

**Friends of the Earth England, Wales and Northern Ireland
Response to National Planning Policy Framework (Draft) Consultation
October 2011**

Summary

- Strengthening the planning framework to deliver sustainable development, tackle climate change and restore biodiversity is urgent and important. Our economy and society must operate within environmental limits, and be fair to everyone.
- The Government has stated that to secure sustainable development is the primary purpose of the planning system. This is an important commitment. But the NPPF, as drafted, gives primacy to economic growth not sustainable development and must be amended.
- The scale of transition required to meet UK Climate Change Act commitments is immense. All sections of society, including developers and businesses, must play their part in sustainable green future for the country.
- There are key economic, social and environmental opportunities in embracing sustainable development.
- There are significant dangers inherent in failing to recognise the fact of environmental limits. Government must ensure the planning system supports economic recovery through sustainable development. This is essential to avoid long term problems such as: loss of agricultural land leading to food insecurity, poor quality housing leading to rising household costs for those most vulnerable; building on flood plain risking high costs to public infrastructure, businesses and households; increase in sprawl, car dependency, traffic congestion and emissions.
- To deliver sustainable development through the planning system, the Government must:
 - Put Sustainable Development and environmental limits at the heart of the planning system through including an explicit clear, consistent, acknowledged definition in the legislation.
 - Prevent development on the best agricultural land and ensure a sequential approach to development to protect other agricultural land.
 - Put in place policies that demand an increase in biodiversity in urban and rural areas.
 - Put in place policies that protect local producers and local retailers and protect a minimum market share for local economic activity.
 - Support sustainable travel and reduce the need to travel, particularly by car, central to planning policy.
 - Insist that all development is built to minimum standards with targets for all development to be zero carbon by 2016.
 - Deliver 20% renewable energy by 2020.

Friends of the Earth
England, Wales and Northern Ireland
National Office 26-28 Underwood Street London N1 7JQ

Tel 020 7490 1555 Fax 020 7490 0881 Website www.foe.co.uk

Friends of the Earth is the collective name for Friends of the Earth Trust, registered charity 281681, company number 1533942, and Friends of the Earth Limited, company number 1012357, both of which may use your information. In both cases the registered office is at 26-28 Underwood Street, London N1 7JQ.

1. The Challenge

1.1 The Government must recognise that environmental limits exist and are being breached. Planning and decision-making on development must be based in the real world where real constraints exist such as water quality and resources, availability of agricultural land, flooding, air pollution and climate change. The Government must insist that development does not ignore these constraints. Sustainable Development is not optional, it is a necessity.

- The Government must be clear that Sustainable Development is widely accepted to be defined as “Development and use of land that operates within environmental limits and contributes to a just society by promoting a sustainable economy, using good governance, and based on sound science.”

1.2 The planning system must address future changes such as the new households forming each year in England, economic changes, climate change and the loss of biodiversity. As the Foresight Land Use Futures project (2010)¹ pointed out: “A major issue for policy will be whether all the economic, social and environmental benefits of the land can continue to be delivered against a backdrop of greater expectations from the market and individuals, and the need to live within environmental limits.” While the National Planning Policy Framework Draft (2011) (hereafter referred to as ‘the Framework’) sets out a scenario for the growth in housing, and growth in development associated with business activities, it fails to set these within the context of environmental limits, or to acknowledge the changes required to our economy necessary to deliver resilience, sustainability and ensure fairness.

1.3 The Coalition Agreement states: “We will provide incentives for local authorities to deliver sustainable development, including for new homes and businesses.”² However there is no mechanism to ensure that Sustainable Development will be delivered through the planning system in England, because of the conflicting policies, and the “significant weight [that] should be placed on the need to support economic growth through the planning system.” (para 13). Sustainable Development is the integrated delivery of economic and social benefits that operate within environmental limits, not the delivery of economic growth in isolation. The 2011 BIS strategy declares that “The UK needs to grow sustainably – both economically and environmentally. We need to grow, but we need to grow differently.”³ The Framework fails to take up the challenge to “grow differently”. Instead it says that “Planning must operate to encourage growth, not to act as an impediment.” (paragraph 13). It is ‘economically neutral’ – failing to describe what a sustainable economy looks like, and in particular failing to even mention the opportunities and benefits provided by determined focus on, not just lip service to, a greener economy. For example, a much greater drive to promote renewable energy can create jobs and new industries in regions such as North East England, an area already suffering from major poverty and unemployment, which is set to get worse as public sector job cuts kick-in. A much greater drive to promote energy efficiency will also create jobs, cut carbon and reduce the major societal problem of fuel poverty, which affects millions of mainly poorer households.

- The Framework must have a clear and consistent definition of Sustainable Development to deliver on the Government’s commitments.
- Paragraph 14 must be deleted as it is misleading and undermines the Government’s objectives on Sustainable Development.

1 Foresight Land Use Futures Project (2010) Executive Summary. The Government Office for Science, London.

2 http://www.cabinetoffice.gov.uk/sites/default/files/resources/coalition_programme_for_government.pdf

3 <http://www.bis.gov.uk/assets/biscore/corporate/docs/p/10-1296-path-to-strong-sustainable-and-balancedgrowth.pdf>

- The National Planning Policy Framework must set out its own vision for a sustainable economy, and clear policies to promote green industries.
- It must also be part of a renewed, coherent and cross-departmental Government commitment to a genuinely sustainable economy. A strategy is needed that outlines how green industries will be supported with targeted interventions, and how green jobs and skills will flow through all parts of the UK, particularly those at risk of the decline of polluting industry⁴.

1.4 The Government has stated that it does not want to be “top-down”⁵, and makes the claim that top-down targets have “proved to be ineffective” – without however properly referencing this claim. In contrast, the use of targets is widely accepted across the rest of Government as a means of driving specific action e.g. in Public Service Agreements⁶. Evidence based research conducted by the Royal Commission on Environmental Pollution (26th Report, 2007)⁷ concluded that: “*it is very difficult to design a ... local policy that is environmentally sustainable if it is driven by a national policy whose environmental impacts are unknown or unsustainable.*” (paragraph 6.73). The Government must therefore recognise the positive and essential influence that national targets have on driving standards and innovation forward e.g. in delivering renewable energy, recycling brownfield land, and driving changes in building construction. For instance, waste recycling has very effectively used targets to generate a step change. As BRE have noted “*The UK Low Carbon Environmental Goods and Services Market is the sixth largest in the world and grew by 4.3 per cent in 2009. It is now worth £112 billion, employing over 900,000 people.*”⁸ The Framework must include targets which drive progress – rewarding those who invest in the best possible development and bringing others up to scratch. These targets should be seen as giving local planning authorities in England ‘teeth’ with which to deliver development that communities need.

- The Government must rethink and incorporate national targets such as climate change targets and standards in the Framework to drive Sustainable Development forward.

1.6 The Foresight Land Use Futures project (2010)⁹ notes that “*Future change in the global economy will also influence land use. For example, rising global demand for food and changing commodity prices will affect the amount of land that is brought into food production.*” The Government is failing to take the risks of increased development on agricultural land seriously. Agricultural land is at risk of flooding and salinization, as well as development. Over one tenth of land in England and Wales is at risk of flooding from rivers or the sea (Environment Agency, 2011)¹⁰. England must not restrict its ability to provide a stable, secure, and more climate-friendly food supply now and in the future.

- The Government must put in place protection for all agricultural land, and policies to encourage food growing in and around urban areas in the Framework.

1.7 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 development¹¹, and has resulted in market control for a few big players as thousands of small

4 Friends of the Earth’s submission to the Environmental Audit Committee inquiry on Green Economy, http://www.foe.co.uk/resource/briefing_notes/eac_green_economy.pdf

5 Impact Assessment, Draft National Planning Policy Framework, p18

6 CMPS, Better Policy-Making (London: 2001)

7 Royal Commission on Environmental Pollution, The Urban Environment, 2007 www.official-documents.gov.uk/document/cm70/7009/7009.pdf

8 BRE, 2011, www.breeam.org.uk

9 As before

10 <http://www.environment-agency.gov.uk/business/sectors/106024.aspx>

11 19,000 shops ‘closed this year’ 2009, BBC Online

shops and businesses close. The current planning system is already stacked in favour of the major retailers over small businesses and communities, with 82% of all retail floor space approved in 2010 going to the big four¹². The Framework will tip the balance further in favour of a few private sector interests.

- The Government must support communities and local government by making it clear that unsustainable development which may lead to the decline of local economies and the diminished vitality of town centres will be refused.

1.8 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. 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.

- The Government should invest in local government planners in order to improve the effectiveness, speed and quality of development.

2. What does sustainable development look like?

2.1 The Government's 2005 UK Sustainable Development strategy 'Securing the Future'¹³ states that Sustainable Development means: "*[L]iving within environmental limits and a just society, and we will do it by means of a sustainable economy, good governance and sound science*". Visualising how this might apply to policies, plans and specific development requires further detail. The draft Framework must prove its core decision making principles, plan-making, decision-making and specific policy areas against the principles of Sustainable Development.

2.2 Sustainable Development will not be achieved immediately, but it must be incentivised. Development that is more sustainable should find it easier to get the go ahead, and development that is unsustainable should find itself forced to adapt and change. There is a huge transition to make so that builders learn all the techniques and skills to build sustainably, and can access all the products and design they need in order to do so. While it is obvious that this is happening, what is not happening is that more developments are becoming more sustainable. There are too many common examples of developments that are by contrast, unsustainable.

2.3 Supermarkets are expanding largely without green roofs or incorporating renewable energy in their construction, and much to the detriment of local shops due to the limited amount of spending that can be captured. An example is Linslade, where a Tesco expansion was approved by the local council (Central Bedfordshire Council) under a 'presumption in favour of sustainable development' despite undermining the town centre first policy.

2.4 Housing continues to be built on prime agricultural land. Hampton Park 2 in Salisbury, Wiltshire is a site located on open land, with a provision for affordable homes but initially refused by the Inspector because of poor traffic management and energy efficiency. The Secretary of State approved the development on the 21 September 2011 because of the need to deliver affordable homes despite the poor quality. These kind of decisions may deliver short term benefits, but lock poorer households into long, high household bills, and in addition 300 market homes which will have to be retrofitted immediately at the householder's own cost if they wish to address climate change properly. Western Linslade, Aylesbury Vale is another example of a 900 dwelling development on agricultural land, which had inadequate infrastructure provision including sewage, schools and transport. It has now gone to appeal, a process which will not address its inadequacies. Bude, Cornwall similarly had a development for 400 homes (30%

12 The Grocer, 4 September 2010

13 UK Sustainable Development Strategy: Securing the Future, 2005,

//archive.defra.gov.uk/sustainable/government/publications/uk-strategy/documents/SecFut_complete.pdf

affordable) on prime agricultural land which was initially rejected as not being in the local plan, but it was granted permission on appeal by the Secretary of State as sitting well with the Plan for Growth. In Ryburgh, North Norfolk, a lorry park and storage area was given permission despite a possible threat to a watercourse leading into the River Wensum Special Area of Conservation. The officer recommended approval citing the draft Framework and the Plan for Growth, although the development wasn't actually an expansion, but a relocation from a brownfield to a greenfield site next to an existing business (reducing lorry movements over 3 miles).

2.5 Other cases where the presumption might force through development can be seen in a proposed housing development on greenfield, half of which is prime agricultural land, of 326 homes, including 82 affordable homes, in Weddington. It was rejected as being contrary to the local plan in August 2011. The question is whether the local plan would be able to hold firm on appeal. Aylestone Meadows, Leicester is a valuable wildlife site on the edge of the floodplain of the River Soar. Leicester City Council had identified it as a prime site for football development, and would have replaced part of the wildlife site with artificial pitches, floodlighting and a large car park. As a result of a local campaign it was rejected despite the officer recommending approval.

2.6 Other countries in Europe show different levels of planning control. Germany has a very strict planning system, and has some of the 'greenest' cities in Europe including Freiburg¹⁴ and Hamburg¹⁵. It is clearly proven that the exemplary developments are due to the investment in planning resource, and the inclusion of specific building quality and conditions in contracts with builders, public participation in design, and with public transport provided first to large developments (e.g. Vauban and Rieselfeld in Freiburg, where tramlines preceded development of 9,000 and 11,000 new settlements). Spain, Portugal, Greece, and the Republic of Ireland demonstrate the failures of weak planning, with inappropriate development in areas of water scarcity, sprawl, and a failure to protect the environment¹⁶.

2.7 The Framework fails to build on previous successful policy and practice, and planning research on the implementation of sustainable development¹⁷. In the six reports referenced in the Impact Assessment, there is none on planning outcomes that deal with issues of sustainability. Important Government advisors such as the office for Science's Foresight Report, and the Committee on Climate Change are not referenced.

2.8 In order to restore public legitimacy, it must be clear that the Framework is based on sound evidence of effective policies in practice that deliver sustainable development, and with proper support for public participation in planning decision-making.

- The Government should commit to an inquiry on the effectiveness of the planning system in delivering sustainable development that recognises environmental limits and social justice.

3. Recognising environmental limits in practice

3.1 The Framework must recognise environmental limits as part of its definition of sustainable development in paragraph 10.

- Recommended change to paragraph 10 to include: "*Environmental limits: ensuring that resources are not irrevocably exhausted or the environment irreversibly damaged. This*

14 http://www.fwtm.freiburg.de/servlet/PB/show/1199617_I2/GreenCity.pdf

15 <http://hamburggreencapital.eu/about-the-title/>

16 Integrated spatial planning, multi-level governance and state rescaling, University of Hull and University of Newcastle <http://www2.hull.ac.uk/science/pdf/geogESRCreport1.pdf>

17 For research on implementing sustainable development see Land and Limits: interpreting sustainability in the planning process 2nd Edition, Susan Owens and Richard Cowell, Routledge/RTPI, 2011

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)."

3.2 The Framework has to enable local authorities to refuse development in order to protect development from high risk of damage or destruction such as the risks entailed in flood risk and coastal erosion. The coalition agreement¹⁸ states: *"We will take forward the findings of the Pitt Review to improve our flood defences, and prevent unnecessary building in areas of high flood risk."* This commitment must be clearly expressed in the Framework. The Natural Environment White Paper¹⁹ states: *"The Flood and Water Management Act 2010 includes provision to increase the uptake of such systems in new developments and redevelopments. In addition, we want to encourage existing communities to 'retrofit' sustainable drainage in their gardens and neighbourhoods. The creation of public wetlands, rain gardens and community ponds, and the use of permeable paving, which allows water to drain away, can play a role. Properly designed, they can improve neighbourhood amenity and create new wildlife habitats."* (para 2.83). The Committee on Climate Change's report *Adapting to Climate Change in the UK - Measuring Progress*²⁰ pointed out that *"In almost all of the nine English local authorities studied, development in areas of flood risk had increased, and in four of them the rate of development was higher than across the locality as a whole"*²¹. This means that guidance needs to be improved to deal with these risks, not lessened or weakened, or made optional at a local level.

- Recommended change to paragraph 19 to add: *"Planning policies and decisions must direct development away from areas of high flood risk"*
- Recommended change to paragraph 116 to add: *"Planning policies and decisions must ensure that sustainable urban drainage is utilised in all new developments"*
- Recommended change to paragraph 107 to add: *"This means ensuring that green space, wildlife habitats including water features are a part of every development of more than 1ha."*

3.3 The area of the South East below London is already designated as an area of water scarcity²². Any new development there must focus specifically on reducing water abstraction and using water very efficiently as a priority. The coalition agreement²³ states: *"We will examine the conclusions of the Cave and Walker Reviews, and reform the water industry to ensure more efficient use of water and the protection of poorer households."* This acknowledgement of the issue of water, must be extended in the Framework to ensure that new development in areas of water scarcity must adhere to the highest standards of water efficiency and employ technologies such as rainwater harvesting and sustainable urban drainage system.

- Recommended change to paragraph 19 to add: *"Planning policies and decisions should actively address water scarcity, by requiring standards for development on water use, and directing development away from areas with acute shortages."*

3.4 The coalition agreement states²⁴: *"We will work towards a 'zero waste' economy, encourage councils to pay people to recycle, and work to reduce littering."* While the Framework does not include waste policy (as its subject to SEA), it is essential the new developments incorporate

18 http://www.cabinetoffice.gov.uk/sites/default/files/resources/coalition_programme_for_government.pdf

19 Natural Environment White Paper (2011) <http://www.defra.gov.uk/environment/natural/whitepaper/>

20 Adaptation Sub-Committee Progress Report, 14 July 2011

21 Page 9, Adaptation Sub-Committee Progress Report, 14 July 2011

22 Royal Commission on Environmental Pollution, *The Urban Environment*, 2007 www.official-documents.gov.uk/document/cm70/7009/7009.pdf

23 http://www.cabinetoffice.gov.uk/sites/default/files/resources/coalition_programme_for_government.pdf (p17)

24 (p17) As before

measures to make it easier to recycle, and consider in developing local energy networks, the promotion of anaerobic digesters as the preferred technology.

- Recommended change to paragraph 116 to state: *“developments must incorporate waste recycling areas”*
- Recommended change to paragraph 152 to add: *“consider the possible resource capacity, appropriate locations for the development of anaerobic digesters”*

3.5 Friends of the Earth supports the principle of “the polluter pays”, which was recognised in the Planning Policy Statement 1, and in the Foresight report²⁵, which states: *“As pressures on land grow, activities that damage land and result in negative environmental impacts need to be discouraged, for example, through regulation by making the ‘polluter pay’. Conversely, activities that enhance land quality and provide environmental services that benefit society should be encouraged and rewarded, through schemes that reward land managers for environmental services.”* (p28). This principle must be recognised in the core planning principles in paragraph 19 of the Framework.

- Recommended change to paragraph 19 to include *“Planning policies and decisions should ensure that those who produce damaging pollution meet the full environmental, social and economic costs;”*

4. Food security, agriculture and biodiversity

4.1 The Committee on Climate Change 4th Carbon Budget Report (2010)²⁶ states that research from Cranfield University *“calculates that currently around 21 million hectares of land (14.6 million hectares within the UK and 6.4 million hectares overseas) are required to support current UK food consumption patterns, with the bulk of this land accounted for by livestock production”*. The report also notes that *“Around 22% of total land is used for growing crops for human consumption, with the majority of this (around 60%) overseas.”* If the Framework were to contribute to a sustainable and resilient food supply, it is clear that both change in consumption patterns, and the protection of all agricultural land is *essential*.

4.1 The Convention on Biological Diversity, Nagoya, Japan, 2010 agreed five strategic goals, of which the first two are: *“address the underlying causes of biodiversity loss by mainstreaming biodiversity across government and society; and reduce the direct pressures on biodiversity and promote sustainable use”*. Tackling biodiversity loss will take concerted and consistent action. The coalition agreement states: *“We will introduce measures to protect wildlife and promote green spaces and wildlife corridors in order to halt the loss of habitats and restore biodiversity.”* (p17).

4.2 The Natural Environment White Paper states: *“We must protect the essentials of life: our air, biodiversity, soils and water, so that they can continue to provide us with the services on which we rely. We must repair the damage done to our natural environment by restoring natural connections that have been broken. We must improve the quality and diversity of environments in both town and country, so that they are better able to respond to future pressures.”* (paragraph 2.5). The Natural Environment White paper also states: *“We want the planning system to contribute to our objective of no net loss of biodiversity; to encourage local authorities to promote multi-functional development so that we get the most from land; and to protect our best and most versatile agricultural land.”* (paragraph 2.35). The National Ecosystem Assessment²⁷

25 Foresight Land Use Futures Project (2010), Executive Summary, Government Office for Science, London, http://www.bis.gov.uk/assets/bispartners/foresight/docs/land-use/luf_report/8614-bis-land_use_futures_exec_summ-web.pdf

26 Committee on Climate Change, 4th Carbon Budget Report, December 2010

27 uknea.unep-wcmc.org/

identifies “*land use change as one of the major impacts on biodiversity in the UK.*”. In order to halt the loss of biodiversity, there needs to be a stop to development that destroys wildlife sites, habitats and corridors.

4.3 Nature Improvement Areas: “*Working within the framework of the National Policy Statements and the Government’s planning reforms (see below), local authorities will be able to use local planning to support Nature Improvement Areas, including identifying them in their local plans where they choose, while not deterring sustainable development.*” This argues strongly for a plan-led system, with development taking place within that context so that Nature Improvement Areas are not undermined by speculative and incoherent development.

- Friends of the Earth recommend that all new development incorporates biodiversity features appropriate to the scale and location of the development. This should include the use of green roofs, particularly in urban areas, and sustainable urban drainage system, a presumption against hard standing, and the incorporation of green wildlife space as well as food growing space in larger scale developments particularly incorporated into paragraph 73.
- The use of the sequential test and brownfield targets should recognise that some brownfield land has high biodiversity and provides essential habitat space. Both this and the consideration of the need to restore urban green space to deal with adaptation should be incorporated into paragraph 77 and 78.
- The incorporation of biodiversity through housing development must be specifically required in paragraph 107, with specific mention made of wildlife habitats and sustainable urban drainage systems in paragraphs 111 and 116.
- Plans should be specifically required to set out a network of sites for habitat creation and biodiversity enhancement across their area, as well as identifying urban green space provision which means that there is a minimum distance for any development to the nearest green space. Green roofs must be required on a proportion of new development in urban areas, particularly areas of high density. This should be incorporated into paragraph 116.
- Recommended change to paragraph 134 on the purpose of Green Belt: “*to protect agricultural land necessary to the resilience and long term food security of urban areas*”
- Recommended change to paragraph 167 on protecting valued landscapes to state: “*Local planning authorities should prevent development on the best agricultural land. Development must be subject to the sequential test and aim to achieve the maximum possible recycling of previously developed land.*”
- Recommended addition to paragraph 168: “*Planning policies should prevent any development which will damage sites of national and regional nature conservation value*”.
- Recommended change to paragraph 169: “*planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland.*”

5. Sustainable economy and retail

5.1 The Government’s Plan for Growth²⁸ sets out to focus the planning system as an approval process for development. However the planning system is an instrument to manage development in a way that delivers Sustainable Development in the public interest. The

28 The Plan for Growth, Department for Business Innovation and Skills, http://cdn.hm-treasury.gov.uk/2011budget_growth.pdf

Framework 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.

- Recommended changes to paragraph 71: *“The Government is committed to securing a sustainable economy. In particular there is an urgent need to restructure the economy, to build on the country’s inherent strengths, to build up green industries and to meet the challenge of a low carbon future.”*
- Recommended changes to paragraph 72: *“raise the quality of life and the environment in rural and urban areas by promoting thriving, inclusive and locally distinctive local economies.”*
- Recommended changes to paragraph 73: *“set out a clear economic vision and strategy for their area which is based on Sustainable Development”*
- Recommended changes to paragraph 73: *“identify and plan for emerging green industries”*

5.2 The face of retail has changed radically in recent years with the domination of the grocery sector by the major supermarkets and a subsequent loss of thousands of small shops and businesses. ResPublica reports that supermarkets now sell 97% of food, with four chains accounting for 76%. This has affected the diversity, cost and accessibility of retail provision within communities. Development plans must rebalance provision in favour of smaller shops, local producers, local supply chains and procurement, more diversity of choice, and a greater number of small businesses rather than a set of dominant companies. The lack of an evidence base is apparent for instance in proposals in the Framework to further weaken provisions to support small and independent retail and town centre first policy. Small shops and businesses are vital for the local economy and jobs. Independent retailers are operating in a fiercely challenging environment with unfavourable economic conditions and dominance of the grocery sector by a handful of retailers with the power and resources to bend the planning system to their advantage. The current system is therefore stacked in favour of the major retailers (82% of all retail planning approved in 2010 went to the big four supermarkets) and the Framework will only make the situation worse, with a significant weakening of the impact assessment (paragraph 80) and town centre first policy. The impact assessment is not strongly defined and open to interpretation. It will be difficult for planners to turn down an application based on the impact assessment because it lacks prescription as to what wider impacts, such as the vitality and viability of existing centres, must be considered above the purported benefits of new development.

5.3 The language of the policy of the sequential approach to site selection which stipulates retail should be located in town centres only 'where practicable' (para 78) is not based on the evidence of what impact this policy has. The Framework must also incorporate the Competition Test which was recommended by the Competition Commission after the 2008 grocery market inquiry to remedy an adverse effect on competition where one supermarket chain dominates in a local market - this would ensure no supermarket is allowed to open a new store where they already have 60% of the local market and, together with proactive policies to support greater retail diversity including locally-owned shops, would enhance consumer choice.

5.4 The presumption in favour of development set out earlier in the Framework may override the policy intended to support town centre first and could lead to a new rush for unsustainable, car-dependent, out-of-town retail sites.

5.5 The Framework 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 be occupied by independent retailers and SMEs. It is also essential to protect local retail diversity 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, any retail development that would lead to trade diversion of more than 10% from existing centres will be refused.

5.6 Retail policy within the Framework must promote vitality and viability of town centres and enable sustainable high streets by:

- Planning for the development, promotion and enhancement of existing retail centres
- Enhancing genuine consumer choice by making provision for a diverse range of local shops and services, meeting the needs of the entire community and particularly socially-excluded groups
- Delivering more sustainable patterns of development, promoting sustainable transport choices, particularly reducing the need to travel through promoting linked trips and providing alternatives to car use.

5.7 The Framework should demand an assessment of need and capacity for new retail, and the retention of the sequential test for plans and retail planning decision making. We recommend the following policies:

- Development plans must identify the need for and capacity to accommodate new retail floor space and identify sites for them within town centres.
- Plans and planning decision making should apply the sequential test to ensure the most sustainable patterns of development and retail.

5.8 In addition the Framework should reinstate the sequential approach requires that locations are considered in the following order:

- Locations in appropriate existing centres
- Edge-of-centre locations with preference given to sites that are well-connected to the centre
- Edge-of-centre sites with preference given to sites that are accessible by sustainable forms of transport
- Out-of-centre sites with preference given to sites that are accessible by sustainable forms of transport and which are close to the centre

5.9 We recommend the adoption of a retail floor space threshold to restrict the development of large scale retail outlets that would damage existing retail centres.

5.10 The Framework should also contain strong protections for street and covered markets as a vital component of public space and the local economy.

6 Transport

6.1 Transport represents about a quarter of UK CO₂ emissions so it is inconceivable that carbon reduction targets can be met without a significant reduction in transport emissions. Yet despite the introduction of cleaner vehicles, UK domestic transport emissions are no less than they were in 1990²⁹. In the long term, low carbon vehicles will help but they are unlikely to be a significant

29 www.decc.gov.uk/en/content/cms/statistics/climate_stats/gg_emissions/uk_emissions/2010_prov/2010_prov.aspx

part of the UK car fleet until well into the 2020s³⁰. So, in the meantime policies that reduce the need to travel by car and increase the use of sustainable modes walking, cycling and public transport are essential. They would also enhance personal choice, reduce oil dependency, cut congestion, improve health and help address isolation and inequality – particularly for the quarter of UK households without car access³¹.

6.2 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 long³².

6.3 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.

6.4 Planning policy has a key role to play in reducing the need to travel by car and by facilitating the necessary shift to sustainable travel behaviour. Without adequate consideration of sustainable transport access in planning policy, car dependence is the inevitable outcome. The Framework should ensure that³³:

- All major development should be public transport centred
- All major development should aim to achieve a design where car journeys are a minority of mode share
- Development should primarily occur as infill, or at least adjacent to, major centres

6.5 It is estimated that only 5% of local authorities will be covered by a valid local plan when the Framework comes into effect³⁴. Without this and therefore relying on the current vague draft policy, it will be very difficult for Local Authorities to turn down traffic generating developments unless they can demonstrate that the “*residual impacts are severe*” (paragraph 86).

6.6 It is necessary for the Framework to make reductions in emissions a priority. Para 84 lists the twin objectives of ‘facilitating economic growth’ and ‘supporting reductions in GHG emissions and congestion’ but gives much lower priority to the 2nd requirement i.e. ‘where practical’ and ‘where reasonable to do so’ (paragraph 83).

6.7 The Framework should restore the following tests and standards:

- The sequential test for office development must be re-instated, it is estimated for example that without it new office developments along the M1 would increase congestion and almost double journey time delays³⁵.
- Car parking standards are an important tool in encouraging sustainable transport access, and should be required.
- There must be a requirement to include targets for modal share and to increase use of sustainable modes.

6.8 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

30 http://www.parliament.uk/documents/post/postpn365_electricvehicles.pdf

31 Page 3: <http://assets.dft.gov.uk/statistics/releases/national-travel-survey-2010/nts2010-01.pdf>

32 Page 28: <http://www.official-documents.gov.uk/document/cm76/7682/7682.pdf>

33 Based on the PTEG report: <http://www.pteg.net/MediaCentre/PressReleases/20110719.htm>

34 <http://www.lgcplus.com/review/agenda/planning/red-alert-on-green-spaces/5033187.article>

35 <http://www.bettertransport.org.uk/media/aug-30-congestion-M1>

importance. The Government should include the test in full in the Framework criteria to ensure a level playing field for developers, and to deliver on the public interest:

- 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.

7. Renewable energy development

7.1 The Framework would be clearer if the section on Energy was in a separate chapter. There needs to be a clear commitment to the development of renewable energy so that it is recognised as a key element of sustainable development and climate change mitigation.

- Recommend change to paragraph 152 to include: "Local planning authorities should actively support the development and delivery of a diverse range of renewable energy and low-carbon energy and associated infrastructure and guide development to appropriate locations and provide clarity on the issues that will be taken into account when specific proposals are assessed;"

7.2 The coalition agreement states: "*We will seek to increase the target for energy from renewable sources, subject to the advice of the Climate Change Committee.*" (p.16) However the Framework does not include or reference this target.

- Recommended change to paragraph 152: "*To help meet the target of 20% renewable energy by 2020, all local authorities should map their area to identify 'Broad Areas of Search' where practical to meet this target, based on renewable energy generation potential and ecological sensitivity but not use these areas to refuse appropriate renewable energy development elsewhere.*"
- Recommended change to paragraph 146: "*When located in Green Belt, most renewable energy developments will be appropriate.*"

7.2 The coalition agreement also states: "*We will encourage community-owned renewable energy schemes where local people benefit from the power produced. We will also allow*

communities that host renewable energy projects to keep the additional business rates they generate.” (p17). This encouragement could be better expressed in the Framework.

- Recommended changes to paragraph 152: *“designate some areas for the development of community-led initiatives for renewable and low carbon energy, and require all renewable energy projects to demonstrate community benefit”*

7.3 The Framework should make it clear that the use of biomass and biofuels resource from overseas is unsustainable and should be refused where it forms part of the development.

8. Sustainable building and design

8.1 In the UK, buildings account for around 40% of CO₂ emissions. Building standards in the UK lag behind those of Germany and Denmark³⁶. Green construction is an important and growing green industry for the UK, and must be actively encouraged by the Framework.

8.2 The Code for Sustainable Homes should be specifically referenced in the section on Housing, and an accompanying technical advice note prepared by Government on the Code and BREEAM. 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 leaves 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 together. It has been estimated that some 70,000 jobs could be created in local areas in domestic energy efficiency and renewable energy alone³⁷.

8.3 There should be a proportion of affordability on all sites, and on specific sites, that proportion needs to be significant – for instance in development in rural areas or small urban sites where affordability need is very high.

- Recommended change to paragraph 116 to state: *“Planning policies and decisions must employ standards such as BREEAM or the Code for Sustainable Homes for all new developments, with an aim of achieving Code Level 6 or equivalent by 2016”*
- Recommended change to paragraph 107: *“The Government’s key housing objective is to increase the delivery of sustainable and affordable homes. Housing development should be designed to reduce carbon emissions by*
 - *using landform, layout, building orientation, massing and landscaping to reduce likely energy consumption;*
 - *using the layout, density and mix of development to support identified opportunities for decentralised energy;*
 - *respond to existing and forecast changes in household size in order to make appropriate balance of provision;*
 - *be co-located and phased with appropriate employment, facilities, leisure and retail opportunities;*
 - *connecting to an existing decentralised energy supply system where there is capacity to supply the proposed development, or by being designed for a future connection where there are firm proposals for such a system;*

36 First UK homes meet German eco-standard 2009, Inside Housing magazine, <http://www.insidehousing.co.uk/ihstory.aspx?storycode=6502423>

37 Carbon Descent/Friends of the Earth

http://www.foe.co.uk/resource/briefings/job_creation_carbon_descent.pdf

- *not creating demand for bio-energy fuels known to result in net carbon emissions through production methods, transport requirements and/or loss of carbon sinks;*
 - *provide public or private open space as appropriate so that an accessible choice of shade and shelter is offered, recognising the opportunities for people, biodiversity, flood storage and carbon management provided by multi-functional green spaces and green infrastructure networks;*
 - *give priority to the use of sustainable drainage systems, paying attention both to the potential contribution to water harvesting to be gained from impermeable surfaces and to layouts that accommodate waste water recycling;*
 - *support sustainable waste management by providing space for recycling and composting;*
 - *give comparative advantages to sustainable travel, such as by placing cycle parking closer to the main entrance than car parking (other than disabled parking);*
 - *providing for safe and attractive walking and cycling opportunities, including secure cycle parking and, where appropriate, showers and changing facilities;*
- Recommended addition to paragraph 116: *“Local plans should promote low impact development that is development that through its low impact either enhances or does not significantly diminish environmental quality. These developments will be zero carbon in construction and use.”*
 - Recommended change to paragraph 111: *“To deliver wide choice of sustainable homes and widen opportunities for home ownership local planning authorities should set out in their local plan an authority-wide target for affordable housing (based on the housing needs assessment) and site thresholds and/or site specific targets for providing a proportion of affordable housing. Specific small sites where need is acute should be designated 100% affordable.”*

9. Plan-making, participation, and tests of soundness

9.1 The Aarhus Convention, of which the UK is a signatory, describes in Article 6, public participation in specific activities. It is clear that the principle of Aarhus is to promote public participation in environmental decision-making. The land-use planning system provides a powerful opportunity to promote public participation and the Framework should fully support the UK's commitment to the Aarhus Convention.

9.2 Open Source Planning³⁸ stated that *“To establish a successful democracy, we need participation and social engagement.”* In order for participation to be encouraged, there must be a perception that participation does have an influence e.g. on the policies in local plans, on the decisions made on planning applications. As Lord Greaves noted in the Committee debate in the Lords on the Localism Bill: *“Experiences vary between different places, and they are not all bad, but there was some general commentary on the problem in How Fair is Britain?, the Equality and Human Rights Commission's first triennial review, which was published last year. This found that groups that share protected characteristics under the Equality Act 2010 are currently underrepresented in local decision-making. It also identified the decline in opportunities for*

38 <http://www.conservatives.com/~media/Files/Green%20Papers/planning-green-paper.ashx>

individuals to contribute to decisions that affect their lives as a major barrier to moving towards a fairer society."³⁹ What the Government fails to understand in this Framework, is that a presumption in favour of development is by its nature disempowering for communities, as it weakens to ability of people to contribute to decisions.

9.3 The Government has also recently become a signatory of the Convention on Biological Diversity, Nagoya, Japan, 2010 which states the need to *"enhance implementation through participatory planning, knowledge management and capacity building."* It is essential therefore that the plan-led system is not weakened by the presumption, and that proper opportunities for engagement that work on dialogue between the community and its local government are strongly promoted in the Framework.

9.4 There is a vital distinction between consultation, which is essentially about communicating the results of decisions which have already been taken, and participation, which is meant to genuinely include people in the formulation of ideas and the development of proposals, and therefore to give them power of influence. Participation requires a range of operational principles, particularly honesty and responsibility, by all participants.

9.5 It should be the purpose of the planning system to mediate between differing interests. Greater emphasis should also be placed on quality decisions which have fully engaged the local community, and must be part of the core planning principles. The Framework states that the planning system is important in facilitating social interaction and creating inclusive communities. But it does not mention issues of equality in outcomes, and instead talks about *"designing places which promote: opportunities for meetings between members of the community who might not otherwise come into contact with each other"* (p.35, para 125). This is not sufficient guidance in helping to address rising social inequalities and disenfranchisement.

9.6 The Framework 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, it is appropriate for development to be approved where it meets Sustainable Development criteria and national planning guidance. Therefore Friends of the Earth suggests extensive revision to reflect this position in the Framework.

9.7 As applications should be determined in accordance with the local plan⁴⁰, the presumption technically should operate where the plan is absent. A plan-making process has gone through a Strategic Environmental Assessment, and should have allocated sites based on the sequential test, and on a strong evidence base. Therefore where the local plan is in place, it must be able to refuse development which falls outside the local plan. That is the point of the plan-led system. It should not be the case that development that contravenes the local plan, should then be granted under the presumption in favour. If this situation would arise there would be a loss of public trust and confidence in the Government's stated aim to support the plan-led system, and in the 'Localism agenda' and in the 'power' of local government.

9.8 Friends of the Earth recommend the following changes to the Framework on evidence base:

- Evidence on climate change biodiversity, and relevant scientific evidence must replace the 'market signals' in paragraph 27;
- The Housing Market Assessment must assess the need for long-term affordable housing in paragraph 28, and the Housing Land Availability Assessment must consider the need to

39 Hansard, Lords Committee debate Localism Bill, 19 July 2011 : Column 1242

40 Local Development Documents as set out in the Planning and Compulsory Purchase Act 2004

retain public land for social and long-term housing developments in particular;

- Evidence on business needs must have a particular focus on supporting, nurturing and prioritising green industries, local SMEs, local producers and local retailers in paragraph 29 – with concordant reduced emphasis on businesses that would lead to the decline of town centres;
- Evidence on business need should also inform the land/floor space requirements in particular for local SMEs, local producers and local retailers and the potential for green businesses in paragraph 30;
- Green infrastructure, the creation of biodiversity networks, habitats and increased woodland must be part of the infrastructure requirements in paragraph 31;
- Minerals evidence should also understand the impact of more efficient resource use, and their current and potential impact on communities and the environment in paragraph 32;
- Carbon emissions and adaptation needs must be part of the Environmental assessment paragraph 35;
- Historic environment assessments should include public space and cultural assets and their contribution in paragraph 37;
- There should be a health impact assessment and an understanding of inequalities, the relationship between poverty and poor environmental quality, with specific issues such as air quality or lack of green space considered in paragraph 38;
- The viability test must be amended to ensure that development does not place a burden on local infrastructure and the environment that is damaging and unacceptable in public interest terms but allows a reasonable return to the developer in paragraph 39;
- The costs of investing in infrastructure to enable development must be understood clearly in paragraph 41.

9.9 Friends of the Earth recommend the following changes to the test of soundness to comply with the plan-led system:

- The principle of being “positively prepared” in paragraph 48 must be amended to delete the reference to the presumption.
- The plan must be judged to have met the principles of Sustainable Development i.e. to operate within environmental limits, to be based on sound science, and to deliver just societal outcomes.
- The plan must also have been judged to have provided fair, open and constructive opportunities for participation, and demonstrate that consultation responses have been properly considered.

9.10 Friends of the Earth recommend the following changes to the incorporate the principle of participation into plan-making and development management:

- The local authority must actively engage and promote involvement in the local plan, and provide support for those with the least resources and ability and this should be clearly set out in paragraph 25.
- Mention of the Equality Act 2010 should also be made in paragraph 25.
- Development management must recognise the need to refuse unsustainable development, to approve applications not just where it is practical to do so, but where it meets local plan criteria (where applicable) and should not seek to put extra weight on the benefits of economic and housing growth over the need to meet environmental

objectives in paragraph 54.

- In determining applications, it should be made clear that Local Plans are the context for decisions alongside other material considerations, and that decisions made where the plan is absent or silent should be in line with the Framework and other relevant considerations in paragraph 62 and 63.

10. The presumption in favour of development

10.1 Friends of the Earth strongly disagrees with the presumption in favour of sustainable development as set out in the Framework. Everyone has an interest in an efficient planning system which delivers timely decisions. Fulfilling this objective requires a clear understanding of what is 'delay' and what are the vital components of the process of decision making. Unnecessary delay due to administrative failure should be effectively dealt with. There seems to be unofficial agreement from most stakeholders in the planning process that more planning resource would benefit everyone.

10.2 For Sustainable Development to be implemented it must be clearly and consistently defined. As Owens and Cowell (2011) point out in *Land and Limits* there is a "*fundamental dislocation between competing interpretations of what it means for development to be sustainable*" (p41). If that is the situation now, the Framework only adds to the confusion by departing from UK Sustainable Development Strategy 2005. The Framework variously refers to economic growth necessary to a sustainable future (paragraph 13); sustainable means better lives but not worse lives for future generations, while development means growth (foreword); development needs should be met unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits (paragraph 20). None of the definitions in the Framework, as previously explained, recognise the concept of environmental limits.

10.3 The Foresight Report's Executive Summary makes clear that "*there is a risk that incremental decision-making on individual project and land choices will continue to create unintended consequences and unsustainable outcomes, some of which may be irreversible.*" (p32). The wording on the presumption in favour of sustainable development in the Framework makes it very likely that this risk will be realised.

10.4 The presumption in favour of development will undermine the plan-led system as a material consideration in planning. Undermining local plans also undermines duties supported by the Government to deliver on climate change and sustainable development. The Government's response to the Environmental Audit Committee's Third Report of Session 2010-12 was that it remained "*fully committed to the pursuit of sustainable development*". The Government's report also supported the plan-led system: "*The current sustainable development and climate change duties apply in a number of ways. As well as affecting plan production directly, they have an indirect bearing on development management decisions (because of the plan-led approach).*" The Government must remove the wording on presumption as a demonstration that it is committed to the plan-led system and Sustainable Development.

10.5 In development management the local authority role is to "*influence development proposals to achieve quality outcomes*" (paragraph 54). Saying no to development is not possible unless "*all of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*"

- Recommended deletion of paragraph 14.

11. Impact Assessment and Transitional arrangements

11.1 The Impact assessment is inadequate as it has not addressed the significant changes to planning policy guidance through withdrawing around 95% of the total. For instance, the removal of specific policies such as that in PPS 7 changes the policy framework for development across 45% of the country.

11.2 The loss of guidance on enforcement is a severe weakening of the policy framework for local authorities, and indeed the confusion surrounding which guidance is intended to be withdrawn and is a significant shortcoming in the impact assessment, and adds to the confusion presented by the lack of transitional arrangements.

11.3 It is clear that the Framework should set out transitional 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 Framework has passed.

11.4 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.

11.5 Friends of the Earth recommend the following additions to cover transitional arrangements in the Framework:

- Local plans (both adopted, currently under examination and draft) must remain valid for a period up to 18 months from the publication of the Framework to provide a reasonable period for updating to take place.
- The evidence base from regional spatial strategies must be absorbed into the work entailed by the duty to co-operate.
- Regional spatial strategies can be allowed to fill gaps in local plans until a minimum of 1 year from the enactment of the Localism Bill. By the end of this period, local plans must have replaced or reviewed their policies to fill these gaps, or have applied for an extension of this period.

Friends of the Earth, England Wales and Northern Ireland

26-28 Underwood Street

London N1 7JQ