

Housing and Planning Bill - PROPOSED AMENDMENTS

February 2016

Wildlife and Countryside Link (Link) brings together 47 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 and marine environment and biodiversity. Taken together our members have the support of over 8 million people in the UK and manage over 750,000 hectares of land.

These amendments are supported by the following 10 Link members.

- Buglife
- Butterfly Conservation
- Campaign to Protect Rural England
- Friends of the Earth England, Wales and Northern Ireland
- National Trust
- Open Spaces Society
- RSPB
- Wildlife Gardening Forum
- The Wildlife Trusts
- Wildfowl and Wetlands Trust
- Woodland Trust

Nature of Amendments

A number of proposed amendments are put forward on specific aspects of concern to Link. These amendments seek to mitigate the democratic, public participation and sustainable development implications of the clauses, and relate primarily to clauses 136 permission in principle and 137 registers of land. The Wildlife and Countryside Link (Link) hopes that these amendments can be tabled when the Bill is discussed at Committee Stage.

Permission in Principle

As set out in earlier Link briefings, the proposed 'permission in principle' clause is profoundly radical and will severely restrict the potential for local authorities and the public to comment on – or object to – development of sites granted permission in principle (whether sites are included on registers of land, local plans or other 'qualifying documents'). For this reason we proposed that **Clause 136 be deleted from the Bill. We wish to reiterate this recommendation.**

If this is not possible, we propose a number of amendments as set out below. These amendments seek to mitigate the democratic, public participation and sustainable development implications of the clause.

[As an amendment to clause 136 permission in principle for development of land]

[After clause 58A Permission in principle: general]

Amendment 1:

Page 66, line 28, In subsection (1) replace 'of land' with-

'brownfield land for housing'

This clarifies that permission in principle would only be granted for brownfield land for housing.

Page 66, line 29, In subsection (1), after section 59A insert *'provided it is not of high environmental value (in biodiversity terms). Land should be considered to be high environmental value (in biodiversity terms) if:*

It contains priority habitat(s) listed under section 41 Natural Environment and Rural Communities Act 2006 (and/or)

The site holds a nature conservation designation such as Site of Special Scientific Interest, or is selected as a Local Wildlife Site.'

This ensures that the most important sites for biodiversity will not be granted permission in principle.

Amendment 2:

Page 66, line 36, After subsection (3) insert a new line: *'(4) Criteria for permission in principle and technical details consent will be subject to consultation by the local planning authority'*

This ensures that the public and others will have an opportunity to comment on the criteria which sites must meet before permission in principle is granted and on the technical details a development must respond to before full permission is granted.

[After clause 59A Development orders: permission in principle]

Amendment 3:

Page 66, line 40, In subsection (1) (a) after 'to' replace 'land' with *'brownfield land that is suitable for housing and not of high environmental value'*

This ensures that any development order establishing permission in principle only relates to development of brownfield land for housing which is not of high environmental value.

Amendment 4:

Page 67, line 9, In subsection (2) after ' "qualifying document" means a' delete 'plan, register or other document..' and replace with *register of brownfield land for housing.*

This ensures that permission in principle would be restricted to registers of brownfield land for housing.

Amendment 5:

Page 67, line 18, In subsection (2) (d) after 'allocated' insert: '*Where any prescribed particulars will be subject to consultation.*'

This ensures that the details underpinning any land set out in a 'qualifying document' will be subject to consultation.

Amendment 6:

Page 67, line 29, In subsection (4) (b) after 'is' delete 'not'.

This ensures that any permission in principle granted by a development order is brought to an end whenever a qualifying document ceases to have effect or is amended.

Amendment 7:

Page 67, line 38, In subsection (6) after 'of' delete 'land' and insert '*brownfield land for housing*'

This clarifies that permission in principle can only relate to development of brownfield land for housing.

Amendment 8:

Page 67, line 42, In subsection (7) after 'granted by the order' insert, '*where prescribed information will be subject to prior consultation.*'

This ensures that information on permissions in principle granted by a development order is subject to consultation.

Amendment 9:

Page 68, line 22, In section (3) [In section 70 of that Act (determination of applications: general considerations) subsection (2ZZC) (a)] after 'period' insert '*and in any event no longer than five years.*'

This sets a time limit on any permission in principle ensuring that permissions are based on the most up-to-date information (for example, in respect of biodiversity).

[As an amendment to clause 137 Local planning authority to keep register of particular kinds of land]

Amendment 10:

Page 68, line 35, In subsection (1) after 'of' delete 'land' and insert '*brownfield land for housing*'.

This clarifies that the Register only relates to brownfield land for housing.

Page 68, line 38, In subsection (1) (b) after 'criteria' insert '*where prescribed information will be subject to consultation.*'

This ensures that the criteria (which land must meet for inclusion on the Register) is subject to consultation.

Page 68, line 38, insert new criteria (c) *may not include protected sites and components of ecological networks or any other land considered to be of high environmental value in biodiversity terms.*

This ensures that land of high environmental value (in biodiversity terms) is excluded from the register of land.

Page 69, line 2, In subsection (3) after 'register' delete 'land' and insert '*brownfield land for housing*'.

This clarifies that the Register only relates to brownfield land for housing.

Amendment 11:

Page 69, line 33, In subsection (7) (b) after 'advice' insert '*and in particular ensuring that the register of land excludes land of high environmental value (in biodiversity terms). Land should be considered to be high environmental value (in biodiversity terms) if:*

It contains priority habitat(s) listed under section 41 Natural Environment and Rural Communities Act 2006 (and/or)

The site holds a nature conservation designation such as Site of Special Scientific Interest, or is selected as a Local Wildlife Site.'

This ensures that land of high environmental value (in biodiversity terms) is not included on the proposed registers of land.