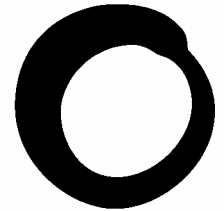


January 2004



**Friends of
the Earth**

Consultation

Response

Planning Policy Statement 11: Regional Planning

A response by Friends of the Earth

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Introduction

Friends of the Earth has expressed a number of key concerns over the planning reform agenda and continues to believe that the provisions of the Planning and Compulsory Purchase Bill do not deliver the clarity and purpose which the planning system requires. However, we recognise that much of the procedural content of PPS 11 is enshrined in the Bill itself and is not open to significant change through guidance. We have therefore restricted our comments to a number of key concerns that are within the scope of PPS 11.

The Scope and Purpose of RSS

1.1 We believe PPS 11 should make clear in Chapter 1 that RSS is a key mechanism for securing the sustainable development of the English regions ensuring that environmental protection, social equity and procedural fairness are at least as significant as traditional economic development. Paragraph 1.2 and 1.3 make no mention of sustainable development as the key underpinning of the purpose of Regional Spatial Strategies. Instead it highlights housing provision as a key priority but makes no mention at all of biodiversity or built heritage. The PPS would benefit from a table or box listing broad matters that should be covered in RSS. (a similar list exists in PPG12, Development Plans).

1.2 Chapter 1 should provide further guidance as to the meaning of the 'spatial planning' objective. PPS 11 should clarify how this broadening of traditional land-use planning considerations can make a key contribution to delivering sustainable development by ensuring that concepts such as environmental capacity and environmental justice are at the heart of decision-making. PPS 11 should make clear that a spatial approach can assist in effectively integrating critical policy challenges such as climate change. For the sake of clarity there should be greater cross reference to the definition of spatial planning in the draft PPS 1.

1.3 PPS 11 should also make clear the precise status of RSS in relation to other regional strategies. The current ambiguity will lead to confusion in the decision-making process. It is both logical and consistent that RSS should set the overarching spatial framework for the entire region. Such a framework must be informed by other regional strategies but remains the only document with a clear and pre-eminent legal status in the decision-making process.

The Locational Specificity of RSS

1.4 Friends of the Earth is extremely concerned that the RSS process may be used to enforce centralised policy decisions on major infrastructure provision in a way which may prejudge the detailed evaluation of individual proposals. The Aviation White Paper and the contents of paragraph 1.16 of the draft PPS 11 have raised widespread concerns that the new legal status of RSS will be used to make what are effectively site specific allocations of major new infrastructure.

1.5 The central rationale for not allowing a right to be heard at RSS preparation is that such policy is strategic and not site specific. This is of vital legal significance since to make site specific land allocations would be determinative of individual human rights and engage the Human Rights Act (1998). However, the draft Planning Policy Statement 11 is confusing, suggesting that RSS can be locationally specific and even that RSS preparation processes can be used for site specific allocations of regionally significant waste developments such as

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incinerators (Para 1.16 of PPS 11). This problem is compounded in relation to infrastructure projects by the Aviation White Paper, which appears to contain site-specific indicative maps which RSS must have regard to. Indeed the Aviation White Paper suggests the need for particular reviews of RPG 14 and takes account of its provisions in relation to Stansted (see page 118 of the Future of air transport (DFT 2003)).

1.6 PPS 11 must make absolutely clear that RSS can neither make specific allocations nor contain indicative site-specific maps. Paragraph 1.16 should be deleted. The text should make clear that while generalised expressions of growth or conservation policy are acceptable, the final approval of site-specific matters must be left to the established planning process and must be conducted in line with the provisions of the EIA and Habitats Directives.

1.7 In addition PPS 11 must give greater clarity for the non-expert on precisely what the difference is between locational and site specificity. RSS should not contain policy references to projects where existing site specific proposals exist. Such discussions damage the reputation of planning and public mind and may raise legal issues in relation to the Human Rights Act 1988 if such projects are endorsed by RSS policy.

Participation in Regional Planning

1.8 The new legal status of RSS means that regional policy will have a direct influence on the Local Development Framework and individual development control decisions. RSS policy on infrastructure and housing will not be open to challenge from the local level. In addition, unlike structure plans, RSS will have no direct democratic accountability to the public.

1.9 Our key concern is that the increase in the importance and influence of regional planning has not been matched by an increase in community participation. Clause 7(3) of the Bill states that no person has a right to be heard at the Examination in Public (EiP) of a draft RSS. The net result is that many community groups and individuals directly affected by a proposed RSS will not get a chance to debate their needs and concerns, nor will they have an opportunity to test proposals by others. The reality of this exclusion has been clear in the EiP for London's emerging spatial development strategy: *the London Plan*. At a recent preliminary meeting, community groups expressed their concern that they had not been invited to EiP meetings relevant to them, in favour of developers' interests. It was noted by the EiP panel that there were only limited seats available at the meetings and that seats had to be prioritised.¹ While it is important to have spatial strategies that integrate land use with other social policies, this should not be done at the expense of the voice of the communities that live in those regions.

1.10 A right to be heard at the RSS Examination in Public remains a key Friends of the Earth objective. However, we recognise the positive initiatives in PPS 11 to promote public participation and therefore endorse the following initiatives:

- Including the opportunities for public participation in a clear project plan so that the effectiveness can be monitored. We would welcome a statutory status for this document along similar lines to statements of community involvement.
- Financial help for participants.
- Efforts to promote the wider understanding of the RSS preparation process and of regional planning in general.

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1.11 We remain concerned about the following issues:

- A lack of creative approaches to selling the message as the importance of RSS to the future of communities. There is a need for a communications strategy which goes beyond the normal, dull and sometimes apparently non-existent efforts to publicise the RPG process. Emphasis should be placed on using the media more effectively and requiring all tiers of local government to publicise and promote the RSS preparation process (including town and parish councils).
- PPS 11 should be cautious about the assumption that stakeholder groups can somehow be representative of the wider community. In the first instance representativeness can only be guaranteed to the democratic electoral system. Secondly the objective should be to encourage the broadest expression of views about the quality of the RSS. Particular emphasis should be placed on reaching out to excluded groups.
- Further clarification is urgently required either in PPS 11 or from the Planning Inspectorate as to the precise criteria by which participants will be selected for EIP hearings. We strongly urge that those who are refused a hearing are offered some other forum for the expression of their views in front of the inspector so that they do not believe that their voice is being deliberately excluded.

Detailed standards of participation (Annex E)

1.12 We welcome more detailed guidance including a 'toolkit' of techniques which could be used to encourage participation into the RSS. Greater emphasis should be made on front loading this process and careful consideration should be given as to whether the current preparation timetable allows for meaningful participation and whether sufficient resources exist at a regional level to make this effective.

1.13 Friends of the Earth believes the structure of the Yorkshire and Humber Draft Project Plan represents good basis for these standards (see part of the draft YHRPB project plan December 2003). Friends of the Earth is very keen to have further discussion on how this structure might be developed as a model for Annex E guidance, setting out a base line for RPB. We have a number of specific suggestions to improve this framework which we would like to discuss with the department.

Regional Inequalities

1.14 PPS 11 should provide further guidance on how the progress of individual regions fits within the wider pattern of growing regional inequalities. It is at this national level that the position and needs of individual regions, and the opportunities for their future development, must be set within the context of a coherent spatial framework. The purpose of this framework should be to combat the negative competition between regions for growth, and a lack of proper response to 'North-South' inequalities. The national spatial framework would begin to apply a broad restraint policy in the South East, while promoting sustainable regeneration in other regions. It should encourage development in regions where there is social need and environmental capacity by, for example, the decentralisation of activity to take advantage of brownfield capacity in the North and West. Inequalities within a region mirror those between them, and the new strengthened RSS framework should seek to deal with the profound social and environmental inequalities which exist even within relatively prosperous regions. Overall growth which ignores the needs of these communities does not deliver the right, inclusive vision of sustainable development.

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A Statutory Role for County Councils

1.15 Friends of the Earth welcomes the Government's decision to provide a statutory role for county councils in RSS preparation and review. We believe the county councils have key expertise in relation to biodiversity, archaeology and built heritage which must make a vital contribution to creating effective regional planning.

¹ 2nd preliminary meeting for the Examination in Public for the London Plan, 16 January 2003, London
