

BARKER REVIEW OF LAND USE PLANNING - INTERIM REPORT RESPONSE FROM WILDLIFE AND COUNTRYSIDE LINK August 2006

Wildlife and Countryside Link (Link) brings together 36 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practise and advocate environmentally sensitive land management and food production and encourage respect for and enjoyment of natural landscapes and features, the historic environment and biodiversity. Taken together, our members have the support of over 8 million people in the UK.

Link welcomes the opportunity to respond to the Interim Report of the Barker II Review. Link believes that an effective land-use planning system is fundamental to protecting and enhancing wildlife and the natural and historic environment. This response is supported by the following organisations:

- Buglife – The Invertebrate Conservation Trust
- Campaign to Protect Rural England (CPRE)
- Council for British Archaeology
- Council for National Parks
- Friends of the Earth
- Herpetological Conservation Trust
- Open Spaces Society
- Ramblers' Association
- Royal Society for the Protection of Birds (RSPB)
- The Wildlife Trusts
- Woodland Trust

INTRODUCTION

Link's vision is of a robust planning system which integrates environmental, social and economic objectives in a transparent, participatory and democratically-accountable system. The Barker Review of Land Use Planning Interim Report (henceforth "the Report") recognises many of the benefits of the planning system, its sustainable development purpose and the importance of environmental protection and enhancement, and we welcome this. However, we are seriously concerned that the report is written from a perspective which sees the planning system in general, and environmental designations in particular, as unnecessary constraints to economic growth. We feel that unjustified assertions have been made about the negative impacts of planning without sufficient regard to its significant positive benefits, as our response will explain.

Planning and Sustainable Development

The land use planning system acts as a democratic process in mediating between national and local interests, and economic, social and environmental priorities. Its overall aims may best be summed up by a statement from the Government's flagship statement of planning policy, PPS1 – to achieve "*a sustainable, innovative and productive economy that delivers high levels of employment, and a just society that promotes social inclusion, sustainable communities and personal well being, in ways that protect and enhance the physical*

environment and optimise resource and energy use.”¹ We welcome the Report’s recognition of the role of planning in delivering sustainable development and the statement that “it is clearly vital that the final recommendations do not advance business interests above environmental and social ones” (page 2).

However, we are concerned that the subsequent analysis in the report does not share this view of sustainable development, instead taking a much narrower view, largely assessing “optimality” and “efficiency” against the criteria of economic benefits to the developer, to draw a broader conclusion that planning is in need of reform. The economic benefits of planning are largely ignored, and the environmental and social costs and benefits are given little regard. This is an inevitable consequence of the flawed terms of reference to assess progress against only one of the objectives of planning. As we explained in our previous written submission to the Review, we are deeply concerned that the questions set out in the Review’s terms of reference do not appear fully to recognise the aims of sustainable development, with potentially serious consequences for environmental protection, public interest, democratic accountability and participative rights.

Government policy, as described within both PPS1 and the UK Sustainable Development Strategy², is clear that sustainable development is about the achievement of social, environmental and economic objectives together, over time. The language of ‘balancing’ objectives is replaced by an integrated approach which seeks to achieve ‘win-win-win’ outcomes and avoid trade-offs, which are often environmentally damaging. We are therefore concerned that the Report refers to the “balancing” of the pillars of sustainable development, rather than reflecting the Government’s stated goal of “integration”.

We are also anxious about the use of the term “sustainable economic development”. This is a corruption of the term “sustainable development” and is likely to result in misunderstanding of the goals of sustainable development, which is about the fulfilment of social, environmental and economic objectives together, not in isolation.

Price Signals and Planning

We are deeply worried that the Report endorses a price sensitive approach to planning. Paragraph 1.37 questions: “*flexibility and responsiveness - can the planning system be made more responsive to price signals and changing economic circumstance at a local and regional level, while also providing the certainty that business value? In this context the issue of incentives facing decision-makers will be explored - for many local planning authorities there is little financial incentive to adopt pro-growth strategy or enhance competition. The issue of the level which decisions are best made will also be explored considering how the principle of subsidiarity might best be applied*”. We strongly oppose proposals for a market-led approach to planning, and believe attempts to meet market demand in high-price areas risks seriously breaching the principles of sustainable development and lead to a distortion of the role of the Local Planning Authorities in delivering broader public benefits. We are particularly concerned that implementation of such an approach would have significant impacts on a wide range of environmental assets, including landscape, biodiversity, water resources and the historic environment, especially in those regions subject to the greatest development pressure, as well as contributing significantly to greenhouse gas emissions. These concerns are set out in more detail in publications such as *Healthy, Wealthy and Wise*³ and *Building on Barker*⁴.

¹ *Planning Policy Statement 1: Delivering Sustainable Development*, ODPM 2005, www.odpm.gov.uk/index.asp?id=1143808

² UK Government, 2005. *UK Strategy for Sustainable Development*.

³ *Healthy, Wealthy and Wise. Sustainable communities: creating the right environment*. RSPB, 2005. Available at <http://www.rspb.org.uk/policy/Economicdevelopment/healthywealthywise.asp>

⁴ *Building on Barker*. CPRE, 2005. See <http://www.cpre.org.uk/campaigns/planning/housing-supply/selected-publications.htm>

Planning and Climate Change

We welcome the recognition within the Report of the role of planning in mitigating and adapting to the effects of climate change – *“The clear evidence of changes in the global climate requires that the planning system at all levels plays its role in helping the UK meet its targets for greenhouse gas emissions through, for example, helping deliver renewable energy. Spatial plans can also help address the consequences of climate change – for example by taking full account of the flood risk associated with new development”* (paragraph 1.8, page 8).

Link believes that spatial planning has a major and positive contribution to make, both in promoting lifestyles that reduce emissions and in facilitating a countryside that is resilient to the effects of climate change. For example, more efficient use of land will reduce the pressure to develop on flood plains and help reduce the overall extent of development. The sealing of catchments with built development leads to increased run off, which increases flood risk (and the associated huge economic and social costs), and damages habitats downstream.

If Government commitments to energy efficiency, greenhouse gas emissions reduction, and renewable energy generation are to be realised, we shall need a robust planning system geared to ensure that development and re-use is profoundly more energy conscious than currently. This requires us to set a spatial framework for investment and change which will effectively halt and reverse our ever-increasing rate of energy consumption by facilitating and encouraging more energy efficient building, travel and lifestyles. Spatial planning can achieve only limited change on its own; securing the desired result will require other (e.g. fiscal) levers of influence to complement planning policy and decisions. Without the right spatial framework, however, the other levers may not work at all.

The Environmental Case for Planning

The Report contains some welcome references to the importance of biodiversity and environmental resources. For example, paragraph 1.8 states *“the need to protect the wider environment is also a growing challenge given the changing understanding of environmental issues”*. However, we are concerned that biodiversity interests and environmental designations are suggested to be an impediment to positive planning. We are also concerned that the Report suggests such interests should be traded-off against development – *“there are instances where a balance has to be struck: for example, protecting a nesting habitat for endangered birds or building affordable housing; or moderating between different environmental priorities as with wind farm development”* (paragraph 1.6). The Government's overarching planning policy (PPS1) makes it clear that sustainable development requires an integrated approach to achieving environmental, economic and objectives, something which the planning system is unlikely to achieve through an approach based on trade-offs.

The Value of Site Designation

Wildlife habitats in both rural and urban areas have become increasingly isolated and fragmented in a hostile landscape matrix. In the last 50 years, because of intensive land use, the UK has lost or irreparably damaged vast areas of wildlife habitat. The remaining isolated and fragmented sites are vulnerable to environmental change; many of our rarest species are unable to move readily between suitable habitat patches. The evidence shows there is little or no substance to claims that protection and enhancement of the natural environment is given too much weight in the planning system. On the contrary, there is clear and worrying evidence of erosion of habitats and biodiversity across the UK. Semi-natural habitats and flora and fauna should be protected from development and the planning system should focus on enhancing the urban and rural environment to make it a more hospitable place for wildlife (see box – UK Biodiversity Action Plan).

The Report maps the extent of key environmental and biodiversity designations, including SSSIs, SPAs and SACs, at a national scale. Such designations play a key role in protecting our natural and historic environment on an increasingly overcrowded island. We strongly oppose the Report's implication that European legislation has been gold-plated, and that the UK is over-designated (paragraph 1.38).

In parallel with the Barker Review, the Davidson Review has been considering evidence of the 'over-implementation' of EU directives in the UK⁵. We do not think that over-implementation of EU environmental legislation is a significant issue for the UK. Rather, we believe that slow, incomplete or ineffective implementation is a more important issue. This has had an impact on the operation of the planning system. For example, the transposition of the Habitats Directive did not take into account the need to assess the impact of development plans on European sites. This has only recently been rectified by a European Court of Justice decision. As a result, difficult decisions have been deferred to project level, where there is much less scope to identify options that meet society's social and economic objectives and avoid damage to European sites.

Indeed, designations, whether at European, national or local level, certainly do not stop all development from going ahead. For example, in National Parks between 80 and 90% of all planning applications are approved.⁶ Further case studies, of mineral extraction, harbour channel deepening and flood defence works in designated sites are contained in a review of the success of the Birds and Habitats Directives⁷.

UK Biodiversity Action Plan

At the national level, the UK Biodiversity Action Plan partnership has recently assessed the state of biodiversity priorities. Although 22% of habitats and 11% of priority species are increasing, 38% of habitats and 27% of priority species are declining. Lead partners were asked to list the issues that were currently posing, or likely to pose, a significant threat to the species or habitat over the next 5 years. After habitat loss or degradation (particularly due to agriculture or changes in management), infrastructure development was identified by the highest number of Lead Partners:

'Infrastructure development (mainly housing infrastructure and development on the coast) is emerging as a particular concern for species and habitats with two thirds of habitat Lead Partners identifying this as a significant threat. This underlines the importance of the protected sites network and the crucial role of the planning system in safeguarding biodiversity.' (Defra (2006) *The UK Biodiversity Action Plan: Highlights from the 2005 reporting round*. <http://www.ukbap.org.uk/library/Reporting2005/UKBAPReport05.pdf>)

Planning also plays an important part in ensuring that the UK is able to deliver its international obligations and duties. Effective integration of environmental protection and enhancement with other land use requirements at a local level contributes towards the objectives of, for example the Birds, Habitats and Water Framework Directives and the commitments under the Convention on Biological Diversity. The planning system also helps to ensure individual

⁵ Davidson Review: Summary of responses to call for evidence. July 2006.

⁶ Development control statistics, DCLG web site.

⁷ Williams G, Pullan D, Dickie I, Huggett D and Mitchell H (2005). *The European Birds Directive – safeguarding special places for people and wildlife*. RSPB.

compliance with environmental legislation and allow necessary measures to be built in to proposals that can avoid prosecution of, and unpredictable delays, to developers.

Urban Green Space and Biodiversity

Development pressures and “a common notion that biodiversity is something you have outside the city boundaries”⁸ hamper the conservation of biodiversity in urban areas. In urban areas land availability for nature conservation is more limited than in rural areas, urban infrastructure takes the place of farmland which makes it harder to convert to or manage as a biodiversity-friendly habitat. Green roofs could be utilised to increase space for wildlife in urban areas. The other clear opportunity that exists in many post-industrial areas is derelict land. If this space can be used to create ecological havens in urban areas, they could make a huge contribution to increasing urban biodiversity. Urban green space can also have significant public health benefits. For example, the threat of greatly increased obesity can be reduced by building into settlements attractive and practical opportunities to walk, with consequent great benefit to the Exchequer in terms of preventive health.

Increasingly, the planning system is also playing a proactive role in delivering environmental enhancements as part of a wider agenda of sustainable development. For example, PPS9 now asks regional and local planning bodies to identify areas for biodiversity enhancement, not just to protect existing biodiversity resources⁹. This work is currently being taken forward through the preparation of the current round of regional spatial strategies. Relaxation or weakening of planning control would undermine the chances of delivering these benefits. Despite positive Government planning policy (notably in PPS1 and PPS9), there needs to be a culture change in the planning and development sector towards the understanding and implementation of both sustainable development and the value of the natural environment.

The Wider Benefits of the Natural Environment to Business and Quality of Life

The environment supports substantial economic activity throughout the UK. Uses of biodiversity directly support over 35,000 full-time equivalent (FTE) jobs and contribute over £4.8 billion to GDP¹⁰. Environment-related activities in the UK (broadly defined as those depending directly or indirectly on the quality of the natural environment) are estimated to support around 500,000 jobs and £18.6 billion of GDP.

In England, the landscape and nature conservation sector provides 8,600 FTE jobs, and activities ‘based on a high quality natural environment’ support 299,000 FTEs and £7.6 billion gross value added¹¹. For example, over 527 million walking trips are made annually to the English countryside, supporting between 180,559 and 245,560 FTE jobs and resulting in expenditure of £6.14 billion¹².

Healthy and functioning ecosystems benefit society as a whole (e.g. through pollination, flood defence, climate regulation etc), while well managed and attractive rural landscapes are vital to the nation’s well being, quality of life and attractiveness to tourists from around the world. Indeed, 40 percent of the jobs created through tourism rely directly on a high quality environment, and this increases to 60-70 percent in rural areas¹³. There is a need for planning

⁸ Gyllin M (1999) *Integrating Biodiversity in Urban Planning*

⁹ Office of the Deputy Prime Minister, 2005. *Planning Policy Statement 9: Biodiversity and geological conservation*.

¹⁰ IUCN, 2003. *Use of wild living resources in the UK*.

¹¹ GHK and GFA-RACE, 2004. *Revealing the value of the natural environment in England*. Report to Defra.

¹² Source: The Economic and Social Value of Walking Report, Ramblers’ Association, June 2003.

<http://www.ramblers.org.uk/campaigns/EconVal.pdf>

¹³ Valuing our Environment, National Trust, 2001

to support the land-based industries which help maintain these landscapes and their associated ecology and historic features.

It is important to note the significant role planning can play in encouraging more environmentally sustainable patterns of business development and economic activity, for example, by reducing the need to travel, making more efficient use of land and other resources, reviving markets or creating new ones through environmental enhancement and regeneration. Planning should be seen as a positive force, not something which is in the way.

There is also a need to recognise the crucial role of the planning system in supporting diverse local economies (e.g. local shops and networks) which form the heart of thriving communities but can be vulnerable to insensitive development¹⁴. The New Economics Foundation has shown how local retail businesses recycle a far greater proportion of turnover than a national or international business does¹⁵. CPRE's report "*The Real Choice*"¹⁶ shows this to be the case in the market town of Saxmundham, where greater consumer choice, employment and prosperity have resulted from the absence of supermarket domination. This model has also benefited the local landscape, wildlife habitats and tourism with associated improvement to the quality of life of residents and the economic strength of local tourism.

The Value of Community Involvement in Planning

We welcome the recognition within the Report of the importance of community involvement in planning – "*community involvement and democratic legitimacy are vital to planning*" (paragraph 1.21, page 13). However, we feel that much of the detailed analysis contradicts this statement, focussing on the costs of public participation and ignoring its significant benefits. For example, paragraph 1.11 states "*proper consultation is likely to be both costly and time-consuming*" and paragraph 1.21 suggests "*there is broad opposition to development*".

There is a powerful case for involving the public in local planning decisions. Participation can empower communities, encourage active citizenship and deliver better informed decisions that contribute to sustainable development and environmental justice. The Government itself has recognised the benefits of participation in securing greater consensus in decision-making¹⁷, and has announced a flood of "new localism" initiatives which are intended to put people at the heart of decision-making and public services¹⁸.

Friends of the Earth recently produced a report containing seven case studies which demonstrate the positive contribution that community voices can play in the planning process¹⁹. These case studies demonstrate that community groups are not always "NIMBY" protestors, negatively opposed to any kind of development. Instead they illustrate the powerful, and positive, contribution that early community involvement can bring to the decision-making process. In many cases, this has led to better outcomes for all involved, including the

¹⁴ For example, see CPRE (1998) *Food webs: A report on local food networks in East Suffolk which demonstrates the importance of local shops and services to rural communities.*

<http://www.cpre.org.uk/resources/pub/pdfs/farming-and-food/local-foods/food-webs.pdf>

¹⁵ http://www.neweconomics.org/gen/uploads/ghost_town.pdf

¹⁶ CPRE (2006) *The Real Choice: How local foods can survive the supermarket onslaught*

<http://www.cpre.org.uk/resources/pub/pdfs/farming-and-food/local-foods/the-real-choice.pdf>

¹⁷ ODPM (2004) *Community Involvement in Planning: The Government's Objectives.*

http://www.odpm.gov.uk/embedded_object.asp?id=1144472

¹⁸ For example, "Together We Can" - ODPM's Local Vision Programme, and David Miliband's speech on Empowerment and the Deal for Devolution in January 2006.

¹⁹ Friends of the Earth (2006) *Listen Up! Community Involvement in the Planning System – Seven Case Studies.*

developers. The case studies also illustrate that the source of delay very often rests with developers and local authorities who failed to have meaningful dialogue with communities from the beginning of the planning process. The Report recognises the lack of skilled planning staff within planning authorities (paragraph 3.44) and we would suggest this problem should be addressed as a priority, rather than community involvement marginalised.

The planning system can and must play a crucial role in delivering development that is beneficial to communities and sustainable. The final report of the Barker II Review should examine the vital role that communities play in delivering development that is good for business, good for the environment and good for the communities themselves.

The need for a National Spatial Planning Framework

One of the key themes within the Report is the efficiency of the planning system, with particular emphasis on the impact of planning complexity and delay on major infrastructure developments.

The Report notes the slowing of appeals and the lengthy time taken for decisions on major infrastructure, quoting Heathrow Terminal 5 and Dibden Bay among others. It also criticises the complexity of the planning system, such as the volume of guidance, the length of plans and the number of consent regimes. The Report highlights the increasing extent of supporting evidence required for planning applications, particularly environmental statements: “*They can provide vital evidence for processing cases, but deliver questionable value unless planning officers have the time and the expertise to assess these complex documents*” (paragraph 3.38).

Whilst we do not agree with all of these criticisms, we welcome the suggestion that “*a clearer articulation of national policy could help reduce infrastructure timings*” (paragraph 3.52, page 78). At a national level, there need to be clear criteria and policies against which proposals can be assessed (they will also need to be assessed against other local, regional and national policies). Link believes a national spatial policy framework could provide benefits for major infrastructure planning and the environment, provided there is proper stakeholder and public engagement and that proposals are subject to robust strategic environmental assessment.

CONCLUSION

In our view, the greatest gains for productivity are likely to be found through increased efficiency of process and further actions by Government should concentrate on this aspect before undertaking more fundamental reforms to the planning system.

The land-use planning system remains the most sophisticated form of economic, social and environmental regulation ever introduced into the United Kingdom. Its importance to all these ends must not be undermined. We ask that the recommendations in the final report take proper account of the economic, social and environmental benefits of planning.