

Planning simplified or stultified?

National Planning Policy Framework

Comments of CPRE London

Consultation Draft

Communities and Local Government

National Planning Policy Framework

Consultation Draft - Communities and Local Government Comments of CPRE London

1. Introduction

CPRE London is aware of the importance of effective planning policies. We welcome any attempt to simplify the planning system, as this has become increasingly overburdened with bureaucracy. We also welcome efforts to slim down the total body of national policy and advice. However, the current process has gone beyond simplification, towards distortion and the loss of valuable policy built up over the years. The Government should pause to reconsider and avoid losing much valuable material. The system of guidance notes (PPGs and PPSs) was itself an advance and a move away from obscure ministerial circulars that the public knew little about. Many of the notes concern technical matters like stability of the ground or flood risk. The total replacement of this approach must be justified, and this has not been explicit.

The draft Framework represents a retrograde step in the development of planning policy. It does not propose to balance objectives, but to distort a well-established and workable system which has been admired by many other countries. The system is not in need of streamlining, and is not over-prescriptive in itself. It derives from many years of experience in plan-making and decision-making, and should not be lightly dismissed. Planning policy has a legal effect, and it must retain its viability and objectivity.

2. Overview

The planning guidance system has worked well for many years. There is no real reason to propose a complete replacement, even if simplification is thought appropriate. Everyone is well used to the present system, whether councillors, developers or local interests. The system is not a brake on development, and the Government is misguided to assume it is. There are more important things to be done than to revoke a working system, with all the uncertainty that creates for all concerned.

For many years, the dictum has been to avoid repetition. This means that local or regional planning policy should not repeat what is already set out in national policy statements. Local Plans would avoid repeating the helpful statements in PPGs, because the councils knew they were there to fall back on. Now, the system is being thrown into turmoil, for doctrinaire reasons and for political expediency.

3. Existing system

The virtues of the existing system have been ignored in the hurry to bring in a new order. Even at this late stage, we would urge a reconsideration of the need for such a radical overhaul. The alternative is to review many of the out-of-date guidance notes, and ensure they are still relevant and meet the Government's objectives. Drafts were consulted upon. There were frequent parliamentary select committees that reported on them. They tried to balance up competing interests, and generally did this well.

The Government has not looked at the individual PPGs and PPSs and their specialised content. The great advantage of the system as it exists is that each note deals with a separate topic and is updated from time to time. This means that it is only ever necessary to refer to a limited number of policy notes. These can be easily quoted in support of a particular stance. Local authority planners are able to quickly quote the relevant passages from the PPGs to enquirers and Inspectors at public inquiries also know exactly which ones are relevant. Because of the topic-based approach, there is never any confusion, and no time is generally wasted in finding the relevant sections.

The Government has been anxious to point out that there is a profusion of text and many pages to look through. The consultation document refers to 900,000 words of national planning policies and over 1,000 pages. This is not the case. Many of the pages are appendices, rather than policy text, covering technical points that are still needed. Examples are methods of measuring noise in the annex to PPG24: *Noise*, and lists of species and sites in PPG9: *Nature Conservation*. Overall, the PPG/PPS system is well recognised and effective. The Government should not rush into overturning a well understood and useful system. Over the years, there have been few criticisms of PPGs, with everyone content to work with them. As regular practitioners of planning, CPRE would attest to the value of the PPGs and that the system is far from broken.

4. Impact on London

For CPRE London, the key elements are the Framework's likely effects on the Green Belt, as the bedrock of planning protection, and on other aspects of the region's environment. In London, there is an emphasis on managing growth. Improving environmental quality and tackling climate change is vital to enhancing a world city role. In the last decade we saw the development of the Mayor's strategic plan for shaping long-term development; many of its targets rely on support from national statements for legitimacy.

The Framework envisages giving neighbourhood communities a new role in the development of their areas within a community-owned planning process. The London Plan (with the boroughs) seeks to secure diverse, strong and secure communities, anchored in the concept of Lifetime Neighbourhoods. This envisages public transport, amenities, local shops and green spaces being within easy reach of homes. Such access has to be planned into development proposals. The proposed Framework will not support such planning because it removes the current detailed guidance and replaces it with a general presumption in favour of an undefined and nebulous 'sustainable development'.

The Green Belt provides a strategic 'cordon sanitaire' to prevent uncontrolled sprawl and encourage more compact communities. This is supplemented by the Metropolitan Open Land in the outer boroughs. CPRE wishes to see increased protection for London's green spaces and clearer guidance on their role and functions. We would also urge greater support for food-growing around London. Policies in the new London Plan provide more support for food-growing than previously, and PPG2 *Green Belt* guidance is relevant to this. We want to see more - not less - support for the benefits of agricultural land use in the Green Belt and more encouragement of food cultivation in suitable London areas.

The consultation proposes that new development should comply with the National Framework. This leaves uncertainty about the status of the 2011 adopted replacement London Plan. The plan is a spatial strategy, and went through a public consultation and Public Examination. We would argue that the effect of the Framework in London ought

to be that of a material consideration in assessing applications, while the London Plan should have greater weight. It should be borne in mind that the present Borough LDFs and their Neighbourhood Plans or SPDs are required to conform to the policies in the London Plan.

London has a complex economy. The planning system must provide a basis for managing growth and economic development across London. London's economy needs to diversify away from its traditional reliance on financial services, with more support for science-based industries and services, as well as the creative and cultural industries.

Land and workspace requirements for manufacturing, logistics and essential services such as waste treatment will continue to make new demands. In addition, suitable sites for emerging green industries will need to be safeguarded. The Framework is less explicit about how to respond to these pressures than the current London Plan and many of the boroughs' core strategies which leads us to question what the purpose of the Framework really is in the capital.

5. The Framework

For CPRE London, an essential requirement of the Framework is for it to retain the 'brownfield first' policy. This is to promote urban regeneration and the efficient use of land. It would ensure that previously developed land is used to meet development needs before greenfield sites. This is a core element since much of the cost of development on brownfield sites is in demolition, waste disposal and remediation. Greenfield sites are therefore generally much more attractive for developers as these substantial costs are avoided. The advantage of an explicit sequential approach in London is therefore that open green space is retained and urban dereliction avoided as land can be re-used.

We would therefore argue very strongly for the retention of a brownfield first sequential approach in the capital in order to create vibrant areas and avoid urban dereliction. This approach would also help to reduce the impact of the capital on neighbouring countryside areas. We do not accept that the suggested alternative expression of 'land of least environmental or amenity value' will achieve the same objective for the reasons we have described. We feel that the drafting of the document displays a lack of understanding of sustainable urban development and regeneration. The wording is open to both genuine misunderstanding and intentional misinterpretation.

CPRE in London has undertaken research on forms of redevelopment that are most appropriate to major sites. We have found that enlightened policies for the creation of high quality urban living spaces need supportive policies in national guidance. The brownfield sites approach is not a crude or simple approach. It requires careful attention to detail, both in design and layout, as well as good access to services, to be successful and sustainable in the longer term. The specific context of London should be considered in the drafting of the final version of the Framework and the principles contained in the document should be sensitive to the particular circumstances of London.

The Framework should perhaps promote the concept of 'smart growth', which has emerged in many regions in recent years. This would make more efficient use of land, and promote a sense of community by making local services more viable. It should require local planning authorities to set policies for the reuse of previously developed sites in their areas. It should also include a requirement to justify when greenfield land is

being allocated for development, and to make more efficient use of land for housing at densities that will ensure viable and sustainable communities.

As regards housing land supply, this can be a contentious subject. Local authorities have long had to provide a five-year supply of identified land. It is now proposed that authorities identify an additional amount of 20 per cent. This is unnecessary, and should be deleted. The more land that local authorities identify will exacerbate pressures on greenfield sites, and especially Green Belt land. Not being able to take windfall sites into account will exert further pressure. Greenfield sites are more desirable to developers for cost reasons, but their greater availability would undoubtedly jeopardise the regeneration of older urban areas.

If the Framework goes ahead, then many local authorities will find themselves without an up-to-date plan. Full transitional arrangements would be needed so that authorities have time to ensure local plans take account of new national policy. Without arrangements like this, all local plans will be out of date, particularly since local plans were not allowed to repeat national policy. This means that any topics covered by national guidance, including the cancelled PPGs and PPSs have not been included in local plans and planning applications, in the transition may seek to exploit this policy vacuum by default.

There is therefore a real danger that the 'presumption in favour' will create an impetus for inappropriate development. The commitment to the plan-led system and especially localism would be then utterly devalued. This would have a particularly detrimental effect on the outer London boroughs when areas of new land might be considered for release.

The suggested presumption in favour of sustainable development is poorly considered and should be amended to reinforce the primacy of development plans. The presumption should normally reject development not in line with the plan. The local authority or developer must be able to show full and genuine engagement with the community to justify a development scheme.

6. Alternative approach

Land use planning has always had two streams: forward plans and development control. The former prepares plans based on national land use objectives, and on local needs and aspirations. The latter considers applications for development on their merits. The system tries to be neutral and even-handed, and fair to all concerned. There was historically always a presumption in favour of development. This was replaced in the 1991 Act by a presumption in favour of the local plan.

A general presumption is only a starting point. It does not make the decision automatically. It merely indicates that reasons must be given for the eventual determination. It would not be right to add a further or special presumption in favour, as this would destroy the 'planning balance', which is already built into the system.

Presumptions are never easy, but a presumption in favour of sustainable development is a 'play on words'. It is a recipe for endlessly circular arguments, since sustainable development itself is merely a matter of expediency, and not a matter of law. The concept of sustainability originates in the conservation of natural resources. It has become a convenient, if bland, mantra that includes economic, social and environmental criteria. The weight to be given to each facet is intended to be equal, yet this is never

easy to achieve. The idea of trying to integrate each aspect into a whole-hearted approach is attractive, but also often elusive.

It would be preferable to retain the 'general presumption' in favour of development within a plan-led approach, and then allow the local planning process to take its course in plan-making and development control. This would be a more coherent approach likely to gain support across the planning profession and with local practitioners.

The consequence of reliance on the presumption in favour of sustainable development will inevitably be a rush towards planning-by-appeal. The resulting delays, costs and uncertainties will deliver neither the sustainable development inherent in a plan-led system backed by sound and well-considered national guidance, nor sustainable economic growth. Neither will it provide development for the benefit of London that a considered suite of national and local policies would provide. Instead the evolution of precedents, some of questionable merit, could evolve into a cumbersome and often contradictory planning system weighted down by the bureaucracy of previous appeal decisions.

7. Town centres

The outer boroughs of London have a significant number of town centres. The proposed Framework should have a role in supporting town centres. It should seek to influence the type, location and design of new development. It should help planning authorities to assess town centre strengths and vitality. Guidance is needed to consider the format, design and scale of proposals. It is essential that those involved should take account of the setting of the centre. It should be possible to integrate and create effective links to the surrounding urban fabric. It is vital that town centres provide a high quality, as well as safe environment. Well designed public spaces and buildings can improve the health, vitality and economic potential of a town centre, and national policy should support this.

8. Conclusions

Achieving a growing economy, and economic recovery, is a legitimate and important political and social objective. Growth can take many forms, and reflect the priorities of an inclusive society. However it is inappropriate for growth to become an aim at the expense of other legitimate objectives, such as the survival of the cultural heritage or the enhancement of the undeveloped landscape.

The quality of life in both town and country is an essential pre-requisite to social stability and advancement, as the recent riots have illustrated in some of London's more challenging neighbourhoods. The effective planning of future land use is an important tool in the process of achieving that stability to underpin London's sustainable development as a World Class city into the future.

This has not been a timely review of policy. The Government's aim of emphasising growth at all costs has impacted badly on the planning system. There is no special reason to give undue weight to economic factors, when all aspects of land use must be weighed up in making viable decisions based on soundness and genuine sustainable development. This cannot and should not be the Government's aim. A review and revision of policy is necessary to ensure the planning system retains and reinforces its integrity.

**Prepared by Edward Dawson
Director CPRE London
October 2011**