

MP briefing (June 2007)

Planning White Paper:

A local democracy issue



**Friends of
the Earth**

Friends of the Earth is concerned by the implications of the Planning White Paper, published May 2007. We support efforts to reform the efficiency of land-use planning in the UK, though we hold fundamental reservations on the likely unintended consequences of some of these reforms.

The Planning White Paper (PWP) will introduce one of the most powerful decision making bodies ever seen in the UK, a body which will make decisions with no clear accountability to Ministers and Parliament. At the same time, the PWP stresses the importance of 'public involvement' although many of the proposals significantly remove existing opportunities for local voices to be heard, replacing them with new mechanisms which significantly weaken meaningful community involvement in both local and national planning decisions.

Friends of the Earth is calling on all MPs to urge the Government to rethink these proposals so that reform of the planning system is based on balanced evidence, taking into account the need to promote major projects through a fair and publicly accountable process to achieve sustainable development.

The White Paper has been produced in two parts with the Cabinet Office developing policy on Major Infrastructure Projects and Communities and Local Government proposing changes to local planning.

The main effects of the Planning White Paper on major projects (UK wide) are:

- New **National Policy Statements** will be drawn up for an array of major developments, predetermining a mixture of national and local issues including need, safety and even location of some proposed projects. These statements are so powerful they will have '**more weight than any other statement of national, regional or local policy**' (Paragraph 3.12).
- A new body known as the **Infrastructure Planning Commission (IPC)** will decide on major project proposals according to National Statements and will be able to '**grant consents, confer powers and amend legislation, necessary to implement nationally significant infrastructure projects**' (Paragraph 5.18). The decision of the IPC will be final with Ministers no longer able to make decisions, removing all direct democratic accountability.

- The public will lose their right to be heard and to cross examine witnesses in **Public Inquiries**. Instead the IPC will have the discretion to determine whether individuals can give evidence and in what way. The PWP proposes an ‘open floor’ session following the examination process; ***‘once this process was completed, the commission would organise an “open floor” stage where interested parties could have their say about the application within a defined period of time, where there was demand for it’*** (Paragraph 5.34). Issues of need, safety or location, as set out in National Policy Statements, would not be open for examination. The inquiry process could be restricted to details of implementing a particular development only.

The main effects of the Planning White Paper on local planning (England only) are:

- Out-of-town supermarket planning applications will be streamlined by removing the **Need Test**. Any easing of application requirements for ‘edge-of-town’ or ‘out-of-town’ supermarkets will adversely affect town centres. The PWP proposes a replacement test that ***‘promotes competition and consumer choice and does not unduly or disproportionately constrain the market’*** (Paragraph 7.54). These reforms are likely to solely benefit the big dominant supermarkets and will only increase consumer choice between these companies at the expense of town centre investment and genuine diversity.
- The right to be consulted on the initial stages of local plan-making will be removed. This stage of plan-making is the most open to the public and allows communities to have a say through the **Issues and Options** stage and the **Preferred Options** stage – but these statutory opportunities will be revoked (Paragraph 8.13). They will be replaced by a general duty on councils to consult but will have discretion on how to exercise this obligation.
- Public participation in planning, safeguarded by **Statements of Community Involvement (SCI)** will no longer be required to be independently tested (Paragraph 1.43). The PWP proposes legislative changes to remove the need for SCIs to be examined against required minimum standards. The PWP recommends a ‘best practice’ approach instead.
- In the case of Major Infrastructure Projects, **community consultation will be carried out by the developer** (Paragraph 4.10). It is entirely unclear in the PWP what minimum standards will be required. It is also unclear how best placed a development promoter could be, for example, in thoroughly examining alternative development options.

Local voices and democracy

By revoking local rights such as the right to be heard at Public Inquiries and the right to be involved in the early stages of local plan-making, the Planning White Paper is removing final minimum safeguards which have ensured a degree of public legitimacy in planning. This White Paper threatens to dismantle the key checks and balances which the planning system offers, threatening local and national democratic accountability.

At a time when building trust between Government and communities should be a key priority these proposals send a clear message that the Government wants to impose change without any meaningful dialogue. Good participation is not a veto on new development, it can improve developer's proposals and is a necessary way for people to engage in decisions about their area and express their views, as a statutory right, in front of an independent and accountable decision maker.

Economic growth and sustainable development

The Planning White Paper is the culmination of a series of Treasury led reviews (including *the Barker Review of Land Use Planning* and *the Eddington Transport Study*) with the aim of deregulating the planning system to prioritise economic growth over other concerns such as environmental and social progress.

The danger of re-writing the land-use planning system based on such a narrow agenda is that Government objectives of sustainable development and social cohesion are at significant risk of being undermined.

While some business groups have welcomed the package they should reflect that in order to deliver change in an ordered and predictable way the consent of communities is a must. By undermining rights and democracy the likelihood of legal challenge and direct action is increased and both of these have far greater costs to business. All sectors should have a shared interest in legitimacy.

Climate change

One justification the Government is using for these reforms is that the White Paper is needed to tackle climate change. The reality is that these proposals go much wider and ignore real environmental concerns. The Government agenda appears fixed on streamlining the system to deliver nuclear power and waste facilities, big fossil energy projects, airport expansions, major road schemes and large waste incinerators. Much of this new development will lead to a large increase in CO2 emissions - putting it at odds with Government plans to tackle climate change.

In the case of nuclear build and waste, the associated environmental problems and diversion from promoting investment in clean renewable technologies is a misleading distraction from real climate solutions. These include targeting inefficient

coal-fired power stations, tackling rising emissions from road transport and aviation, and developing renewable and low carbon alternatives to fossil fuels.

The new Government Planning Policy Statement (PPS) supplement to PPS1 on Climate Change is welcomed and well placed to make substantial reductions in CO2 emissions through the planning system, given the chance to be implemented.

What's the alternative?

Friends of the Earth has tried hard to persuade the Government to introduce more balanced and sensible proposals for new infrastructure projects but these ideas have been ignored. As a minimum there must be a public right to be heard when powerful policy is drawn up in National Policy Statements and a right to be heard when decisions are made on the ground.

Trust can only be restored if people's involvement is not at the discretion of powerful unaccountable bodies such as the IPC. Sensible changes to Public Inquiries would make them more efficient but such is the rush for change that even the new 2005 inquiry rules are being set aside before they have even had a chance to be properly implemented.

Inadequate attempts have been made to find a consensus between business and the environment and community sectors on how to plan major infrastructure. Such a consensus is possible and the prize is a system which would command public confidence over the long term and deliver sustainable development – social, economic and environmental progress achieved jointly.

Friends of the Earth is developing a detailed paper setting out alternative workable reforms for the planning system. For this or other correspondence, please contact Tom Picken, Planning Coordinator at Friends of the Earth. Email tom.picken@foe.co.uk or phone 020 7566 1695.

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