It also undermines the commitment to sustainable development in the draft PPS, by failing to recognise potential costs of environmental degradation to the economy and/or to social wellbeing. The final PPS should build on welcome statements on positive policies (e.g. in paragraph 1.20) by highlighting the fact that environmental protection and enhancement, economic prosperity and social well-being can often be complementary in the long term. The principles listed in paragraph 1.25 should include the precautionary approach and the need to follow UK and international legislation.

34. Much more substantial guidance than is provided in **paragraph 1.26** should be given on Strategic Environmental Assessment (SEA) and Sustainability Appraisal, and we suggest this would merit a separate section in the PPS. The purpose of SEA - "to provide for a high level of protection to the environment" (Article 1, SEA Directive) – should be set out, and important changes that will result from both the Planning and Compulsory Purchase Act and the SEA Directive should be highlighted.

Sustainable development and design

35. We endorse the message in **paragraph 1.27**, of the importance of design in achieving sustainable development. We would urge the final PPS to state that Design policies should *require* (rather than *encourage*) developments which fulfil the listed criteria.

36. In addition, an extra bullet point should be included promoting design policies which require developments to contribute to the local environment and biodiversity through its protection, management, creation or enhancement.

SPATIAL PLANNING

37. We welcome the Government's commitment to spatial planning in **paragraphs 1.29-1.31**. It is vital that principles of spatial planning lie at the heart of the planning system – this means planning authorities at every level should look wider than simply deciding on the least bad option for development and instead should be focussed on approving development that provides an environmental gain. This is in line with the Government's definition of sustainable development which states that environmental, social and economic concerns should be pursued simultaneously. Positive planning is central to the achievement of sustainable development: we need radical measures to ensure that landscapes are capable of adapting to climate change, and that development does not harm the chances of the natural environment to adapt, but respects the historical development of an area that has given it its character.

38. True spatial planning involves a focus by planners on regeneration, economic development, education, housing, health, waste, energy, biodiversity, recycling, protection of the environment, transport and accessibility, climate change, culture and social issues. PPS1 should clearly state that planning processes must be aware of these issues.

39. It is vital that the planning system, in taking a spatial approach, addresses the need to adapt to, and deal with, climate change. This is important for natural habitats but also for local communities. The onset of freak extreme weather events and other impacts associated with climate change must be addressed at every level of the planning system and it is important that this be recognised in PPS1.

40. The third bullet point of **paragraph 1.30** should stress the need for spatial plans to take full account of regional biodiversity strategies.

COMMUNITY INVOLVEMENT IN PLANNING

41. We welcome the commitment to public involvement in all aspects of planning, and the laying out of principles in the draft PPS. We stressed in our response to the draft PPS11³ our concerns at inadequacies of provisions for public participation in regional planning.

42. In **paragraph 1.39** under the point about 'transparency and accessibility' – or as a separate point – we suggest that an extra sentence should be added to stress the

³ Consultation Paper on New Planning Policy Statement 11 (PPS 11) - A response from Wildlife and Countryside Link, submitted January 2004.

need for people to be provided with sufficiently clear and full information to understand properly what is proposed.

APPENDIX 1

Sequential approach based on that put forward in **Issues to be included in the new Biodiversity Planning Policy Statement replacing PPG9: Nature Conservation. Wildlife and Countryside Link Scoping Paper**, February 2003. The approach put forward in this Link paper was adapted from RTPI, 1999. *Planning for Biodiversity: Good practice guide, page 33*

- **Information and assessment** – is more information needed before decisions can be made on scheme/site selection and/or scheme design? Identify, protect and seek to enhance important environmental features. Consider potential impacts (direct, indirect and cumulative), on the environment likely to result from policy and development proposals (using Strategic Environmental Assessment (SEA), Environmental Assessment (EA) and Landscape Character Assessment and principles of informed conservation (IC) where appropriate). In the absence of adequate information, decisions should be deferred or a precautionary approach applied.
- **Avoidance** – can all adverse impacts of development be avoided? Always seek to avoid adverse impacts, exploring all available alternative options, including doing nothing. SEA should also be applied to alternative options.
- **Mitigation** – where adverse effects are unavoidable, can those effects be reduced?
- **Compensation** – where mitigation cannot resolve adverse effects, are compensatory measures appropriate? Compensation should only be considered as a last resort. It should not be an afterthought if impacts cannot be avoided or mitigated. Compensation packages or schemes should not compromise other cultural, visual or biodiversity assets.
- **New benefits** – are there opportunities to enhance landscape, townscape, cultural heritage assets, wildlife and habitats? Always seek to improve the environment through new development or land use change. Enhancement should lead to genuine improvements on what exists already and must always avoid additional environmental loss.