

**Wildlife and Countryside Link
Initial comments on the National Planning Policy Framework
March 2011**

Wildlife and Countryside Link (Link) welcomes the opportunity to input to the proposed National Planning Policy Framework (NPPF) in advance of a formal consultation. Link brings together 34 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practise and advocate environmentally sensitive land management, and encourage respect for and enjoyment of natural landscapes and features, the historic environment and biodiversity. Taken together our members have the support of over 8 million people in the UK and manage over 690,000 hectares of land.

These comments are supported by the following 17 organisations:

- Amphibian and Reptile Conservation
- Badger Trust
- Bat Conservation Trust
- Buglife – The Invertebrate Conservation Trust
- Butterfly Conservation
- Campaign for National Parks
- Campaign to Protect Rural England
- The Grasslands Trust
- Hawk and Owl Trust
- Open Spaces Society
- People's Trust for Endangered Species
- Plantlife
- Royal Society for the Protection of Birds
- Wildfowl & Wetlands Trust
- The Wildlife Trusts
- Woodland Trust
- WWF – UK

Summary

Our input is based on *Our Vision for the Future of Planning*, issued by Link in October 2010 and has five key points.

- The overarching vision and purpose of the NPPF should include an ambition to establish an ecological network to maintain, restore and improve England's biodiversity and the natural beauty of its landscapes, following on from the vital role ascribed to planning in the Lawton Review. The NPPF should contain policies to achieve these ambitions at a range of spatial scales.
- The vision and purpose of the NPPF should include the achievement of sustainable development, with the detailed definition taken from the current UK Sustainable Development Strategy, *Securing the Future*. We have called for the purpose for planning to be outlined within the Localism Bill, including a definition

of sustainable development. The NPPF can then provide greater detail, key policies and principles on achieving sustainable development through the planning system, and should be consistent with the current UK Sustainable Development Strategy.

- Any policy presumption in favour of sustainable development should be consistent with the current legal duty to take decisions in accordance with the development plan unless material considerations indicate otherwise.
- The NPPF should ensure that commitments to existing forms of environmental protection made in the Coalition Agreement are meaningfully implemented on the ground, maintain other existing important environmental policies, and set robust criteria for the use of the promised new local green space designation.
- The NPPF should set robust standards for community engagement in planning, referring to and ensuring consistency with to the UK's obligations under the Aarhus Convention.
- The NPPF should give an overview of the issues that can usefully be covered in strategic, local and neighbourhood planning.

The overarching vision and purpose of the NPPF

The overarching vision and purpose of the NPPF should include an ambition to establish an ecological network to maintain, restore and improve England's biodiversity and the natural beauty of its landscapes. Such a component would be a strong statement of the UK's commitment to its international obligations on biodiversity¹ and landscape². The ambition would also provide an important cross link to the Natural Environment White Paper, currently being formulated by the Department for Environment, Food and Rural Affairs, (Defra).

The Natural Environment White Paper will be a key test of the coalition government's aspiration to be the 'greenest government ever', and the NPPF is one of the most important means of delivering improvements to England's natural environment, so these cross-links are crucial.

Link believes that the NPPF should, insofar as it addresses environmental issues, have a spatial element. This would help the public to visualise the scale of key challenges, such as climate change mitigation and adaptation, and the health of ecosystems and landscapes, and how their local community relates to these. A spatial approach could incorporate and build upon the mapping of Green Belts and national landscape and coastal designations already found in PPGs 2 and 20 respectively. The NPPF should also take account of national biodiversity priorities, for instance species and habitats defined in Section 41 of the Natural Environment & Rural Communities Act 2006 as being of principal importance for nature conservation, and the location of, and possible links between, locally, nationally and internationally designated wildlife sites. Link believes that the NPPF could usefully identify England's economic, social and

¹ <http://ww2.defra.gov.uk/news/2010/10/29/nagoya-statement/>

² http://www.coe.int/t/dg4/cultureheritage/heritage/landscape/default_en.asp

environmental objectives, show how they fit together and what these mean at the local level. The NPPF should identify national ambitions, including restoring and creating new habitats at a landscape-scale.

Link also believes that the NPPF should promote integration of marine and terrestrial planning. It will need to outline what the relationship is between the NPPF, the Marine Policy Statement and marine plans. The NPPF could also guide local authorities on how policies or objectives crossing the land and sea interface can be developed and implemented and what expectations there will be for local authorities to work with the Marine Management Organisation. It should also incorporate the National Policy Statements (NPSs) on nationally significant infrastructure into a single document. If this is not possible (for example if the NPPF is not put on a similar statutory footing to the NPSs) the NPPF should set out clearly how the suite of documents fit together to ensure clarity. The NPPF should not designate specific sites for major infrastructure or any other type of development.

Sustainable development as an expected core principle of the NPPF

The vision and purpose of planning must have the achievement of sustainable development at its heart. Link believes that the purpose for planning should be outlined within the Localism Bill, accompanied by a statutory definition of sustainable development. For the purpose of including sustainable development principles within the NPPF, Link believes that the current (2005) UK Sustainable Development Strategy is broadly fit for purpose. We strongly urge the Government to reflect the five principles of the Strategy in the NPPF. This means bringing about genuine improvements in environmental and social wellbeing, and that we must live within environmental limits locally and globally. Planning is an essential tool for managing the use of our natural resources and for minimising the impacts of development on the environment. A high-quality natural environment is important for business, for people and in its own right. Present and future generations deserve the best possible standards for their communities and the countryside they care for.

Link welcomes the Government's emphasis on the plan-led system and comprehensive development plan coverage across England (we say more on development plans below). It is important, however, to distinguish the purpose of planning to achieve sustainable development from a presumption in favour of sustainable development. Any policy presumption in favour of sustainable development must be consistent with the current legal duty to take decisions in accordance with the development plan unless material considerations indicate otherwise (also known as the 'plan-led system' of development management), and with the long-established principle that planning operates in the public interest. The presumption in favour should also be defined with clear parameters in the context of the framework set by the general purpose of planning for sustainable development. It should not be used as a tool for developers, often large multinational companies with narrow economic interests, to inflict environmental damage or override the desire of local communities or the general public to protect important environmental assets and/or secure new development of a high quality.

Link would also agree with the call in the Conservative Green Paper *Open Source Planning* for sustainable development standards in the NPPF, but it is important that

these are set at a challenging level that improves on existing policy and practice rather than undermines it. On 10 February Greg Clark said in a speech that sustainable development would be defined in such a way that 'allows for growth, but that demands growth be properly managed, consistent with plans, and compliant with environmental standards.' We believe that any definition of sustainable development must go much further than simply requiring that existing environmental standards are met.

Biodiversity, habitat and landscape protection

An effective planning system is essential for development alongside a healthy natural environment, and particularly if we are to meet our biodiversity and landscape commitments. The plan-led system has for a long time played an important role in protecting biodiversity and landscapes, and more recently strategic planning has begun to play more of a role in the enhancement of the natural environment. It is essential that the NPPF maintains the same level of policy protection, and presumption toward enhancement, for landscape and the open countryside as set out in PPS7; and for biodiversity and habitat, as that set out in PPS9. The NPPF provides an opportunity for the coalition government to go a step further, and make the most of the planning system as a positive tool for the natural environment.

Link strongly welcomes commitments to existing forms of environmental protection made in the Coalition Agreement. The NPPF will play a crucial role in ensuring that these commitments are meaningfully implemented on the ground. An important way in which it can do so is by providing spatial representation of where Green Belts, nationally and locally designated landscapes and wildlife sites, and other nationally important species and habitats are located (see above). Equally importantly, it should also include policies to support habitat restoration and creation to create a coherent and resilient ecological network, as recommended by the recent *Making Space for Nature* report³ for Defra. It should acknowledge and encourage the role of local landscape and wildlife sites in realising such a network.

We are aware that the Government is aiming to significantly reduce the overall volume of national planning policy guidance. We note the statement made by the Department for Communities and Local Government (CLG) on 21 February to The Guardian newspaper that '*condensing the sprawling volumes of planning guidance will not undermine the local environment*'. We have suggested a possible policy approach to biodiversity in the Annex. This should not be seen as exhaustive; in particular, PPG2, PPS7, PPS9 and Circular 06/05 all contain a number of valuable existing policies which Link believes should be retained. Link members are identifying important existing policies in their individual submissions and may identify further policies at subsequent points in the consultation process.

Defra is currently developing proposals for biodiversity offsets (or 'conservation credits') and working with CLG to develop a protective designation for local green spaces. Link strongly believes that such initiatives must add to, and not detract from or replace, the

³ Lawton, J.H., Brotherton, P.N.M., Brown, V.K., Elphick, C., Fitter, A.H., Forshaw, J., Haddow, R.W., Hilborne, S., Leafe, R.N., Mace, G.M., Southgate, M.P., Sutherland, W.A., Tew, T.E., Varley, J., & Wynne, G.R. (2010) *Making Space for Nature: a review of England's wildlife sites and ecological network*. Report to Defra.

existing level of biodiversity and landscape protection currently provided through the planning system, and be applied in order to achieve a national ecological network linking designated areas as mentioned above.

Link welcomes the Government's intention to create a new designation enabling the protection of green spaces of importance to local communities. Robust criteria should be set in the NPPF to inform the application of the designation, so that its relevance and applicability can be compared alongside those of established forms of both national and local planning protection, such as Green Belts and locally, nationally or internationally designated landscapes and wildlife sites. National designations have proved effective over many years at preventing damage from inappropriate development and facilitating habitat and landscape restoration. We would not see the local green space designation as being a replacement either for national designations where they currently exist (or could potentially exist in the future), or for the current statutory regime of village green protection.

If the NPPF includes guidance on the application of the new designation, then Link would recommend that a crucial aspect should be encouragement for local planning authorities and/or neighbourhood forums to designate locally important areas of habitat or landscape through the development plan process, which could be at either the local authority or neighbourhood level. Current Government policy in PPS7 (paragraphs 24 and 25) is, in Link's view, unhelpful in this regard and should be altered.

Link also recommends that the Government states that the green space and woodland standards, produced by Natural England and the Woodland Trust respectively, can be used as part of the justification for use of the designation. The experience of designating Local Wildlife Sites could also be useful, particularly the associated Defra guidance *Local Sites: Guidance on their identification, selection and protection* (Defra 2006).

We understand that the Welsh consolidated national planning policy is a possible model for the NPPF. The Welsh policy encourages local planning authorities to make full use of their powers to protect and plant trees where appropriate to maintain and improve the appearance of the countryside and built up areas. The NPPF should do the same.

Community engagement

The NPPF should set robust standards for community engagement in planning and refer to the UK's obligations under the Aarhus Convention. The 6.5 million members and thousands of volunteers within Link member organisations make it possible for us to do the work that we do. They demonstrate people's passion for a healthy natural environment and why decision-makers should listen to our concerns and draw on our knowledge.

In order for our member organisations to play an informed role in the planning process, there need to be clear commitments to openness, transparency, fairness and robust evidence in planning processes. The NPPF should set robust standards for community engagement in planning and refer to and be consistent with the UK's obligations under the Aarhus Convention. Our members have frequently come across individual local authority practices, such as excessive charging for planning documentation, that in our

view have clearly contradicted some or all of these principles. Link urges the NPPF to refer in some way to existing Government publications which still remain relevant, such as *Community Involvement in Planning – The Government’s Principles*, and *Making the Planning System Accessible to Everyone*.

Clarity on guidance

Link understands that the Government intends to incorporate all policies that it considers relevant from all existing CLG planning circulars and best practice guidance documents into the NPPF, with best practice guidance being expected to increasingly come from civil society organisations in future. We would be particularly concerned to ensure that guidance contained in existing Circulars on biodiversity protection (as mentioned above) and World Heritage Sites are retained as Government policy. We are also concerned that the process of consolidating and simplifying the existing PPSs and PPGs should not lead to current guidance being summarised to the point of being meaningless. This would be counter-productive as it would lead to poor decision-making and, hence, a higher likelihood of appeals.

It is vital that weight is given in planning decisions to identified best practice. If the Government no longer intends to produce guidance on best practice, it should identify a clear and transparent process for ensuring that guidance that has been produced by civil society bodies is seen to reflect the wider public interest. The NPPF should state that such a process should be undergone before guidance can carry weight as a material consideration in planning decisions. The NPPF should also provide signposts to external documents by national organisations (which may include Link or its individual members in a number of cases) that are recognised by the Government as material considerations in planning decisions.

Development plans

The NPPF should give an overview of the issues that can usefully be covered at the local and neighbourhood levels of planning, as well as cases where it will be necessary to invoke the proposed ‘duty to co-operate’ currently being debated as part of the Localism Bill. The natural environment cuts across administrative boundaries. In recent years, planning beyond the local level allowed for joint local authority policy development and greater involvement of partners in the delivery of positive outcomes. Examples in recent years of co-operation across local authority boundaries have included establishing and maintaining Green Belts and nationally designated landscapes; managing coastal realignment; successful action on mitigating and adapting to climate change, including renewable energy projects; adoption of strategies and action plans to assist local authorities in reducing their ecological footprints; and restoring habitats following minerals extraction. Link therefore believes that co-operation on spatial planning can do much to deliver the national ecological network called for by Lawton, in the *Making Space for Nature* report.

The NPPF should expect local plans to be built on a robust, up-to-date evidence base. To illustrate the importance of this for the natural environment, an effective local biological records centre and local authority ecologist make a huge difference in preserving and connecting sites of wildlife importance. It is important that the high level vision of the authority is matched with data and expertise to help ensure that



development frameworks and planning decisions protect and enhance biodiversity. Existing cross-sector partnerships involving Link members, such as Local Nature Partnerships, should be recognised as an important source of expertise.

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ANNEX

PLANNING FOR BIODIVERSITY: KEY PRINCIPLES

Planning, construction, development and regeneration should have minimal impacts on biodiversity, and should provide net gains in biodiversity wherever possible.

Planning policies and decisions should be based on up-to-date information about the environmental characteristics of the area.

DEVELOPMENT PLANS

Development plans should:

- (i) Take account of the need to plan for biodiversity at a landscape-scale across local authority boundaries;
- (ii) Include policies for the preservation, restoration and re-creation of priority habitats and the recovery of priority species populations, linked to national and local targets ; and identify suitable indicators for monitoring biodiversity;
- (iii) Identify and map components of the local ecological networks, including: international, national and local sites of importance for biodiversity , and areas identified by local partnerships for habitat restoration or creation.
- (iv) Include criteria based policies against which proposals for any development on or affecting such sites will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites .

DEVELOPMENT MANAGEMENT

When determining planning applications, local planning authorities should conserve and enhance biodiversity:

- (i) If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated against, or, as a last resort, compensated for, then planning permission should be refused;
- (ii) Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- (iii) Opportunities to incorporate biodiversity in and around developments should be maximised;

Planning obligations relating to biodiversity should be targeted at the local ecological network.