



THE NATIONAL TRUST

PLANNING FOR A SUSTAINABLE FUTURE

Response from the National Trust to the Government's White Paper August 2007

Introduction and context

1. The National Trust welcomes the opportunity to contribute to the Government's thinking on the development of major infrastructure projects and further changes to the land use planning system. Effective land use planning is essential in moving towards more sustainable development and is one of the most powerful ways to engage people in managing choices over the use of land and resources. It deserves strong Government championing, an effective legislative and policy framework and investment in the skills and resources needed for delivery.

2. The Trust has significant experience of the planning system as applicant, objector and contributor to the process from its inception. We have also played a significant role in a number of existing and proposed major infrastructure projects (e.g. Stansted airport, Dibden Bay, various trunk road proposals). We submit in the region of 200 planning applications each year, contribute widely to the development plan and development control process and have a highly informed view of the planning system's strengths and weaknesses across three countries. There will be only a handful of other organisations or companies in the UK who have this degree of day-to-day interaction with planning and even fewer who contribute as both a major business and from a conservation and environmental perspective seeking to further the public interest. A summary of our interest in land use planning is provided in Annex 1.

3. The planning system has been through considerable legislative reform in recent years and has become a focus of political debate over its role in relation to economic development and major infrastructure. It is far too early to judge the success of the recent reforms and while there is scope for some further improvement and evolution we question the need for a major review. The priority is for strong Government championing and investment in the skills and resources, particularly in local authorities, needed for delivery.

4. We welcome recognition in the White Paper of the "*fundamental importance*" of planning to people's quality of life and the evident commitments to its environmental role and to improving accountability. We also strongly support the new statutory purpose for planning set out in the 2004 Act and subsequently in PPS1 – namely that of furthering sustainable development through integration of economic, social and environmental interests. Regrettably, however, high level Government support for the benefits of land use planning is not as evident as it needs to be. Indeed, planning is the subject of regular criticism and complaint from Ministers in a wide variety of speeches and policy documents and this has created a very difficult environment within which it is increasingly difficult for the land use planning system to deliver on its potential. These concerns have been further exacerbated by the current policy and political emphasis on economic and housing development, notably in the Housing Green Paper and the review of sub-national economic development and regeneration, without sufficient regard for environmental considerations or the opportunities

for achieving more sustainable development. The role of land use planning in integrating priorities to help deliver more sustainable development in the context of the proposed overarching regional objective of economic growth would be seriously weakened. Moving forward it is essential that these contradictions are addressed or trust in the Government's objectives and the way decisions over development are made will be further eroded.

Nationally significant infrastructure projects

5. The Trust remains unconvinced of the merits of the Government's proposals for major changes to the way in which decisions over nationally significant infrastructure projects are made. The case for such change is unproven. It appears driven by concerns triggered by one or two cause celebres (notably Terminal 5) and a misguided concern about the impact of planning and related decision-making processes on economic competitiveness. Planning is not a key factor in either the level of economic development or competitiveness. In reality, only a handful of public inquiries into major development have lasted more than 3 months in the last 20 years. The proposals also suggest a fundamental failure to recognise the value of public debate over the local consequences of development in securing public acceptance of the process of land use change and development. In addition, following the 2004 Act new procedures for infrastructure were introduced in August 2005. Two years is far too short a period to judge the success/failure of these new arrangements, as they are untested.

6. In summary, we welcome the proposals significantly to improve the quality of national policy statements on nationally significant infrastructure projects, rationalise consent procedures, require pre-application consultation, and improve the inquiry process to make it more inquisitorial and less adversarial. There needs to be a step change in the quality of public debate and participation in the development of national policy statements and this process needs effectively to address the key questions of need and alternatives. We do not believe national policy statements should make site specific proposals for the location of infrastructure projects. We do not believe the proposals to establish an infrastructure planning commission are appropriate or workable. Instead, we would encourage the Government to strengthen the Planning Inspectorate and retain the ultimate role of Ministers in determining proposals for nationally significant infrastructure projects. We would also suggest in passing that the interim arrangements proposed are likely to be unworkable, as the Commission would not be able to operate within its proposed remit without approved national policy statements.

7. More specifically, in any future arrangements we would expect the present safeguards in the *Acquisition of Land Act 1981* requiring use of Special Parliamentary Procedures in respect of any compulsory purchase order to which the National Trust has an outstanding objection to apply to all compulsory purchase orders affecting land declared inalienable by the National Trust.

8. In developing the proposals in the White Paper we would urge that the following issues are addressed:

- The approach to public involvement in the development of national policy statements is changed fundamentally from one based on consultation to participation and deliberation, and the Government invests in the resources and skills needed to manage a much more demanding process – we see this as a major opportunity for the Government to fulfil the promise of Prime Minister Gordon Brown's commitment to *“building a new relationship between citizens and government that ensures that*

Government is a better servant of the people.” (3 July 2007). The experience of the 2003 Air Transport White Paper and 2006 Energy Review are reminders of the gulf that needs to be bridged. This dialogue should also address the wider debate over land use and management triggered by David Miliband as a context for policy development related to particular infrastructure proposals

- The need for and alternatives to any nationally significant infrastructure projects are effectively addressed through the process, including through application of strategic environmental assessment – we have addressed this issue in more detail in our report *In the national interest?* (enclosed) and the choices go much wider than the examples cited in the White Paper, for example between constructing a new road and widening an existing one
- National policy statements should not be locationally specific because of the risk of pre-empting local debate, overlooking significant local impacts and constraining the effectiveness of participation in the decision making process
- National policy statements should not be developed at the expense of strengthening the series of national planning policy statements (PPSs) and these should continue to be the prime consideration in guiding development plan preparation, alongside the development of a national spatial strategy. We disagree with the suggestion that national policy statements would be more important than other policy statements. We would also note that national policy statements would have to be entirely consistent with European law, and subject to an SEA process
- The role of the proposed infrastructure planning commission (IPC) might best be performed by a strengthened, more proactive and better resourced Planning Inspectorate working with a clear duty to promote sustainable development. Further, we question the wisdom of the proposal that some projects may be considered by a single commissioner, particularly if economic, social and environmental considerations are to be adequately covered
- The Marine Management Organisation proposed in the Marine Bill White Paper is recognised as the best licensing body for marine projects rather than the infrastructure planning commission. The proposed Marine Management Organisation has the same benefits of independence and will be the coordinator of marine expertise, the marine planning body and the authority for licensing a number of marine activities. As such we believe it will be the best placed body to determine the biggest and most important projects. It will need the resources, expertise and capacity to secure effective public participation necessary to deliver this
- The IPC (or strengthened Inspectorate) should be able to question the principle of any nationally significant infrastructure project where significant considerations come to light as a result of the local scrutiny and examination of the proposals. The definition of “*adverse local consequences*” which would warrant this should be extended well beyond the question of compatibility with relevant EC and domestic law to recognise any significant material planning consideration. We would encourage a more iterative process to ensure an appropriately informed decision

- That the proposals for the IPC to be able to amend legislation (para 5.18) are explained more clearly and not used to undermine accountability to Parliament
- As part of the wider commitment to increasing the role of civil society, the debate over proposals for nationally significant infrastructure projects should be better informed not only by the White Paper’s proposals to increase the role of hard to reach groups, but also by a wider commitment to fund major third party contributors so the process can effectively address both strategic questions of need and alternatives and site specific issues. We would also urge against over reliance on written representations which cannot effectively convey the sense of many representations
- Ministers should retain powers equivalent to those used to call-in planning applications in respect of nationally significant infrastructure projects and would normally be the final decision maker – we believe this is an essential accountability and the resources devoted to supporting Ministers in fulfilling it need to be increased
- The participation and inquiry processes should be based on a set of minimum standards that are at least as strong as those which currently apply, and include a right to be heard
- The proposals do not impact adversely on the protection afforded land declared inalienable by the National Trust. The Trust manages inalienable land on behalf of the nation and has the power to resolve that other land that becomes vested in it can also be declared inalienable. The special protection afforded to this land by Parliament is implemented by virtue of section 18 of the *Acquisition of Land Act 1981*. This requires that the making or confirmation of a compulsory purchase order is subject to Special Parliamentary Procedure under the *Statutory Orders (Special Procedure) Act 1945* if the order makes provision for the acquisition of inalienable land of the Trust, or rights over land, and the Trust objects. The Trust’s view is that this is an essential protection for the assets it holds for charitable purposes “for the benefit of the nation”. Indeed land is often given by donors precisely because of these powers. The system allows for inalienable land to be compulsorily acquired but ensures this can happen only after the most careful scrutiny. It is essential, in our view, that the proposals for major infrastructure projects do not impact on the provisions for Special Parliamentary Procedures in relation to inalienable land. We are concerned that there is no mention of these Procedures in the White Paper or any indication that the potential impact has been considered. While Parliament might consider the need for nationally significant infrastructure as part of the process for preparing a national policy statement the proper time for considering possible acquisition of inalienable land held by the Trust should remain as the period following public inquiry and a reasoned decision of the Secretary of State. This is when all the facts are available, including the views of the Inspector. We would ask for clarification, therefore, that it is not the Government’s intention to change the present safeguards in the *Acquisition of Land Act 1981* requiring use of Special Parliamentary Procedures in respect of any compulsory purchase order affecting land declared inalienable by the National Trust and that these safeguards would continue to apply in any future arrangements, including compulsory orders made by the IPC

- The National Trust would wish to be consulted in respect of any application for a nationally significant infrastructure project affecting any land which it has declared inalienable.

Reforms to the town and country planning system

9. We do not believe that there is a need for significant further changes to the planning system so soon after the 2004 Act. The priority is to invest in the skills and resources needed to deliver the Government's ambitions for land use planning and a sustained campaign by Ministers to champion its role and recognise its benefits as opposed to regularly criticise it.

10. In relation to the specific proposals we urge:

- An approach to the review of planning policy in respect of economic development which is better framed by the overriding objective of sustainable development – the White Paper implies that the approach to economic development needs to catch up with the attention given to the environment, despite irrefutable evidence of the continuing decline in the quality and diversity of environmental resources. We recognise the need to update the guidance in PPG4 but not to give greater priority to economic considerations in planning for sustainable development. The opportunity should also be taken to take forward the commitments in the UK Sustainable Development Framework 2005 to pursue “sustainable consumption and production”
- A more cautious approach to the extension of permitted development rights and the proposals for a voluntary approach to neighbour agreements for householder development, especially to recognise the additional pressures this will place on the role of covenants in managing small scale but potentially significant cumulative change in landscapes and streetscapes. Although some simplification of the complex permitted development rights and streamlining of the GPDO would be welcomed, it is also important to ensure that controls are not weakened in designated areas and other sensitive environments
- A comprehensive approach to the proposed review of national policy and guidance encompassing all relevant documents, including, for example, advice notes and best practice information
- The abolition of the independent examination of Statements of Community Involvement and also of the Preferred Options stages of DPDs, as proposed.

11. We would also encourage the review of planning guidance to address gaps in the current approach as well as opportunities for clarifying and separating policy and guidance. Principally we would identify the need for:

- Strengthened policy and guidance on planning for natural resources (like water), given the lack of integration between the statutory planning system and catchment or shoreline management plans, and insufficient attention given to resource protection and management

- New policy guidance on protecting the vital landscape settings of historic parks and gardens which remain vulnerable to the effect of creeping incremental development. National Trust examples of important heritage assets whose settings are being damaged include Saltram on the Plymouth boundaries and Sherringham Park in Norfolk. Settings have an intrinsic value for many of our important registered parks and gardens as views were often designed to be outward facing. We have been successful in ensuring local development plans have protected the setting of Kedleston Hall from the encroachment of development from the expansion of Derby and are currently engaged in a similar exercise with Hardwick Hall. We believe there is a lack of specific guidance in PPG15 on the need for definition of settings of registered parks and gardens. At present there is a policy requirement to protect settings of heritage assets but it is left to the discretion of individual local authority officers or councillors to decide if any particular proposal falls within, and affects, a setting. Identification of a setting on a map by the local authority, with English Heritage support, would remove the uncertainty for all parties. We urge the review of PPG15, as part of the process of ‘streamlining’ policy statements, to correct this omission and that additional guidance is given to local planning authorities on how to define settings
- There is one further critical issue it is appropriate to highlight now, in the light of recent events. The Trust feels there is an urgent need to plan better to adapt to climate impacts. A specific example is in relation to the management of floodplain and low-lying coastal areas where there is a growing flood risk and a need to improve land management and if necessary relocate development and critical infrastructure out of risk. Our *Shifting Shores* report highlighted this issue in relation to coastal change, and although PPS25 is a significant improvement in relation to new development, the issue of existing ‘at risk’ development remains.

THE NATIONAL TRUST AND LAND USE PLANNING

1. The National Trust makes a significant contribution to the economic, social and environmental well being of the nation. We are the country's largest private landowner, managing a unique estate of land and buildings of premier environmental interest and conservation importance. We also contribute significantly to economic and social regeneration in both town and country. We have 3.5 million members and inspire support from nearly 50,000 volunteers. The Trust is a major outdoor classroom, with 500,000 educational visits a year. We manage over 270,000 hectares of land (including c10% of the coastline of England, Wales and Northern Ireland and 10% of SSSIs). We are a £300 million per annum business and play a role as a major employer and regeneration agency, investing in parts of the country that might be bypassed by normal market forces and boosting local economies through sustaining a high quality environment. We have a significant presence in 6 out of the 10 most deprived rural areas. We are the nation's largest farmer, working with around 2,000 tenants across a diverse agricultural estate. The Trust is also responsible for a significant proportion of the country's designated sites and buildings of heritage significance, including 6 World Heritage Sites, over 6,000 listed buildings, 1,200 scheduled ancient monuments and 8% of registered historic parks and gardens.

2. Our wide ranging interest in land use planning stems from our role:

As a steward of special properties – where we know from experience that effective conservation cannot be achieved through ownership alone. Current examples include not only the most obvious threats from urban sprawl (e.g. the sprawl of Derby around Kedleston Hall), major development (e.g. the potential impact of Stansted airport's expansion on Hatfield Forest) and insensitive telecommunication masts and wind turbines (e.g. developments in and around the Lake District) but also the more insidious cumulative impact of multiple small scale developments (e.g. the spate of applications for a hotel, arts and craft village, and tea-room at the Giant's Causeway) or the impact of marine dredging on coastal habitats (e.g. the Gower) and new development on water catchments (e.g. the potential impact of a proposed new settlement at Sherford near Plymouth on the Yealm estuary close to the Saltram estate). The Trust seeks, therefore, a planning system which is more informed about both the historic and natural environment, including their wider landscape and townscape contexts, is better skilled and resourced, able to look further ahead, capable of dealing with those who seek to ignore it, and more aware of the wider and cumulative impacts of development.

As an innovative developer – The Trust regularly submits planning applications either for changes of use or new building as part of the normal business of property management, as landlords to residential and business tenants (including provision of affordable housing) and in providing visitor facilities or holiday homes. We are also involved in some significant developments. As a user we expect an efficient and certain plan-led system which is also welcoming of innovation and new ideas. Increasingly, the Trust is working to set new standards in its own development in terms of design, construction, resource efficiency and transport impact for others to follow – e.g. the development of around 200 houses at Cliveden and our new central office in a priority regeneration site in Swindon – and seeks a planning system which supports such innovation (see *Better Building: Principles into Practice*, NT, October 2003) and practical steps towards more sustainable development.

As an authority on land use and development – The Trust is uniquely placed to use its experience of land use pressures across England, Wales and Northern Ireland to inform strategic planning and other public policy debates over the management of the land resource for economic, environmental and social benefit. This ranges from the contribution of land use planning to countryside character, the historic environment and the future of urban and rural landscapes and habitats, to the impact of regional and regeneration policy, integrated land management and the impact of the migration of people and businesses from town to country and between the regions. Recent examples include the impact of current pressures for infrastructure-led regeneration in more depressed areas of the South East such as Hastings and east Kent on the Brede Valley and Pegwell Bay and for a new village at Sherford, adjacent to the Saltram estate in Devon. We are heavily involved in plans to provide green spaces for areas experiencing significant development as a result of the Sustainable Communities Plan, including major expansion of Wicken Fen near Cambridge. This requires a planning system that is more central to wider public policies with an impact on land use and one which works within a set of national “spatial” objectives.

As a contributor from the community – The Trust has much to offer as a business with local presence rooted in conservation principles and a long-term view. Even where opportunities for community involvement exist they can falter for the lack of capacity within local communities to contribute. The Trust can make an increasingly important community contribution and our commitment to the preparation of Property Management Plans for our own significant landholdings provides an important input to forward planning and, in some locations, could be addressed in supplementary planning guidance. We also look for a planning system in which public participation and engagement is more central.

As a sustainable alternative to future acquisition – An effective planning system is an essential complement to the operation of the Trust as a way of protecting and managing the most special parts of our natural and historic environment. The Trust could never acquire all the places worthy of protection and the effectiveness of the planning system has a direct bearing on the resources available to the Trust to achieve its charitable purposes.

3. The Trust supports spatial planning which takes a holistic approach to the environment and its resources, which plans long-term, which looks at the landscape, catchment or coastal cell scale, and which takes into account climate change implications.

4. We consider the critical planning issues for the UK are:

- the need to promote genuinely sustainable patterns of development, which seek to integrate economic development, social opportunity and environmental protection - not trade off one interest in favour of another
- the need for better integration between statutory development plans and other plans affecting land and resource use
- the growing impacts of climate change, including increased flooding risk and sea level rise which may require some relocation of coastal communities
- the need to support a rigorous and democratically-based regional planning process in England [RSS], which identifies needs and options across a wide range of issues, and looks for integrated solutions through Sustainability Appraisal
- the continuing fragmentation of habitats and general loss of biodiversity, and lack of weight given to resources and their functions e.g. floodplains, catchments

- the urbanisation of the countryside through excessive signage, light pollution and unauthorised roadside advertising
- the incremental loss of 'wildscape' in remote areas
- the impact of unsustainable transport trends and increasing traffic congestion;
- the shortage of affordable housing and the need for new housing to meet needs to be well located and designed, with more emphasis on urban renewal and use of brownfield sites
- the need to plan better for potentially conflicting uses in the marine environment;
- the need to promote a low carbon economy, including through accommodating renewables and much greater energy efficiency
- the need to ensure that the value of the natural and historic environment is better understood and planned for
- the need to better engage local communities in decisions about the future of their local environment
- the right skills and knowledge for those involved in planning
- the complexity for the general public of the new local planning system introduced in England.