

# Greenest Planning Ever Coalition

## Localism Bill Briefing House of Lords, Committee Stage

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Sustainable Development

4 July 2011

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### Summary

- Any reforms to the planning system must reinforce its primary role of delivering true integration of economic, social and environmental priorities and objectives at all levels.
- The Localism Bill must:
  - identify that the purpose of planning is to achieve sustainable development, including a statutory definition of sustainable development;
  - strengthen existing sustainable development duties on those exercising planning functions and extend them to national planning policy and guidance, neighbourhood planning and development management functions;
  - strengthen the role of sustainability appraisals to ensure that their findings properly influence the delivery of sustainable development on the ground.

### Introduction

There is growing concern that sustainable development, as a policy driver, is being sidelined by this Coalition Government despite its welcome ambition to be the “*Greenest Government Ever*”. We welcome, in principle, the concept of neighbourhood planning and seeking to enable local residents to truly engage in the planning and development of their communities. Within this new governance framework, we believe that achieving sustainable development must be at the heart of local decision making.

In this year’s Budget and subsequent policy initiatives the Government made clear that it is taking forward a pro-growth agenda to address the economic deficit. Whilst we support measures to boost the flagging economy and to shift to a sustainable, green economy, growth which does not respect environmental limits will ultimately be self defeating. We are concerned that the short term measures to drive reduction of the economic deficit and the abolition of important government advisors, such as the Sustainable Development Commission, will lead the UK into decisions which are unsustainable in the long term. By retaining sustainable development as the principle policy driver for delivering government at the national and local levels we would still create opportunities to stimulate sustainable economic growth, appropriate to the locality, without losing sight of the other equally important aspects of sustainable development – such as living within environmental limits and ensuring a strong, healthy and just society.

## **The purpose of planning must be to achieve sustainable development**

During this period of reform, it is important to have clarity on the purpose of planning system and what we are planning for. A strategic and effective planning system has a crucial role to play in helping us deal with challenges, such as reviving the economy, tackling climate change and biodiversity loss, by integrating (rather than trading off) economic, social and environmental priorities and objectives at all levels. It helps to ensure that our needs can be met in a way which considers the opportunities for, and limits on, use of land and resources now and in the future. It is integral to the achievement of sustainable development and facilitates the delivery of wider aims including regeneration and economic development, good quality and affordable housing, sustainable transport, community cohesion and participation, social inclusion, quality of life and protection and enhancement of the environment.

We are concerned that these wider aims of planning may be lost as part of a short term drive for simple economic growth and the vague measures to 'mainstream' sustainable development. There is a need for the Government to reaffirm the purpose of planning and the Localism Bill provides the perfect opportunity. This purpose must be to achieve sustainable development, accompanied by a statutory definition of sustainable development. This will help to provide greater certainty in local decision-making and identify the common goal for everyone concerned with planning to be working towards.

We strongly believe that the Government must live up to its commitment to rebalance the planning system in favour of sustainable development<sup>1</sup>. For the Government to do this, sustainable development must be embedded at the very core of the planning system, within its structure, forming part of the overarching framework that influences all functions, policies and objectives. This framework must set minimum standards, whilst also empowering and enabling local communities.

Amendment 147FC tabled by Lord Greaves, the Lord Bishop of Exeter and Lord McKenzie of Luton sets out a clear purpose for the planning system to achieve sustainable development. It also defines what we mean by sustainable development and requires persons exercising planning functions to do so for the purpose of furthering the achievement of sustainable development.

## **Defining Sustainable Development**

There has been an internationally accepted definition of sustainable development for over 30 years. In 1983, the World Commission on Environment and Development convened by the UN was created to address growing concern about the consequences of the accelerating deterioration of the human environment and natural resources. The outcome of the work was the Brundtland Report, *Our Common Future* published in 1987<sup>2</sup>.

This was the first report to focus on global sustainability and provided us with the well known international definition of sustainable development. Importantly, the report launched a comprehensive gateway to sustainability, which included social, economic, political-institutional and environmental criteria. It established important overarching and broad principles which, to

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<sup>1</sup> One of the 3 key tenants underpinning reform proposals in the Conservatives' Open Source Planning Green Paper (page 5) which was subsequently endorsed in the Coalition Agreement, 'The Coalition: our programme for government' published 20 May 2010

<sup>2</sup> 'The Report of the World Commission on Environment and Development: *Our Common Future*', published June 1987

this day, have influenced environmental laws and planning in a wide range of countries including the UK. The report laid the groundwork for the Rio Declaration created at the 1992 Earth Summit, the adaptation of Agenda 21 and the establishment of the UN Commission on Sustainable Development.

In 2005, the UK adopted the Sustainable Development Strategy, *Securing the Future*<sup>3</sup>. This strategy established the twin goals of living within environmental limits and providing a just society by means of a sustainable economy, good governance and sound science. The challenge has been to ensure that these five guiding principles of sustainable development underpin all policy and legislation and act as a lens through which all new proposals are viewed. In practice, there remains confusion about the action required to achieve sustainable development and often organisations and authorities focus on one pillar (economy, environment and society), rather than integration of all three.

We believe that defining sustainable development in the Localism Bill will help to provide greater certainty in local decision-making. The definition of sustainable development that we propose is not new – it is taken from these recognised and accepted documents:

“sustainable development” means development that meets the social, economic and environmental needs of the present without compromising the ability of future generations to meet their own needs and includes the application of the following principles—

- (i) living within environmental limits,
- (ii) ensuring a strong, healthy and just society;
- (iii) achieving a sustainable economy;
- (iv) promoting good governance;
- (v) using sound science responsibly.

This definition enables the delivery of integrated objectives, including economic activity that incorporates social and environmental benefits.

A statutory definition of sustainable development would not impose inflexible boundaries on communities, rather it would encourage innovation and facilitate progress. Often, it is said that sustainable development means different things to different people. But it is not the definition of sustainable development that changes. Rather, local circumstances may require different approaches to be taken to achieve it. The statutory definition can still be interpreted by individual local authorities in a manner that responds to the circumstances of the locality. It is a flexible policy driver that can guide decision makers to be more comprehensive in considering the impacts of their policies and initiatives.

This statutory definition and the roles and responsibilities of planning authorities should in turn be supported and expanded through other strategic documents, such as the National Planning Policy Framework (NPPF) and guidance on the duty to cooperate. These documents should build upon the legislative purpose for planning and expand the statutory definition of sustainable

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<sup>3</sup> <http://www.defra.gov.uk/publications/files/pb10589-securing-the-future-050307.pdf>

development to provide further detail on what it means in a planning context and to guide its application at the local and sub-national levels.

## **The presumption in favour of sustainable development**

We know that the NPPF will include the presumption in favour of sustainable development<sup>4</sup>. The government published its draft presumption on 15 June 2011<sup>5</sup>. However, we are concerned that this seeks to redefine sustainable development as:

*“stimulating economic growth and tackling the deficit, maximising wellbeing and protecting our environment, without negatively impacting on the ability of future generations to do the same.”*

This definition is noticeably different from both the Brundtland definition and the five principles from the Sustainable Development Strategy. We are also concerned that the presumption seeks to isolate the role of planning as merely a tool for economic growth, giving overwhelming weight to the need to support economic recovery through the planning system and incentivising development that will facilitate this. Whilst economic development is an important element of the planning system, it is but one of the many objectives that the planning system can and is meant to deliver. We must not lose sight of the broader role that planning can play and the many benefits it can help to bring not just for the economy, but also for the environment and communities.

We believe that a presumption without a strong, enforceable, legal definition of sustainable development would simply be a presumption in favour of development. The Government's preferred wording does not express any form of commitment to, or requirement for, actually achieving sustainable development or sustainability criteria. Instead, the test developed within the presumption allows any and all types of development to occur *“unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits”* when assessed against the NPPF objectives. This allows for too great a deviation from its objectives, the consequence of which would be unsustainable development.

From an environmental perspective, the presumption must not undermine the current plan-led system, as this allows proper strategic environmental assessment of the impacts of development, as well as giving communities the best opportunity to shape the future of their area. The presumption must not create a licence for environmental damage.

There appears to be scope to bypass local authority decisions and proper consideration of the merits of development proposals at the local level in undefined cases where a plan is 'absent', 'indeterminate', 'out of date', or 'silent'. More careful definition of when a plan might not be the primary consideration in decision making should be provided. Also, the direction in the proposed draft to consent applications that comply with the development plan promptly, fails to acknowledge that material considerations may require the application to be negotiated or refused even where it complies with some of the policies in a development plan.

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<sup>4</sup> We are not proposing that the presumption in favour of sustainable development be included within the Localism Bill. There has been some debate about whether the presumption should be included in the Bill, but we would not support an amendment of this nature.

<sup>5</sup> <http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/presumptionfavour/>

We believe that the presumption should only favour development proposals that can both demonstrate that they fall within the legal definition of sustainable development, and meet specified sustainability criteria.

## **Sustainable Development Duties**

Under the Planning and Compulsory Purchase Act 2004 and the Planning Act 2008 there are existing duties on local planning authorities and the Secretary of State to prepare planning policy with the objective of “*contributing to the achievement of sustainable development*”. However, we believe that to properly achieve sustainable development, the statutory duty must be more positive and proactive. A duty on those exercising planning functions to not just contribute to, but to *promote*, sustainable development, can lead to clearer responsibilities and improved delivery of our sustainable development goals.

Overall, sustainable development has not been embedded systematically or institutionally across Government or public bodies. There is a need for consistent and clear treatment of sustainable development in law.

We believe that strengthened statutory duties on those exercising planning functions to “*further the achievement of sustainable development*” could lead to clearer responsibilities and improved delivery of our sustainable development goals. Local planning authorities should be responsible for promoting a clear understanding of and commitment to achieving sustainable development, so that individuals within their areas can work together to achieve it.

Furthermore, the duty within the Planning and Compulsory Purchase Act should be applied to all types of development plans, including neighbourhood plans (along with the allied climate change and design duties). A general requirement for the neighbourhood plan to conform to the strategic priorities of the local plan seems inadequate.

Amendments 147FD and 147FE tabled by Lord Greaves, the Lord Bishop of Exeter and Lord McKenzie of Luton strengthen the existing sustainable development duties in the Planning and Compulsory Purchase Act and the Planning Act and apply them to national policy and guidance, development management and neighbourhood planning functions.

## **Sustainability Appraisals**

As part of the process of preparing development plan documents, local planning authorities are already required to undertake sustainability appraisals of the proposals within the draft documents. However, the obligation is vague and, in practice, the quality of appraisals undertaken has been variable. They are often viewed as a hurdle to jump over, rather than a tool that can bring real benefits for better strategic planning. As a result the findings of sustainability appraisals are often ignored in the preparation of local development plans.

We believe that sustainability appraisals can provide an important mechanism to help deliver sustainable development at the local level. In addition to improving the consideration of environmental effects in the development of specific proposals, sustainability appraisal can improve the broader planning process. Through procedural steps such as consultation, consideration of alternatives, information provision and monitoring, sustainability appraisal can build support and capacity for more sustainable plan-making. They, therefore, have an important role to play in helping to deliver sustainable development, through both an advocacy

role (raising the profile of the environment) and an integrating role (where environment, social and economic considerations are brought together through the appraisal process).

Sustainability appraisals are an important part of the planning process and their role must be reinforced, so it is not just a tick box exercise but a useful and informative mechanism to truly deliver sustainable development.

Amendment 147FF tabled by Lord Greaves, the Lord Bishop of Exeter and Lord McKenzie of Luton strengthens the role of sustainability appraisal in plan making. It requires the findings of the appraisal to be considered in preparing local development documents, as well as requiring local planning authorities only to proceed with planning proposals where the appraisal indicates that it is appropriate to do so.

#### Notes:

This briefing is supported by the following 13 organisations:

- Buglife – The Invertebrate Conservation Trust
- Butterfly Conservation
- Campaign for Better Transport
- Campaign for National Parks
- Campaign to Protect Rural England
- Friends of the Earth England
- Open Spaces Society
- Royal Society for the Protection of Birds
- The Badger Trust
- The Wildlife Trusts
- Town and Country Planning Association
- Woodland Trust
- WWF-UK

These organisations are all members of the Greenest Planning Ever coalition, which is a campaign of the Wildlife and Countryside Link<sup>6</sup> and partners. The Greenest Planning Ever coalition has come together to ensure that the natural environment is at the heart of planning reform.

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<sup>6</sup> Wildlife and Countryside Link (Link) is a coalition of the UK's major environmental organisations working together for the conservation and protection of wildlife and the countryside. Link is a registered charity number (No. 1107460) and a company limited by guarantee in England and Wales (No.3889519).