

## **From the Letters pages of The Times:**

### **April 5: Headed “Planning red tape”**

As a former planning inspector I read the new National Planning Policy Framework (NPPF) with great interest. It does indeed compress reams of superseded guidance into 50 pages.

However, this is all advice on government policy, the non-statutory part of the framework of planning. It has to be used in compliance with the statutory elements, the Planning Acts from 1990 onwards, often amended, other Acts, the stream of statutory instruments, rules, directions and directives, and indeed case law. These are where the much-vilified red tape lies. There are pointers to red tape: eg, technical guidance on minerals and flood-risk; environmental impact assessments and habitats regulations.

And the new NPPF has even got the law wrong in one of my specialities: the definition of a conservation area.

Those hoping that this document will reduce red tape will be greatly disappointed.

### **April 9: Headed “Planning changes add to confusion”**

Edward Fennell (Law, Apr 5) deserves praise for his article on the new National Planning Policy Framework. It shows the wide disquiet felt about this document, particularly its reliance on the faulty concept of "sustainable development". With wide experience as a Parliamentary draftsman accustomed to framing statutory definitions, I am astonished that heavy weight should be placed on such an inadequate term. It will cause prolonged argument at almost every future planning hearing.

The document contains no proper definition of the term "sustainable development". It says: "Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. What sort of definition is that?"

The document also says: "Resolution 42/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs". That is no better.

The document adds: "The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.' Are planning hearings really going to have to plough through more than 200 paragraphs of this document every time there is argument about whether a proposed development is "sustainable"?"

The Government should think again.

(from a retired Parliamentary Counsel)