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National Planning Policy Framework  
Department for Communities and Local Government  
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Dear Alan,

Please accept this letter as my submission to the Government's consultation on the draft National Planning Policy Framework (NPPF). This submission is made by me as the Member of Parliament for Brighton, Pavilion and also on behalf of the Green Party of England and Wales. I also endorse the response submitted by my colleagues Jean Lambert and Keith Taylor, MEPs for London and the South East respectively.

Summary:

We welcome the Government's professed intention to allow communities and people back into planning. Unfortunately, for a number of reasons, we do not believe that the draft NPPF, when viewed in the context of the Localism Bill, will achieve this aim. We further note the Government's desire to encourage sustainable development through this framework. Again, we do not believe that the draft NPPF and the Localism Bill will deliver sustainable development.

Since we do not feel that the Government's current proposals to radically alter the planning system will achieve its own aims, we urge the Government to scrap both the draft NPPF and the Localism Bill and spend the time needed to develop a planning system that would deliver truly sustainable development that, wherever possible, is in the hands of local people, but which also allows for proposals of national significance to be considered at a national level.

Lack of local control

It is developers, and not local communities, who have been put at the heart of the Government's reforms of the planning system. Whilst Ministers have spoken widely about giving control to local people, we believe that, as a result of the changes being made by this draft NPPF, both local communities and local councils will have less, not more, control over what gets built in their area. For example, paragraph 49 of the NPPF on Neighbourhood Plans states that "Neighbourhood plans give communities direct

power to plan the areas in which they live.” However, this power has already been qualified earlier in the document, within the section on ‘The presumption in favour of sustainable development’. Paragraph 17 of the draft NPPF makes clear that communities can only ask for more, and not less, development by explaining that the presumption means, critically, that “neighbourhoods should... plan positively to support local development, with the power to promote more development than is set out in the Local Plan.”

As well as failing to allow local authorities to make policies that would protect their area against inappropriate development, these changes also do nothing to address the chronic imbalance in the current planning process. It is widely recognised by everyone who has engaged with the planning system that developers have a huge and vital advantage. A developer’s right to appeal against a rejection of their proposal is enshrined in law. If this appeal is rejected the proposal can either be modified and resubmitted or resubmitted 2 years later in exactly the same form. If it has the will and the resources to do so, a developer can repeat this process *ad infinitum*. There is, therefore, already unlimited scope to hold local planning authorities to account for refusing to grant planning permission. Conversely, there is no right of appeal against any decision to award planning permission in the current system, and the Government has entirely failed to use this opportunity to introduce one. The only hope objectors have is to seek a judicial review of the decision from the High Court, but this can only be done on process and not planning grounds, and is often prohibitively expensive. This situation is set to persist despite promises from the Coalition parties, while in opposition, to “make the [planning] system symmetrical by allowing appeals against local planning decisions from local residents, as well as developers”<sup>1</sup> and also to “create a third-party right of appeal in cases where planning decisions go against locally agreed plans.”<sup>2</sup>

The overall lack of local power to resist undesired development is worse still where planning policies are not fully up to date or completely comprehensive. In such instances Local Authorities are explicitly told by the draft NPPF that they should “grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date” (Para 14). This carte blanche for development would be worrying enough if it were only likely to be exercised rarely. However, planning experts have said that 95% of Councils are likely to be in this position when the NPPF is due to come into force (April 2012).<sup>3</sup> Indeed, CPRE suggests that unless robust transition arrangements are put into place, it will be impossible for Local Authorities to conform with the new system before it comes into force.<sup>4</sup> The Government urgently needs to clarify exactly what measures could be put in place to facilitate such a transition.

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<sup>1</sup> Conservative Party, Open Source Planning, February 2010 - <http://www.conservatives.com/~media/Files/Green%20Papers/planning-green-paper.ashx>

<sup>2</sup> Liberal Democrat 2010 Manifesto - [http://network.libdems.org.uk/manifesto2010/libdem\\_manifesto\\_2010.pdf](http://network.libdems.org.uk/manifesto2010/libdem_manifesto_2010.pdf)

<sup>3</sup> <http://andrewlainton.wordpress.com/2011/08/05/95-of-councils-vulnerable-to-speculative-nppf-applications-report/>

<sup>4</sup> CPRE National Planning Policy Framework – Frequently Asked Questions, October 2011.

It is clear to the Green Party that a planning system which truly put local people at its heart would, at the very least, allow local communities to appeal against planning approvals with which they disagree. Such a system would also allow communities, within the broader parameters set by Government, to set policies on what kind of development they want, and, importantly, do not want. We also believe that in order to ensure that all local communities are able to play a role in shaping local planning policy, rather than only those with the resources to be able to do so, the Government should undertake to support these efforts, at communities' request. Unless the NPPF is amended to reflect these points, which have been raised with me by many constituents, the Green Party will not be able to support its adoption.

#### Flawed concept of sustainable development

Whilst we recognise that the Government's characterisation of sustainable development is drawn from the original Brundtland definition, I feel strongly that it is being applied so loosely in the draft NPPF as to make it meaningless.

The third sentence of the draft NPPF bluntly states that "Development means growth." Soon after, the document asserts with no argument or evidence that "without growth, a sustainable future cannot be achieved." Such circularity means that all development becomes sustainable, and as the presumption makes clear, all so called sustainable development must be approved.

Further evidence of the lack of a robust definition of sustainable development can be seen in the extent to which the term is used interchangeably with 'sustainable economic growth' and simply 'development' throughout the draft NPPF. Without a much stronger and more precise definition of what constitutes sustainable development, developers will have broad scope to challenge any rejection of an application on the basis that is sustainable, as (loosely) defined by the NPPF and must, therefore, be granted in line with the presumption in favour of sustainable development. Paragraph 71 is an excellent example of both the loose and circular use of important terms and shows why many groups, including the Campaign for the Protection of Rural England and the National Trust are extremely concerned about a heavy bias in favour of development, to the potential cost of sustainability:

*"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. A positive planning system is essential because, without growth, a sustainable future cannot be achieved. Planning must operate to encourage growth and not act as an impediment. Therefore, significant weight should be placed on the need to support economic growth through the planning system."*

In seeking to understand what the Government means by sustainable development, given the lack of detail or precision, it is instructive to look at what is classified as being unsustainable. In my reading of the draft NPPF, I came across only two examples of where there would be a presumption against development, namely in paragraph 16 on sites already protected by the Birds and Habitats Directives and paragraph 106 on coal mining: "For the extraction of coal, there should be a presumption against development...". However, even this apparent safeguard against coal exploration is immediately

qualified. Coal mining should, according to the draft NPPF, be allowed if *“the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or, if not it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission.”* So, under the draft NPPF, even one of the most environmentally damaging uses of land should be approved if the social or economic benefits are perceived to be greater than the environmental costs. This is completely contrary to the true meaning of sustainable development.

Other examples of the extent to which this draft NPPF is compromising sustainability in favour of development include the clear statement in the NPPF’s impact assessment that the Government is “removing the national priority for brownfield development”<sup>5</sup>. Related, and equally concerning is the removal of “national maximum parking standards for major non-residential development”<sup>6</sup>. Both changes are billed as necessary to provide councils with greater flexibility. However, I agree with many others that these changes are in fact more likely to tie councils into approving large scale out of town shopping developments with little public transport provision, on greenfield sites – quite possibly against the wishes of local people and to the detriment of local independent shop keepers. It should be noted that even such large retailers as John Lewis have made clear their concerns about the weakening of policies that encourage retail development to remain in town centres.<sup>7</sup>

We are also deeply concerned about the loss of protection for all non-housing land uses. New housing is vitally important in my constituency in particular, and in the rest of the country in general. However, so are places where people can work, and enjoy leisure. By proposing, in a parallel consultation, to remove the requirement to apply for planning permission in order to change a development from commercial to residential use, the Government risks creating unsustainable dormitory towns, as office and other commercial space is lost to high-value housing. This is particularly concerning for towns and cities like Brighton and Hove, which are within commuting distance of major metropolitan areas.

We are also opposed to the lack of protection being afforded land which is very important for biodiversity and wildlife yet is currently protected at a lower level than sites with global or European designations. Equally concerning is the apparently very weak protection that is being afforded to the agricultural land that covers the vast majority of our much valued countryside. Paragraph 167 of the draft NPPF makes clear that agricultural land can be developed, including high quality agricultural land. As well as reducing the sustainability of our food system by forcing the country to rely on ever greater volumes of imported food, this lack of protection has the potential to irreversibly damage the countryside.

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<sup>5</sup> <http://www.communities.gov.uk/documents/planningandbuilding/pdf/1951736.pdf>

<sup>6</sup> Ibid.

<sup>7</sup> <http://www.telegraph.co.uk/earth/hands-off-our-land/8825934/Hand-Off-Our-Land-Planning-reforms-will-ruin-our-high-streets-warns-john-Lewis.html>

Truly sustainable development may not always be the easiest option to deliver. It is clear that the Government has decided to promote development at all costs, in the apparent understanding that this will deliver growth, and therefore provide a sustainable future. It is also clear that, if this draft NPPF comes into force in its current form, it is entirely possible that greenfield sites will be built on, the need to travel in general, and car use in particular, will rise and important local shops and businesses will be lost. The Green Party sees no way in which such an approach could be defined as sustainable. Unless the Government's definition and application of sustainable development are significantly improved, in line with my comments, we will not be able to support the NPPF.

An alternative approach:

The Green Party believes that a National Planning Policy Framework should set out the criteria that govern development in the UK, including its highest priorities.

We think that the long-term vision of the proposed National Planning Policy Framework should be to ensure that all local areas have suitable, sustainable and affordable housing for all residents; meet as great a proportion as possible of their energy demand from local renewable sources; have a thriving local economy that provides a range of opportunities for work; offer the social and cultural activities identified by the community; and meet remaining requirements by providing excellent sustainable transport links with larger villages, towns, and cities, as appropriate. The Green Party believes that an important tool for achieving such a vision is a Land Value Tax (LVT). Such a tax would replace council tax and the national non-domestic business rates, would be set at a local level, and would be based on the annual rental value of the land. Rates would vary according to the permitted use of the land, as determined by planning consents which have been granted. The Green Party does not advocate any reduction of LVT for buildings which are left vacant or which have been allowed to fall into a state of disrepair.

We believe that the following points should be included as top priorities as defined by the National Planning Policy Framework:

- Development should reduce the need to travel, firstly through the local provision of facilities and services wherever possible, and secondly through transport connections which prioritise pedestrians, cyclists, and public transport users.
- Development should deliver the most energy efficient buildings possible, which also maximise their potential for local and renewable energy generation.
- Development should only be permitted on greenfield sites where benefits to the community significantly outweigh the loss of natural space, and where no other previously developed sites are available locally.
- Development should ensure access to open space and nature, if necessary by creating it.
- All development should use the most ecologically sustainable methods and materials, including the reuse of existing buildings and the recycling of materials.
- Planning decisions should always be made at the most local practical level. The regional, national or global need for proposed developments should be weighed alongside the social, environmental, and cultural, as well as economic needs of local communities.

Conclusion:

The detail of the draft NPPF is contradictory to the Government's stated aims. Instead of delivering sustainable development and empowering local people, it is a developer's charter that will force the approval of virtually all proposals, whether or not local people, or local decision makers want them.

Unless the NPPF is significantly altered so that the reality matches the rhetoric, the Green Party will continue to oppose it.

Thank you for your consideration of these comments.

Yours sincerely,