

Response to the Government's Housing White Paper

2 May 2017

Wildlife and Countryside Link (Link) brings together 47 environment and animal protection organisations to advocate for the conservation and protection of wildlife, countryside and the marine environment. Our members practice 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 we have the support of over eight million people in the UK and manage over 750,000 hectares of land.

This response is supported by the following organisations:

- Amphibian and Reptile Conservation
- Bat Conservation Trust
- Campaign for National Parks
- CPRE
- Friends of the Earth England
- National Trust
- RSPB
- The Wildlife Trusts
- Wildfowl and Wetlands Trust
- Wildlife Gardening Forum

Executive Summary

- Link believes that the Government's Housing White Paper has missed a significant opportunity to develop a planning system that builds great communities and quality places. The planning system should be able to deliver homes with access to wildlife-rich green spaces on their doorstep, and provide opportunities for everyone to connect with nature and enhance their well-being within their community.
- Whilst we welcome the intent to improve the protection of ancient woodland, we are concerned with the proposed changes regarding the presumption in favour of sustainable development. For those aspects of the natural and historic environment not included in footnote nine of the White Paper, there could be extremely detrimental and unintended consequences.
- Link recognises that redeveloping brownfield land can provide opportunities for sustainable development. However, it is essential that the Government provides a definition of suitable brownfield land to support the strengthened presumption in favour of development on brownfield sites. Brownfield land of high environmental value should be excluded from development.
- We are concerned that the proposed changes to Green Belt policy could undermine the key principle of permanence. Link recommends that the Green Belt boundaries should be reviewed no more than every 15 years, and that these reviews generate clear recommendations for increasing the value of the Green Belt as a green infrastructure resource.
- We are supportive of measures to boost local authority capacity. Local authorities must have the appropriate resources for all aspects of planning and we believe that the increased capacity should ensure improved access to independent technical expertise, such as ecologists.
- Link is broadly supportive of the attempts to improve the strategic approach to licensing of great crested newts. However, we have a number of concerns, which must be addressed prior to any wider roll-out of the Woking pilot.



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"Wildlife and Countryside Link is a unique coalition of voluntary organisations concerned with the conservation and protection of wildlife and the countryside"

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1. Delivering one million homes in harmony with nature

- 1.1. The Link Land Use Planning Group believes the Housing White Paper has missed a significant opportunity to expand on how the planning system can do more to build great communities and quality places. The White Paper should enable a planning system where people can access wildlife-rich green spaces on the doorstep of their new homes, providing opportunities to connect with nature whilst supporting people's quality of life and well-being.
- 1.2. With a Government ambition to build one million homes by 2020, it is essential that consideration be given to building high quality places that work for both people and nature, as well as increasing the supply of homes.
- 1.3. The 2016 State of Nature Report¹ indicated that between 1970 and 2013, 56% of species assessed had declined, 40% showing strong or moderate declines. A new measure that assesses how intact a country's biodiversity is, suggests that the UK has lost significantly more nature over the long term than the global average. The index suggests **we are among the most nature-depleted countries in the world**¹. Of particular concern in England is the loss of lowland meadows² and lowland heathland³.
- 1.4. Link recognises the importance of improving people's connection to nature providing mutual benefits for both people and wildlife. We need to ensure that there are high quality green spaces near housing developments and schools, to allow people to develop connections with nature, helping to improve individual health and wellbeing. It is therefore essential in planning for new homes, that we avoid impacts on our best sites for wildlife and landscape and we take the opportunities to improve and create new wildlife-rich spaces.
- 1.5. Building on the principles set out in our earlier blog '*An opportunity to deliver healthy green communities*'⁴, authorities planning for new homes should:
 - 1.5.1. Consider the capacity of the environment to accommodate new homes. Plans should be informed by up to date, locally informed ecological and spatial data in the form of ecological network maps
 - 1.5.2. Ensure decisions regarding public land are transparent and informed by environmental value and the views of local communities. The disposal of surplus public land must be undertaken with regard to the duty on public authorities to have regard to conserving biodiversity and to safeguard public access to high quality green space
 - 1.5.3. Avoid development in locations likely to create or exacerbate significant impacts on designated sites and the natural environment, including sites of importance to wildlife, important landscapes or heritage sites

¹ http://www.rspb.org.uk/Images/State%20of%20Nature%20UK%20report_%2020%20Sept_tcm9-424984.pdf

² 97% of the lowland meadows in England and Wales were lost between the 1930s and 1984 – UK NEA (2011) The UK National Ecosystem Assessment.

³ 80% of the UK's lowland heathland – the great majority of it in England – has gone since 1800 - UK NEA (2011) The UK National Ecosystem Assessment.

⁴ <http://www.wcl.org.uk/an-opportunity-to-deliver-healthy-green-communities.asp>

- 1.5.4. Aim to create and enhance green infrastructure and ecological networks from the outset
 - 1.5.5. Support opportunities for people to connect with nature through protection of and enhancement of wildlife-rich green spaces
 - 1.5.6. Require funding for housing and infrastructure to include provision and enhancement of green infrastructure and green spaces, and provide for their long-term maintenance, monitoring and management
 - 1.5.7. Deliver housing developments of a scale appropriate to their location, which meet national access standards, are well served by public transport and reduce the need to travel at the outset
 - 1.5.8. Avoid development in locations likely to exacerbate climate change impacts, and ensure new housing developments are designed to maximise opportunities for climate change mitigation and adaptation
 - 1.5.9. Ensure all new communities are designed to be resilient in the face of current and future climate change
 - 1.5.10. Aim for a net gain in biodiversitys in development masterplans, underpinned by detailed baseline surveys of the ecology on and surrounding the site, that can be compared to post-development monitoring data to ensure net gain is actually achieved
 - 1.5.11. Ensure that large-scale developments, such as Garden Towns and Villages, are exemplars of environmental sustainability, providing access to high quality, wildlife-rich, green infrastructure and green spaces. For example, re-commit to zero-carbon homes, deliver wildlife-friendly gardens and incorporate biodiversity enhancements such as swift nest boxes into new homes.
- 1.6. Furthermore, we hope that DCLG will work closely with Defra to ensure that the planning system effectively supports achieving targets within any long-term environmental plans, such as the 25 Year Plan for the Environment. **Cross-government working will be essential to ensure that the natural environment is properly valued and enhanced.**

2. Linking housing with the Government's plans for the environment

- 2.1. For too long, the Government's housebuilding and environmental programmes and strategies have been pursued in isolation, resulting in conflict and missed opportunities. The Government must ensure that its approach on housing and the environment work together, to deliver outcomes that provide quality homes, while also delivering for nature and improving people's well-being.
- 2.2. The Government has an opportunity to fundamentally change the delivery of housing in the UK, to make it a force for good, positively changing people's lives and aspirations. We call on the Government to grasp this opportunity to create new homes that benefit both people and the environment alike and to include the above

⁵ Delivery of net gains in biodiversity must be undertaken in accordance with the mitigation hierarchy, as set out in paragraph 118 of the NPPF.

commitments within its housing vision and within any long-term plan for the environment, such as the 25 Year Plan for the Environment. We suggest that a joint summit is held, at which the two lead departments (DCLG and Defra) publish an action plan setting out how they propose to work together to achieve these aims.

3. The importance of retaining the plan led system

- 3.1. We welcome the commitment in the Housing White Paper to support the development of up to date plans: these are the centrepiece of a plan-led system. Plans should be informed by up to date, locally informed ecological and spatial data, in the form of ecological network maps. Proper understanding of the capacity of the environment to meet the demands of new development and the people and communities it intends to serve, must be central to decision making.
- 3.2. It essential that the proposals within the White Paper do not undermine the importance of local and neighbourhood plans, or the time and effort that go into producing them. In particular, we are concerned that the proposed Housing Delivery Test, as it stands, could place significant pressure to develop on undesignated countryside and sites that still hold environmental value, the “white space” in town maps.
- 3.3. In addition, the proposed removal of the requirement for local authorities to have a local plan, and instead rely on strategic and neighbourhood plans, risks creating a fragmented approach that lacks the clarity required for good decision making. Neighbourhood Plan coverage is currently patchy, and often focussed on a more limited set of design and place making policies. At the other end of the scale, devolution deals are currently silent on environment, landscape and heritage issues and the development of Strategic Spatial Frameworks, such as in Greater Manchester, are causing controversy and take time to develop. Local Plans can act to bridge the gap between Neighbourhood and Strategic Plans, providing the clarity required for effective and efficient decision making and ensuring local distinctiveness is appropriately considered. They also ensure the development of specific local policies relating to green infrastructure, biodiversity, climate change, flood resilience, landscape and heritage issues.
- 3.4. Furthermore, new vehicles for granting planning permission in principle and brownfield registers must work within the local plan framework, taking account of the effects of any cumulative impacts of their use.

4. National policy restrictions (change to the presumption in favour of sustainable development)

- 4.1. We are concerned that the proposed wording within the Housing White Paper for the presumption in favour of development could weaken environmental protection,

as it sets the bar for environmental damage from development at a much higher level.

- 4.2. We note that the Government (in A.38 to A.40) proposes to set out a clear list of which national policies it regards as providing a strong reason to restrict development when preparing plans or when making decisions on planning applications.
- 4.3. While we welcome the intent to improve the protection of ancient woodland, **we are extremely concerned that the Government's proposals could have unhelpful and unintended consequences.** Shifting the status of the policies (from footnote nine of the NPPF) from an exemplar to a definitive list, may promote an overly dogmatic approach from policy makers and decision takers, with less consideration given to other important environmental, landscape and heritage policy considerations within the wider NPPF.
- 4.4. We are also concerned that the proposed list would create confusion regarding irreplaceable habitats, as there is currently no agreed defined list of what constitutes an irreplaceable habitat, while the proposed definitive list in footnote nine suggests that there is.
- 4.5. We would like to understand the rationale behind the creation of such a definitive list and question why this has been proposed within the White Paper in the absence of any clear evidence to support it. We would ask that the Government publish its complete rationale behind this particular proposal to clarify the policy intent for future decision-making.

5. Environmentally sound high density developments

- 5.1. We support high-density housing where it is executed well, but we are concerned that the proposals in the White Paper will not guarantee high quality as well as high-density housing. High quality and high-density spaces can be achieved through incorporating green and blue spaces, as has been shown in other countries, such as the Netherlands.
- 5.2. We understand the argument for more efficient use of space and promoting higher densities. However, the risks involved in promoting such objectives have not been clearly identified, or mitigated for, within the White Paper. In some cases, the Paper seems to be promoting higher density development at the cost of sustainable development. For example, section 1.53 promotes the more efficient use of land and the scope for higher density housing, and in so doing be able to: ***“take a flexible approach in adopting and applying policy and guidance that could inhibit these objectives in particular circumstances; for example, avoiding a rigid application of open space standards if there is adequate provision in the wider area.”*** As there is no definition of wider area, this ambiguous statement could increase confusion for local authorities around both open and green spaces.

- 5.3. The White Paper makes no connections with other Government agendas. The housing agenda does not deliver in isolation, and more attention should be given to creating good quality spaces where people want to live, rather than solely focussing on quantity. Creating good quality homes, rich in green and blue spaces, helps us adapt to climate change, increase our natural capital and will help to leave the environment in a better state than we found it. Natural England suggests that everyone should be within 300m of accessible green space⁶. It is not clear from the White Paper whether the Government is suggesting that the health and well-being benefits of being close to green space are being over-ridden by the need to build higher density housing. If so, this would contradict the proposed aims within the Government's proposed 25 Year Plan for the Environment on health, well-being and connecting people to nature.
- 5.4. The statement in the White Paper is also ambiguous enough to argue that a "flexible approach" suggests biodiversity guidance, the need for sustainable drainage systems and other important standards need not be followed. **We do not support this.**
- 5.5. We welcome the statement to ensure that the density and form of development reflect the character, accessibility and infrastructure capacity of an area. We would like the Housing White Paper to further ensure that historic character and protection for the natural environment is maintained, and opportunities are taken to create high quality places where people want to live. For example, this could take place through opportunities to increase urban green and blue spaces. It is important to note that in many situations on-site management of resources and initial avoidance of environmental damage is often the best approach. However, this could be disregarded in attempts to increase housing density, which would not be acceptable.

6. Making brownfield deliver for housing and nature

- 6.1. The Housing White Paper notes the intention to introduce a strengthened presumption in favour of development on brownfield land: "the presumption should be that brownfield land is suitable for housing unless there are clear and specific reasons to the contrary (such as high flood risk). To make this clear, we will amend the National Planning Policy Framework to indicate that great weight should be attached to the value of using suitable brownfield land within settlements for homes".
- 6.2. Link recognises that redeveloping brownfield land can provide opportunities for sustainable development, reduce pressure on the Green Belt and other undeveloped land, and offer chances to promote economic regeneration. However, some brownfield sites are havens for wildlife, supporting some of the UK's most

⁶ <http://publications.naturalengland.org.uk/file/4978379893768192>

scarce and threatened species, as well as being of archaeological significance. In many cases, brownfield sites provide the last 'wild space' in urban areas for local communities, allowing people to access nature and, consequently, improving health and well-being.

- 6.3. One such example is Canvey Wick in Essex, a former oil refinery that supports over 1,400 species of invertebrates and is the most important site in the Thames Gateway for the shrill carder bee. This site has been designated as a Site of Special Scientific Interest (SSSI) in recognition of the national importance of its invertebrate fauna associated with open mosaic habitat, and is a joint RSPB and Buglife reserve, on land owned by The Land Trust.
- 6.4. Preliminary government statistics on open mosaic habitats suggest that just 6-8% of brownfield sites fall into the high environmental value definition⁷, a tiny proportion of brownfield land overall. Protection of such a small number of sites from development is unlikely to prevent the re-use of brownfield sites overall, discourage development on suitable sites or force additional development on greenfield areas.
- 6.5. With additional brownfield sites expected to come forward for development, it is now even more pressing to provide a clear definition of when brownfield sites would be deemed unsuitable for development and hence what is considered to be a suitable site (and how this should be assessed). Currently, the White Paper only references high flood risk as a clear and specific reason of when development would be unsuitable. Brownfield land of high environmental value should also be considered unsuitable.
- 6.6. It is important that paragraph 17 (Core Planning Principles, bullet 8) and paragraph 111 of the NPPF remain unchanged⁸, demonstrating that land of high environmental value is a clear and specific reason when development on brownfield sites would be unsuitable. Planning Practice Guidance should be updated to define brownfield land of high environmental value. We believe that a site should be considered of high environmental value if:
 - 6.6.1. It contains priority habitat(s) listed under Section 41 of the Natural Environment and Rural Communities Act, 2006
 - 6.6.2. It holds a nature conservation designation such as a Site of Special Scientific Interest
 - 6.6.3. It has been selected as a Local Wildlife Site
 - 6.6.4. It contains a protected species.
- 6.7. Providing extra detail on brownfield sites is essential and proportionate given the increased emphasis on development of these sites, as well as to avoid the unintended consequences of development of land with biodiversity value and/or land that provides a local amenity function. It will also provide more certainty for developers and local communities and avoid any unnecessary delays and costs. As a

⁷ <http://www.wcl.org.uk/docs/Brownfield%20high%20environmental%20value%20FINAL%20June%202015.pdf>

⁸ Paragraph 111 states: Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

starting point, it would be helpful to make the Open Mosaic Habitat (OMH) inventory publically available to support local authorities taking decisions on brownfield land.

7. Doing the best for Green Belt

- 7.1. Link welcomes the commitments to protecting the Green Belt and to leaving the natural environment better than we found it. We are very concerned however that, taken as a whole, the proposals in the White Paper could unintentionally serve to fundamentally weaken Green Belt permanence - one of the two essential characteristics of Green Belts, along with openness. Permanence is critical to minimising land speculation and encouraging the long-term management of Green Belt land - much of which is on the fringe of large towns and cities - for farming, local nature reserves and/or woodland.
- 7.2. In policy and practice, this has meant that Green Belt boundaries, once set, should endure for at least the typical 15-year life of a development plan and preferably for longer. The White Paper appears to suggest that Green Belt boundaries can and should be reviewed every five years, as part of the new legislative requirement to both have a Local Plan and to review it every five years. This interpretation is supported by the Government's response to the recent Select Committee inquiry on changes to the NPPF. Furthermore, an exceptional circumstances test should not form a checklist, instead highlight best practice approaches that prioritise and bring forward sustainable alternatives, such as suitable urban brownfield sites and previously developed land. Link recommends that the commitment to setting and maintaining Green Belt boundaries that last, once a review has taken place, at least as long as the 15-year life of a development plan is reaffirmed.
- 7.3. We support moves to improve the environmental quality and accessibility of Green Belt land, but would expect the wider importance of Green Belt as a planning designation to be maintained.
- 7.4. The NPPF already encourages local planning authorities to plan positively for the beneficial use of the Green Belt. Link recommends that the consultation proposal is altered to require that local authorities with Green Belt should not only look at altering the boundaries to accommodate development when they review Green Belt, but should also be expected to assess the future green infrastructure potential of the Green Belt in 15-year reviews, identifying priorities to realise this potential.

8. Boosting local authority capacity and capability to deliver

- 8.1. Link members were very pleased to see the proposal to allow Local Planning Authorities (LPAs) to raise their planning fees by 20%, provided that this additional funding is invested in their planning department. LPAs have faced a 46% cut in

funding over the past five years, resulting in chronic under-resourcing. Therefore, this proposal is welcome.

- 8.2. We urge the Government to follow through with this proposal, particularly with regard to keeping the funding within planning departments. This is critical for retaining and bringing back in-house technical specialists, such as ecologists and archaeologists. The upcoming consultation, promised in paragraph 2.15 of the White Paper, must recognise that the delivery of high-quality sustainable communities extends beyond the development management function. Plan making and enforcement functions are also critical to ensuring the right development is delivered in the right places and this must be considered in any discussion on funding.
- 8.3. We would like to highlight that the current under-resourcing also extends to the provision of ecological and heritage expertise. The Association of Local Authority Ecologists (ALGE) reports that only a third of local authorities have an in-house ecologist⁹ and that the majority of local authority planners lack ecological qualifications and have had very little ecological training. Without the provision of adequate ecological expertise and data, planning decisions are likely to be seriously flawed, potentially resulting in the loss of some of our most precious wildlife sites and delivering a net-loss in biodiversity.

9. European Protected Species – Great Crested Newts

- 9.1. Paragraph 2.27 of the Housing White Paper notes the intention to roll-out the strategic approach to licensing of great crested newts, which was first piloted in Woking Borough Council by Woking Council and Natural England. This approach is intended to help other local authorities speed up the delivery of housing and other developments.
- 9.2. Link is broadly supportive of attempts to improve implementation of the Regulations in respect of great crested newts. However, it is essential that steps are taken to address the significant concerns that we have with the proposed approach piloted in Woking before it is rolled out more widely – these include:
 - 9.2.1. Ensuring that the proposed approach fits within the legal framework (specifically, the tests under Article 16(1) and derogation provided under Article 16(1)c of the Habitats Directive (regulation 53(2)e and 53 (9) Habitats Regulations))
 - 9.2.2. Provision of a clear definition of Favourable Conservation Status (FCS) for the species at an appropriate spatial scale and an understanding of the current status of the population, to provide a baseline for the assessment of impacts

⁹ Oxford, M. (2013) Ecological Capacity and Competence in English Planning Authorities. What is needed to deliver statutory obligations for biodiversity? Report published by the Association of Local Government Ecologists

on conservation status and hence to monitor the efficacy of the approach adopted

- 9.2.3. A commitment to manage and safeguard compensation sites in perpetuity, to ensure that these sites contribute effectively towards achieving FCS for great crested newts
 - 9.2.4. A conditioning of species licences to restrict use to those instances where full compliance (with the Strategy and the Regulations) can be demonstrated
 - 9.2.5. Confirmation that the use of any licence granted would be restricted to development within plan allocations. Development outside of areas allocated within the plan will not have been accounted for within the assessment and as such, should not be permitted without separate consideration of its impacts.
- 9.3. There must also be robust, ongoing monitoring of the pilot approach in Woking so that lessons can be learnt and incorporated into a wider roll-out. Furthermore, it is essential that the planning authorities involved in the strategic approach to great crested newt licensing are adequately resourced and have access to independent ecological expertise. A recent response to a Parliamentary Question indicated that 2.75 full time employee equivalents were involved in the Woking Borough pilot¹⁰.
- 9.4. Additionally, this approach should not be taken forward for other species without thorough scrutiny - including public consultation - and risk assessment.
- 9.5. The European Commission's recent review of the Birds and Habitats Directives demonstrated a striking consensus between NGOs, industry and the public. Industry representatives from across the European Union (including the UK) were amongst those who highlighted the importance of these laws for nature conservation (including for European Protected Species such as newts) and for providing certainty and a level playing field for business. The review also concluded that better implementation of existing legislation is essential, in order to tackle ongoing wildlife declines and to more effectively and efficiently deliver on the objectives of these key pieces of legislation. Over time, guidance, case law, and best practice methods have developed, which very much facilitate effective and efficient implementation. Unfortunately, work that had until recently been progressing on a cross-sectoral Memorandum of Agreement on better implementation between industry (including the housing sector), NGOs and regulators has stalled. **We would particularly welcome DCLG's and Defra's support with progressing this.**

¹⁰ <http://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Commons/2017-03-28/69430>