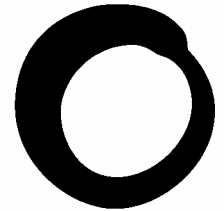


July 2004



**Friends of
the Earth**

Housing: Building a Sustainable Future

Response to the House of Commons Environmental Audit Committee supplementary questions from Friends of the Earth

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Introduction

Your letter of 23rd June posed two additional questions surrounding the contribution of the new Planning and Compulsory Purchase Act and the draft PPS 1 (Creating Sustainable Communities) to the achievement of sustainable development. Specifically you were interested in how the new Planning Act could be a barrier to sustainable development and how the new PPS 1 could adequately contribute to the effectiveness of the planning system to the achievement of sustainable development.

The delivery of sustainable development through the new Planning Act

Our principal concern surrounds the way the new Planning Act empowers and defines sustainable development and how this then relates to the content of PPS 1. Superficially the new Planning Act contains a new duty for the planning system to promote sustainable development. In fact the position and weight of sustainable development throughout the Planning system remains confused.

Clause 39 of the Act requires that those with planning responsibilities under the new system must exercise the function “*with the objective of contributing to the achievement of sustainable development*” (C139 (2)). This is clearly a substantially qualified duty suggesting that decisions must contribute to, rather than necessarily directly achieve, sustainable development. In addition the Act itself provides no definition for sustainable development, instead Clause 39 (c) suggests that such a definition will be contained in national guidance. Crucially decision-makers only have to “*have regard*” to national guidance. This weak formulation has a number of effects:

- It means that there is no ultimately binding definition of sustainable development enshrined in planning law. We believe this should have been a crucial step to setting coherent policy.
- It places very great responsibility on PPS 1 to provide a robust definition of sustainable development since this will be the principal guidance provided for the planning system.
- Whatever the content of the guidance in PPS 1 the Act limits its influence by creating a weak legislative construction to define how much status such guidance has in decision-making. (Having ‘*regard to*’ national guidance clearly implies that such guidance is only one of many considerations and not necessarily the principal one).

The important question to consider is if sustainable development is at the heart of the planning system why has the government gone to such lengths to weaken the Clause 39 duty so as to render the obligation to achieve sustainable development as well as its definition in guidance so ineffectual?

The Draft PPS 1

Notwithstanding the concerns expressed above it would still have been possible to make a robust and directive definition of sustainable development in the Draft PPS 1 so as to make clear the core purpose and objectives of planning. Instead PPS 1, while containing much policy which is welcome, fails to deliver a clear view of where sustainable development fits the decision-making process and what it might mean. A detailed description of these concerns is contained at Annex 1 in Friends of the Earth’s

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submission to ODPM on Draft PPS 1. In summary our concerns are:

- PPS 1 confuses the objectives of sustainable development with those of sustainable communities as defined in the Communities Plan (ODPM 2002). These two ideas have distinctive rationale and differing objectives. It is not clear in PPS 1 what relationship these two ideas have to each other and which has primacy.
- PPS 1 simply omits important aspects of the sustainable development ideal which are expressed in the UK Strategy and other policy documents.
- PPS 1 fails to give a clear direction on the need to integrate the four pillars of sustainable development rather than trade them off against each other.
- PPS 1 places far higher emphasis on house building and economic activity than it does, for example, on climate change or other key environmental issues.

Structural concerns

The Planning Act makes radical structural changes to the existing planning system by abolishing all current development plans and replacing them with legally-binding regional plans and new local development frameworks at the local level. This new framework is extremely complex and it is not clear how this complexity will help implement sustainable development.

Instead of one plan with policies and a map, England will have a series of documents known collectively as a Local Development Framework (LDF). This will include: A Local Development Plan Scheme (LDS), Development Plan Documents (DPD's) including core policy and action plans, Local Development Documents (LDDs) which will include Statements of Community Involvement (SCI). These documents are intended to have differing legal weight in decision-making and may be adopted separately. Each document will be replaced every three years and reviewed annually.

It is not clear what problem the Government is trying to solve through this new framework but the result is a confusing mess which is a barrier to the implementation of clear, strategic, sustainable development. A prerequisite for any effective planning system is structural simplicity. Ironically the Act contains just a system in Part 6 which applies only to Wales and includes the retention of one simple local plan document with one adoption process. It is also illustrative of the cultural challenge to get the planning system to deliver sustainable development, that the word sustainable appears nowhere in the description of this vitally important suite of new documents.

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Annex 1

Consultation on Draft Planning Policy Statement One: Creating Sustainable Communities Response by Friends of the Earth May 2004

Introduction

Friends of the Earth believes the planning system should have a visionary purpose to deliver sustainable development through processes which are both transparent and democratic. The purpose of Planning Policy Statement 1 must be to recommit the practice of planning to the achievement of these principles. The tone of PPS 1 is equally important and should stress in clear language the achievements of planning regulation and celebrate its local democratic basis as unique in environmental regulation in the UK.

Summary

1.1 Friends of the Earth made a significant contribution to the pre consultation drafts of PPS 1. As a result this response focuses on a number of broad policy issues which we believe still require significant modification. Overall we continue to be concerned that the document unfairly prejudices economic growth over the other important pillars of sustainable development. In particular the tone is focused very much on the needs of economic competitiveness while much less attention is paid to key environmental challenges which confront the planning system, particularly in relation to climate change. The draft also sends equivocal messages as to whether the pillars of sustainable development should be 'integrated' or 'traded off' in planning decision-making.

Positives

1.2 Friends of the Earth strongly welcomes the inclusion of a commitment to public participation and involvement in PPS 1. Overall Friends of the Earth remains very concerned as to how these principles are translated into precise standards of participation, particularly at the regional tier of planning. However, we believe the statements of principle and particularly the acknowledgement of the importance of the Aarhus Convention are a very positive step forward in creating a comprehensive and coherent framework of public participation in planning. Such commitments can only assist in communicating the purpose of planning to the wider public and in securing public legitimacy. We also strongly support the new material in the draft PPS on social inclusion and spatial planning.

Negatives

The purpose of planning!

1.3 While Friends of the Earth welcomes the statement in paragraph 1.1 that sustainable development is the core principle of planning we remain concerned that paragraph 1.2 and 1.3 detract from this message by providing detailed discussion of the objectives of the Sustainable Communities Plan, 2003, without making clear what the relationship is between these goals and the overarching achievement of sustainable development. It is

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absolutely clear that these two ideas cannot be conflated nor do they share a set of common values. The definition of a 'sustainable community' listed in annex A is quite distinct from accepted definitions of sustainable development and even the UK Sustainable Development Strategy. For one thing it includes nothing about the natural environment at all. The potential for confusion between these two ideas is compounded by the title of this PPS which makes no mention of sustainable development.

1.4 The title and substantive purpose of this PPS must be the achievement of sustainable development of which sustainable communities is a distinct sub set of policy initiatives. This hierarchy of objectives should be made clear inside paragraph 1.1. In addition and for or the sake of clarity PPS 1 should be titled as '***Delivering Sustainable Development***'.

1.5 The definition of sustainable development

Friends of the Earth believes that the planning system is one of the principal delivery mechanisms for achieving sustainable development. PPS 1 has a particular responsibility to ensure that sustainable development is robustly defined in a way which allows meaningful changes to the methodology and outcomes of planning. We believe the current definition is deficient in 4 principal ways.

A) The disproportionate weight given to economic growth

1.6 We continue to believe that taken together the draft is unbalanced, focusing disproportionately on economic growth over social or environmental objectives. This imbalance is reflected in the contrast between the amount and character of the exposition of in paragraphs 1.15 to 1.17 on the economy and paragraph 1.20 on the environment. In addition the reordering of the pillars of sustainable development from the UK strategy in paragraph 1.13 might be read as an unintentionally crude attempt to draw more attention to economic growth as a core objective in the planning system.

B) The way growth is defined

1.7 Friends the Earth recognises that PPS 1 broadly attempts to transpose the principles contained within the UK Sustainable Development Strategy. However, we do not believe that the crude definition of economic growth provides a sensitive nor detailed enough definition to genuinely shift the culture and practice of planning to help secure a more sustainable society.

1.8 While Friends of the Earth support the objective of high and stable levels of employment, we believe that economic growth as currently defined and measured should not be regarded as an end in itself. It may often assist in the achievement of the other three goals, but often it may not. We need to be far more rigorous in distinguishing between the kind of economic growth that is compatible with the transition to a genuinely sustainable society, and that which is not. In the past the planning system has given overwhelmingly greater importance to a crude GDP based model of economic growth and has effectively subordinated protection of the environment and prudent use of resources to these other objectives. This approach has been a barrier to the achievement of sustainable development because of the resulting damage to the environment and loss of natural resources which is already imposing significant economic costs on society.

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1.9 Friends of the Earth supports the Sustainable Development Commission suggested amendment of the 4th pillar of sustainable development.

'The Government's fourth objective about the economy should be re-formulated in such a way:

- as to promote the kind of economic growth that supports social progress, high employment levels, protection of the environment and prudent use of natural resources, and to discourage the kind of economic growth that does not; and*
- that links high employment with the goal of social progress and wellbeing, rather than with economic growth, since having satisfactory work is such a fundamental part of social and personal security and identity.'* (Sustainable Development Commission 2004)

C) Failure to include vital components of sustainable development

1.10 PPS 1 fails to recognise important aspects of the sustainable development ideal which are represented both in the UK Sustainable Development Strategy (1999), other important planning strategies such as the Wales Spatial Plan (2003) and the findings of the Royal Commission on Environmental Pollution's 23rd report 'Environmental Planning'. These missing principles include:

- environmental limits: ensuring that resources are not irrevocably exhausted or the environment irreversibly damaged. This means, for example, supporting climate protection, protecting and enhancing biodiversity, reducing harmful emissions, and promoting the sustainable use of natural resources;
- 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;

1.11 In addition to the accurate transposition of the UK Sustainable Development Strategy, PPS 1 should identify the need to achieve:

- environmental justice: putting people at the heart of decision making, reducing social inequality by upholding environmental justice in the outcomes of decisions;
- inter-generational equity: ensuring current development does not prevent future generations from meeting their own needs;

1.12 Both these principles were identified by the Royal Commission on Environmental Pollution as vital components of sustainable development. (RCEP 23rd report 2002) It is important that all these principles are properly identified in describing sustainable

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development and we strongly suggests that there are incorporated into paragraph 1.12. We note that the Wales Spatial Plan contains a clear, full and operationally useful definition of sustainable development and we strongly urge that PPS 1 contains an equally coherent statement.

D) The principles of sustainable development: trade off or integration?

1.13 Paragraph 1.23 and 1.24 appears to provide contradictory advice in considering the weight to be given to the four pillars of sustainable development. On the one hand this paragraph appears to indicate the desirability of integration but at the same time it makes clear that local authorities can give more weight to particular pillars when they see fit. While integration is extremely challenging to traditional planning methodologies it should be strongly encouraged by providing more guidance, here and in best-practice, on how the process should take place.

1.14 In addition it is vital to make a distinction between how sustainable development is incorporated into policy and how it is applied to individual decisions. Paragraph 1.24 states that local authorities might seek to give 'extra weight' to one of the pillars in planning policy. This suggestion is very different to giving extra weight to the impact of a particular pillar in actual land-use decisions. The point is that policy must always seek the highest standards of integration providing a framework for sustainable development. In a specific application we acknowledge that, rightly or wrongly, other material considerations may be influential. This paragraph needs to be redrafted to ensure such integration is the first and most important priority, that policy should support this view and the development control decisions should carefully seek to uphold this integrative approach wherever possible.

Failure to adequately highlight key environmental challenges such as climate change and biodiversity.

1.15 One of the consequences of the over emphasis on economic growth is that while the need for increased competitiveness receives a good deal of policy discussion, the treatment of climate change and biodiversity is brief and inadequate. As a result, the current draft provides no real indication as to the imperative in dealing with the real environmental challenges which confront the nation.

1.16 Climate change urgently needs to be incorporated as a key operational principle of the planning system by making clear in paragraph 1.22 that anything relevant to how far development either reduces or adapts to climate change is a 'material consideration'. This broadening would be consistent with the new power conferred on local authorities to promote the environmental, economic and social wellbeing of their areas, and would help the planning system play a full role in applying this new power. Again we would favour the approach taken in the Wales Spatial Plan which communicates both the extent of the threat of climate change and makes clear how planning can respond.

1.17 Nowhere in the discussion on the environment is there the briefest mention of the principles in the UK Biodiversity Action Plan. These principles should be incorporated into a separate objective inside paragraph 1.22.

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Prudent use of resources

1.18 We would welcome greater emphasis on the importance of resource conservation by changing the tone of paragraph 1.21 from the weak 'encouraging energy efficiency...' to the more positive 'promoting energy efficiency...'. We doubt that in its current form this policy will bring about any meaningful change to the practice of planning decision making.