

# Greenest Planning Ever Coalition

## Localism Bill Briefing House of Commons, Report Stage

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Sustainable Development

9 May 2011

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### Summary

- **The Localism Bill must reinforce the role of the planning system in 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.**
- **To achieve this, the Localism Bill should be amended to include new clause 6.**

### Planning is about Sustainable Development – Let's make it clear

The UK is facing unprecedented challenges for the 21<sup>st</sup> Century - economic recovery, climate change and biodiversity loss, increased urbanisation and the need for greater social equity. The need for us to strive to achieve sustainable development and effectively address these issues has never been more pressing.

Planning is an essential element of our modern society. 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 by enabling the integration and implementation of economic, environmental and social policies, priorities and objectives on the ground. As a result, planning facilitates the delivery of wider aims including regeneration and economic development, good quality and affordable housing, sustainable transport, community cohesion and participation, social inclusion 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. Coupled with the vague attempt to 'mainstream' sustainable development, such short term measures will lead the UK into decisions that are unsustainable in the long term. 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. Defining sustainable development in the Localism Bill would not impose inflexible boundaries on communities, rather it would encourage innovation and facilitate progress. 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.

## The debate has moved on, but we're not there yet

During Committee stage in the House of Commons, the Labour front bench tabled a set of amendments on planning and sustainable development. In speaking to the amendments, Jack Dromey MP said:

*“Somewhere in the planning system consideration must be given to how actions that we take now will impact on future generations. In short, the Government need to be clear about the purpose of planning. ... By addressing sustainable development in the Bill ... the Government could, if they so wished, provide the certainty for which so many of our witnesses have called. The Bill is simply incomplete without such measures.”<sup>1</sup>*

In response, Greg Clark MP, Minister for Decentralisation, said he had *“no objection in principle to the idea of referring to sustainable development in the Bill”* and would come back to Parliament on that point.<sup>2</sup>

The Environmental Audit Committee has also expressed its support for strengthening the role of planning in achieving sustainable development, recommending that the Bill must *“provide a statutory duty to apply the principles of sustainability in the planning system”* and *“a commitment to define the term ‘sustainable development’ in the planning context.”<sup>3</sup>*

## Why this Amendment is needed

The Government has expressed reservations<sup>4</sup> about including a purpose for planning and a definition of sustainable development in the Localism Bill, stating that:

1. the Localism Bill is about structural aspects of planning. Sustainable development should be addressed through policy, not the legislation; and
2. a statutory definition of sustainable development would not provide communities with the flexibility to shape it in a way that is best for them, encapsulate new technological developments or encompass the complexity and dynamism of the idea of sustainable development.

We do not believe these reasons are valid and actually result from a misunderstanding of how a definition of sustainable development would apply in practice. Instead, we strongly believe that the Government must live up to its commitment to rebalance the planning system in favour of sustainable development<sup>5</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.

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<sup>1</sup> Public Bill Committee session Tuesday 15 February 2011, afternoon session, column number 570

<sup>2</sup> Public Bill Committee session Tuesday 15 February 2011, afternoon session, column numbers 600 - 601

<sup>3</sup> House of Commons, Environmental Audit Committee, Sustainable Development in the Localism Bill, Third Report of Session 2010-11, published 22 March 2011, at page 6 paragraph 10

<sup>4</sup> Expressed by Greg Clark MP in the debate on the Bill on Tuesday 15 February 2011, and also by DCLG staff in giving evidence to the EAC in its inquiry on Wednesday 16 February 2011

<sup>5</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

There has been an internationally accepted definition of sustainable development for over 30 years, the Brundtland definition<sup>6</sup>. In response to a Commons Oral Question, Greg Clark MP said that the Brundtland definition captures “*the classic definition of sustainable development*”.<sup>7</sup> The subsequent UK Sustainable Development Strategy<sup>8</sup> has been internationally acclaimed and established key principles of sustainability for the UK. The definition of sustainable development that we propose is not new – it is taken from these recognised and accepted documents. This definition does not impose inflexible boundaries, in fact it can encourage the very certainty, innovation and progress required to put sustainable development into practice for the use of land and resources, for business and in the use of solutions by and through local community action. As the Environmental Audit Committee commented:

*“We agree that a definition of sustainable development needs to allow for future progress, but this is not a reason for holding off providing one. Indeed, this is exactly why it must be defined. ... A proper definition of sustainable development in planning would not be a barrier to technological development but would encourage it.”*<sup>9</sup>

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. An overarching definition will not constrain local communities or stop them from determining their own criteria, mechanisms and tools for achieving sustainable development – but it will help them understand what that means and help put it into context of how local action also meets wider societal aims.

We agree that there is a role for policy in the NPPF. However, this role should be to build upon the legislative purpose for planning. The NPPF should expand the statutory definition of sustainable 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. We know that the NPPF will include the presumption in favour of sustainable development, but this is a policy tool that must be applied in the context of the wider purpose for planning. Furthermore, a presumption without a strong, enforceable, legal definition of sustainable development would simply be a presumption in favour of all development.

The Localism Bill is the right place to reaffirm that the purpose of planning is to achieve sustainable development and to define what that means. We ask you to lend your support to the following amendment, which has been listed as new clause 6:

‘The Purpose of Planning’

To move the following Clause:—

(1) The Planning and Compulsory Purchase Act 2004 is amended as follows.

(2) Before section 1 insert—

“A1 Purpose of Planning

(1) The purpose of the planning system is to achieve sustainable development.

<sup>6</sup> From ‘The Report of the World Commission on Environment and Development: Our Common Future’, published June 1987

<sup>7</sup> In response to a question from Duncan Hames MP, HC Deb: 4 Apr 2011, c.741

<sup>8</sup> Securing the Future: the UK sustainable development strategy (2005)

<sup>9</sup> Above note 3 at page 5, paragraph 9

- (2) Any person exercising functions and duties under the planning Acts must do so with the objective of achieving sustainable development and shall have regard in doing so to any guidance given for that purpose by the Secretary of State.

## A2 Interpretation

### (1) In this Act -

- (a) “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 including 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;
- (b) ‘the planning Acts’ means:
- (i) the Localism Act 2011;
  - (ii) the Planning Act 2008;
  - (ii) this Act;
  - (iii) the Town and Country Planning Act 1990;
  - (iv) the Planning (Listed Buildings and Conservation Areas) Act 1990;
  - (v) the Planning (Hazardous Substances) Act 1990; and
  - (vi) the Planning (Consequential Provisions) Act 1990.”

### **Other relevant amendments:**

The amendment tabled by Annette Brooke MP entitled *Sustainable Development* (new clause 2) takes a different approach by requiring the Government to define sustainable development in regulations and incorporate the same five principles of sustainable development into planning law and guidance. This amendment recognises the need for there to be a much greater focus on sustainable development in the Government's planning reforms. However, we believe that new clause 2 is not clear enough that sustainable development is the purpose of planning, and that it misses the opportunity to define sustainable development on the face of the Bill. Relying on regulations to define sustainable development will create a greater period of uncertainty, as well as less protection from alteration by subsequent governments. Sustainable development needs to be defined in primary legislation and fixed unequivocally as the purpose of the planning system, in order to provide the much needed certainty at the outset to guide local councils and communities in plan-making. For this reason we believe that, although Annette Brooke's amendment is well intentioned, it does not go far enough.

The following 12 organisations in the Greenest Planning Ever coalition support this briefing:

- Bat Conservation Trust
- 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
- Royal Society for the Protection of Birds
- The Wildlife Trusts
- Town and Country Planning Association
- Woodland Trust
- WWF-UK

In addition, this briefing is supported by:

- Institute of Ecology and Environmental Management

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**The Greenest Planning Ever (GPE) coalition**

The GPE coalition is a campaign of Wildlife and Countryside Link. The coalition is concerned with planning reform in England and is supported by 6.5 million members and thousands of volunteers. Our manifesto, *Our Vision for the Future of Planning*, lays out our vision for the role of the Localism Bill in planning reform.

Our briefings can be downloaded from our website: [www.wcl.org.uk/landuseplanning.asp](http://www.wcl.org.uk/landuseplanning.asp).