

October 2011



**Friends of
the Earth**

Draft National Planning Policy Framework

Development at any cost?

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Introduction

Friends of the Earth has long supported the plan-led system in the UK in order to help deliver sustainable development in England, Wales and Northern Ireland and to promote people's opportunity to have a say in local decision-making.

Working with community groups, it is clear that the planning system gives developers the edge at the moment. Repeated appeals and/or applications by developers wear communities and local government down, something which is seen most obviously in supermarket development¹, and has resulted in market control for a few big players as thousands of small shops and businesses close. The new draft planning policy framework will tip the balance further in favour of a few private sector interests.

The reform of national planning policy also does little to support smaller businesses to go green (and save costs) or to navigate the planning system. The Government should seriously consider the need to invest in local government planners in order to help small businesses and developers put in better applications and process them quicker. Any current delays are set to increase with a new system of Neighbourhood planning to implement, new national planning policy, and reductions to staff numbers resulting from local government funding cuts.

While a reduction in planning policy is welcome, this reduction should be based on clear evidence as to which policies work effectively in practice and promote productive, sustainable, long-term outcomes. As the Impact Assessment for this draft shows, no evidence on the effectiveness, workability, or the outcomes of planning in terms of the quality and sustainability of development were part of the consideration process. Instead the main reports referenced were the Barker Report, widely criticised at the time of its publication for its lack of rigorous evidence (some conclusions were based on hearsay), and Michael Ball's report on the impact of planning control on housing supply².

Summary of main concerns

Friends of the Earth's concerns on the National Planning Policy Framework (NPPF) are:

1. Varying definitions of "sustainable" development in the national planning policy framework not based on the UK Sustainable Development Strategy 2005
2. Weakening of the plan-led system and the role of the presumption in favour of sustainable development
3. Absence of transitional arrangements
4. Unclear sustainable economic and town centre first policy

¹ *Helen Rimmer, supermarket briefing*

² *Draft National Planning Policy Framework: Impact Assessment, July 2011, Communities and Local Government*

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5. Watering down of the sequential test and brownfield first policies
6. Increase in road traffic through transport policies
7. Absence of Code for Sustainable Homes and affordability targets
8. No support for the protection of best agricultural land or open space
9. Weakening of community involvement in planning
10. Lack of technical guidance specifically for planners and developers

1 Ensure sustainable development goals are met

The NPPF should seek to provide guidance and robust policy on sustainable development which reflects the UK strategy and which is of overarching importance across all planning policies.

Suggested amendment to section on Sustainable Development

~~(strike through text deletion of the original, *italics suggested wording*)~~

9. The purpose of the planning system is to ~~contribute to the achievement of~~ *deliver* sustainable development. *In general, Sustainable Development means development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The UK Government has set out the principles of Sustainable Development in the UK Sustainable Development Strategy 2005 and these are: living within environmental limits; ensuring a strong healthy and just society; achieving a sustainable economy; promoting good governance; using sound science responsibly. The principles and detail set out in the strategy are* ~~It is~~ central to the economic, environmental and social success of the country and are the core principles underpinning planning. *As a result planning policy should, taken as whole, ensure that the development and use of land in the local planning authority's area takes place within environmental limits and contributes to a just society by promoting a sustainable economy, good governance, and based on sound science.*

Land-use planning policy making and decision-making at all levels must focus on the need to integrate rather than 'trade off' the objectives of a sustainable economy, environmental protection and social justice. Planning must recognise the increasing economic and social costs of environmental degradation, and aim to shape land-use change in a way that improves the quality and resilience of the environment, and guards against environmental injustice.

Friends of the Earth suggests that land-use planning policies enshrine the following principles:

- 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

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future generations from meeting their own needs;

- environmental limits: ensuring that resources are not irrevocably exhausted or the environment irreversibly damaged. This means, for example, ensuring climate change mitigation and adaptation, protecting and enhancing biodiversity, reducing harmful emissions, and promoting the sustainable use of natural resources (including those outside the UK);
- resource conservation: ensuring that planning decisions assist in the prudent and sustainable use of finite natural resources (including resources sourced outside the UK);
- the precautionary approach: the precautionary principle holds that 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 polluter pays: ensuring that those who produce damaging pollution meet the full environmental, social and economic costs;
- the proximity principle; seeking to resolve problems in the present and locally, rather than passing them on to other communities globally or future generations;
- public participation; ensuring that there are meaningful opportunities for people to engage in the planning decision-making process.

2 Prioritise the plan led system and revision of the presumption in favour

The first section (Delivering Sustainable Development) of the NPPF undermines the current plan-led system by trying to apply the presumption in favour of sustainable development to plan-making as well as to decision-taking. In fact there is a clear role for the plan or draft plan – if there is one in existence, the local authority should ensure that decisions are taken in line with the plan as well as other material considerations. Where the local planning authority has not put a plan in place, or where the plan is silent, it is appropriate for development to be approved where it meets sustainable development criteria. Therefore Friends of the Earth suggests extensive revision to reflect this position in the NPPF.

Suggested amendment to the presumption in favour

(~~strike through~~ text deletion of the original, *italics suggested wording*)

~~The presumption in favour of sustainable development~~ The Plan-led system

13. The Government is committed to ensuring that the planning system does everything it can to support ~~sustainable economic growth~~ *Sustainable Development*. A positive *outcomes driven* planning system is essential because, without *responsible, low carbon development growth*, a sustainable future cannot be achieved. Planning must operate to encourage ~~this growth~~ *Sustainable Development*

and not act as an impediment. Therefore, significant weight should be placed on the need to support ~~economic growth through the planning system~~ *sustainable development that is resilient, productive and provides long-term benefits.*

14. At the heart of the planning system is a ~~presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking~~ *the delivery of Sustainable Development through the plan-led system. Development needs must be met within the context of environmental limits and the need to deliver social benefits. There should be full public participation in local plan-making.* Local planning authorities should plan positively for new *sustainable* development, and approve all individual proposals ~~wherever possible~~ *where they meet sustainable development and local plan criteria.*

3 Transitional arrangements

The NPPF should set out provisional arrangements. Local development framework core strategies are currently adopted in around a third of local planning authorities in England. These will have to stay valid until a reasonable period of time enabling them to be brought up to date with the NPPF has passed.

In addition, the absence of regional spatial strategies leaves a gap in many local planning authorities' frameworks for decision-making. There should again be an interim period where gaps remain filled by regional spatial strategies until a similar (concurrent) reasonable period has passed. This will allow both local planning authorities and developers to maintain continuity and to plan for the next couple of years, while looking ahead to changes to be expected from the reduction in national planning policy and therefore an increase in local policy variation.

4 Sustainable economy and town centre first

The NPPF should seek to promote a sustainable economy. This means promoting efficiency in resource and energy use, and promoting resilient local economies. Balanced communities should offer employment and business sites, as well as housing, retail and other infrastructure, rather than concentrating on certain areas, so that economic opportunities are more widely available.

Improvements should be made to the town centre first policy, to ensure that town centres are protected and not threatened by out of town development. The retail need test should also be referenced: ensuring that there is unmet need on an independent evidence base for retail before approving further large retail development provision. The NPPF should also contain a provision to retain and enhance street and covered markets as a vital component of public space and the local economy.

The NPPF should encourage targets to be included in local plans for the percentage of locally-owned, independent businesses and SMEs to redress the balance of retail provision and support small shops and retail diversity – for example, by aiming to achieve a threshold of at least 30% of all retail floor space to occupied by independent retailers and SMEs. It is also essential to protect local retail diversity

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and choice by encouraging policies that would limit local market dominance by placing a cap on the amount of trade diversion allowed from existing centres – for example, that any retail development that would lead to trade diversion of more than 10% from existing centres will be refused.

Suggested amendment to ‘Business and economic development’

(~~strikethrough~~ text deletion of the original, *italics suggested wording*)

72. To help achieve a sustainable ~~economic-growth~~ *economy*, the Government’s objectives are to:

- plan proactively to meet the development needs of business *while respecting environmental limits*, and to support ~~an~~ *sustainable* economy fit for the 21st century
- promote the vitality and viability of town centres, *by prioritising town centre first development and supporting local businesses and food producers* ~~and that~~ meet the needs of consumers for high quality, *diverse, distinct*, and accessible retail services; and
- raise the quality of life and the environment in rural *and urban* areas by promoting ~~thriving productive~~, inclusive and locally distinctive ~~rural~~ *local* economies.

Suggested amendment to ‘town centres’

(~~strikethrough~~ text deletion of the original, *italics suggested wording*)

76. Planning policies should be positive, promote ~~competitive~~ *diverse, distinct and sustainable* town centre environments, and set out policies for the management ~~and growth~~ of centres over the plan period. Local authorities should:

- recognise town centres as the heart of their communities and pursue policies ~~to support the viability and vitality of town centres~~ *which protect the viability, diversity and vitality of town centres, in particular by refusing out of town developments that are assessed as having a direct negative impact*
- ~~set policies for the consideration of retail and leisure proposals which cannot be accommodated in or adjacent to town centres~~ *apply the sequential test for retail development, and only in exceptional circumstances should out of town centre sites be considered*

5 Sequential test and brownfield first

The sequential test is essential in order to achieve sustainable development and travel patterns, and to protect and conserve areas of recognised environmental and amenity importance. The Government should also consider applying the following criteria when identifying locations for development:

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- The accessibility of development sites by non-car modes, and the potential to improve such accessibility.
- The capacity of existing infrastructure, including public transport, utilities and social infrastructure (such as schools and hospitals) to absorb further development.
- Physical constraints on the development of land, including for example, the level of contamination, stability and flood risk.
- The impact that the development of sites will have on the region's environmental carrying capacity and in particular their implications for resource conservation (such as important agricultural land), natural resources and biodiversity.
- The impact that the development of sites will have on the area or neighbourhood's cultural resources. There should be a presumption against development which would damage sites of heritage or cultural value.
- The impact of the development on general pollution levels. Local authorities should recognise the existing problems of poor air, water and soil quality in many parts of their area and acknowledge the potential negative cumulative impact of further development on these areas. Where significant doubt arises as to the precise impact of polluting aspects of development on human health, local authorities should apply the precautionary principle.
- The suitability of sites for mixed use development and the contribution that development might make to the social, economic and environmental fabric of local communities, in particular the need to reduce social inequalities.

Suggested amendment to include sequential test

~~(strike through~~ text deletion of the original, *italics suggested wording*)

19. A set of core land-use planning principles should underpin both plan-making and development management and should be taken into account by all those engaged in the planning system from local authorities and developers through to communities. These principles are...

- in considering the future use of land, planning policies and decisions should ~~take account of its environmental quality or potential quality regardless of its previous or existing use~~ *apply the sequential test, to prioritise the re-use of previously developed land within urban areas, then on other previously developed land well-connected to public transport links, subject to the need to protect conserve areas of recognised environmental and amenity interests.*

6 Reducing impacts through transport policies

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The transport section in the NPPF does not sufficiently address the need to reduce travel by private car. The location of new development and the connections to new development must make it easier to travel less. This must be done strategically, through the promotion of balanced communities with employment, retail and infrastructure co-located, and by planning new development to reduce the need to travel by private car.

A transport system increasingly dominated by, and built around, the car is perpetuating carbon intensive patterns of development and contributing to problems of social exclusion for households without cars. These groups are often the hardest hit by the impacts of the way we travel (traffic levels, pollution, accidents etc), even though they have the lowest rates of car ownership. It is also important to underline that 57 per cent of all journeys made by private car are less than five miles long.

Targets for traffic reduction (such as those implemented successfully in cities like Freiburg, Germany) should be set where appropriate. Specific policies should set out the need to create accessible routes for public transport.

Suggested amendment to transport section

(~~strikethrough~~ text deletion of the original, *italics suggested wording*)

84. To this end, the objectives of transport policy are to *deliver Sustainable Development that in particular:*

- facilitate ~~economic growth by taking a positive approach for planning for development;~~ and *sustainable patterns of development;*

- support *radical* reductions in greenhouse gas emissions *in line with targets set by the Climate Change Commission*, reduce ~~and~~ congestion, and promote accessibility *for all* through planning for the location and mix of development.

88. Planning policies and decisions should *reduce the need to travel by private car* and ensure that developments that generate significant movement are located where the need to travel ~~will be~~ *is* minimised and the use of sustainable transport modes ~~can be~~ *are* maximised.

7 Absence of Code for Sustainable Homes and affordability measures

The Code for Sustainable Homes should be specifically included in the section on Housing. It is essential that developers raise their game to deliver good quality and sustainable housing. It is a false economy to build cheap and poor quality housing that locks vulnerable families into high running costs (such as energy bills) and which leave a legacy of problems for future generations. The planning system must set minimum standards for development and make it clear that both affordability and sustainability have to be delivered.

The NPPF should seek to provide guidance and robust policy on sustainable homes and the need to include a proportion of affordability in all sites, and in some sites, for

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that proportion to be significant – for instance in development in rural areas, or small urban sites where affordability need is very high.

Suggested amendment to ‘housing’

(~~strike through~~ text deletion of the original, *italics suggested wording*)

107. The Government’s key housing objective is to increase ~~significantly~~ the delivery of new *sustainable and affordable homes in appropriate locations*. Everyone should have the opportunity to live in high quality, *sustainable*, well designed homes, which they can afford, in a community where they want to live *which includes services, retail, and employment opportunities*. This means:

- increasing the supply of *affordable housing by setting minimum levels for affordability provisions within developments*
- delivering a wide choice of high quality homes that people ~~want and need~~ *by setting a minimum standard of Code Level 3 of the Code for Sustainable Homes for all new developments and requiring higher standards as a proportion of all new developments*

8 Support for the protection of best agricultural land and open space

The NPPF should seek to provide guidance and robust policy on the protection of open space and the best agricultural land. It is extremely important that urban green space is protected – both to deal with rising ‘urban heat island’ issues as part of adaptation to climate change, and to provide biodiversity, leisure, amenity and shared public space in urban areas.

Suggested amendment to section on ‘Sustainable communities’

(~~strike through~~ text deletion of the original, *italics suggested wording*)

129. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on ~~unless~~; *except where replacements can be found that is as good or better than the existing provision*. ~~–an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the need for and benefits of the development clearly outweigh the loss.~~

Suggested amendment to section on ‘Natural environment’

(~~strike through~~ text deletion of the original, *italics suggested wording*)

167. Local planning authorities should:

- ~~take into account the economic and other benefits of the~~ *put in place protection for*

the best and most versatile agricultural land from development. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality, except where this could be inconsistent with other sustainability considerations or the Local Plan's growth strategy and where poorer quality land is unavailable or unsuitable. Where development is unavoidable, the sequential test should be applied, and mitigation measures identified.

9 Community involvement in planning

The NPPF is a step backward from previous planning policy guidance on involving people and communities in decision-making. It is important to recognise that people bring a wealth of local knowledge and expertise to planning decisions. Everyone should have an opportunity to put forward their ideas and feel confident that there is a clear and transparent process for considering these ideas.

Suggested amendment to section on 'Sustainable communities'

124. The Government's objective is to create strong, vibrant ~~just~~ and healthy communities, by *providing clear opportunities for people to be involved in decisions that affect them, by creating ensuring* a good quality built environment, with accessible local services that reflect *all the* community's needs and support well-being *for everyone*.

125. The planning system can play an important role in facilitating *equality social interaction* and creating inclusive communities. Local planning authorities should create a shared vision with communities, *particularly involving under-represented and vulnerable groups*, of the residential environment, *public space, green space, retail and employment opportunities* and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of local and neighbourhood plans and in planning decisions. *Community involvement is an essential element in delivering sustainable development. Effective community involvement tells communities about emerging policies and proposals in good time, enable communities to participate in developing proposals and options, ensures that consultation is widely accessible, and provides and seeks feedback.*

10 Provision of technical advice for planners and developers

In addition to the NPPF, there should be technical advice for planners and developers. The planning system in Wales uses technical advice notes to provide technical expert guidance alongside Planning Policy Wales. This means that in areas where it is essential that consistent evidence bases are used, help is provided to planners and developers e.g. for Flood Risk Assessments, or in applying the Code for Sustainable Homes. The range of technical guidance should be based on sound research to understand where technical advice is most necessary, and provides consistency for developers.

Conclusion

There are key changes that the Government should make to the National Planning Policy Framework, both to ensure the consistent application of sustainable development principles, but also to build on the successful planning policies e.g. on brownfield first, which have had a real impact in terms of recycling land, and ensuring the regeneration of urban areas rather than damaging sprawl.

It is clear that there are many changes to the actual content of planning policy in the draft NPPF, not just the reduction in size. This is most evident in the application of sustainable development principles based on the UK Strategy, and for instance in the loss of affordable housing targets, or protection for town centres. There is also a gap between the Natural Environment White Paper and the NPPF which must be urgently addressed.

The Government should increase the consultation period to allow for further evidence to be gathered on the most effective policies to deliver sustainable development, and to allow for communities to have a proper say in the process.