



HOUSE OF COMMONS ENVIRONMENTAL AUDIT COMMITTEE

INQUIRY INTO ENVIRONMENTAL SUSTAINABILITY AND HOUSING GROWTH

Evidence by Smart Growth UK

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Smart Growth UK

Smart Growth UK is an informal coalition of organisations and individuals who support the policies of the international Smart Growth movement which urges a sustainable approach to planning and transport that opposes urban sprawl and car-dependency and promotes compact, permeable, communitarian towns and sustainable transport.

Summary

Our evidence argues that national planning policy's ability to promote sustainable development in England had already been seriously undermined by more than 20 years of attacks, led by HM Treasury and more recently promoted by neoliberal and commercial interests whose motives do not include improving environmental sustainability. We believe the system as now degraded does not produce the homes we need in the places they are needed, though the reason that insufficient numbers are built has little or nothing to do with the planning system, but stems from developers' commercial interests. The punitive measures against local planning authorities do not produce significantly more homes, but simply further degrade the system's ability to promote sustainable development. The "presumption in favour of sustainable development" is a grotesquely misnamed provision to further undermine councils' ability to plan. The current NPPF seriously undermines councils' ability to seek sustainable development in multiple ways but is perhaps most grossly awry in preventing them seeking sustainable transport options and forcing them to promote car-dependent-sprawl.

- 1. What provisions will the *National Policy Planning Framework*, as revised under the Government's proposals, make for protection and enhancement of the environment? Are these provisions likely to be adequate?**

To understand why the new planning regime in England will be unable to protect or enhance the environment in multiple ways requires an understanding of some history over the past two decades or so.

The stark fact is that central government has been steadily eroding the English planning system's ability to protect, let alone enhance, the environment for more than 20 years. So even before the most recent changes, it was already in a bad place. Throughout this period, commercial and neoliberal interests have been urging the view on Government that it is the planning system which causes the low numbers of homes built and the Government has accepted that these policies are motivated by a desire to get more built. But, after more than 20 years, it should be obvious that the fault lies in our development industry and its finances, and that continuing to attack planning has simply undermined sustainable development.

In the early 2000s, the then Government had been pursuing strong sustainability planning via its Urban Taskforce and white papers on urban and rural planning and transport. But, following the 2001 election, the Department of the Environment, Transport and the Regions was broken up and HM Treasury began asserting more strongly its eccentric prejudice that planning is an obstacle to economic stability. It launched reviews of housing and planning, chaired by Dame Kate Barker, that left it convinced that many of the country's economic problems were caused by the failure to build the very high house building figures seen in the post-war era (while conveniently ignoring the fact these had only been achieved by building very high numbers of council homes). A Treasury-led "Barker Steering Group" met in secret in 2004-5 to discuss ways of eroding the planning system to secure more land being released from important uses like agriculture to allow more commercial house building. Thereafter, the Government began, subtly at first, to erode the system.

The change of Government in 2010 accelerated this process. One immediate result was abolition of the very weak residential density standards included in planning policy, but the new government began discussing ways of further attacking planning. Regional planning arrangements were excised from the system, denying the possibility of allocating development to areas where it was most needed and could be carried out with the least environmental impact.

Various public assaults on planning were launched, including claims that there were 700+ pages of planning guidance and that these needed to be reduced to just 50. A "practitioners' group", dominated by development interests, produced a draft planning framework in 2011 and this formed a basis for the first *National Planning Policy Framework (NPPF)* implemented in March 2012.

Throughout the life of the *NPPF*, through its various iterations since 2012, it has been notable for fine words on the environment and sustainable development, undermined by provisions to upend them in favour of house building. While it has certainly undermined both the environment and sustainability, the refusal of the building industry to build out many of the consents for housing that have successfully cleared the planning process makes it obvious the planning system is not the reason for not building the increasingly fantastic house building targets the Government aspires to. Indeed, the myth has grown up that planning is responsible for rises in house prices and rents, despite the many other causal factors involved.

The original 2012 *NPPF* wasn't quite reduced to 50 pages (and, subsequently, hundreds of pages of "planning practice guidance" proved necessary to replace the abandoned earlier policies). The first *NPPF* devoted 12 paragraphs to "achieving sustainable development", prefaced with an explanation of what UN General Assembly resolution 42/187 meant by the term and quoting the *UK Sustainable Development Strategy*. "The purpose of the planning system is to contribute to the achievement of sustainable development," it said and asserted that its paragraphs 18 to 219, taken as a whole, constituted the Government's view of what sustainable development meant for the planning system.

It very rapidly became obvious, however, that the document, taken as a whole, took a much narrower view of sustainable development, equating it with economic, or even commercial, development. Despite many fine words about the environment or society, it was clear its words about mutual dependence of the three legs meant little.

The *NPPF* marked, not a move towards sustainability, but a move away from it. Crucially, it dropped the requirement for "brownfield-first" for residential development, in an attempt to increase building. In practice, this gave builders the opportunity to prefer the greenfield sites that were generally cheaper to develop and which normally would see permission secured for fewer but larger homes – the model offering the highest commercial returns. Such developments are almost always mostly car-dependent, in contrast to brownfield sites which often enjoyed access to rail-based public transit.

The 2012 *NPPF* included a range of other policies to undermine environmental sustainability by promoting such developments. Notable among these were the form of its requirements on local planning authorities to allocate land in local plans, with calls for sites to enable developers to cherry-pick the sites they wanted, viability and deliverability provisions to enable them to reject those they didn't want and targets for "delivery" (nearly all by private developers which councils had no means of securing, even when generous planning consents had been granted). There were penalties for "under-delivery", whether the council involved had contributed to this or not (and no right of appeal). Those councils that tried to protect their environment through draft local plans were cut down by Government inspectors at examination. The whole system was weighted against environmental protection in favour of house builders, yet still they complained and failed to deliver anything like the numbers the Government aspired to.

This is because planning is not the problem and subsequent iterations of the *NPPF* just tinkered with it or made things more onerous for local planning authorities. They were already struggling with chronic shortages of resources, including in planning departments, yet were sanctioned with even higher targets for the house building industry's refusal - or failure - to build the houses they had consent for. On top of this environmentally destructive regime, there was the so-called "presumption in favour of sustainable development" which was nothing of the kind, but simply undermined councils' ability to secure sustainable development when lack of resources coupled with the impossibly onerous requirements of the *NPPF* left them unable to update their

enormously complex local plans at regular intervals, made even more onerous by frequent changes in national policy.

The purpose of all this history is to show that the *NPPF*, far from securing sustainable development, has undermined it since its inception. It further weakened an English local planning system already eroded by a decade of Treasury-inspired attacks by central government, by essentially converting it from a comprehensive planning regime into a scheme for imposing unsustainable housing (and hence transport) patterns on to local planning authorities. With this as the principal function for the planning system, other purposes like environmental protection became subsidiary or, like protection of best and most versatile farmland, essentially ignored. Attempts to secure more brownfield development subsequent to 2018 were feeble and ineffective and the Government has consistently refused to reinstate brownfield-first, perhaps the most successful and proven planning policy to protect the environment.

The 2024 version of the *NPPF* contains familiar chapters on “healthy and safe communities”, “sustainable transport”, “effective use of land”, “well-designed places”, “green belt”, “climate change, flooding and coastal change”, “the natural environment”, “the historic environment” and “sustainable use of minerals”. We haven’t yet had the opportunity to fully scrutinise the new version to try to find any improvements since its very recent publication, though there is scant evidence of any, but we can say with certainty that earlier versions failed to secure the comprehensive protection the environment needs across all of these areas. In most cases even the earlier versions contained loopholes to support house building despite environmental damage. These have been considerably enlarged in the new version, so it’s fair to say it will not provide adequate protection for the environment, let alone its enhancement.

2. What policy levers does the Government plan to use to ensure that local authorities deliver the development which the revised *NPPF* ‘standard method’ requires? Do the Government’s plans result in local planning authorities being penalized if delivery falls short? What policy levers will be available to local authorities to ensure that developments which have received planning approval are delivered in accordance with consents?

The policy levers are set out in Chapter 5 of the new *NPPF*, its Glossary and planning practice guidance. But the phrase “local planning authorities deliver the development” is simply misleading. Councils “deliver” very few new homes, thanks to very tight central government controls on what they can borrow to build council housing. It’s developers who deliver or, as often, don’t deliver, the vast majority of homes. Yet ministers keep saying they are going to “force local authorities to build [so many] homes”. This brings the whole system into disrepute.

The new *NPPF* further devalues the standard method by using a percentage of an area’s existing stock as its baseline. This essentially divorces it at the outset from both the actual

need for housing in an area, its need for particular types of housing and its environmental capacity to accommodate it.

The measures in paragraph 78 *et seq.* to “maintain the supply of housing” are essentially punitive against local authorities but do not tackle developers failure to “deliver” even when they have received the most generous of local plan allocations and planning consents, based on their own entries in the “call for sites” and the deliverability and viability provisions enabling them to excise much or even all of the affordable housing, environmental requirements and necessitated infrastructure their developments should deliver. The Housing Delivery Test is a particularly egregious way of undermining environmental protections.

Local planning authorities’ powers to enforce planning consents and conditions are already weak. But planning consents are not an obligation to carry out the development they approve and developers are very often quite happy to take the uplift in land value when the consent is issued as sufficient reward for their efforts. That’s why we already have a million unbuilt consents.

What’s needed is a system which simply deletes the consent and the local plan allocation if developments aren’t substantially completed within three years.

3. To what extent is the current planning presumption in favour of sustainable development compatible with the environmental objective of the planning system? To what extent will the proposed ‘streamlining’ of the sustainable development presumption work to deliver developments which will meet this objective and be compatible with the Government’s environmental targets and obligations?

There was always an Orwellian element to the “presumption” in that it was essentially designed to undermine sustainable development and secure more house building and other types of commercial development. Paragraph 11(d) was included, ostensibly to make acutely under-resourced planning departments update their huge and cumbersome local plans regularly, including each time national policy changed but, in reality, to give developers virtually free rein in such circumstances. They made full use of it.

In this context, it’s worth noting a small but significant change already made to paragraph 11(a) of the *Framework* between its 2021 version and the 2023, and still in the 2024 version. In 2021, it read: “plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change”. But in 2023 it was changed to: “plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects”. The introduction of the phrase “including by making effective use of land in urban areas” effectively downgraded the importance of making effective use of land *outside* urban areas – perhaps the biggest environmental weakness in the whole document, given the importance of land for a very wide range of ecosystem services.

It is good that paragraph 7 still makes reference to the UN Sustainable Development Goals but woeful that, otherwise, so little reference is made to them. The cynically misnamed “presumption in favour of sustainable development” has brought the whole planning system into disrepute.

4. How will the revised *NPPF* work to deliver the social and environmental objectives of the planning system? To what extent will it promote outcomes which deliver sustainable social and environmental benefits together, such as access to essential amenities, to public transport and to active travel routes?

Previous versions of the *NPPF* have already failed to deliver the wide range of social or environmental objectives claimed, notably protection of biodiversity and food and water security. Particularly damaging has been the long-term failure to promote sustainable transport patterns.

One, very minor, concession that has been made in response to consultations on the new *NPPF* is to be found in its new paragraph 116. This paragraph is designed to prevent local planning authorities refusing developments because unacceptable impacts on highway safety or the residual impacts on the road network would be severe. The second part of this was, in the draft, qualified with the proviso that the impacts should be severe “in all tested scenarios”. Many respondents replied that unrealistic scenarios could be tested by unscrupulous developers in order to permit a development and it was agreed to replace it with “taking into account all reasonable future scenarios”. While this might make it a little more difficult for such developers to game the system with ridiculous scenarios, it is still far from impossible, especially as the phrase “following mitigation” has been added, creating another huge loophole. A definition of “reasonable future scenarios” added in the Glossary requires that, not only should they be agreed by the local planning authority, but by “other relevant bodies” – whoever they may be – opening yet another loophole.

The Glossary says the scenarios should “assess potential impacts and determine the optimum transport infrastructure required to mitigate any adverse impacts, promote sustainable modes of travel and realise the vision for the site”. This wording opens a wide range of possibilities for exacerbating unsustainable travel modes from developments, including major road building which might reduce local traffic impacts but is likely to hugely increase them over a wide area.

The new *NPPF* includes (paragraph 115(d)) a requirement that site assessment for local plans or specific developments should ensure that significant capacity, congestion or highway safety impacts “can be cost-effectively mitigated to an acceptable degree through a vision-led approach”. The Glossary defines a vision-led approach to transport planning as one “based on setting outcomes for a development based on achieving well-designed, sustainable and popular places, and providing the transport solutions to deliver those outcomes as opposed to predicting future demand to provide capacity (often referred to as ‘predict and provide’)”. Despite the promise of planning practice guidance on these changes, and the welcome end of predict-and-provide, this still leaves the door wide open to creation

of large tracts of car-dependent-sprawl implicit in the whole thrust of Government policy on planning, transport planning etc..

It is good (in principle) that paragraph 109 urges plan making and development proposals to use a vision-led approach to identify transport solutions that deliver well-designed and sustainable places, though less welcome that it also adds “and popular places” – the latter are likely to be heavily car-dependent when what’s needed is the courage to stand up to populist policies.

But what sort of vision? Paragraph 109 subsections (a) to (f) certainly spell out how planning should be done, without seriously addressing what. Of course we should “pursue opportunities” for walking, cycling and public transport and development should focus on locations which “can be made sustainable through limiting needs to travel and offering modal choice”, but such carefully qualified policies have generally failed to yield sustainable, transit-oriented development or anything much beyond the usual low-density car-dependent-sprawl, so often the default mode. It really doesn’t need the *NPPF* to qualify even this (paragraph 110) with: “opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making” which very effectively negates the fine words in the preceding paragraphs.

There are plenty of fine words in paragraphs 111-114, but nothing to negate the possibility of vision-led developments whose visions consist of built development surrounded by motorways and clover-leaf intersections, or massive HGV-dependent distribution sheds beside motorway interchanges. There is even support (111(f)) for expanding airfields.

We believe it is vital that national planning guidance spells out what sort of vision we should be pursuing at a time when there is urgency about the need to curb traffic and urban sprawl.

We believe a basic principle of planning for any major development ought to be a requirement for no net traffic growth and for transit-oriented-development.

These would imply (along with brownfield-first) a philosophy of urban containment and transport planning visions which promote that. Instead of which we get policies to allow or even promote low-density development at car-dependent locations with consequent traffic growth. All too often, the default design of new residential areas is the garden suburb one, essentially laid out on the assumption most journeys will be made by car, with road layouts that wind around and with cul-de-sacs, both major obstacles to walking and cycling and unlikely to see even infrequent bus services. It’s a vision of sorts - but an environmental nightmare vision.

5. What contribution can the *NPPF* make to meeting Government targets for the reduction of greenhouse gas emissions? What account does the *NPPF* take of advice from the Climate Change Committee on reducing the use of embodied carbon as well as operational carbon in the built environment?

As set out in our response to Question 4, major savings in greenhouse gas emissions can be obtained by concentrating development on compact urban areas well served with rail-based

public transit *networks*. There is ample evidence to show that most of the journeys made by inhabitants of rural settlements built or expanded around a single railway station (let alone those without one) will be made by car.

The implicit assumption in the *NPPF* is that carbon emissions will continue to rise and this is less important than securing planning consent for unfeasible, raw numbers of house building.

6. Will the Government's proposals affect the ability of local authorities to implement policies designed to protect the natural environment in their areas?

An existing, but nevertheless strange, loophole in protection of natural environment comes in paragraph 189 of the *NPPF*. This rightly demands great weight to conserving and enhancing landscape and scenic beauty in national parks, the Broads and national landscapes. So far so good. It then goes on, however, to rate conservation and enhancement of wildlife and cultural heritage in these areas as only meriting "important consideration", and only worthy of great weight in national parks and the Broads. So wildlife and cultural heritage enjoy a lower level of protection in national landscapes - for no apparent reason.

There is also still a lack of protection for areas bordering national parks and national landscapes, despite the impact of air, noise and light pollution, disturbance and traffic have on the protected areas.

7. What (if any) trends are observable in (a) delivery of environmental improvements (b) the purchase and trading of credits arising from the Environment Act requirement for developments to yield biodiversity net gain (BNG)? How are planning authorities using BNG in the planning process to deliver environmental improvements from housing development?

There is widespread scepticism about the operation of BNG and about the willingness of developers not to wriggle out of obligations, even if these are feasible and actually do something for nature. It's worth remembering too that new urban developments in the countryside increase air, noise and light pollution, plus disturbance, not just where they're built but over wide areas beyond them.

8. How will the revised *NPPF* operate to promote the Nature Recovery Network and the implementation of local nature recovery strategies by responsible authorities?

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9. What use can planning authorities make of the data analysis and modelling being developed under the National Land Data Framework to support planning decisions which lead to better environmental outcomes? How should the *NPPF* be integrated into the forthcoming Land Use Framework?

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10. What environmental regulatory arrangements within DEFRA's remit which relate to the planning process are likely to be under review as potential inhibitors of

growth? What effect on environmental protections would reform of these regulations be likely to have?

DEFRA urgently needs to be given the political clout and resources to defend the integrity of important functions like flood control, sea defence and regulation of land contamination, even where pressure from the Government's obsession with house building is evident.

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