

LONDON BOROUGH OF BRENT

PLANNING COMMITTEE

7th July 2004

REPORT NO : /04 FROM THE DIRECTOR OF PLANNING

FOR ACTION

NAME OF WARD ALL

CONSULTATION DRAFT PLANNING POLICY STATEMENT 1 (PPS1): CREATING SUSTAINABLE COMMUNITIES – COUNCIL'S RESPONSES

1.0 SUMMARY

- 1.1 The Government have recently carried out consultation on their proposals for reviewing current Planning Policy Guidance 1 (PPG1) on General Policy and Principles. The draft PPS1 supports the reform programme and, in particular, the Government's objectives for planning culture change, by setting out the Government's vision for planning, and the key policies and principles which should underpin the planning system. These are built around three themes; sustainable development – the purpose of the planning system, the spatial planning approach and community involvement in planning.
- 1.2 This draft is part of an ongoing review of Government Guidance and the production of Policy Statements, which are part of the process of ushering in a new planning regime, due to come into effect during September after the Planning and Compulsory Purchase Act 2004 receives its Commencement Order. This report provides a summary of the Draft PPS being consulted upon and seeks Committee approval for the response made. The Government's deadline for receiving comments was 21st May 2004. Your Officers have submitted comments to ODPM on PPS1 (as set out in Appendix 1). Committee's endorsement of these comments is sought. If your Committee wishes to make amendments to the comments, or make additional ones, then these will be passed on to ODPM.

2.0 RECOMMENDATION

- 2.1 That Members agree the responses set out in Appendix 1 as Brent Council's formal response to the Government consultation.

3.0 FINANCIAL IMPLICATIONS

- 3.1 The Government's requirement for a process of continuous community involvement and the sustainability appraisal (including strategic environmental assessment) of plans are likely to have resource implications for Planning. This will be met initially from the Planning Delivery Grant.

4.0 STAFFING IMPLICATIONS

- 4.1 There are potential staffing implications for Planning as a result of the Government's requirement for a process of continuous community involvement and the sustainability appraisal (including strategic environmental assessment) of plans. Funding of any additional posts will be met initially from the Planning Delivery Grant.

5.0 DIVERSITY IMPLICATIONS

- 5.1 The Government has made a commitment for the new Planning regime to include a process of continuous community involvement in line with the Aarhus Convention (the United Nations Economic Commission for Europe Convention on Access to Information, Public participation in Decision Making and Access to Justice in Environmental Matters). This requires a system which is transparent, accessible, accountable and promotes participation and involvement.
- 5.2 Under the Planning and Compulsory Purchase Act 2004 (likely to commence September 2004) local planning authorities are required to prepare a Statement of Community Involvement, in which they will set out their policy on involving their community in preparing Local Development Documents (the replacement for the UDP) and on consulting on planning applications.
- 5.3 There is a specific requirement for local planning authorities to build a clear understanding of the make up, interests and needs of the community in their area and that the 'community' will be made up of many different interest groups. An inclusive approach is needed to ensure that different groups have the opportunity to participate and are not disadvantaged in the process.

6.0 ENVIRONMENTAL IMPLICATIONS

- 6.1 The requirement for planning authorities to consider how their plans are addressing the four aims of sustainable development (through sustainability and strategic environmental assessments) should assist in the achievement of outcomes which enable economic, social and environmental objectives to be achieved together over time.

7.0 LEGAL IMPLICATIONS

- 7.1 Once issued in its final form local planning authorities will be required to have regard to the guidance set out in PPS1.

8.0 DETAIL

Introduction

- 8.1 Planning Policy Guidance notes (PPGs) set out the Government's national land use planning policies for England. The Government's Planning Green Paper, *Planning – delivering a fundamental change*, published in December 2001, announced that the Government intended to review all its planning policy guidance: to see whether it is needed; to seek greater clarity; and to separate guidance on practical implementation from policy statements.

- 8.2 Following consultation on the Green Paper, the Government announced in July 2002 in the Policy Statement *Sustainable Communities: Delivering through Planning* that it intended to proceed with the proposals for review and reform of national planning policy guidance. The Government is committed to a planning system which creates sustainable communities and delivers sustainable development. Planning has a critical role in supporting the Government's wider economic, social and environmental objectives, for example, the Government's objectives for balancing housing markets and for achieving sustainable improvements in the economic performance of all English regions. To do that, the country needs a simpler, more flexible, more predictable, efficient and effective system that will deliver the quality development needed to secure sustainable communities. A positive, proactive approach to planning is needed to achieve this.
- 8.3 The Government set out its strategy for building sustainable communities in *Sustainable Communities: building for the future*, published in February 2003. The Government's programme of reforms to the systems and structures of planning, of introducing new incentives to improve performance, of building capabilities, and driving forward a planning culture change, is designed to support the strategy.
- 8.4 It is the Government's intention that this PPS should, in due course, replace Planning Policy Guidance note 1 (PPG1): General Policy and Principles (February, 1997). PPS1 can be viewed on the web site of the Office of the Deputy Prime Minister at:

http://www.odpm.gov.uk/stellent/groups/odpm_control/documents/contentservertemplate/odpm_index.hcst?n=4390&l=2

Relationship with Other policies and Policy Reviews

- 8.5 PPS1 sets out the Government's high level policy objectives for planning. It sets a framework for specific policies, which are set out in the thematic Planning Policy Statements. PPS1 complements those documents but is not a substitute for the detailed guidance in those PPS. In particular, the way in which sustainable development objectives should be approached in detail in specific policy areas will be covered as appropriate in the relevant thematic PPS. The final version of this document will reflect as appropriate any changes made to the new Planning Act as it passed through Parliament.

Content

- 8.6 Draft PPS1 supports the reform programme and, in particular, the Government's objectives for planning culture change, by setting out the Government's vision for planning, and the key policies and principles which should underpin the planning system. These are built around three themes:
- Sustainable development – the purpose of the planning system;
 - The spatial planning approach; and
 - Community involvement in planning.
- 8.7 The key policy messages of PPS1 are:

- The need for planning authorities to take an approach based on integrating the four aims of sustainable development: economic development; social inclusion; environmental protection; and prudent use of resources;
- The need for positive planning to achieve sustainable development objectives and proactive management of development, rather than simply regulation and control;
- The need for plans to set clear visions for communities and help to integrate the wide range of activities relating to development and regeneration; and
- The need for the planning system to be transparent, accessible and accountable, and to actively promote participation and involvement.

- 8.8 The general objectives and strategy behind this PPS can be supported. The document ensures that planning is in accordance with the Government's wider policies. The consultation paper adequately captures the key underlying principles for the Town and Country Planning system in England. The draft PPS is suitably broadbrush and overarching, setting objectives to provide the framework for specific policies.
- 8.9 The commitment to striving towards the achievement of sustainable development and improved quality of life is to be welcomed. However, it would be more appropriate if such high level guidance were rather more aspirational, striving for much higher standards and commitments. Indeed it is felt that the definition of sustainable development implied by this draft PPS1 is too narrow in its environmental scope, and too economically-biased.
- 8.10 The increased role given to spatial planning and the involvement of the community in planning are both to be welcomed. However, the significance of design has been downplayed in comparison with the existing PPG1, and the potential role of design in achieving wider than land-use considerations - particularly in helping to meet a range of community aspirations, is not sufficiently acknowledged.
- 8.11 The continued inclusion of the material on the plan-led system at Annex B of the draft PPS is to be welcomed. This provides an invaluable source of guidance, particularly the parts relating to material considerations, prematurity and planning conditions and obligations.
- 8.12 The Government requested our views on the approach taken in the document to the issues identified at paragraph 8.7 and whether the draft captures the key underlying principles for the town and country planning system in England. It is requested that responses are set out against the three main themes of the document; sustainable development – the purpose of the planning system, the spatial planning approach and community involvement in planning (as identified at paragraph 8.6).
- 8.13 The Government's deadline for receiving comments was 21st May 2004. Your Officers have submitted comments to ODPM on PPS1 (as set out in Appendix 1). Committee's endorsement of these comments is sought. If your Committee wishes to make amendments to the comments, or make additional ones, then these will be passed on to ODPM.

Conclusions

- 8.14 The draft PPS contains much that is recognisable from the previous Guidance and provides suitably broadbrush and overarching guidance to ensure that planning is in accordance with the Government's wider policies. However, Officers feel that the draft does not fully embrace environmental aspirations. The Government's continued general expression of support for sustainable development and the roles of design and community involvement are particularly welcomed.

8.0 BACKGROUND INFORMATION

Details of Documents:

- 8.1 Draft Planning Policy Statement 1 (PPS1): Creating Sustainable Communities
- 8.2 Any person wishing to inspect the above papers should contact Lucinda Carter, The Planning Service, Brent House, 349 High Road, Wembley, Middlesex HA9 6BZ, Tel: 020 8937 5318

Chris Walker

Director of Planning

The London Borough of Brent welcomes the opportunity to submit a response to the consultation on the Planning Policy Statement 1: Creating Sustainable Communities. Please accept these comments as the views of Officers. The Council is strongly committed to embracing the challenges of the new Planning regime and establishing and maintaining genuine dialogue with our communities. Furthermore the Council recognises the importance of striving to achieve sustainable communities. The Council welcomes the commitment given to sustainable development, the role of spatial plans and community involvement.

Support is extended to the general objectives and strategy behind this PPS. The document ensures that planning is in accordance with the Government's wider policies. The consultation paper adequately captures the key underlying principles for the Town and Country Planning system in England. The document is suitably broadbrush and overarching, setting objectives to provide the framework for specific policies. The Council especially welcomes the commitment to ensuring a better quality of life cited at paragraph 1.12. It is also felt that the acknowledgement at paragraph 1.35 that "The exercise of individual rights however, does not and cannot replace the decision-making responsibilities of planning authorities and their accountability for those decisions." is important and rightly made. However, the Council considers that it would be helpful if the final PPS addresses the following matters which would benefit from further consideration.

SUSTAINABLE DEVELOPMENT – THE PURPOSE OF THE PLANNING SYSTEM

- The commitment to striving towards the achievement of sustainable development and improved quality of life is welcomed. However, it would be more appropriate if, at this level, we were rather more aspirational, striving for much higher standards and commitments.
- Paragraph 1.17 states that plans should deliver economic objectives. It is felt that a caveat should be attached to this as it is rather too 'catch-all'; planning is not the only delivery mechanism.
- It is felt that paragraph 1.21 *Prudent Use of Resources* would benefit from a stronger stance. At present it states that "Policies should reflect a preference for..." and "Consideration should be given to encouraging..." this does not provide the level of Governmental support necessary to enable strong policies to be drafted which could secure such schemes.
- In relation to mixed-use schemes (as cited in paragraph 1.21) a caveat should be attached to this commitment. Any such caveat should emphasise that mixed-use schemes are only appropriate where an appropriate living environment can be established as there are a number of Quality of Life implications of a poor mix.
- The objective to bring forward sufficient land 'of a suitable quality in the right locations' (paragraph 1.21) should include a paramount commitment to the preferential use of brownfield land.

- The commitment (at paragraph 1.27) that “There should be no acceptance of ill-conceived designs which do not contribute positively to making places better for people.” is supported.
- It may be appropriate to include a reference to Sustainability Appraisals and Strategic Environmental Assessments and their role in improving plans and subsequent developments.
- The draft lists a clear ranking order of priority in the stated aims of ‘sustainable development’ cited as the new purpose of the planning system. However, this does not as one would expect, increase the importance of consideration given to the environment and natural resources.
- Instead, by ranking economic issues as first, social issues as second and environment / natural resources as third and last of all, and by the use of 3 paragraphs with strong definitive statements prioritising the role of planning in delivering economic growth, [e.g. “(plans)... *should identify opportunities for future investment to deliver economic objectives.*” (para.1.17)] whilst using 1 paragraph each with qualified, noncommittal terms such as ‘*consideration given to encouraging*’ energy efficiency measures, etc. (para.1.21) the clear message is being given that protecting the environment and conserving natural resources are not to be pursued as vigorously by the planning system, as the key role of facilitating development and economic growth.
- The definition of sustainable development implied by this draft PPS1 is too narrow in its environmental scope, and too economically-biased.
- This impression is reinforced by the list of principles to be followed when considering the weight to be placed on any particular sustainable development objective. The 3rd principle states that policies should ‘*Not impose disproportionate costs in terms of environmental and social impacts or by constraining unnecessarily otherwise beneficial economic or social development.*’
- While policies clearly ought to be reasonable in demands made on proposals, particularly for aspects that are the responsibility of Government to provide, it is a well-known fact that current development feasibility studies and cost-benefit analyses do not factor-in to their appraisals, the true environmental and social costs imposed by development proposals on the locality, and that local communities and authorities thus effectively ‘subsidise’ these impacts of the development, while the profits accrue solely to the landowners and developers. This is the situation S106 planning obligations seek to address in practice (if not in theory) – albeit very crudely.
- Policies must be able to ensure that developments uniformly make significant onsite contributions toward sustainability (and not just the economic aspect), by being designed to conserve finite resources, protect the environment, and improve the quality of life (including health) of local people. This will undoubtedly lead in some cases, to increased capital costs and very often also to operational savings, which developers should be expected to routinely invest in. Otherwise, developers are merely engaged in the exercise of extracting financial value from locations in the short-term, while leaving local communities and their environments to pick up the long-term costs. Surely this economically-biased outcome cannot be the vision of ‘sustainable development’ that communities and planners are expected to sign up to?

- The Government is thereby losing a golden opportunity to use the new purpose of the planning system to help tackle the UK's commitment to minimising Climate Change (which by the way is not mentioned once within the document!). This would have been greatly helped by a statement redefining the nature of the economic growth that planning could facilitate e.g. the catalysing of new sustainable industries centred on increasing demand through the development process for a wide variety of sustainable materials, processes (e.g. recycling, remediation) and technologies.
- More could also have been said to reinforce the link between good design and sustainability. The fact that sustainable design encompasses not only energy use, but also water, waste, materials, noise and air quality is not explicitly acknowledged. The PPS should give planners confidence about the range of environmental considerations they can legitimately expect development to address.

THE SPATIAL PLANNING APPROACH

- This section provides a useful description of the role and nature of spatial planning.

COMMUNITY INVOLVEMENT IN PLANNING

- The acknowledgement at paragraph 1.35 that “The exercise of individual rights however, does not and cannot replace the decision-making responsibilities of planning authorities and their accountability for those decisions.” is important and rightly made.
- Further guidance on how to build “...a clear understanding of the needs of the community” (paragraph 1.39) would be welcomed.
- The statement that “There is no ‘one size fits all’ solution if a genuine dialogue is to be established and maintained.” (paragraph 1.39) is acknowledged but more positive or proactive assistance on how Local Authorities might go about doing this would be appreciated.

GENERAL COMMENTS

- The guidance given at Annex C in relation to design is welcomed but it is felt that this could be expanded or indeed a separate PPS on design created.
- The increased role given to spatial planning and the involvement of the community in planning are both welcomed. However, the significance of design has been downplayed in comparison with the existing PPG1, and the potential role of design in achieving wider than land-use considerations - particularly in helping to meet a range of community aspirations, is not sufficiently acknowledged.
- The continued inclusion of the material on the plan-led system at Annex B is welcomed. This provides an invaluable source of guidance, particularly the parts relating to material considerations, prematurity and planning conditions and obligations.