

Communities and Local Government Committee Inquiry National Planning Policy Framework

Submission from Sustrans

September 2011

About Sustrans

Sustrans makes smarter travel choices possible, desirable and inevitable. We're a leading UK charity enabling people to travel by foot, bike or public transport for more of the journeys we make every day. We work with families, communities, policy-makers and partner organisations so that people are able to choose healthier, cleaner and cheaper journeys, with better places and spaces to move through and live in.

It's time we all began making smarter travel choices. Make your move and support Sustrans today.
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1. Introduction

- 1.1 Sustrans is the charity that's enabling people to travel by foot, bike or public transport for more of the journeys we make every day. Our work makes it possible for people to choose healthier, cleaner and cheaper journeys, with better places and spaces to move through and live in.¹
- 1.2 Sustrans was founded in 1977 partly in response to emerging evidence at the time about the threat of 'global warming', as it was popularly termed then. We believe that now more than ever before, we have an urgent collective responsibility to reduce our contribution to climate change by changing the way we travel. Sustrans is committed to creating an environment in which people can make low and zero carbon transport decisions every day. Planning for future development has a key role to play in this.
- 1.3 We welcome the opportunity to respond to this Communities and Local Government (CLG) Committee inquiry into the National Planning Policy Framework (NPPF) and particularly to the section of the inquiry being undertaken by the Environmental Audit Committee (EAC) (section three of this response).
- 1.4 The draft NPPF is a missed opportunity which in its current format will undermine the voice of local people and potentially exploit vulnerable communities by handing over too much power to commercial interests.
- 1.5 The draft has a long way to go before it can make a credible contribution towards sustainable development. The draft framework fails to provide a clear definition of sustainable development and prescribes numerous approaches which we believe will undermine efforts to deliver more sustainable communities. Because of this, we feel it fails to improve on the previous system which, though imperfect, was able to ensure the influence of local communities in decision-making and prevent excessive urban sprawl to a greater extent.
- 1.6 We have three main overarching concerns about the NPPF as it stands. First, we support Campaign for Better Transport's main concern about the draft NPPF² which is that it lacks an overall vision of the development pattern which planning policy should foster in order to promote sustainable transport patterns. Second, the poor definition of sustainable development means that in practice, the NPPF paves the way for a presumption in favour of all development, whether sustainable or not.
- 1.7 Finally, the abandonment of all national standards for parking, density and transport assessment in favour of local decisions threatens the Government's ability to meet the legally binding CO₂ emissions reductions targets for 2020 and 2050 as set out in the Climate Change Act.
- 1.8 While Sustrans supports the empowerment of communities and local government through the government's localism agenda, it does not follow that central government should retain no strategic overview. Indeed, central government should have a clear and effective framework in which localism can operate and thrive.
- 1.9 The NPPF fails this fundamental test. There is no obvious view of where most development should be located to minimise traffic impacts, no vision of the importance of a hierarchy of town, local and neighbourhood centres, new developments or where new development is taking place in existing towns or conurbations.
- 1.10 The draft NPPF would benefit from a complete rethink, and we encourage both the CLG and EA committee inquiries to make detailed recommendations on this. An improved document should contain a coherent and workable definition for sustainable development which truly balances economic benefits with social and environmental benefits. Furthermore, it should retain a set of national standards on the crucial issues which will influence the sustainability of development including: population density, parking standards, accessibility and community engagement standards.
- 1.11 The remainder of our submission takes each of the inquiry questions relevant to Sustrans' work in turn and expands on our key concerns regarding the NPPF.

2. Does the NPPF give sufficient guidance to local planning authorities, the Planning Inspectorate and others, including investors and developers, while at the same time giving local communities sufficient power over planning decisions?

- 2.1 The NPPF weakens the voice of local communities through its presumption in favour of development. Furthermore, time and resource pressures currently constraining the development of local plans are likely to see authorities default to the content of the NPPF for planning decisions. In its current structure and content, it is insufficient to ensure these decisions will deliver broad sustainability outcomes. Nor is it fit for local communities to use as the basis for meaningful contributions to the planning process.
- 2.2 Combining localism, growth and environmental protection was always going to be a difficult task, but it was a welcome ambition. Early in the life of the government the Treasury and the Department for Business, Innovation and Skills, aiming to stimulate economic growth, looked to the planning system.
- 2.3 In his March budget, George Osborne announced ‘a new presumption in favour of sustainable development, so that the default answer to development is “yes”’. That step alone may have jeopardized the planning system’s fundamental principle to exist to serve the public interest, integrating social, environmental and economic ends. This statement, and others made subsequently by other Ministers, seem to imply that the planning system exists to meet commercial interests first over all others.

COMMUNITY ENGAGEMENT

- 2.4 The major potential consequence of this reframing is that the NPPF proposes a default ‘yes’ to development which forces local communities and indeed local authorities into an entirely defensive position – having to defend against developments which will otherwise proceed “by default”. The onus for generating assessments of a development’s likely impacts will fall to the least well-resourced groups with a stake in the planning process.
- 2.5 The draft framework potentially holds huge risks for the protection of open space in and around our cities, towns and villages. With a default ‘yes’ to development, local voices will not be heard unless fully engaged with the planning process. The risk is that there will be a development ‘free-for-all’ in all unprotected areas or areas of low social capital and general disengagement from planning and local development processes in the mistaken belief that it will generate economic growth.
- 2.6 Planning policies should promote high quality inclusive design in the layout of new developments in terms of function and impact, not just for the short term but over the lifetime of the development. This should also contain clear, comprehensive and inclusive access policies which consider people’s diverse needs and aim to break down unnecessary barriers and exclusions in a manner that benefits the entire community.
- 2.7 Community involvement is an essential element in delivering sustainable development and creating sustainable and safe communities. In developing the vision for their areas, planning authorities should ensure that communities are able to contribute to ideas about how that vision can be achieved, have the opportunity to participate in the process of drawing up the vision, strategy and specific plan policies, and to be involved in development proposals.
- 2.8 Developers should be required to play their part in providing the resources to ensure this can happen. Central government’s role is to ensure that communities across the country have equal access and support to contribute to these processes, regardless of where they live.
- 2.9 Sustrans has a great deal of experience in community consultation and engagement work and has worked with many local authorities to deliver schemes acting as the liaising body between government and the community.
- 2.10 The work we do has taken place within the context of local authorities which understand that the success of a planning decision can be heavily influenced by the level of community buy-in and involvement throughout the lengthy process. Not all local authorities appreciate this relationship and

structures should be put in place to assist local communities in this already complex area. A multitude of barriers already exist and distance communities from the planning process:

- The costs of participation for local communities (and for the planning authorities running community involvement exercises).
- The complexity of many of the issues.
- Planning can seem a remote, bureaucratic process which does not encourage involvement.
- The difficulties of identifying and reaching the different groups within a community.
- The language of planning, with its reliance on technical expressions and jargon, can be off-putting. Sometimes planners inadvertently reinforce the barrier through the way they communicate.
- The perception that community involvement exercises will be captured by individuals or articulate groups which dominate proceedings. Community involvement is not about giving a free hand to unrepresentative vocal groups to block development irrespective of the case for it. Nor is it about talking to a few, favoured organisations.³

- 2.10 Sustrans would therefore urge the committee to underline our concerns that the NPPF does not strengthen the voice of local communities and may indeed weaken the already delicate voice they have.
- 2.11 The test for rejecting pro-development local or neighbourhood plans is set too high and is too vague: *'plans should be prepared on the basis that objectively assessed development needs should be met, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'* (20). Neighbourhood plans will therefore promote more development and not less compared to the wider local plan (17).
- 2.12 The Localism Bill is also giving powers to private companies, such as developers or landowners, to take forward neighbourhood plans and may even give them a vote in the referendum that is needed to approve the plan. This combination of factors will seriously undermine the power of even the strongest local communities.
- 2.13 We urge the committees to consider the other associated proposals that will be inter-operative with the NPPF in order to ensure that communities are not failed by the systemic changes when taken as a whole.

LOCAL PLANS

- 2.14 Local plans are required to have a certificate of conformity with the NPPF. In its absence, or the absence of an *'up-to-date and consistent'* local plan, planning applications will be determined in accordance with the NPPF. In those circumstances, the NPPF will take precedence over local development plans, where full consultation has occurred (26).
- 2.15 In reality, we expect that many developments over the next few years will be judged against the NPPF but it is not fit for this purpose. If local plans were to default to the NPPF in its current draft, there is a risk that national objectives around issues such as climate change, public health and social cohesion would be simultaneously hindered in local centres across the UK.

3. Is the definition of 'sustainable development' contained in the document appropriate; and is the presumption in favour of sustainable development a balanced and workable approach?

- 3.1 The definition of 'sustainable development' is inconclusive both in the NPPF and across government. In the NPPF, this weakness invalidates the term. Furthermore, the use of the term 'sustainable development' when used in the context of a presumption in favour of development ultimately confirms that in its current format, sustainable development = development.
- 3.2 For example, the NPPF states that *'development should not be prevented or refused on transport grounds, unless the residual impacts of development are severe'*. In our view, this does not represent a balanced approach to considering the economic, social and environmental benefits of a particular development, but will allow for transport impacts to be ignored. (See also Section 4 below)

DEFINING SUSTAINABLE DEVELOPMENT

- 3.3 The government has not been consistent in its definitions. The official definition is from the UK (not just English) Sustainable Development Strategy (SDS), *Securing the Future*, which remains in force, and could be mentioned in the NPPF. The coalition government's Statement 'Mainstreaming Sustainable Development' is not mentioned either. Finally there is the older definition from Brundtland used in the NPPF. What this means is that the government now has at least three different definitions of sustainable development.
- 3.4 The issue of the Brundtland definition is that by itself it is uncontroversial, it is simply a requirement not to be unsustainable, but to be meaningful in policy terms you need to add flesh to the bones and have a policy framework which is positive about the sustainable actions required. The definition in para. 9 of the NPPF seeks to redefine the Brundtland definition by referring only to 'basic' needs.
- 3.5 The NPPF definition goes on (10) to define what sustainable development means for planning – the so called 3ps. Breaking down this logic shows that, as drafted, the NPPF is underpinned by the following principles:
- economic growth is sustainable
 - growth meeting housing and social needs is sustainable
 - except where it severely damages protected environments or producing too much CO₂.
- 3.6 Or in effect, development = sustainable development

PRESUMPTION IN FAVOUR OF DEVELOPMENT

- 3.7 The NPPF states that the planning system is required to do everything it can to support growth. It places a presumption in favour of sustainable development at the heart of the planning system. (13) But sustainable development is poorly defined (10). Local authorities should approve development '*wherever possible*', '*without delay*' and grant planning permission where the local '*plan is silent, indeterminate or where relevant policies are out of date*' (14).
- 3.8 The threshold for rejecting development is set at a demanding height: '*these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*' (14). CLG Minister Greg Clark has claimed that the presumption in favour of sustainable development means that 'if a proposed development, or plan, does not give rise to any problems, then it should be approved without delay'.
- 3.9 Evidently, this weakens the concept of sustainability and its application to planning. This in turn could both complicate local community's understanding and willingness to engage with the process and further disengage the local communities which the draft NPPF is designed to engage with. The presumption in favour of development puts too much power into the hands of developers and commercial interests and would place all but the strongest communities at the hands of developer interest. Those communities with the least social capital will be most at risk of exploitation in this sense.

4. Transport

- 4.1 We support the Campaign for Better Transport's assertion that the NPPF is a manifesto for sprawl and congestion which would not support the creation of sustainable communities. Implicitly the document rejects the evidence that 'smart growth'¹⁴ ideas, which North American and European planning authorities have increasingly adopted, can deliver this. The lack of detail will weaken local authorities 'ability to negotiate with developers to produce positive outcomes for local communities, achieve national objectives around climate change or tackle congestion.'¹⁵
- 4.2 Before its closure, the Sustainable Development Commission made important contributions to the research outlining transport's wide impact on the sustainability of communities. The committees should refer to *Fairness in a Car-Dependent Society*⁶ to see how patterns of travel and the planning decisions relating to and influencing them are so crucially linked to the sustainability of a development.

SUSTAINABLE TRANSPORT

- 4.3 Sustrans has been working in the sustainable transport field for over 40 years and understands the complex relationships between planning policy and transport choices. Being able to make more sustainable transport choices has a positive impact on not only individual health and wellbeing but also on the quality of our environment. As exemplified by the DfT's LSTF programme, sustainable transport is being regarded as a 'win-win' – achieving twin benefits of reducing carbon while supporting economic growth through tackling congestion and limited road capacity etc. etc.
- 4.4 There are a raft of obstacles which prevent people from making more sustainable choices, some as seemingly simple as habit, others as complex as disincentivisation (free parking at destination, free petrol, company car) or as concerning and complex as transport poverty.

'GET OUT' CLAUSES

- 4.5 The draft makes a number of well-meaning references throughout to promoting and providing for sustainable transport but we believe the impact of these will be far outweighed by the number of caveats or 'get-out-clauses' which modify many clauses. Typical phrases include '*where practical*' (83), '*where reasonable to do so*' (83), '*depending on the nature and location of the site*' (86). Furthermore, we are convinced that the drive to provide sustainable transport will be further diluted by the suggestion that decisions '*need to take account of policies set out elsewhere in this framework*' (88).
- 4.6 We feel that in (85) there is too great a focus on large scale infrastructure facilities, given the streamlined nature of the document, and in particular roadside facilities, which have not even been defined. We recommend this text be replaced with greater detail on how sustainable transport could be delivered and made more competitive with other modes of transport, and how it helps to meet economic goals through e.g. tackling congestion in constrained urban locations.
- 4.7 Sustrans is extremely concerned with the third bullet point in paragraph 86 which states '*development should not be prevented or refused on transport grounds, unless the residual impacts of development are severe*'. We feel this makes it very difficult for authorities to refuse an application on transport grounds.
- 4.8 We believe it crucial that this statement be reworded to state that transport impacts must be a key part of a decision on a proposal and should form a separate paragraph. Furthermore Local Authorities should ensure proposals are supported by a robust Transport Assessment and a package of measures to mitigate its environmental impact.

TRANSPORT POVERTY

- 4.9 Dispersed and low-density population combined with the steady closure of local high street services and a growing number of out of town facilities with abundant car parking has often meant that providing effective public transport in rural areas is seen as too expensive and too difficult. Transport policy in rural areas has instead focussed on extending the road network and by increasing and incentivising parking in out of town facilities.
- 4.10 Local authorities are reducing investment in bus services as a direct result of cuts to government funding for local transport and ahead of planned cuts in fuel tax rebate for buses. Many services which run through rural areas are unprofitable without subsidy, and provide essential access.
- 4.11 Sustainable transport is seen as an urban privilege facilitated by a frequent public transport system and by the closer proximity of essential services to households. It is therefore commonly assumed that owning a car is essential if you want to travel efficiently in many areas to gain access to jobs, education, healthcare and shops. However, 25% of households in England and Wales do not have access to a car. Development which is dependent upon access by car is fundamentally promoting social exclusion.
- 4.12 Furthermore, as fuel prices are pushed higher and become more volatile as a result of decreasing supplies and international political unrest, the lack of feasible alternatives to car travel is a significant concern for many households. For many, the costs of running a vehicle already places a

disproportionately high burden on household expenditure – higher fuel prices will push many more people into “transport poverty” (which can be likened to the concept of “fuel poverty”).

- 4.13 A planning framework which does not protect against inaccessible or badly connected development will almost certainly lead to greater car dependency and have a resulting negative impact on inequality, social cohesion and wider efforts to combat climate change.

TOWN CENTRE VITALITY

- 4.14 Promoting the vitality of town centres and meeting the need for accessible retail services remain objects of planning policy. The needs test, which required developers to demonstrate a need for out-of-town retail development has not been re-introduced despite the previous undertaking.
- 4.15 The sequential test, which requires local authorities to ensure that town centre sites, or failing that, edge of town sites, should be used before out-of-town sites should be reconsidered. It has been retained for retail and leisure development, it is no longer to be applied to office development.
- 4.16 Henceforth it is likely therefore that office development and business parks will be located in out-of-town locations inaccessible by public transport, such as motorway junctions, where it will generate traffic and aggravate congestion on the road network (77-78). In addition, the weaker tests for assessing the transport impact of new development in the transport section of the NPPF compared to current policy could allow for more inappropriate locations for distribution centres which will add to congestion.
- 4.17 Local and neighbourhood centres, which can be reached on foot and by bicycle and are vital in reducing the length of journeys, are not mentioned in the Framework. These centres play a crucial role in supporting the government’s localism and Big Society ambitions. As such, there should be a specific undertaking to protect and promote them within the NPPF.

PARKING

- 4.18 Evidence also shows that provision of parking is important in determining travel patterns.⁷ Maximum parking standards for commercial development have been shown to be effective, particularly when allied to travel plans, in promoting development that enhances rather than undermines town centres and minimizes single occupancy car use. National car parking standards, part of PPG 13, are not mentioned at all in the Framework. They also have been abandoned and will be determined locally. Planning authorities will be free to set minimum standards if they wish.
- 4.19 DCLG put out a press release on the changes to parking policy on 1 August, saying that standards on parking ‘will be scrapped’, which effectively prejudices the consultation. This ignores research that shows parking is not the key to revitalising our high streets⁸, and that town centres need to concentrate on the quality of the shopping experience rather than on providing parking if they are to compete with out of town shopping centres.
- 4.20 The NPPF even proposes that it should be difficult to turn down an application that would result in higher levels of traffic and congestion. The test for the rejection of development on the grounds of transport impact is demanding: *‘development should not be prevented or refused on transport grounds unless the residual impacts of development are severe, and the need to encourage increased delivery of homes and sustainable economic development should be taken into account’* (86).
- 4.21 On the other hand the Framework does include a policy requiring local authorities to aim for a mix of uses *‘to minimise journey lengths for employment, shopping, leisure, education and other activities’* (91) It also stipulates that: *within large-scale developments particularly, ‘key facilities such as primary schools and local shops should be located within walking distance of most properties’* (92).
- 4.22 We are supportive of policies set out in paragraphs 91 and 92 which encourage mixed use development. Mixed use development reduces the need to travel by the private car and allows communities to travel by foot, bike and public transport. Therefore we feel mixed use development can have significant economic, health and environmental benefits for our communities.

TRAVEL PLANS

- 4.23 Sustrans does not agree with the loss of the national requirement for Transport Assessments and Travel Plans, which are now to be determined by local criteria. We argue that the enforcement of these documents should be retained at a central government level, to ensure a robust approach to mitigating the transport impacts of development is maintained across England, giving the government a mechanism to help it meet its targets under the Climate Change Act.

5. Conclusion

- 5.1 In conclusion, the draft NPPF requires significant reshaping to avoid being detrimental to the already weak relationships between communities, developers and local authorities with regard to planning decisions. The draft framework has incited much criticism from a wide range of lobbying organisations but less in the way of positive suggestions to move forward.
- 5.2 Sustrans would support both the CLG committee and the EA committee if they were to call for further definition of 'sustainable development' and to insist on the protection and promotion of the rights and views of local communities over and above those of private developers who should be seen as welcome partners but not as leading authorities for community development. The implications of urban sprawl and unrestrained development go well beyond car dependency and will impact on the health, wellbeing, equality and cohesion of society.

¹ www.sustrans.org.uk

² <http://www.bettertransport.org.uk/system/files/What-NPPF-means-for-sustainable-transport.pdf>

³ <http://www.communities.gov.uk/documents/planningandbuilding/pdf/147588.pdf>

⁴ http://www.smartgrowthonlineaudio.org/pdf/TISG_2006_8-5x11.pdf

⁵ http://www.bettertransport.org.uk/campaigns/traffic_reduction/blog

⁶ http://www.sd-commission.org.uk/data/files/publications/fairness_car_dependant.pdf

⁷ <http://www.etcproceedings.org/paper/making-parking-management-an-effective-tool-in-travel-planning>

⁸ <http://www.sustrans.org.uk/assets/files/Info%20sheets/ff39.pdf>