

# ENVIRONMENTAL PLANNING

SUMMARY OF THE ROYAL COMMISSION  
ON ENVIRONMENTAL POLLUTION'S REPORT



## About the Royal Commission's study of environmental planning

The Royal Commission announced in July 1999 its intention to study the various regimes at different levels for setting and achieving environmental goals. It had in mind land use planning, but also a wide range of other legislation and procedures, such as those applying to air quality, water and biological diversity. In the light of responses to that initial announcement, and a seminar held in February 2000 to explore key issues, the Commission decided the main focus of the study would be whether present arrangements constitute an effective, accountable and transparent system for protecting the environment, and invited written evidence in March 2000.

The written evidence submitted for this study is on the Commission's website at <http://www.rcep.org.uk>

In the course of the study meetings were held with over a hundred individuals and representatives of organisations to discuss particular issues or take oral evidence.

One of five papers commissioned in preparation for this study was a survey of the systems for environmental planning in other developed countries. The Commission undertook further investigations of the current legislation in New Zealand and planning procedures in the Netherlands.

In December 2001 the Department for Transport, Local Government and the Regions published a Green Paper on reform of the town and country planning system in England. The Commission's report takes account of the proposals in that Green Paper.

The full text of the Commission's report is published by The Stationery Office (Cm 5459, £25) and is on the Commission's website. Appendix B to the report lists those who contributed to the study.

*The Royal Commission's report on Environmental Planning was published on 21 March 2002. We summarise here the analysis in the report and its key messages, and quote (in black type on pages 8–15) our main recommendations. We indicate how we think the integrated spatial strategies we recommend can best be introduced in different parts of the UK. We summarise some of our other recommendations, and give our reaction to the government's Green Paper on the planning system in England*

## WHY ENVIRONMENTAL PLANNING?

Economic and social objectives have to be achieved in ways that safeguard and enhance the environment. *Environmental planning* is a matter of making collective choices about the states of the environment we want and ensuring that unacceptable damage does not occur. It may also sometimes involve adapting to the unfortunate consequences if environmental constraints have been breached.

Environmental planning must be informed by the natural sciences and the social sciences, but must also be grounded in values and judgements. That means engaging the public in the choices that have to be made.

Responsibility for safeguarding and enhancing the environment is spread across many different bodies. Each of the four parts of the UK can now have its own policies. Specialist environmental agencies (responsible, for example, for controlling pollution or conserving nature) have the highest profile and the clearest remit. But a key role is played by the regulation and planning of land use, in the form of town and country planning.

At present this combination of regimes does not add up to an effective, accountable and transparent way of setting and achieving environmental goals. There is a complex variety of legislation, and a multiplicity of often overlapping, and sometimes conflicting, plans and strategies. Nowhere is the whole picture brought together and the respective responsibilities of all the different bodies clearly assigned.

In this report we put forward proposals for a more coherent system which will enjoy greater public confidence and be more effective in ensuring sustainability.

## Pressures on the environment

Much has been achieved over the last 50 years. Town and country planning has been a major force protecting the environment. Increasingly effective protection has been provided for the most valued features of the environment. The more obvious forms of pollution have been greatly reduced. But recent assessments have shown the quality of the environment deteriorating in many respects.

The pressures on the environment are severe. We must find sustainable ways of managing them. Few of the trends are new. There is a danger they may be overlooked or underestimated because their causes and effects are widely scattered and not readily apparent.

Many of the issues are long-term and far-reaching. They include:

- dramatic changes in land use now in prospect in the countryside
- extensive dereliction and decay in urban areas
- the volumes of waste produced
- the need to find more efficient ways of using natural resources such as water
- the amounts of greenhouse gases being emitted into the atmosphere
- the changes in weather patterns and rises in sea level which now appear inevitable consequences of the higher concentration of greenhouse gases already present in the atmosphere.

A new approach is needed. The solutions to these problems will require new policies in many fields. They certainly pose major challenges for the planning and regulation of land use.



## Town and country planning

Without town and country planning, widespread damage to the environment would have occurred over the last 50 years, probably with serious economic and social consequences. It has provided the traditional forum for thinking strategically about the future of particular areas and engaging the public in decisions.

There is a widespread view that the town and country planning system is now in need of reform. There is much less clarity about the nature of that reform, or the objectives it should be designed to achieve. Business has a clear agenda: it wants quick and predictable decisions on planning applications. The government has accepted that view. As a result, attention has focused on development control, the regulatory dimension of the system, to the neglect of the other essential dimension, planning for the future. Yet a greater concern for the future of the environment is a major message of sustainable development.

The town and country planning system is typical of many British institutions. Born of idealism at the end of the second world war, it now faces a very different world, to which it has yet to adjust. In the 1950s it had to confront a growing population, a severe shortage of housing, large areas of industrial dereliction and the beginnings of the new mobility brought by mass car ownership. The pressing problems we now face include finding ways of living which require fewer natural resources, reducing carbon dioxide emissions from transport and other uses of energy, the growing numbers of small households, the difficulties of creating sustainable communities in inner cities and outer estates, and the future of a countryside now widely perceived to be in crisis.

Rather than being seen as an essential instrument for tackling such problems, town and country planning has come to be perceived in many quarters as a bureaucratic structure of doubtful relevance. Central government's priorities for the system have shifted repeatedly. Those operating it are no longer sure what they are expected to achieve. Legislation is silent about the purpose of the system.

Planning policies are often obscure, inconsistent and out of date. Even where they are timely and relevant, they are not necessarily widely known or understood. Moreover, a plethora of other plans and strategies are now being prepared for other local authority functions, by other bodies, or by various partnerships or consortia. The table on the next page gives an idea of the range of environmental or environment-related plans now being produced. It describes the position in England, but the situation is broadly similar in other parts of the UK.

# Current environmental or environment-related plans (England)

*italic type indicates a plan is not prepared on the basis of administrative boundaries*

	<b>Government Office</b>	<b>planning authorities/ regional planning body</b>	<b>other local authority plans</b>	<b>specialist agencies</b>
<b>REGIONAL</b>	renewable energy assessment rural development programme	regional planning guidance regional transport strategy regional sustainability framework regional waste management strategy (forthcoming)		economic strategy (RDA) regional forward look (EA) water resources strategy (EA) biodiversity audit (English Nature)
<b>SUB-REGIONAL</b>		structure plan waste plan minerals plan supplementary planning guidance on specific topics such as landscape character	community strategy local transport plan Local Agenda 21 strategy municipal waste management strategy (forthcoming – joint county/district)	biodiversity action plan (Biodiversity Partnership) shoreline management plan (EA/LA)
<b>LOCAL</b>		(district-wide) local plan supplementary planning guidance on specific topics	community strategy air quality management plan Local Agenda 21 strategy	local Environment Agency plan (EA) catchment management plan (forthcoming - EA) coastal habitat management plan (English Nature/EA/LA) nitrate vulnerable zones (DEFRA)

## A more coherent system

The regulation and planning of land use is not something that can be considered in isolation. The ways in which land is used are linked to environmental change on many different scales. Air quality, the water cycle, biological diversity, transport, and energy production and use are all spatially related. To significant extents policies in those fields depend for their success on decisions about land use. Equally, the management and condition of land are much influenced by other policies, and by other statutory and non-statutory regimes, as well as by town and country planning. In fact, the largest uses of land, agriculture and forestry, have remained almost totally outside the town and country planning system.

A basic weakness in present procedures is the lack of strong connections between town and country planning and the work of the specialist agencies dealing with pollution and conservation. Information about complex environmental processes is scattered between a number of different bodies. Development plans may express admirable sentiments about issues such as energy conservation, but not in a form and context that are likely to change anything in the real world.

There is no evidence that the additional resources required to produce the many separate documents shown in the table have a commensurate benefit in terms of impact. On the contrary, the confusion and fatigue engendered by such a large number of plans produced by different bodies at different times may make the environmental planning system less effective than it could otherwise be.

Preparing new forms of plan or strategy may even have become a substitute for the greater commitment and better co-ordination that could make institutional arrangements work better. Crucial issues can all too easily be shelved to await consideration in another part of the planning process. There may be the temptation to evade difficult issues, especially the long-term questions that are crucial for sustainability.

No part of the UK has an integrated or coherent system for identifying and promoting the actions needed at regional or local level to safeguard environmental sustainability. For all the proliferation of plans, there is a lack of effective mechanisms for influencing some features of land use and development which are central to long-term sustainability. There need to be much more effective procedures for bringing together consideration of economic and social objectives and environmental constraints. Only in that way can the crucial issues be identified, and sometimes difficult choices made, on the basis of adequate information and a full review of the options.

Some rationalisation and streamlining of the complex environmental planning system would be beneficial. But the focus must be much wider than the town and country planning system.

## ACHIEVING SUSTAINABLE DEVELOPMENT

Safeguarding the environment is fundamental to sustainable development. We have to adopt methods of meeting economic and social objectives which take into account the scale of human impacts on the environment, and will be sustainable in the longer term. The underlying forces creating pressures on the environment have to be identified and assessed, and appropriate policies adopted towards them.

Many bodies now include sustainable development among their formal objectives. The government recommends that sustainability appraisals should be carried out for the various tiers of land use plans. But such appraisals are usually superficial, and not quantified.

By 2004 the EC Directive on Strategic Environmental Assessment has to be transposed into UK law. Sustainability appraisal as currently undertaken will not meet the new requirements; the environmental component will have to be strengthened. The Directive could be a positive and valuable influence. If, however, the requirements of the Directive are applied in a formalistic way to the present plethora of partial, overlapping, and often inconsistent plans produced by various bodies, they could become a burdensome charade.

Sometimes achieving sustainable development will entail resisting or reversing established trends. But it will be crucial to promote innovative solutions which, as far as possible, simultaneously meet environmental, economic and social objectives. That means finding ways of reconciling economic, social and environmental objectives, especially by reducing demands on natural resources to a point where they will not cause environmental damage.

Devising and implementing sustainable solutions is going to involve all sectors of society. Success will depend on adopting a strategic approach and using a full range of policy instruments, deployed at different levels of government. Economic instruments will be important, as will support for research and development. Legal regulation has a vital contribution to make, not only in limiting damage from human activities, but in encouraging and facilitating innovative approaches.

Regulatory and planning systems are unlikely to contribute to sustainable development unless there is strong and widespread commitment to that as the overall goal. A broad aim of sustainable development is to improve the quality of life. Nevertheless there may be difficulties in making the transition to a world in which growth of the economy places progressively fewer demands on environmental and natural resources. Many people will gain from this. But hard decisions will have to be made, including planning decisions, and inevitably some people will lose out in some ways. The system in which those decisions are made has to command public confidence as being open, fair and impartial, as well as accountable and effective.

## KEY MESSAGES OF OUR REPORT

**Having looked in depth at current arrangements for environmental planning, we have concluded that action should be taken in six areas to make them more efficient and more effective. We see a pressing need for:**

•

**clearer policies and objectives for the environment**

•

**statutory recognition of the central role of town and country planning in protecting and enhancing the environment**

•

**rationalising the overall system for environmental planning by introducing integrated spatial strategies covering all aspects of sustainable development**

•

**much improved availability of information about the environment**

•

**ensuring that strategies cover all forms of land use**

•

**further steps to engage a wider range of people in decisions about setting and achieving environmental goals**

**We quote below our main recommendations under each of these headings. We also emphasise that planning authorities and specialist environmental agencies must be resourced adequately to undertake strategic planning.**

## Clearer policies and objectives for the environment

**Although there are already wide-ranging policies for the environment, these are not comprehensive, nor always mutually consistent.** A concise and definitive statement of priority objectives for the environment should be produced now for each part of the UK, and widely publicised. Wherever possible, this statement must include a quantified target or targets for movement towards each objective by a specified date.

**Protecting and enhancing the environment must be firmly and unambiguously accepted as the foundation for sustainable development.** The statements of priority objectives should be prepared on the basis that sustainable development is achievable only if the environment is safeguarded and enhanced. **The government should modify the main aims of the UK Sustainable Development Strategy to reflect its commitment to environmental improvement.**

**The objectives adopted will have to be consistent with European legislation and international commitments. As negotiating and complying with international agreements is the responsibility of the UK government,** it will be necessary to produce a statement of priority environmental objectives for the UK as a whole, as well as for each of its parts.

It is essential that each objective for the environment is underpinned by a soundly based programme for achieving it. **These programmes must identify clearly the contributions expected from different policy instruments and different public bodies.**



## A clear statutory purpose for town and country planning

We have highlighted the central role of town and country planning in safeguarding environmental sustainability. For over 50 years its function in protecting and improving the environment has been largely implicit. Planning policies have also pursued economic and social objectives, and at times have placed relatively little emphasis on environmental considerations. A major reason for confusion about the role of the town and country planning system is that the Acts do not say what its purpose is. For the future its importance in protecting and enhancing the environment must be made explicit, in a way that also recognises its other purposes. The town and country planning system should be given a statutory purpose. Rather than use the term 'sustainable development', an appropriate purpose would be 'To facilitate the achievement of legitimate economic and social goals whilst ensuring that the quality of the environment is safeguarded and, wherever appropriate, enhanced.'

The presumption in favour of development, which has been a strong implicit feature in the past, ought no longer to apply. To reinforce the new statutory purpose for the system, legislation should also stipulate key aspects of the environment and natural resources as material considerations which should be taken into account in considering all planning applications.



## Rationalising the overall system for environmental planning

Although town and country planning is of central importance, we have emphasised that it must be seen as part of a wider system for ensuring that, alongside economic and social objectives, environmental objectives can be set and achieved. In recognition of that, a new form of plan should be introduced: integrated spatial strategies which take account of all spatially related activities and all spatially related aspects of environmental capacity. They should be four-dimensional, covering the atmosphere and groundwater as well as the land surface, and looking at least 25 years ahead.

The integrated spatial strategy should be the dominant plan for the area it covers. That area must be meaningful to the public, but also large enough to provide a valid basis for strategic planning. It should not be any smaller than the areas for which structure plans are prepared at present.

We see integrated spatial strategies as the key instrument for rationalising the present plethora of plans produced by public bodies which either deal directly with or have important implications for spatially related aspects of the environment. It should cover the spatial implications of all government policies, including for example energy policies. To identify and address the problems of a particular area the integrated spatial strategy should draw on a new form of environmental report which analyses the current state of the environment and extrapolates the pressures on it from current trends. Each strategy should also be required to incorporate appropriate contributions towards environmental and other targets set nationally.

To ensure that all the relevant bodies contribute fully to preparation of the integrated spatial strategy, and are committed to its implementation, it should have a firm statutory basis, and the lead body should be clearly designated. All other public bodies should be placed under a duty to co-operate in its preparation and comply with it where it affects their activities.



In particular, it should be a statutory requirement that local plans or local development frameworks must comply with the integrated spatial strategy. Wherever appropriate, the policies and targets in the integrated spatial strategy should also be reflected in the community strategy or plan.

## Improved availability of information about the environment

The preparation, monitoring and revision of integrated spatial strategies will be dependent on an efficient supply of up-to-date information (quantitative and qualitative) about all aspects of the environment. Improved availability of information will facilitate the production of environmental statements for projects, and will be essential to carry out the strategic environmental assessments of plans and programmes which will be required under EC legislation. Effective public involvement in environmental planning requires that all relevant information should be readily available.

Data which have been gathered in the public name and for the public good should be available electronically at no cost for public use.

A virtual centre for environmental data should be created in order to overcome the barriers to presenting coherent and consistent environmental information in electronic form. **Such a centre could make full use, not only of geographical information systems, but also of the Grid software technology now emerging as a way of exchanging large amounts of data between different databases.**

**The virtual centre we envisage would be linked to, and complement, the Planning Inspectorate's new Planning Portal. That project will focus on planning policies and administrative procedures, and allow appellants and objectors to communicate with the Inspectorate electronically. The virtual centre we envisage will enable people to find out about the state of the environment and the pressures on it. It will also allow assessments to be made of the overall effects of planning decisions and the likely impact of proposals under consideration. For that purpose it must be able to take into account any effects on other areas if materials or energy would have to be imported from them, or if wastes and emissions would be exported to them.**



## Covering all forms of land use

**Because town and country are interdependent, the area covered by an integrated spatial strategy should normally include both significant urban areas and significant rural areas. The strategy must include the largest uses of land, agriculture and forestry. The ways in which land is used for agriculture and forestry are largely determined by the subsidies available for those activities.**

Production subsidies to agriculture should be phased out as soon as possible. While they remain part of the Common Agricultural Policy (CAP), farmers receiving such subsidies should be required to maintain a defined level of environmental protection on the land they manage. The government should take full advantage of the existing scope for cross-compliance under the CAP to support the protection and enhancement of the environment, and should seek to widen the scope for cross-compliance as part of the reform of the CAP.

There is justification for the state to continue payments to rural land managers, including arable and livestock farmers, for achieving well defined, measurable environmental and social objectives.

In future each agricultural holding in the UK receiving public subsidy should be required to prepare a farm plan containing actions to improve the environment which can readily be monitored. To simplify the existing arrangements, all bodies giving grants, exercising regulatory functions or requiring certification of environmental performance should accept the plan as meeting their requirements for information. The Rural Payments Agency and its counterparts should have responsibility for all grant payments made pursuant to the plan, including payments made in respect of management of Sites of Special Scientific Interest or for farm woodland or afforestation schemes.

**In this way the bureaucratic burden on farmers and landowners could be considerably eased.**





**The substantial benefits of an urban renaissance will not be realised unless there are more concerted efforts to tackle outstanding problems of environmental degradation in urban areas. As well as more effective action to reduce air pollution,** the government and the devolved administrations should include in their guidance to planning authorities targets for the maximum distance any urban household should be from a green space of specified size open to the public.

Once a clearer picture emerges of the extent of the problem posed by contaminated land and the possible uses for remediated sites, the government and the devolved administrations should set targets for the total area to be brought back into beneficial use over ten years and should plan to provide the necessary finance. They should also report on the feasibility of the 2030 goal for dealing with contaminated land proposed by the Urban Task Force.



## Engaging the public

**It is vital that the planning system enjoys public confidence. Basic mechanisms of democratic accountability may not be sufficient to ensure that it does. There is much scope for eliminating unnecessary delays in the handling of cases. But a fast and predictable system will not win and retain public support if it is regarded as unfair or biased. Nor will it retain public confidence if it is found to lead to unacceptable outcomes. Streamlining of the system must not be at the expense of full and proper consideration of environmental impacts, or of opportunities for public scrutiny of policy assumptions.** The demonstrable capacity of public participation to improve plans and policies should be fostered by improving existing procedures and developing new deliberative processes.

**Other environmental regimes have grown up piecemeal, and exhibit a bewildering variety of procedures.** Environmental Tribunals should be established to handle appeals in such cases. **Other regimes should extend the opportunities for public participation, using the town and country planning system as a model.** Pollution control authorisation and planning permission for industrial plants should be obtained through a single open process involving a common environmental statement and, where appropriate, a joint public inquiry.

**The public need to be engaged, not only as objectors to or supporters of particular proposals, but also at the stage of drawing up and reviewing plans. Integrated spatial strategies of the kind we have recommended will focus attention more effectively and constructively. There must be full participation by stakeholders and the wider public in the preparation of such strategies, beginning with the identification of problems, and full public scrutiny of the drafts put forward. Approaches already in use for structure plans and regional planning guidance can be further developed for this purpose.**

Proposals for major infrastructure projects should always be put forward within the framework of carefully considered national policies, which should always be adopted after wide public consultation, and take full account of environmental considerations. The national need for additional infrastructure should be probed in an open and participatory process, which where practicable should engage local communities who may be affected. If the inspector conducting the subsequent local inquiry concludes that the local impacts of a proposed project would be unacceptable, he should be permitted to recommend that the previous approval in principle should be reconsidered.

## Funding and skills

There is widespread agreement that resources, especially human resources, are a key issue for effective planning. Bodies with otherwise differing perspectives told us that present resource levels do not match the demands placed on the town and country planning system, and that it is slower and less effective than it should be. One consequence is that many plans have taken so long to produce that they are out of date by the time they are adopted. There are also consequences for the time taken to decide planning applications, an issue which has preoccupied this and previous governments. The specialist environmental agencies have also had difficulty in obtaining funding to carry out some of their key functions.

The resources available are only one side of the equation. The tasks set must be examined to see whether they are appropriate. We make a number of recommendations in this report for simplifying planning procedures, and these should help reduce the pressures on resources. Even so, present levels of resources may well be insufficient for the tasks faced in the future. Rather than being driven by a belief that resources cannot be increased, we consider that changes to the planning system should be discussed and justified in terms of their implications for the system's effectiveness in fulfilling its purpose. Planning authorities must be properly resourced for their tasks. So must the specialist environmental agencies.



# INTRODUCING INTEGRATED SPATIAL STRATEGIES IN ALL PARTS OF THE UK

The report identifies certain general requirements for integrated spatial planning. The best way of satisfying those requirements may vary with circumstances. Both the present institutions and the geographical conditions differ significantly in the different parts of the UK.

## England

If and when elected regional assemblies are established in England they are likely to provide the most satisfactory basis for spatial planning. It might be a number of years, however, before that position is reached; and even then there is likely to remain a need to prepare spatial plans for some sub-regions, perhaps including some that cut across regional boundaries.

The introduction of integrated spatial planning ought not to wait that long. Experience with structure plans and regional planning guidance confirms the importance of the learning curve when a new approach to planning is introduced. In moving towards spatial planning in which environmental factors are fully integrated there will be many practical and conceptual difficulties to overcome, and many new working relationships will have to be established. This work should start as soon as possible.

Our recommendation, therefore, is that regional planning guidance and structure plans should both be converted into integrated spatial strategies with a comprehensive coverage of land use and environmental issues. We also recommend increasing co-operation between county and unitary authorities to develop integrated spatial strategies for sub-regions where those have greater functional coherence.

South East England is a special case because London is so dominant. Irrespective of the solution adopted elsewhere, the best solution in this part of England would be to concentrate strategic planning at two levels:

the South East super region, including London

London and, in the remainder of the super region, sub-regions no smaller than those for which structure plans are prepared at present.

## Northern Ireland

In Northern Ireland we consider that drawing up a spatial development strategy for the whole province and more detailed spatial frameworks for the Belfast Metropolitan Area and the regional city of Londonderry represents a sensible approach to introducing spatial planning.

## Scotland

The Scottish Executive has sought views on whether a 'national overview document' should be prepared for Scotland, and if so what form it should take; but has emphasised this is not intended to be a national plan, nor comprehensive. It has also sought views on whether strategic development plans should be prepared for the four largest cities and their hinterlands. We believe these plans should take the form of the integrated spatial strategies we have recommended. Consideration should also be given to introducing integrated spatial planning in the remainder of Scotland.

## Wales

In Wales local government is too fragmented to undertake spatial planning at a sub-regional level. The National Assembly is committed to producing a spatial planning framework 'to link together the Assembly's policies and set a vision for balanced development that benefits all parts of Wales'; although a national strategy, it is also envisaged as having 'a strong regional dimension'. Progress towards producing the framework has been slow. National strategic frameworks for energy, waste and transport are being produced, with the intention that they will feed into the spatial planning framework; and, if there is further delay, there must be a danger that they will pre-empt any attempt at genuine spatial planning. We urge the National Assembly for Wales to adopt the promised national spatial planning framework at an early date. We also recommend that the Assembly take the initiative, in conjunction with the relevant local authorities, in preparing integrated spatial strategies for regions within Wales.



## THE PLANNING GREEN PAPER

We welcome the recognition, in the Green Paper relating to England published in December 2001, that the planning system still has an important role. The foreword by the Secretary of State for Transport, Local Government and the Regions begins: 'Planning is fundamental to the way our cities, towns and villages look, the way they work and the way they relate to each other.' According to the Green Paper the two characteristics of a successful planning system are that it should 'fully [engage] people in shaping the future of their communities and local economies' and 'promote economic prosperity by delivering land for development in the right place and at the right time'.

Government policy towards local authorities, however, has given more emphasis to community strategies and local strategic partnerships, largely as a way of integrating a host of area-based initiatives previously launched for specific purposes. In policies for the regions there has been more emphasis on economic strategies than on regional planning guidance.

The Green Paper adopts a narrow focus on people's views about their immediate environment and the effects of new developments on 'the surroundings in which they live and work'. There is almost no reference to the wider environment or the value people attach to it. We are promised only that the planning system 'will value the countryside and our heritage while recognising that times move on'. There is no recognition of the severe economic and social implications of ignoring fundamental constraints such as those analysed in our report on energy and climate change.

The very few references to sustainable development do not acknowledge that it is an environmental concept. Where a decision involves striking a balance, the Green Paper sees it as lying between 'our desire for economic development and for thriving communities'; environmental sustainability is not mentioned. Yet a system for planning and regulating land use has effects on the environment which are at least as direct, and ultimately as important, as its effects on the economy or the community.

Although we share many of the Green Paper's concerns, we approach the planning system from a different standpoint. We agree that 'fundamental change' is necessary, but we believe it needs to go deeper and wider. We fear some of the proposals the government has put forward are unlikely to succeed because they proffer simplistic solutions to complex problems. Others may well lead to increased uncertainty, and therefore slow down the system by increasing the number of legal challenges to decisions, one of the major causes of delays. Our main difference with the Green Paper, however, is that we have addressed fundamental issues, which the Green Paper fails to acknowledge, about the purpose and nature of a land use planning system, and we have placed those issues in the wider context of achieving environmental sustainability.



## SOME OTHER RECOMMENDATIONS

### Joining up planning

There should be no reduction in the obligations on planning authorities to consult the agencies responsible for pollution control, flood defence, the built heritage, and conservation of species, habitats and landscapes.

Allocations for development should not be made until it has been clearly established that water supply and sewerage can be provided in an environmentally sustainable manner.

All relevant planning guidance should contain comprehensive advice on the risks of inland and coastal flooding under current conditions and following a period of climate change. The Environment Agency should be made a statutory consultee on flood defence issues.

Planning protection should be extended below the high water mark and to the sea bed.

Spatial strategies should take specific account of climate change, its effect on natural resources and the managed environment, the scope for adaptation, and the scope for reducing emissions of greenhouse gases. Planning departments should receive guidance and training on dealing with climate change issues.

The government and the devolved administrations should review the respective roles of the town and country planning system and the building regulations in order to design and implement an effective system for achieving substantially better environmental performance in new or refurbished buildings.

### Confidence in the system

Third parties should have a right of appeal against decisions on planning applications in certain circumstances. Similar rights of appeal for third parties should be introduced for other forms of environmental regulation.

Where a local authority might have a conflict of interest in relation to a planning matter it is considering, there should be a statutory requirement for it to make a formal public declaration of the nature and extent of its interest before taking a decision. The decision whether to grant planning permission for any development above a specified size promoted by a local authority which is also the planning authority, or affecting its land, should be taken by an inspector or inquiry reporter appointed by the Minister.

### A clearer framework

The diverse legislation the Environment Agencies inherited should be reviewed to give it coherence and relate it to consistent general principles; and the necessary changes should be enacted at the earliest practicable opportunity.

Planning policy guidance for England (the PPG series) should be condensed into a single document updated at frequent intervals. This should incorporate an early revision of guidance on renewable energy, which is now nearly nine years old.

Mechanisms are needed to ensure that legitimate societal needs can be met in the face of preferences opposing the developments implied by those needs. The town and country planning system is intended to be such a mechanism but such developments must be essential parts of comprehensive and generally accepted policies, they must stem from transparent assessments of needs and environmental capacity, and there must be more imagination in countering any adverse effects on particular areas.

### Rural land use

Use of land for agriculture, forestry and countryside recreation should be issues covered in all spatial planning in future.

The permitted development rights which currently apply to building conversions and the construction of new buildings, roads and vehicle tracks, when those activities are associated with agriculture or forestry, should be withdrawn.

In implementing the new procedure for assessing the environmental impact of converting land to intensive agriculture, DEFRA and the devolved administrations should not hesitate to refuse consent to schemes that would cause significant environmental damage. Screening of cases should be carried out by staff with appropriate environmental training using rigorous criteria.

Local planning authorities should be added to the list of statutory consultees for assessments carried out under the new procedure.

There should be a thorough review of controls on environmental impacts of agriculture, including measures for protecting the conservation value of the countryside and for controlling agricultural pollution.

### Environmental assessment

Human health issues should be incorporated explicitly in the environmental impact assessment process.

Consideration should be given to introducing a mandatory preliminary stage in environmental impact assessments in which the planning authority will prescribe the scope of a particular assessment after public consultation.

A counterpart of the Dutch Environmental Impact Assessment Commission should be established in the UK to provide a rigorous independent check on the assessment process. The commission could also carry out evaluations of a sample of statements and issue guidance on best practice.

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\* leaves the Commission on completion of the Environmental Planning Study

+ new Member appointed April 2002

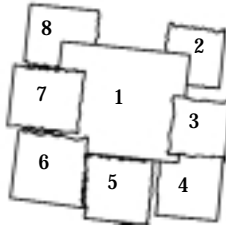
**Secretary to the Commission**

(until January 2002) **Dr David Lewis**

(from February 2002) **Dr Peter Hinchcliffe**

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## Cover images

**The Tamar Estuary near Saltash, Cornwall. The surrounding images show parts of the area covered by the central image. With grateful thanks to the National Centre for Environmental Data and Surveillance, Environment Agency, Bath.**

1. CASI (Compact Airborne Spectrographic Imager) image showing the Tamar Estuary near Saltash. *CASI image © Environment Agency 2002.*
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3. Land designations: pink represents an Area of Outstanding Natural Beauty (AONB); lilac is a Special Area of Conservation (SAC); building symbols are Scheduled Ancient Monuments (SAM). *AONB © Countryside Agency. AONB digital boundary interpreted from the designation map approved by the Secretary of State and held by the Countryside Agency, Cheltenham. SAC boundaries © English Nature. SAM © English Heritage, all rights reserved - for any information regarding this data please contact English Heritage.*
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The Royal Commission's full report, *Environmental Planning*, is available from The Stationery Office (Cm 5459, ISBN 0-10-154592-4). Alternatively, the full report and this summary can be downloaded from the Royal Commission's website <http://www.rcep.org.uk>.

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