

# Unplanning the countryside

*Governments often consider softening up the planning system at times of economic strain, and the present Government is now implementing more measures to this effect than others have dared to. This article looks at the background forces which are trying to dilute planning policy and considers the implications for the natural environment.*

## RICHARD BATE

“Politics is the art of looking for trouble, finding it, misdiagnosing it, and then misapplying the wrong remedies.” Groucho Marx

### The planning system under fire

Who said in 2010 that local authority planning departments are “the last bastion of communism and bloody-mindedness”? And who said in 2011 “We are taking on the enemies of enterprise. The bureaucrats in government departments who concoct those ridiculous rules and regulations that make life impossible for small firms. The town hall officials who take forever to make those planning decisions that can be make or break for a business.” Who said also in 2011 “Our planning reforms strike the right balance between protecting our countryside while permitting economic development that creates jobs, but we need to go further to remove the lengthy delays and high costs of the current system, with new time limits on applications and new responsibilities for statutory consultees. We will make sure that the gold-plating of EU rules on things such as habitats do not place ridiculous costs on British businesses. Planning laws need reform.” (Answers at the end of the article<sup>1</sup>)

Land-use planning will always be at risk when the prevailing political ideology is driven by such notions as ‘less government must be good’, ‘local people know best’, ‘financial incentives will produce the results intended’, and ‘any intervention in what the market wants must be bad’. If on top of that you have decided in advance of any proper assessment that planning is the cause of many of the nation’s ills (e.g. insufficient development taking place and house prices being too high), you are probably open to persuasion that planning should be got out of developers’ hair.

At times like this media space opens up to those who provide sympathetic cover for these political prejudices, such as the Policy Exchange think tank with its war on the planning system, and the professorial economic wonks in residence at LSE and Reading University, who come up with hilarious numbers about the costs of the planning system. As the apparent ‘rightness’ of today’s political masters feeds on itself, those with other ideas can too easily be characterised as ‘they would say that, wouldn’t they?’ Lobby groups are finding that achieving the results they want is not so easy.

Liberal Democrats have grumbled about the neutering of the planning system but are stuck with it in their Coalition role. They have a weak bargaining position in

any event as Vince Cable, the Business Secretary, is a signed-up anti-planner. The Country Land and Business Association's enthusiasm for relaxing planning control over what its members want to do is well represented in the Conservative old guard, who in turn cut little ice with the new economic right which runs the party. The Labour Party has picked off some detailed arguments but has been virtually silent on the big principles being played out. It gives the impression more of admiration for the Government in achieving what it failed to do itself when in office.

### Lessons in 'policy backfire'

So it's back to the lobby groups for the action, where the battleground is for the hearts and minds of the great British public. Broadly speaking, if enough people can make enough fuss then the Government will back down and move on to something else, but if they can't then the Government will push its agenda through. The normal campaigning approach is to try to hold on to what you have when the political winds are unfavourable, and push the boat out when the opportunities present themselves. So there's a lot of defending going on.

However, an interesting feature of government proposals which fail the public credibility test is that they often provide an opening to secure the reverse of what government intended. The Government's attempt to weaken Green Belt policy in 1984-85 ended up with Green Belt policy being stronger. The recent failed attempt to sell off the forestry estate left forestry in a more powerful position than it was beforehand. The half-hearted attempt to abandon the preference for development on previously used 'brownfield' sites in favour of allowing it on greenfield sites produced one policy change of real environmental merit (see below).

There's plenty of opportunity to assess progress with environmental campaigns, not least because the Government has chosen to pick environmental fights on so many fronts. The remainder of this article illustrates the lobbying experience with reviews of countryside in the National Planning Policy Framework (NPPF), followed by two NPPF cases studies, and an infrastructure project.

### Protecting the countryside: size matters

The NPPF makes a virtue out of fulfilling legal obligations towards National Parks and Areas of Outstanding Natural Beauty – which will be given the same landscape protection as they previously enjoyed under Planning Policy Statement 7 (PPS7). Part of the debate on the draft NPPF concerned the future of the undesignated countryside, with the final policy stating that planning should "take account of the different roles and character of different areas, ... recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it".

This result was much less convincing than the policy it replaced from PPS7: "New building in the open countryside away from existing settlements or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all" (paragraph 7).



A threat to the integrity and setting of a protected landscape. Six wind turbines 125m high are proposed in the setting of the Kent Downs AONB near Sellindge. Being based on a ridge, they will be higher than the scarp of the Downs. Should prime parts of the natural environment which future generations will crave be sacrificed for just a trickle of electricity from imposing new infrastructure?

Photo: Richard Bate

The outcome was, though, a far cry from the draft NPPF, which stated that "Decision-takers at every level should assume that the default answer to development proposals is "yes", except where this would compromise the key sustainable development principles set out in this Framework", and there was no reference to any intrinsic merit in the countryside. It was also a U-turn from the explanation given only two months beforehand to the British Property Federation by the Planning Minister's parliamentary secretary John Howells: where local authorities development plans were out of date, developers would be able to build "what they like, where they like and when they like".

The howls of protest which greeted the draft NPPF were led in the public eye by the National Trust (with about 4m members) and the *Daily Telegraph* (the largest circulation quality daily newspaper in Britain). What amounted to the mobilisation of the Tory voting heartland had the desired effect of taking some of the sting out of the draft policy. Power came from size. In particular the role of local development plans was reinforced, local planning authorities were given a year to revise local plans before reliance would be placed on the NPPF alone, and the conceptualisation of 'sustainable development' was improved so that the presumption in favour of it did not mean simply 'development'.

Nonetheless, reducing the accumulated wisdom of national planning policy to the basics in just 49 pages inevitably pushes the interpretation of it to the implementation

stage. There is pressure for accompanying guidance from the Government to flesh out what the brief commentaries on each issue mean in detail, but equally the Government is resistant to undoing its achievement of simplifying policy by making it more voluminous again. For the time being the lobby groups have mainly decided to claim victory and try to create a climate of opinion in which the expectation is that the countryside will be protected. They would have looked curmudgeonly had they done otherwise, though their position was engineered by the Government's appalling draft NPPF. The RSPB even claimed that the final NPPF provided a net gain for nature.

It is far from clear that the text of the NPPF supports this positive response, and developers are trying their luck with schemes which significantly challenge the environment. Some of the key risks ahead are that:

- the arbitrary convictions of local politicians to allow developments may prove as much of a challenge as the policy;
- the abolition of strategic planning (in regional plans) will leave a void, not least as the replacement mechanism, the unenforceable 'duty to co-operate' amongst neighbouring authorities, is not a 'duty to agree' anything; and
- the Government's determination to secure development (yes, that's centralised and top-down, whatever the localism rhetoric) may override countryside protection, especially in those areas least able to accommodate development due to having the largest extents of designations.

Meanwhile the impending abolition of regional plans will generate collateral damage. Local authorities have been urged in recent years not to include in their local plans topics already covered regionally, so many environmental issues are barely represented locally. For example, many regional plans aim to protect the 'settings' of designated landscapes which are often as valuable as the protected landscapes themselves when, for instance, the view from a vantage point was a reason for designation. The NPPF is silent on this and local authorities can lack determination to fill the policy gap.

The improvement of the NPPF over its draft was achieved at some cost to the National Trust: the gentle giant used up its goodwill in Government (which was hacked off by the Trust's effective campaign) and will not be able to repeat interventions so readily on other issues. We should all be grateful it chose this issue to fight on. *Verdict: three cheers for the National Trust.*

### **Ancient woodlands: a glass half empty**

The new planning policy on ancient woodlands in the NPPF states: "planning permission should be refused for [any] development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss" (paragraph



Housing pressure on the western edge of Dover. A new village is proposed in the Kent Downs AONB on the terraced field and land beyond it.

Photo: Richard Bate

118). Compared with the previous Planning Policy Statement 9, the underlined word is new and the word in square brackets was removed.

The Woodland Trust used the opportunity of the emerging NPPF to campaign to protect ancient woodlands once and for all. It pointed out that local claims of need for development could easily be held to outweigh the merits of ancient woodland, and stated that there were 225 ancient woodlands threatened with destruction at the time. 85% of ancient woodland is not designated for protection (e.g. as SSSIs).

The barely altered final NPPF policy led the Woodland Trust to complain there would be "more destruction ahead as planning policy leaves England's irreplaceable ancient woodland unprotected". The mood music around the new policy was an improvement on the draft NPPF but not on PPS9. The Woodland Trust's campaign had forced Ministers to promise that the NPPF would retain the protections already in place, but did not secure the improvements sought. *Verdict: the outcome could have been better – or worse.*

### **Brownfield land recycling: mixed messages**

One of the 12 core land-use planning principles of the NPPF is that planning should: "encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value" (paragraph 17). Also, "Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land" (paragraph 111).

This policy represented a U-turn by the Government. The draft NPPF failed to mention brownfield land at all, though it did aim to minimise adverse effects on the local and natural environment. The widely-held fear was that this was a signal to developers and local authorities to allow building on greenfield sites without any pressure to consider brownfield site options first. While the aim was allegedly to avoid encouraging development on brownfield sites with high biodiversity value, Wildlife and Countryside Link argued that this desirable objective could readily have been achieved by selecting a definition of brownfield land which excluded categories of high biodiversity land.

In 1995 the Conservatives had introduced a policy of securing 50% of housing supply on brownfield land, raised to 60% by Labour in 1998. Actual rates rose to 78% by 2008 (80% including conversions). After coming to power in 2010, the Coalition Government twice changed Planning Policy Statement 3 on Housing, but retained heavy emphasis on using brownfield land: the June 2011 edition – one month before the draft NPPF – mentions this 33 times. Then the policy was dropped. The heavy hand of the Treasury seems evident.

The fight back was led by the Campaign to Protect Rural England with commissioned work<sup>2</sup> and lobbying, and was supported by the CLG Select Committee's inquiry into the NPPF. The final policy only offers 'encouragement' with no specific measures requiring brownfield sites to be considered first, and the national target 60% of housing on brownfield land was dropped a month after reaffirming it in PPS3. On the other hand, a new policy on 'windfall' housing sites was reintroduced after it had been dropped by Labour in the 2006 version of PPS3. Windfall sites are brownfield sites which unexpectedly become available for development and which could not reasonably have been planned-for in advance. In many urban areas such sites account for the large majority of land supply for housing, so not being able to make an allowance for them has forced authorities unnecessarily to allocate greenfield sites instead. On the recommendation of the Select Committee, the NPPF now provides that "Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply" subject to conditions (paragraph 48).

The outcome was a major improvement on the draft NPPF and restored a benefit not seen since 2006, but somewhat weakened the core policy. *Verdict: mixed results with campaigning opportunities created.*

### High Speed 2: infrastructure or vanity project?

Rail travel has bucked the recession with growth in passenger numbers. The West Coast Main Line (WCML) between London and Birmingham is heavily used and approaching capacity. What to do? The response of the previous Government and the Coalition has been to promote a completely new high speed rail line, making a step-change in the capacity available and freeing other lines for freight – for which capacity is also limited in the corridor.

And won't this be so environmental? It will attract people out of aeroplanes onto carbon-efficient trains, save travel time and therefore business-people's money, and regenerate northern cities. Actually, no. These will be bullet trains at 225mph, using huge quantities of energy. The airlines have said they will continue providing short-haul connections to Heathrow, but if they didn't the Heathrow slots would be taken by kerosene-guzzling long-haul aircraft. Travel time will be reduced but the financial implications are unclear: how much is time worth, and why is time spent on trains assumed to be wasted? Regarding regeneration, more people will want to come to London than go the other way, while being able to service northern cities from London reduces rather than enhances the benefit of locating in those cities. Local authorities bypassed by HS2 are especially worried. Train-loving lobby groups should think a little harder.

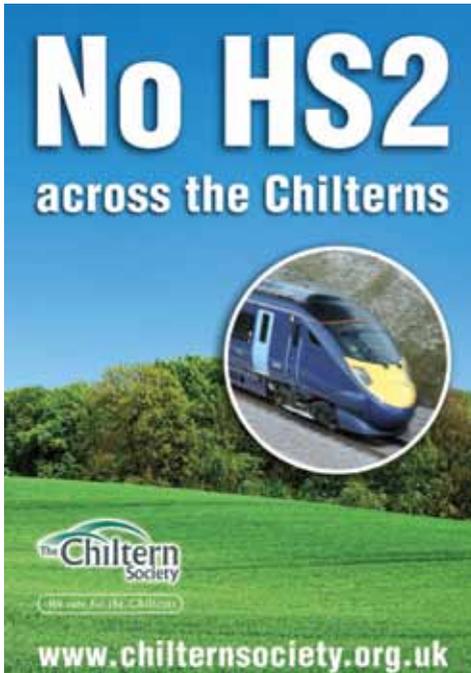
The assumptions underpinning the project include:

- faster trains will attract more customers: new customers will generate 27% of the trips on HS2;
- demand will continue rising on the WCML at pre-recession rates until at least 2032;
- saving business people's time is critical, accounting for 89% of the economic benefits;
- the service would be more costly than others, with fare rises 3%pa above inflation;
- the project would be uneconomic if any of these assumptions proved wrong.

Neglecting for a moment where the extra 100,000 people per day will come from to make the project stack up (filling the 1100 seat trains 18 times every hour), shifting this number of people through a London terminal is not practicable: there would need to be more connecting tube lines, but none are planned. The mitigation is to have a London-edge stop on Crossrail, so that business people can connect between HS2 and the City/Canary Wharf without burdening Euston. Going that way ties into the political prejudice of linking HS2 to Heathrow, even though studies show there is hardly any demand for this.

If HS2 has to point west out of London to reach Birmingham, it is committed to a route through the Chilterns Area of Outstanding Natural Beauty and probably to carving a fresh corridor of development, noise and destruction of amenity through the heart of rural England. Because the assumptions behind the project hinge on extraordinarily fast trains, the line taken can barely waver laterally or vertically, so avoiding sensitive places becomes a nightmare. The National Trust would lose the benefit of the magnificent Grade I listed Hartwell House with its Capability Brown landscape near Aylesbury, and the Woodland Trust reports destruction of 21 ancient woodlands and damage to 27 more, for example.

Salutory experience is provided by the National Audit Office, which analysed the completion and later sale of HS1 which runs between the Channel Tunnel and London



St Pancras. HS1 cost the Government £6.16bn to build and has recently been sold for just £2.05bn on a 30 year lease. Total costs to the taxpayer are estimated at £10.2bn. Passenger numbers in 2007-11 were only one third of the number forecast in 1995 at the planning stage. The NAO recommended that government departments should ensure that demand forecasts are subject to rigorous scrutiny and scepticism. Departments should assess the benefits under a range of different scenarios, perform a sensitivity analysis of key assumptions and a sense check to understand the reality of meeting forecast demand.

Meanwhile on HS2, isn't there another way to fix the WCML capacity problem for less than £18bn (just to Birmingham)? Yes

there is, according to HS2's opponents. The HS2 Action Alliance is a particularly impressive umbrella group working with over 70 community groups affected, with arguments galore on all aspects of the project, but was 18 months too late starting. Unfortunately, the Government shows little sign of listening to the arguments. It's a close call whether the Government will realise its errors before or after signing the project into existence. *Verdict: campaign failure but self-destruct option remains.*

## References and notes

1. The three quotations in the opening paragraph are respectively from Eric Pickles (reported in the Birmingham Post), David Cameron (to the Conservative Party spring conference), and George Osborne (in the Chancellor's Autumn Statement to parliament).
2. Green Balance, Building in a small island? Why we still need the brownfield first approach, November 2011, CPRE.

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