



The Future of the Planning System in England

The Conservative Party manifesto and its *Open Source Planning Green Paper* (February 2010) set out a number of radical ideas for the reform of the planning system in England. The Liberal Democrat Party manifesto contained a number of similar proposals. This briefing note summarises the RSPB's views on key issues, apart from National Policy Statements and the Infrastructure Planning Commission which are covered in a separate briefing.

The **national planning framework** proposed in the Green Paper is similar to the national spatial strategy for England that the RSPB and other organisations support. The national planning framework needs to express the country's ambition for the natural environment, not just for built infrastructure. In order for the national planning framework to work well, it should be spatial (but not necessarily site-specific), undergo thorough consultation and scrutiny, and be subject to proper environmental assessment.

A coalition of environmental bodies, including the RSPB, published a report on **third party rights of appeal** in planning in 2002, which supported a limited right of appeal. The Green Paper's proposal is therefore welcome in principle. Given that the proposed grounds of appeal are strictly limited, we believe that industry's fear that this will stifle necessary development is unjustified. This proposal also appears in the Liberal Democrat manifesto.

Both parties support returning decision-making to local people (i.e. to local planning authorities). On **regional planning**, recognising concerns about the democratic legitimacy of the current structures, we are concerned that removing the regional tier of planning will create a void between the national and local levels. We believe that a sub-national level of spatial planning is important, particularly in delivering the country's aspirations for biodiversity and renewable energy. County and unitary authorities do not necessarily fit the bill. Concerning the natural environment, the areas we need to plan for rarely coincide with administrative boundaries, and frequently cover many local authority areas. For example, the Thames Basin Heaths Delivery Plan, part of the arrangements for delivering housing growth in a sensitive environment, affects no fewer than 13 local authorities, including two county councils and three unitary councils.

The Green Paper's **presumption in favour of sustainable development** could be a radical change to the way development is considered. A clear definition of sustainable development is required for it to work, which recognises the need to live within environmental limits, as set out in the current UK Sustainable Development Strategy and Planning Policy Statement 1. Protection of the natural environment is core to sustainable development, and towns and countryside which are better for wildlife are better for people too.

We recognise concerns about the current operation of the local development framework system, but believe that the principle of a plan-led system should remain, as it provides a fair, strategic and transparent approach to decision-making.

Conservative proposals for the greater use of **incentives** to secure necessary development deserve further consideration. Incentives will need to be applied in a fair and transparent way. We recognise the importance of community 'ownership' of development, but consider that some combination of targets and incentives will be needed to deliver the country's ambitions for onshore renewables and biodiversity.

The Conservative's proposals for **conservation credits** have changed little since they were discussed with stakeholders last year. The concept merits further consideration and we would be glad to advise on the details of how such an approach might work, and how it might link to the local development tariff which is proposed in the paper. Any such approach must be over and above the existing system of biodiversity protection. The planning system should also be enabled to deliver large-scale habitat creation in order to restore habitat losses and allow biodiversity to adapt to the impacts of climate change.

Annexed to this briefing is a set of five principles of good spatial planning which the RSPB has developed in order to inform future planning reforms.

Outstanding issues

The process of streamlining the development management (aka development control) system started by the Killian Pretty Review may continue, and the current consolidation of planning policy statements may get swept up in the national planning framework.

There are currently two open policy consultations which are important for the environment: *Planning for a Low Carbon Future* and *Planning for a Natural and Healthy Environment*. The former is critical to delivering the country's onshore renewable energy targets, but may be at risk from the abolition of regional strategies. The latter has been presented as a consolidation of existing policy, but raises serious issues about the need for planning to raise its game in the light of our failure to meet the 2010 biodiversity targets, and the setting of the EU 2020 target. The RSPB recommends that *Planning for a Low Carbon Future* should be speedily adopted, but that there should be a more fundamental review of planning for biodiversity.

Reducing carbon emissions in the built environment is a continuing urgent need. The new Government needs to ensure that progress in the sector stays on track so that all new homes are zero carbon by 2016 and non-domestic properties by 2019, and that measures are taken to decarbonise the existing building stock as quickly as possible.

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Principles of spatial planning

Content principles

Planning should be **positive**, setting out a clear **vision** for how areas should look in the **long-term**.

Spatial plans should **integrate** all the issues which affect the development and use of land within a specific territorial area, whether social, economic or environmental.

Plans should contribute to **sustainable development**, by **enhancing** the natural environment and ensuring that social and economic development takes place within **environmental limits**.

Process principles

Plans should be based on up-to-date and scientifically **robust evidence**, including evidence about the value of the natural environment.

Alternative options should be considered, particularly alternatives which are less damaging to the environment, and the reasons for rejecting any options should be made public.

Public participation is essential. It should be both timely and inclusive of civil society, whether community groups or environmental stakeholders.

Plans should be rigorously **appraised** for their environmental impacts, and the results used to improve the plan.

Decision-making must be **transparent** and made by a **democratically accountable** body or person.

Those who are adversely affected by planning decisions should be able to **appeal** to an independent body.

Public authorities should be given the legal powers and resources to **enforce** planning laws, especially where illegal development is resulting in environmental damage.

Plans should be **monitored** and regularly **reviewed**.

