



Response to 'Planning for a Sustainable Future' White Paper
August 2007

Introduction

We are Britain's biggest walking charity. We've been working for over 70 years to promote walking and to improve conditions for everyone who walks in England, Scotland and Wales. Protection and enhancement of the countryside has always been one of our key charitable aims, and we understand this to include making urban centres an attractive alternative to greenfield exploitation.

We believe it is possible to have a sensible planning system that encourages development and growth without threatening the countryside, the green spaces within and around urban areas, and routes for non-motorised travellers. This is in agreement with the concept of 'sustainable development', defined in PPS1 as the core principle behind the planning system.

Our volunteers in 500 local Areas and Groups across Great Britain regularly participate in the public planning process, responding to proposals that may affect the environment in which they walk and the networks of paths which they use. Such activists represent a considerable knowledge base and their ability to engage effectively with the current planning system, giving voice to wider local feeling, is a key factor in ensuring its legitimacy.

Overview

We are concerned that the proposals contained in the White Paper will undermine the principle of sustainable development established in PPS1. The proposed Planning Commission will be an exceptionally powerful body and the right of local communities genuinely to influence planning decisions on major infrastructure will be severely restricted. While there is undoubtedly room for improvement and increased efficiency within the system, we believe the reforms of 2004 should have been given more time to take effect before embarking on this latest round of change.

Other organisations

The Ramblers' Association is part of the coalition of environmental and civic organisations that has launched the website www.planningdisaster.co.uk and the alternative 'vision statement', Making Planning Better. We are happy to endorse statements and responses from this coalition to the White Paper. We are part of Wildlife & Countryside Link and have contributed to Link's detailed response and analysis, which we are also happy to endorse.

Issues not raised by the consultation questions

It is disappointing that the Consultation Document does not raise questions on a number of important recommendations in the White Paper. Below we address our main concerns on issues that fall outside of the specific consultation questions:

- *Promoting Walking*

Introductory sections of the White Paper restate government policy of encouraging development that promotes 'active travel' – such as walking and cycling – and public transport rather than car use (paras 1.41, 2.2). Major road development is identified as a priority (box 5.1) within new National Policy Statements.

We believe that promoting active travel, slowing and reversing the decline in overall walking levels in Britain, could make a major contribution to reducing traffic congestion and carbon emissions, and tackling the devastating impact of current low levels of physical activity on the health of the nation. Walking has been called the "closest thing to perfect exercise". It is the most sustainable form of transport, of great importance for both short single mode journeys and an essential ingredient of almost all journeys by public transport. Promoting walking can deliver further positive outcomes in many other areas such as social inclusion, crime reduction and economic prosperity. The cross-cutting benefits of active travel are increasingly recognised by government, as evidenced for example by the Department of Health (DH)'s *Choosing Activity* and the Department for Transport (DfT)'s *Walking and Cycling Action Plan* and *Manual for Streets*. The DH has commissioned the National Institute for Health and Clinical Excellence (NICE) to produce guidance on physical activity and the environment, with a brief that includes planning processes as well as the immediate physical environment. We applaud the inclusion of active travel objectives in the White Paper but feel their implications have not been fully developed.

A key barrier to walking is that the current walking environment is seen as unwelcoming, unattractive, inconvenient and unsafe, the legacy of many decades of placing provision for drivers of cars and lorries at the heart of transport and land use planning. Effective walking promotion requires an improved and well-promoted physical walking environment that is seen as attractive, convenient and safe. The provision of such an environment should be a priority for planners, developers and statutory bodies. This requires not only interventions affecting the immediate physical environment but broader land use planning that favours high density, mixed use urban areas with shops, workplaces and services close at hand rather than low density development with out-of-town services that encourage car dependency. Although more walker-friendly streets and roads are vital, off-road infrastructure such as Public Rights of Way and other off-road paths, parks, green spaces and cycle ways have a vital role to play in providing attractive, safe and health-promoting walking opportunities in both urban and rural areas.

Major developments such as those outlined in the White Paper, including road schemes, have in the past often had a dramatic negative impact on the local walking environment, severing local streets and footpaths, reducing green space, decreasing

accessibility on foot and promoting car dependency. If government targets on sustainable transport, health and physical activity are to be achieved, all development proposals should be subject to a thoroughgoing physical activity impact assessment, not only with a view to minimising negative impacts but positively encouraging walking, cycling and other forms of healthy everyday activity.

The importance of the walking network, including public rights of way and other off-road routes, parks, green spaces and access land, should be recognised through its classification as nationally significant infrastructure, and its development accorded the same importance on a national policy level as other infrastructure considered in the White Paper.

- *Presumption in favour*

Both sections of the Planning White Paper appear to introduce a 'presumption in favour' of development, whether at the major infrastructure or town and country level. This concept has been strongly resisted by the Ramblers, and other organisations in Wildlife & Countryside Link, and is not a feature of PPS1.

The very first chapter of the White Paper appears to endorse Sir Rod Eddington's recommendation that there should be a presumption in favour of Nationally Significant Infrastructure Projects "so long as they are consistent with national policy statements, and compatible with EU law and the European Convention on Human Rights" (box 1.3), a phrase which is repeated several times throughout the document, especially paras 5.39 – 5.48 ('The decision stage'). We strongly disagree that these should be the only grounds on which a MIP, once identified in a National Policy Statement, could be rejected. It risks rendering whatever little community consultation takes place almost meaningless. Communities and interested parties must be given the opportunity to raise objections and concerns, and have the confidence that these will be taken into account and will have an influence when the final decisions are made.

The Ramblers' Association strongly objected to Kate Barker's explicit recommendation for a presumption in favour of development where the existing plan is out of date or indeterminate. While these words are not used in the town & country planning section of the White Paper, it does seem clear that the concept remains. It is therefore very disappointing that no consultation questions accompany paragraphs 7.36 – 7.65 of the White Paper, as these contain far-reaching proposals that would radically alter the current priorities of the planning system. In particular, we are concerned about the statement in para 7.44:

The General Principles will in future make it clear that, in determining planning applications, local planning authorities must pay full regard to the economic, as well as the environmental and social, benefits of sustainable new development.

Combined with the chapter heading 'Positive Planning for Economic Development', it is difficult to see how these recommendations add up to anything other than the 'presumption in favour of development' proposed by Barker. This represents a

fundamental shift in the priorities of the planning system, towards a concept clearly rejected in the reforms of 2004.

A presumption in favour of development to deliver economic benefits is of particular concern to us given a prevailing policy context that has traditionally associated economic well-being with accessibility by private motorised transport, usually to the detriment of more active travel modes including walking. The distinction between economic, environmental and social benefits in the White Paper suggests a narrow interpretation of economic benefit, missing the point that environmental and social benefits have an economic dimension. A very relevant example is the cost to the nation of the current low levels of physical activity: recent research published in the *Journal of Epidemiology and Community Health* estimated the direct cost to the NHS of physical activity-related ill health at £1.06billion per year, while DH estimates the overall cost to the economy of England as £8.2billion, plus £2.5billion due to obesity. Other positive outcomes of walking also have an economic impact: for example reductions in congestion and other environmental benefits, increased levels of retail spending in walker-friendly town centres and by walking tourists in the countryside. Cost:benefit analyses of walking and cycling schemes have produced ratios as high as 1:32.5, far in excess of those expected of other transport schemes [Sustrans 2007, *The value of investment in active travel*]. A study commissioned by the Ramblers' Association estimated that walkers in the English countryside spend £6.14billion a year [Ramblers' Association 2003, *The Economic and Social Value of Walking in England*].

In short, we believe "that there should be no change to the current legal and policy framework and no presumption in favour of development. Legislation for major infrastructure should include a sustainable development objective." [Make Planning Better, Coalition Statement, Feb 2007]

- *Right to be heard*

A right to be heard, genuine engagement, and consultation with affected communities is key to successful and truly sustainable development.

Many recommendations within the White Paper will weaken opportunities for the public to respond to major developments, especially after the National Policy Statement phase. This includes the suggested 'open floor' phase during the examination of a proposal that seems to replace current opportunities for the public to contribute more formally in Public Inquiries (para 5.34).

We are happy to support the coalition of environmental and civic organisations that is raising serious concerns with the aspects of the White Paper that remove opportunities for public participation in the planning process.

Answers to specific questions

Q1. Do you agree that there is a strong case for reforming the current system for planning for nationally significant infrastructure? Do you agree, in principle, that the overall package of reforms proposed here achieve the objectives that we have set

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out? If not, what changes to the proposed reforms or alternative reforms would you propose to better achieve these objectives?

It is difficult to see a 'strong case' for further reform of the system introduced in 2004 at this stage. While in theory it should be possible to achieve efficiencies, for example at the Secretary of State decision stage, it is not clear why reform as radical as proposed in the White Paper is necessary now.

The proposed package of reforms may meet the objectives set by the White Paper, but these are not necessarily objectives we would agree with, especially where they threaten the right of local communities to be involved in decisions and undermine the principles of sustainable development. We support calls for the introduction of a 'sustainable development duty' to any new planning regime, as outlined in the response from Wildlife & Countryside Link.

Q2. Do you agree, in principle, with the introduction of national policy statements for key infrastructure sectors in order to help clarify government policy, provide a clearer strategic framework for sustainable development, and remove a source of delay from inquiries?

Q3. Do you agree that national policy statement should cover the core issues set out above? Are there any other criteria that should be included?

Q4. Do you agree, in principle, that national policy statements should be the primary consideration for the infrastructure planning commission in determining individual applications? If not, what alternative status would you propose?

Q5. Do you agree, in principle, that these proposals would ensure effective public engagement in the production of national policy statements, including with local communities that might be affected? Are there any additional measures that would improve public and community engagement in their production?

Q6. Do you agree, in principle, with the intention to have Parliamentary scrutiny for proposed national policy statements? What mechanisms might ensure appropriate Parliamentary scrutiny?

To be effective, the development of National Policy Statements must be genuinely participative and subject to clear parliamentary oversight and agreement. This could include detailed scrutiny by committee and final approval by a (free) vote of the House(s). We would be concerned about any attempts to introduce site-specific proposals within the Statements, as these would drastically limit local input at the decision stage and may not allow new information to be brought forward during the long lifespan of the Statements.

There should also be clarification about the relationship between new National Policy Statements and the existing suite of Planning Policy Statements/Guidance, especially PPS1. It is not clear which of these should take precedence when plans are developed, or what will happen if conflict arises.

The White Paper completely overlooks the importance of the walking network (and networks serving cyclists and other non-motorised users) as a means of promoting sustainable development, reducing polluting emissions and improving health and well-being. As discussed above, a high quality walking environment is vital to the urgent task of promoting physical activity through active travel. The walking network comprises not just streets but an extensive and immensely important network of off-road infrastructure such as Public Rights of Way and other traffic-free paths, parks and open spaces, in both urban and rural areas. This network would benefit considerably from a coherent strategic policy framework matched with resources to improve accessibility and integration with other forms of transport. Treating such a programme as investment in 'nationally significant infrastructure' would represent a truly ambitious and sustainable approach to achieving prosperous, active, healthy, socially inclusive and well-connected communities. We would strongly encourage any review of transport policy as a result of the White Paper to include infrastructure for walking and other forms of active travel.

We strongly endorse the section on 'Public Participation and the Planning White Paper' in the Wildlife & Countryside Link response to this consultation.

Q14. Do you agree, in principle, that this list of statutory consultees is appropriate at the project development stage? Are there any bodies not included who should be?

Q26. Do you agree in principle that the list of statutory consultees set out above is appropriate at the determination stage? Are there any bodies not included who should be?

Key public bodies and user groups should also be prescribed, as is the case in other relevant legislation, such as the Transport and Works Act 1992, Highways Act 1980, the Wildlife and Countryside Act 1981 and the Town and Country Planning Act 1990.

Q21. Do you agree in principle that all projects necessary to the operational effectiveness, reliability and resilience of the electricity transmission and distribution network should be taken by the commission? If not, which transmission and distribution network projects do you think could be determined locally?

We are particularly concerned about some of the recommendations for energy generation and transmission included in the White Paper, especially para 7.21:

"As Chapter 5 sets out, ministers would have the power to direct that smaller projects which are below the normal thresholds but are nevertheless of national significance, or which have potential cumulative impacts with other applications above the thresholds, should be treated as nationally significant infrastructure projects and determined by the infrastructure planning commission."

This, together with other recommendations in Chapters 5 and 7 (Box 5.1, paras 5.7, 7.18, 7.19) effectively amounts to a 'presumption in favour' of any and all forms of renewable energy generation. The Ramblers' Association has consistently argued that a truly sustainable energy system that reduces emissions and secures supply

will require a diverse mix of generation technologies and vastly improved efficiency and demand management measures.

There is a real danger that this kind of broad, centrally-approved permission for renewable energy construction will further intensify the already over-concentrated reliance on exceptionally large industrial-scale windfarms in particularly remote and scenic areas as a means of meeting renewable energy targets. Instead of seeking to integrate all kinds of environmental impacts and concerns, a situation will develop where this permission to construct trumps all other local and national concerns. Loss of important habitats and scenic landscapes through industrial construction can have a major impact on biodiversity, tranquillity, and health and well-being indicators. While there are undoubtedly many suitable locations for small-scale, community based renewable energy generators, the opportunity for this kind of innovative, participative and sustainable development risks being lost through the centralised proposals contained within the White Paper.

As regards alternatives, we are not convinced by the evidence which claims that the current regime is failing. While there is undoubtedly room for efficiency within the system, such radical reform as proposed in the White paper could in fact cause further delay while yet another system 'beds in'.

Similar arguments can indeed be applied to all other forms of Nationally Significant Infrastructure Projects covered by the White Paper.

Q24. Do you agree, in principle, that the commission should be authorized to grant consents, confer powers including powers to compulsorily purchase land and amend legislation necessary to implement nationally significant infrastructure projects? Are there any authorisations listed that it would be appropriate to deal with separately, and if so which body should approve them, or that are not included and should be?

It is proposed that the Planning Commission will have powers: "to amend, apply or disapply local and public legislation governing infrastructure such as railways or ports; powers to stop up or divert highways or other rights of way or navigating rights, both temporarily and permanently;" (para 5.18)

If anyone or any body wants to close a public right of way for any reason there needs to be:

- public notification,
- service of notice on the bodies (including the Ramblers' Association) prescribed in the Transport and Works Act 1992, Highways Act 1980, the Wildlife and Countryside Act 1981 and the Town and Country Planning Act 1990,
- a right to object and a right to have those objections heard before an independent arbitrator.

The tests within the procedure should provide that a right of way cannot be extinguished unless the decision-maker is satisfied that either a reasonably convenient alternative will be provided, or that no alternative is required.

The Minister of State has clarified that “within the new single unified consent regime the infrastructure planning commission would have the power to close and divert public rights of way where they are considered necessary for the development of a nationally significant infrastructure project. Consistent with existing legislation, the power would only be exercised where the commission is satisfied that alternative rights of way are being provided or the current rights of way are not needed.” [Answer of 23rd July 2007, Official Report, column 752W].

We are seeking further clarification on whether the Planning Commission will be required to consult with user groups and the general public on the closure or diversion of rights of way affected by the development of Nationally Significant Infrastructure Projects. Existing legislation referred to above, and in our answer to Question 14, requires that notice be served on prescribed organisations, and that these organisations have the right to object. We would strongly oppose any attempt to diminish or remove these rights.

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