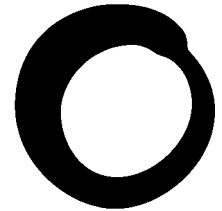


September 2011



**Friends of  
the Earth**

# **Draft National Planning Policy Framework**

## **Failing to plan for the future?**

---

**Friends of the Earth inspires solutions to environmental problems, which make life better for people.**

**Friends of the Earth is:**

- the UK's most influential national environmental campaigning organisation**
- the most extensive environmental network in the world, with almost one million supporters across five continents and over 60 national organisations worldwide**
- a unique network of campaigning local groups, working in over 200 communities throughout England, Wales and Northern Ireland**
- dependent on individuals for over 90 per cent of its income.**

**To join or make a donation call us on 0800 581 051**

**Friends of the Earth, 26-28 Underwood Street, London N1 7JQ**

**Tel: 020 7490 1555 Fax: 020 7490 0881 Email: [info@foe.co.uk](mailto:info@foe.co.uk) Website: [www.foe.co.uk](http://www.foe.co.uk)**

Friends of the Earth Limited company number 1012357

♻️ Printed on paper made from 100 per cent post-consumer waste

# **Draft National Planning Policy Framework: consultation overview**

## **What is the National Planning Policy Framework?**

The National Planning Policy Framework (NPPF) is only relevant to England. It will replace all the existing planning policy statements, planning policy guidance documents, and some circulars. It is the Government's overarching statement on the purpose of the planning system and sets out important objectives. The consultation on the draft runs until the 17<sup>th</sup> of October 2011.

Friends of the Earth is concerned that the draft NPPF has been used to set out a deregulatory approach as part of a package of planning reform, designed to prioritise private business interests in the name of economic growth. Friends of the Earth believes that the planning system is an essential public function that must continue to deliver decision-making in the public interest.

## **So what power does the NPPF have?**

The NPPF sets out guidance and not law, but all local authorities in England must have regard to the contents of the NPPF when drawing up development plans or making specific decisions on planning applications. If, for example, a Local Authority ignored the contents of the NPPF then this can form the basis of a powerful objection in a local plan inquiry or in a public inquiry into a specific development. In some cases the failure to reasonably have regard to a NPPF could also be part of a legal challenge. Developers will appeal on the basis of the NPPF if permission has been refused.

The presumption in favour of sustainable development is a new policy introduced by the NPPF which could undermine the plan-led system.

Friends of the Earth is concerned that any move away from the plan-led system undermines good, evidence-based decision-making. It also undermines local government's ability to plan for development in a way that meets goals such as climate change emissions reduction and adaptation.

## **What does the draft NPPF cover?**

The draft NPPF covers the main principles of planning, and then has sections on business, transport, communications, minerals, housing, design, green belt, climate change and flooding, the natural environment and the historic environment.

Friends of the Earth is concerned that much important policy has been lost particularly in relation to sustainability. In addition the sections are not integrated so confusion will arise as to how the different sections relate to one another. Rather than an integrated vision of sustainable development, the Government has set out an unrelated growth-led series of policies.

## **So what does the draft NPPF say about sustainable development?**

Friends of the Earth is very concerned that a fundamental misunderstanding of the purpose of planning has been set out: "*A positive planning system is essential because, without growth, a sustainable future cannot be achieved.*" (paragraph 13). This does not recognise that sustainable development is not about short-term economic growth, but about economic, social and environmental benefits being delivered together.

Friends of the Earth is fully supportive of the UK Strategy on Sustainable Development 2005.

## **Draft National Planning Policy Framework: consultation overview**

The principles set out there are:

- Living within environmental limits;
- Ensuring a strong healthy and just society;
- Achieving a sustainable economy;
- Promoting good governance;
- Using sound science responsibly.

These principles should be set out in law as the purpose of planning. PPS1 successfully operationalized these principles in planning. PPS1 (previous Government planning policy) said: *“development plans should ensure that sustainable development is pursued an integrated manner, in line with the principles for sustainable development set out in the UK strategy”* and *“plan policies and planning decisions should be based on: - recognition of the limits of the environment to accept further development without irreversible damage”*.

In contrast the NPPF sets out principles which undermine the concept that planning decision-making should properly consider economic, environmental and social benefit and instead prioritises economic growth at all costs: *“Decision-takers at every level should assume that the default answer to development proposals is “yes”*. Friends of the Earth recommend that the NPPF’s principles are revised so that decision-makers can base decisions on quality, appropriateness and good outcomes.

### **What is the presumption in favour of development?**

A presumption in favour of development is where development is approved unless there are impacts that outweigh the benefits when assessed against the draft NPPF (para 14).

*“The presumption turns this expectation into policy – a policy that works with the existing plan-led approach, by emphasising the role of up-to-date development plans in identifying and accommodating development needs. Where those plans are not up-to-date, or do not provide a clear basis for decisions, the policy establishes the clear presumption that permission should be granted, provided there is no overriding conflict with the National Planning Policy Framework as a whole.”* (para 17).

This presumption is very powerful, and effectively removes community input from the development management part of the planning system. The development will most likely be approved regardless of community objection. As the developers know this, there is also no incentive for developers to engage with communities in putting forward development proposals – they no longer need to in order to make their development more acceptable.

It will also encourage speculative development where there isn’t an up to date local plan – many local authorities have not yet managed to finish their local plan. In those areas, only the NPPF applies as guidance.

In the section on development management, the draft NPPF states that local authorities must: *“attach significant weight to the benefits of economic and housing growth”* (para 54). The aim of development management it seems is to increase the level of development approved. It then states that *“Local Plans, incorporating neighbourhood plans where relevant, are the starting point for the determination of any planning application.”* (para 62). But it then continues with: *“In assessing and determining development proposals, local*

## **Draft National Planning Policy Framework: consultation overview**

*planning authorities should apply the presumption in favour of sustainable development.”* (para 63) The plan is however a legal document, whereas the NPPF is only guidance, so it is clear that plans should be the context for decisions.

Both planning obligations and conditions are to be used only when the development would otherwise be unacceptable, and introduce the issue of viability into the use of obligations. This raises the bar, and could reduce the local authority's ability to address adverse impacts from developments (para 69 and 70). Friends of the Earth is very concerned that this will lead to difficulties in delivering quality, appropriate, affordable, and energy efficient homes with the infrastructure they need.

### **What's the role of Neighbourhood Plans?**

Neighbourhood plans have to be in conformity with the strategic policy in local plans, and therefore can only plan for more rather than less development. Friends of the Earth is concerned that both Neighbourhood Plans and Neighbourhood Development Orders do not have a right to be heard under the Localism Bill, and that there is no guidance in the NPPF on public participation and equality. Friends of the Earth is concerned that those with the least opportunity, power and resources will be marginalised by the planning reforms.

### **What will happen to my local shops?**

The NPPF states that expansion of town centres, edge of centre sites and out of town policies should all be identified in the local plan. Friends of the Earth is concerned that this will have a negative impact on local economies, retail diversity and uniqueness. There is no protection for places that function as a public space such as town centres or markets, and Friends of the Earth is concerned that these places will come under threat.

### **More roads, more cars, more congestion...**

On transport, the draft NPPF states that development should only where “practical” and “reasonable” facilitate the use of sustainable modes of transport. Friends of the Earth is concerned that the caveats of “practical” and “reasonable” will result in more developments located in locations without sustainable transport. Friends of the Earth is also concerned that the loss of policies on reducing the need to travel by car will result in an increase in traffic<sup>1</sup>.

### **More homes, poor homes?**

Friends of the Earth is concerned that the section on housing does not list specific criteria as to the type and quality of housing expected, or the need to address associated development issues - in order to deal with climate change, resource use, inclusive design and accessibility (such as the needs of children) as there was in previous policy. Friends of the Earth recommends that far more is done to secure affordable homes, that are not costly to run, and are of good quality.

### **Losing our green space?**

Friends of the Earth is concerned that the local authority will have to argue strongly to defend open space against development: *“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to*

---

<sup>1</sup> This has been explored in a recent report by the Campaign for Better Transport.

## **Draft National Planning Policy Framework: consultation overview**

*requirements; or the need for and benefits of the development clearly outweigh the loss.”* (para 129).

Rather than the community being empowered to protect their open space, the draft NPPF provides a way for developers to build on this space by demonstrating the need for and benefits of their development. While it may be possible for communities under the draft NPPF definition of local green space to protect areas, it is clear from the restrictions placed upon the use of green space that the Government does not want green space designations used to prevent development in open countryside: *“The Local Green Space designation will not be appropriate for most green areas or open space.”* (para 131).

### **Tackling climate change**

Friends of the Earth welcomes the recognition of the need to address climate change. The draft NPPF states that local authorities should *“plan for new development in locations and ways which reduce greenhouse gas emissions;”* (para 150).

However if the presumption in favour of development functions then the policies that are set out here are not sufficiently directive or integrated with the policies on economic development, retail and housing to actually be implemented. The reduction of carbon emissions has to be explicitly set out in relation to new development rather than in abstract.

The positive identification of sites for renewable energy development required by the draft NPPF is welcome, set out under paragraph 152 starting with *“To help increase the use and supply of renewable and low-carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low-carbon sources.”*

In terms of adaptation, the policy allows for development to be considered in flood risk areas, with the following conditions: *“development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed; and it gives priority to the use of sustainable drainage systems.”* (para 157).

PPS 1 Supplement on Climate Change in contrast sets out the precautionary approach to flood development: *“take a precautionary approach to increases in risk that could arise as a result of likely changes to the climate.”* The precautionary principle is one where the proposed development should either not be carried out, or only carried out with extreme caution.

### **Is the policy fair?**

Friends of the Earth is concerned that there is no need to consider the impacts of development of more vulnerable people in society. The NPPF talks about *“facilitating social interaction between people who might not otherwise meet each other”* (para 125).

PPS 1 had the following to say:

*“Development plans should promote development that creates socially inclusive communities, including suitable mixes of housing. Plan policies should:*

- *ensure that the impact of development on the social fabric of communities is considered and taken into account;*

## **Draft National Planning Policy Framework: consultation overview**

- *seek to reduce social inequalities;*
- *address accessibility (both in terms of location and physical access) for all members of the community to jobs, health, housing, education, shops, leisure and community facilities;*
- *take into account the needs of all the community, including particular requirements relating to age, sex, ethnic background, religion, disability or income;*
- *deliver safe, healthy and attractive places to live; and,*
- *support the promotion of health and well-being by making provision for physical activity.”*

The Government has failed in the draft NPPF to direct planning and planning decision-making to consider and address issues of inequality.

### **Conclusion**

There is no vision as to the future development of England in this document.

The draft NPPF redefines sustainable development as growth, and in particular refuses to recognise environmental limits. Droughts and floods are just two examples of the limitations of the environment to support ever more development in certain areas without direct consequences.

The presumption in favour of development will undermine the local plan, and could undermine community input. It could also lead to poor and inappropriate development.

The draft policies in the NPPF ranging from housing to transport to minerals are all underpinned by a drive to permit development and not by sustainable development principles that recognise environmental limits and the need to deliver social benefits.

Friends of the Earth is concerned that the planning system is being appropriated to drive unsustainable, poor quality growth forward. This will be at the expense of communities and the environment.

Friends of the Earth recommends that the draft NPPF is revised to set out a sustainable vision for England. It should recognise environmental limits as part of sustainable development, remove the presumption in favour of development, promote sustainable economic activity, and recognise the need to address inequality and community involvement.

### **Contact:**

Naomi Luhde-Thompson, Planning and Policy Advisor Friends of the Earth

Email: [naomi.luhde-thompson@foe.co.uk](mailto:naomi.luhde-thompson@foe.co.uk)