

# **LSDC SUBMISSION TO SELECT COMMITTEE**

**9 SEPTEMBER 2011**

## **SUMMARY**

- The definition of sustainable development, as currently worded, is not considered appropriate:
  - it gives priority to economic growth and downplays the importance of issues such as natural resources and environmental limits;
  - it does not reflect the principles set out in the UK Sustainable Development Strategy 2005 despite the Minister's recent endorsement (5 August 2011).
- LSDC would prefer the NPPF to be based on two mechanisms which are currently only briefly referenced in the Framework:
  - use of key sustainable development principles as mentioned in paragraph 19 point 2, listed clearly in the first section of the Framework, and cross referenced to the main text;
  - use of a range of relevant indicators/targets, so that progress towards sustainability can be assessed.
- The presumption should be in favour of 'development which addresses the key sustainable development principles'.
- The mechanism for encouraging completion of up to date plans (paragraph 14 point 3) is likely to increase uncertainty and have negative effects on landowners, developers and local communities: guidance is needed on how this aspect will be implemented, if it is to go forward.

## **1. INTRODUCTION**

The London Sustainable Development Commission (LSDC) was established in 2002 to provide expertise and advice to London Government on sustainable development. Its remit includes setting out best practice, advising on how this can be achieved in London, and taking steps to lobby, encourage and support London's organisations to achieve real progress.

Partly as a result of the activities of the LSDC London has developed a reputation as one of the more sustainable world cities. Our aim is that working with the GLA and other partners, London should be the global benchmark for sustainable cities by 2020.

LSDC is therefore taking the opportunity of the current consultation to write to the Select Committee in response to the second question related to sustainable development in order to suggest, on the basis of the experience in London, how the proposals in the draft NPPF could be improved to enable the planning system to achieve more rapid sustainable development in both the short and long term.

## **2. DEFINITION**

***Is the definition of 'sustainable development' contained in the document appropriate?***

The Commission's view is that the definition as provided in paragraph 10 is not helpful because:

- It demotes the concern about natural resources to part of the environmental element of the definition, instead of giving it the separate standing it has had in PPS1. The importance of land as a finite resource is downplayed, as are the need to ensure efficient use of all resources, utilisation of renewable sources and reuse of materials all within the imperative of respecting and starting to operate within environmental limits.
- Economic growth is placed first in the order of presentation, reflecting the priorities in the NPPF as a whole, with no recognition that it is *sustainable* economic growth (a term which is used but is undefined in the draft) that should be central to the planning system. Mention of the low carbon economy should be central to this element of the definition, not relegated to an afterthought in the environment section.
- It bypasses the existing UK Sustainable Development Strategy and relies only on the Brundtland definition. While the latter is important as a high level starting point it has little practical application. The NPPF should refer directly to the former as the practical application of sustainable development through planning, particularly in the context of the explicit Ministerial statement (5.August 2011) that the Government proposes no change to more recent formulations, such as the 2005 UK Sustainable Development Strategy.

The Commission considers that it would be preferable for the Select Committee to consider whether the NPPF would be better based on two mechanisms that have been widely used in pursuing sustainable development, which are partly present in the current draft and which can be improved so that they are of practical use.

### **2.1 Key sustainable development principles**

There is a reference to the importance of the key sustainable development principles in paragraph 19 point 2 of the NPPF. However these are not identified as such

anywhere in the Framework. It would be useful if consideration could be given to the following:

- To strengthen and clarify that the NPPF is a mechanism to deliver sustainable development principles in practice, the principles should be clearly identified within each of the separate sections of the NPPF. The objectives sometimes contain this information: for instance paragraph 124 related to sustainable communities. In other sections the appropriate reference is not placed under the objectives: for instance paragraph 150 on climate change.
- The principles should also be identified in the first section of the NPPF either as part of or instead of the current definition. The London Plan contains a clear vision for the sustainable development of London and a set of specific objectives<sup>1</sup> (pages 32-35) which are easily referenced and set the context for the Plan. There should be cross-referencing to where the principles appear in the main text.
- Reference should be made to the five principles set out in the UK Sustainable Development Strategy 2005 recently endorsed by the Minister<sup>2</sup>.

***The LCDC recommends that the Select Committee*** investigates how the clear identification of the key sustainable development principles could improve the usefulness of the NPPF and the practical delivery of sustainable development. .

## **2.2 Use of indicators or targets**

There is very little mention of indicators or targets to assess how far sustainability is being achieved: for instance for biodiversity in paragraph 168. Clearly the Government will be assessing progress on such matters as plan preparation, numbers of applications made and approved, and housing numbers. Without the explicit use of National indicators which DEFRA are currently consulting on<sup>3</sup> and other means to track action at local level, it is unclear how the Government will understand how the combined effect of localised decisions is helping contribute towards national aims such as the restoration of England's natural environment and the contribution of local action to national carbon objectives.

Unless a few key indicators related to the environmental and social aspects of sustainability are also being traced then it will not be possible to assess whether sustainable development is being achieved and, crucially, how the kind of economic development being prioritised in the draft NPPF is contributing to or undermining the ultimate aim of sustainable development.

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<sup>1</sup> Attached as Appendix 1

<sup>2</sup> Attached in Appendix 2

<sup>3</sup> DEFRA consultation on National SD indicators - <http://sd.defra.gov.uk/progress/national/indicators-survey/>

The Commission has found its own development of Quality of Life Indicators<sup>4</sup> (last published May 2009; to be updated in 2012) of considerable help in identifying where priority actions are needed.

**The LSDC recommends that the Select Committee** considers (as it examines the principles) the usefulness of identifying a few key indicators on which information is already being collected and that should be used to assess progress in achieving sustainable development.

### 3. PRESUMPTION

***Is the presumption in favour of sustainable development a balanced and workable approach?***

#### 3.1 Use of term 'sustainable development'

The LSDC view is that there has been a significant error in the use of terms in this section of the NPPF, and that this has major implications throughout the draft document, and for the likely outcomes.

It is not correct to construe that economic growth is sustainable development on the grounds that it fits into the first part of the definition in paragraph 10 (which seems to be the assumption allowing the transition from paragraph 13 to paragraph 14).

For development (or economic growth) to be sustainable it must also address the other two aspects of the definition – environmental and social. The presumption should relate to development which is sustainable in terms of all the aspects of sustainability. We welcome the draft NPPF's statement in paragraph 11 on the value of and need for integration of what, incorrectly in our view, tend to be regarded as separate strands of sustainability ("three components should be pursued in an integrated way, looking for solutions which deliver multiple goals..") but we find that the rest of the NPPF fails to deliver on this integration primarily by its favouring of a particular strand of economic growth.

In this context we would prefer to see the terminology of the presumption changed so that it refers to ***'development which addresses the key sustainable development principles'***. Only such development can be described as sustainable and be subject to approval - unless it has adverse impacts which would significantly and demonstrably outweigh the benefits.

**The LSDC recommends that the Select Committee** takes the important opportunity to advance both the definition and practical implementation of

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<sup>4</sup> [http://www.londoncdc.org/sustainable\\_development/monitoring.aspx](http://www.londoncdc.org/sustainable_development/monitoring.aspx)

sustainable development by clarifying the use of terms in the presumption in order to enable the achievement of sustainable development that is integrated.

### **3.2 Status of the statutory plan**

The LSDC is also concerned at the expectation that (unless there are significant and demonstrable adverse impacts) permission is granted for development if the local plan is 'absent, silent, indeterminate or where relevant policies are out of date' (paragraph 14 point 3).

The Commission has been able to assist in the development of the London Plan 2011 by taking part in the Examination in Public in 2010, as well as contributing to the preparation of the Mayor's Transport Strategy, and a number of other relevant strategies. The London Plan was approved immediately prior to the publishing of the draft NPPF.

We are concerned that there may be specific areas where the London Plan has a policy that could be construed as not being in conformity with the NPPF. For instance there is a clear statement in the London Plan that industrial land should be protected if it is able to meet the future needs of different types of industrial and related uses (policy 4.4); whereas the NPPF states that planning policies should avoid the long term protection of employment land (paragraph 75).

We are very concerned that as it stands paragraph 14 point 3 will have an adverse effect on local planning, leading to disaffection with the planning system in local communities, and uncertainty for landowners and developers rather than the renewed role for planning which we understand Ministers have said they seek.

***The LSDC recommends that the Select Committee*** seeks to clarify:

- How (and by whom) decisions will be made on whether specific policies are 'out of date'. It is vital that such decisions are made together with the Local Planning Authority concerned so that the full implications of policy change in the context of the local plan can be assessed.
- How existing plans can be certified as soon as possible as being in general conformity with the NPPF so that the orderly development of these areas can proceed without delay.
- Whether there are alternative methods of encouraging the completion of up to date plans without the disruption likely to be caused by the existing clause in the draft.

## Appendix 1 – Excerpt from London Plan

### Strategy: The Mayor's vision and objectives

1.52 Against the context set out in this chapter, the Mayor has put forward a vision for the sustainable development of London over the period covered by this Plan:

#### Over the years to 2031 – and beyond, London should:

**excel among global cities – expanding opportunities** for all its people and enterprises, **achieving the highest environmental standards and quality of life** and **leading the world** in its approach to tackling the urban challenges of the 21<sup>st</sup> century, particularly that of climate change.

Achieving this vision will mean making sure London makes the most of the benefits of the energy, dynamism and diversity that characterise the city and its people; embraces change while promoting its heritage, neighbourhoods and identity; and values responsibility, compassion and citizenship.

1.53 This high level, over-arching vision is supported by six detailed objectives. These embody the concept of sustainable development. They give more detail about how the vision should be implemented, and link it to the detailed policies in the following chapters:

#### Ensuring London is:

- 1. A city that meets the challenges of economic and population growth** in ways that ensure a sustainable, good and improving quality of life and sufficient high quality homes and neighbourhoods for all Londoners, and help tackle the huge issue of deprivation and inequality among Londoners, including inequality in health outcomes.
- 2. An internationally competitive and successful city** with a strong and diverse economy and an entrepreneurial spirit that benefit all Londoners and all parts of London; a city which is at the leading edge of innovation and research and which is comfortable with – and makes the most of – its rich heritage and cultural resources.
- 3. A city of diverse, strong, secure and accessible neighbourhoods** to which Londoners feel attached, which provide all of its residents, workers, visitors and students – whatever their origin, background, age or status – with opportunities to realise and express their potential and a high quality environment for individuals to enjoy, live together and thrive.
- 4. A city that delights the senses** and takes care over its buildings and streets, having the best of modern architecture while also making the most of London's built heritage, and which makes the most of and extends its wealth of open and green spaces, natural environments and waterways, realising their potential for improving Londoners' health, welfare and development.
- 5. A city that becomes a world leader in improving the environment** locally and globally, taking the lead in tackling climate change, reducing pollution, developing a low carbon economy, consuming fewer resources and using them more effectively.
- 6. A city where it is easy, safe and convenient for everyone to access jobs, opportunities and facilities** with an efficient and effective transport system

which actively encourages more walking and cycling, makes better use of the Thames and supports delivery of all the objectives of this Plan.

1.54 The principles set out in these objectives, and particularly the third, will be applied by the Mayor to the new and existing neighbourhoods in the Lee Valley that will develop and evolve following the 2012 Olympic and Paralympic Games. (see Policy 2.4).

1.55 Under the GLA Act<sup>1</sup>, the Mayor is required to have regard to the desirability of promoting and encouraging the use of the River Thames safely, in particular for transportation of freight and passengers. He also recognises the importance of the Thames and other London waterways to a range of policy objectives, including mitigating climate change, providing important leisure and amenity benefits, and enhancement of London's natural environment and economic development. Specific policies dealing with the "Blue Ribbon Network" of waterways are set out in Chapter 7, but other policies (such as those on sports facilities (Policy 3.19), developing London's economy (Policy 4.1), London's visitor infrastructure (Policy 4.5), flood risk management (Policy 5.12), sustainable drainage (Policy 5.13), water quality and wastewater infrastructure (Policy 5.14), water use and supplies (Policy 5.15), freight (Policy 6.14), place shaping (policies 7.1-7.7) and the historic environment and landscapes (policies 7.8-7.12) will also be particularly relevant.

### **Quality of Life**

1.56 The Mayor's commitment to ensuring all Londoners can enjoy a good, improving and sustainable quality of life now, over the period to 2031 and into the future, underpins the vision and objectives. The quality of life that Londoners experience when living, working, visiting and moving around London is fundamental to how they feel about the city – and to how the capital is perceived from outside. The decisions we make about our city now will shape the quality of life of those who come after us and their view of how successful we have been in our stewardship of London.

1.57 This is a fundamental theme that runs through all the chapters and policies of this Plan, in particular the policies dealing with:

- quality of life issues in particular places within London – particularly those on the 2012 Games and their legacy (2.4), outer London (2.6 – 2.8), inner London (2.9), the Central Activities Zone (2.10-12), regeneration areas (2.14), town centres (2.15) and green infrastructure (2.18) – in Chapter Two (London's Places)
- ensuring equal life chances for all (3.1), improving and addressing health inequalities (3.2), ensuring an adequate supply of good quality homes for all Londoners (3.3–3.15) and sufficient social infrastructure (3.16–3.19) in Chapter Three (London's People)
- ensuring and developing a London economy that provides jobs, goods and services Londoners need – including those on developing the economy (4.1), arts, culture and entertainment (4.6), retail, town centres and small shops (4.7–4.9), encouraging a connected economy (4.11), and improving opportunities for all (4.12) in Chapter Four (London's Economy)

- mitigating the scale of future climate change (5.1–5.8) , adapting to the change that is now inevitable (5.9–5.13) and, as part of this, ensuring high water quality and sufficient water supply and wastewater infrastructure (5.14–5.15) in Chapter Five (London’s Response to Climate Change)
- providing a transport network enabling easy access to jobs, opportunities and facilities while mitigating adverse environmental and other impacts in Chapter Six (London’s Transport)
- supporting a high quality urban living space – including building neighbourhoods and communities (7.1), inclusive environments (7.2), high quality built environments (7.3–7.7), protection of London’s heritage (7.8–7.12), air and noise pollution (7.14–7.15), protection and enhancement of open and natural environments (7.16–7.22) and of the Blue Ribbon Network of waterways (7.24–7.30) in Chapter Seven (London’s Living Places and Spaces)
- strategic priorities for use of the planning system to secure infrastructure and other benefits to support improving quality of life in Chapter Eight (Implementation, Monitoring and Review).

1.58 It also requires action on issues outside the scope of the London Plan and addressed in other mayoral strategies and programmes (action on crime and anti-social behaviour, for example).

1.59 The content of policies in this Plan is split between:

- **strategic:** strategically important statements of Mayoral policy
- **planning decisions:** policies that will be applied by the Mayor and other planning authorities in deciding planning applications
- **LDF preparation:** advice to boroughs in preparing their local development frameworks, tending to fall into two categories. First, areas of flexibility, where authorities may want to consider how its particular circumstances might differ from those of London overall. Secondly, areas where it will be necessary for boroughs to carry out more detailed analyses of local circumstances on which to base policies for local use in determining planning applications.

1.60 This three part distinction is intended to make the Plan easier to use. As with the Plan itself, policies should be taken as a whole, and not their individual parts. ‘Planning decisions’ policies should be reflected in LDFs and ‘LDF preparation’ policies should inform planning decisions, with ‘strategic policy’ providing the context for both. The Mayor will take all three categorisations into account in taking decisions on strategic planning proposals and the general conformity of LDFs with the London Plan. Paragraphs with policies have been lettered A, B, C/a, b, c to ease reference. Numbers are used in policies where there is a hierarchy of preferences with 1 being the first priority.

## Endnote

1 Greater London Authority Act 1999, section 41(5)(d)

## **Policy 1.1**

### **Delivering the strategic vision and objectives for London**

#### **Strategic**

- A. Growth and change in London will be managed in order to realise the Mayor's vision for London's sustainable development to 2031 set out in paragraph 1.52 and his commitment to ensuring all Londoners enjoy a good, and improving, quality of life sustainable over the life of this Plan and into the future.
  
- B. Growth will be supported and managed across all parts of London to ensure it takes place within the current boundaries of Greater London without:
  - a. a encroaching on the Green Belt, or on London's protected open spaces
  - b. b having unacceptable impacts on the environment

The development of east London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs.

- C. Other mayoral plans and strategies, decisions on development proposals and investment priorities, and borough DPDs and development decisions should aim to realise the objectives set out in paragraph 1.53 so that London should be:
  - a. a city that meets the challenges of economic and population growth
  - b. an internationally competitive and successful city
  - c. a city of diverse, strong, secure and accessible neighbourhoods
  - d. a city that delights the senses
  - e. a city that becomes a world leader in improving the environment
  - f. a city where it is easy, safe and convenient for everyone to access jobs, opportunities and facilities.

## Appendix 2 Excerpt from UK Sustainable Development Strategy

In March 2005 the current UK Sustainable Development Strategy was published.

The new strategy includes five guiding principles and four agreed priorities.

The five guiding principles are:

- Living within environmental limits - Respecting the limits of the planet's environment, resources and biodiversity - to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations.
- Ensuring a Strong, Healthy and Just Society - Meeting the diverse needs of all people in existing and future communities, promoting personal well-being, social cohesion and inclusion, and creating equal opportunity for all.
- Achieving a Sustainable Economy - Building a strong, stable and sustainable economy which provides prosperity and opportunities for all, and in which environmental and social costs fall on those who impose them (polluter pays), and efficient resource use is incentivised.
- Promoting Good Governance - Actively promoting effective, participative systems of governance in all levels of society - engaging people's creativity, energy, and diversity.
- Using Sound Science Responsibly - Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.