

Response to Consultation on National Planning Policy

Wildlife and Countryside Link, Land Use Planning Group, March 2023

Covering letter – submitted via email

Thank you for the opportunity to respond to this consultation on national planning policy.

Wildlife and Countryside Link is a coalition of 69 environmental organisations in England, using their strong joint voice for the protection and enhancement of nature. This Link response is supported by: Association of Local Record Centres (ALERC), Bat Conservation Trust, Butterfly Conservation, CPRE – The countryside charity, Chartered Institute for Ecology and Environmental Management (CIEEM), Open Spaces Society, Plantlife, RSPB, Wildlife Trusts, Wildfowl and Wetlands Trust (WWT), Woodland Trust, and the Zoological Society of London (ZSL). For more information about this response, please contact Emma Clarke at Link (emma.clarke@wcl.org.uk).

The joint Link response consists of this covering letter, which highlights our key points and concerns with respect to the National Planning Policy Framework (NPPF), and our responses to the consultation questions below, which were also submitted via the online consultation form.

We welcome the Government's recognition that the land use planning system and national planning policy needs to halt and reverse biodiversity decline and tackle climate change and contribute to meeting the Government's own environmental targets and ambitions, such as the Environment Act targets, net zero, and the Environmental Improvement Plan commitments.

This consultation is a significant missed opportunity for tackling the urgent nature and climate crises. Instead of bringing forward the strategic policies that would ensure the planning system works for nature and promotes nature recovery, this consultation does not propose any direct changes to the NPPF to support planning for biodiversity and defers the detail of the interaction of planning policy and important nature policies that come into effect this year (2023), such as Biodiversity Net Gain and Local Nature Recovery Strategies, to a future consultation. While we welcome the question in this consultation on how planning policy can encourage small-scale nature interventions, tinkering around the edges of the planning system is not sufficient to deliver the Government's environmental targets and ambitions.

Current environmental protections in the planning system are designed mainly to prevent environmental harm. They have not been enough to halt the decline of nature, let alone turn the tide. Since 1970, 41% of British species have declined in abundance.¹ Without significant policy changes, drivers of land use change will have serious implications for the state of England's natural environment and its resilience to climate change.

A shift in the system is required: the planning system must go beyond minimizing and mitigating environmental impact and actually contribute to nature's recovery. To do this, the planning system

¹ <https://nbn.org.uk/stateofnature2019/>

must have the protection and restoration of the environment at its heart when making land use decisions, designing places and planning development.

To achieve net zero and the Environment Act targets, national planning policy should include:

- An overarching purpose for the planning system to recover nature and tackle climate change.
 - The explicit integration of nature recovery targets under the Environment Act 2021 and the net zero by 2050 target under the Climate Change Act 2008 into the NPPF as considerations in plan-making and decision-making on new development proposals.
- The right policies to guide the right development to the right locations.
 - The strengthening of the mitigation hierarchy, ideally in legislation, perhaps through a National Development Management Policy (NDMP), because the best way to reduce environmental harm is to avoid any negative effects on the environment, before minimising, mitigating, and then compensating for any environmental damage. More than compensating for any habitat that is lost, where damage to existing habitats is unavoidable, mitigation must bring about an overall gain in habitats, via Biodiversity Net Gain (BNG).
 - Loopholes that allow developments that result in the loss or deterioration of irreplaceable habitats must be closed. Learnings from the current review of the implementation of the NPPF with regard to ancient woodland and ancient and veteran trees should be applied to strengthen protections across all irreplaceable habitats.
 - Strengthened protection for Local Wildlife Sites by bringing up these important nature sites to have the same level of planning protection as SSSIs, with a requirement to not permit development within or outside a Local Wildlife Site which is likely to have an adverse effect on it, either individually or in combination with other developments.
 - Local Nature Recovery Strategies (LNRSS) to be given stronger weight in the planning system by being recognised as formal planning documents, part of the development plan of a local planning authority.
 - A new planning designation with a presumption against land use change that would hinder the recovery of nature (i.e., compatible with nature-friendly farming and other sustainable land uses, but not with intensive farming). These sites (Wildbelt) would be identified by Local Nature Recovery Strategies and recognised in local plans, and with moderate protections in the planning system to enable these sites to support nature recovery, these sites have the potential to nurture the recovery of habitats and wildlife, putting these sites on the path to be thriving local places for nature, climate and people.
- Mainstreaming and mandating nature-friendly design in all new development.
 - The consultation response and regulations for Biodiversity Net Gain to be published without delay in order to provide the necessary detail for implementation in advance of mandatory BNG in November 2023. We welcome the consultation document's acknowledgment of the risk of deliberate habitat degradation in order to game the metric and more easily achieve BNG and we want to support the Government in developing policy to prevent this.
 - A requirement for local plans to have a Green and Blue Infrastructure Strategy (as described in Natural England's Green Infrastructure Standards) to ensure local planning authorities strategically plan opportunities to increase access to nature and benefits from nature-based solutions.

- Local design codes must be based on effective community engagement and reflect local aspirations for development in their area, taking into account guidance contained in the National Design Guide, the National Model Design Code, Local Nature Recovery Strategies, local Nature Recovery Network (NRN) maps, local Biodiversity Action Plan, and local tree and woodland strategies.
 - A specific reference to nature-friendly design of development in the NPPF, such as there is for trees, prioritising avoiding harm, then interventions to minimise or compensate for impacts, and finally, opportunities to contribute to the recovery of nature, including provision for nature within built structure design, to strengthen the consideration of nature-friendly design in planning, including swift bricks and bat boxes.
 - Schedule 3 of the Flood and Water Management Act 2010 should be implemented as soon as possible with strong standards requiring multi-benefit, natural Sustainable Drainage Systems (SuDS) that boost biodiversity and access to nature. Planning policy should emphasise the requirements of Schedule 3 and in particular note that natural, biodiverse SuDS should be used except in limited circumstances.
- Plan for people’s access to nature.
 - A requirement for local plans to set a time-specific target for reaching the Access to Greenspace Close to Home Target (as described in Natural England’s Green Infrastructure Standards) that everyone should live within 15 minutes’ walk of a high quality green or blue space, and a requirement for all new developments to meet this standard. This target forms part of the Environmental Improvement Plan 2023 and is essential to ensure all communities have adequate access to nature for health and wellbeing.
 - Support the resources, expertise, good environmental data to enable good environmental planning and decision-making.
 - Local planning authorities (LPAs) need sufficient resourcing and expertise to carry out their functions. Currently, LPAs are under-resourced and lack ecological expertise in particular, with 65% of LPAs not having any in-house ecological expertise.² A more recent survey (2021) found that 53% of respondents reported that their LPA has limited access to an ecologist for planning work (0.5 or less full time equivalent) and 8% reported they do not have any access (internal or external) to ecological expertise (though the authors argue that this number could be as high as 26%).³
 - There should be minimum requirements for LPAs and developers to consult the existing evidence base to inform decision-making (e.g., LERC data, Magic, NBN Atlas, etc.) and a requirement to share data from planning applications following appropriate data standards.

We hope to see these and other proposals that represent a step-change for nature in national planning policy be consulted on in the next more holistic review of the NPPF promised later this year (2023) or early next year (2024).

² [IEMA launches quality development guide for EIA - IEMA](#)

³ <https://www.alge.org.uk/local-planning-authorities-biodiversity-net-gain/>

Responses to selected [consultation questions](#):

Q.5: Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

Yes, we support the strengthening of the influence of Neighbourhood Plans in the planning system because greater community engagement, including in the form of neighbourhood planning, delivers better planning outcomes, including for nature, climate and people. Communities often have a deeper understanding of a local area's needs and circumstances, including housing and environment.

However, more funding and support is needed to enable more urban and deprived communities to take up neighbourhood planning and to widen the participation where neighbourhood planning does take place, for example, engaging younger people and tenants.

Q.6: Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

No, we do not agree. The proposed changes shift the balance of the NPPF away from considering the three pillars of sustainable development (economic, social, environmental) in an integrated and holistic way, leading to the strengthening of the presumption for (potentially unsustainable) development. The purpose of the planning system should be to deliver climate and nature legislation and targets, as well as housing and infrastructure.

Q.8: Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

Yes, the policy and guidance should be clearer and more explicit on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs.

It should include local geographies, ecological assets, and areas where additional planning protections apply, such as statutory nature protections and other area-based protection measures, as specific reasons which may justify the use of an alternative method. For example, housing targets calculated through the standard method have been a reason for proposals to build over important habitat in protected nature sites in the case of the Tipner West development.

Housing need should be able take into account the amount of land covered by statutory nature protections (SACs, SPAs, SSSIs) as well as the amount of land covered by other area-based protection measures, such as National Nature Reserves, Local Nature Reserves, Protected Landscapes (attempting to deliver significantly increased housing numbers in protected landscapes would be in conflict with their statutory purposes and the requirement on all public bodies to have regard to those purposes), Local Wildlife Sites, and irreplaceable habitats, and the impact the amount of land covered by these protections which protect the local natural environment may have on the deliverability of housing.

Q.9: Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out-of-character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

Link supports the strengthening of Green Belt through national policy so that the boundaries are not required to be reviewed or altered when making plans and we appreciate the function of the Green Belt in encouraging development to take place within existing built-up areas. Green Belts can and should be strengthened and better managed to provide much more benefit for nature, climate and people.⁴

We would support changes to the overall policy aims of the Green Belt to be strengthened to support nature. Green Belt areas have the potential to contribute towards nature's recovery, climate and other environmental risks (e.g., flooding) mitigation and adaptation, and people's health and wellbeing, by providing for and ensuring access to nature, near to where people live. Biodiversity should be prioritised in Green Belt policy by re-ordering paragraph 147 in the NPPF. LNRs can also help promote nature within the Green Belt by linking these areas with local ecological networks and identifying nature recovery opportunities. As well as the planning system, other policy mechanisms, particularly farming policies such as ELMS, can be used to strengthen the green belt to provide more benefits for nature.

In response to the second element of this question, we support the principle of building the right homes in the right places but we note that there are other elements, for example, the impact of the density of development on local ecological assets of local, national or international importance, in addition to the character of the development, that should be considered with equal weight when evaluating the benefits and adverse impacts of meeting housing need in full. A separate policy line in the plan-making chapter, or indeed as a footnote, to define 'significantly out of character' and to enable additional issues, including ecological considerations, to be brought in.

We agree that past over-supply can be taken into account, but it should not result in loss of access to green and blue space for wildlife and people.

Q.10: Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out-of-character with the existing area?

Yes, when making the case that housing need could only be met by building at inappropriate densities, in addition to evidence that these densities would be significantly out-of-character with the existing area, local planning authorities should also consider evidence regarding the impacts of these densities on the natural environment and climate mitigation and adaptation and access to nature. A separate policy line in the plan-making chapter, or indeed as a footnote, to define 'significantly out of character' and to enable additional issues, including ecological considerations, to be brought in.

LPA should consider whether densities of development would have adverse effects on the local natural and historic environment, including impacts on protected sites and important wildlife and habitats, local green and blue infrastructure, and the overall environmental limits of the area, including additional pressures and footfall in important and potentially fragile local natural spaces.

⁴ <https://www.cpre.org.uk/resources/state-of-the-green-belt-2021/>

They should also consider the impacts of the density and location of development on transport infrastructure.

Finally, LPAs should consider whether housing will actually meet social needs and whether alternative sites have been considered, in order to ensure the right houses in the right places.

Q.11: Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?

No, we can see no benefit for nature and the environment from the proposal to remove the test of soundness. The test of soundness includes the requirement for evidence-based policy-making and the consideration of reasonable alternatives, which are both essential aspects for good environmental planning.

In addition, there is a potential issue with the interaction of this proposed change to the NPPF with the wider reform of environmental assessment through Environmental Outcome Reports in the Levelling Up and Regeneration Bill. Currently, Strategic Environmental Assessment (SEA) of plans, including Local Plans, requires the consideration of alternatives, but as we have yet to see the detail of the Government’s plans for environmental assessment reform, we do not know if this requirement will be preserved. If SEA is not required to consider alternatives, alongside this proposed change to the NPPF, we would be very concerned about the impact of these changes on the ability for Local Plans to avoid environmental harm.

Q.14: What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

We broadly support the idea that large settlements can play an important role in delivering sustainable development, but evidence is needed to demonstrate that these urban areas can deliver the housing uplift without detrimental impacts on green and blue infrastructure and access to nature.

Additional policy and guidance to support authorities in planning for more homes in urban areas where the uplift applies should include policy on brownfield sites of high environmental value and guidance on the importance of survey and site-based assessment and consulting the local environmental evidence base, to ensure important urban nature is preserved for the benefit of nature and people.

Q.30: Do you agree in principle that an applicant’s past behaviour should be taken into account into decision making? If yes, what past behaviour should be in scope?

No, we do not agree in principle, and if this policy is pursued, there are only a limited set of circumstances in which we think that taking an applicant’s past behaviour into account in decision-making would have demonstrable benefits for nature.

Overall, better enforcement and driving up good practice across the board is the most effective way to improve practice in the planning system.

If this policy is pursued, there should be only specific circumstances that should be in scope. In particular, where an applicant's behaviour might impact future planning applications or decisions on a parcel of land, beyond a particular planning applicant. This could include: a clear breach of legal protections to protected species, illegal felling of trees on a site, habitat degradation prior to a planning application so that it's a consideration in the planning system, inappropriate handling of previous mitigation land or land committed for enhancement in existing section 106 agreements.

Q.33: Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

While we agree in principle that development should be well-designed and beautiful, these words are without clear definition and are subjective. In the context of nature and the built environment, some interpretations of 'beauty' could result in interventions that damage nature. For example, removing grass verges or scrubby invertebrate-rich brownfield sites or unmanaged green spaces that can be the last undisturbed spaces for wildlife, or introducing inappropriate artificial lighting.

The inserted term 'beauty' must be clearly defined in policy to recognise the importance of nature and sustainability to beauty, as suggested in the BBBBC's 'Living with Beauty' report. We suggest adding a definition of beauty/beautiful to the NPPF glossary.

While the Government has acknowledged that 'beauty and good design' will be primarily assessed through local design codes, which will be developed by LPAs based on the National Model Design Code (NMDC), in our view the NMDC does not place adequate emphasis on the importance of nature and biodiversity in mitigating and adapting to climate change, in creating thriving and connected habitats for wildlife, in managing environmental risks (e.g., heat, flooding), and in delivering health and wellbeing benefits for local people and communities. The NMDC also lacks reference and detail on how landscape character will be taken into account in the design process, an important aspect of protecting local natural and cultural heritage.

Q.35: Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

Yes, we agree that greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action. This measure could help support nature-friendly design, with more detail on how biodiversity measures should be implemented.

However, the onus should be on the developer to provide that visual clarity of the design in their proposals, for LPAs to reference. This is especially important due to the current lack of resources and capacity with LPAs.

Q.36 Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing Framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

This proposed upwards extension policy would likely interact with roosting bats in roofs. If pursued, adequate guidance to support LPAs in deciding whether or not to permit an application where bats

and nesting birds may be affected would be required and where increased footfall due to densification might impact on local greenspace and access to nature.

Q.37 How do you think national policy on small scale nature interventions could be strengthened? For example in relation to the use of artificial grass by developers in new development?

We welcome the consultation document's statement that the land use planning system and national planning policy must support the achievement of Environment Act targets and the net zero target.

However, this consultation does not address what national planning policy must do to ensure the planning system supports the Government in meeting these targets. The consultation also does not progress the implementation in national planning policy of important nature policies such as Biodiversity Net Gain, Local Nature Recovery Strategies and the strengthening of ancient woodland and other irreplaceable habitat protections, instead leaving the detail to a future consultation. The detail of implementation of these policies, in particular Biodiversity Net Gain, will be critical to ensure the reality on the ground will match what the policy promises to deliver in principle.

While we welcome this specific consultation question on small-scale nature interventions to support nature-friendly development, what is needed is not tinkering, but rapid strategic policy changes that ensures the planning system delivers on the Government's environmental targets and ambitions. This consultation is a significant missed opportunity for tackling the urgent nature and climate crises.

Current environmental protections in the planning system and in the proposed planning reforms are designed mainly to prevent environmental harm. They have not been enough to halt the decline of nature, let alone turn the tide. Since 1970, 41% of British species have declined in abundance.⁵ Without significant policy changes, drivers of land use change will have serious implications for the state of England's natural environment and its resilience to climate change. A shift in the system is required: the planning system must go beyond minimizing and mitigating environmental impact and actually contribute to nature's recovery. To do this, the planning system must have the protection and restoration of the environment at its heart when making land use decisions, designing places and planning development.

To support the planning system to achieve net zero and the Environment Act targets, the NPPF should include the following:

- An overarching purpose for the planning system to recover nature and tackle climate change.
 - The explicit integration of nature recovery targets under the Environment Act 2021 and the net zero by 2050 target under the Climate Change Act 2008 into the NPPF as considerations in plan-making and decision-making on new development proposals.
- The right policies to guide the right development to the right locations.
 - The strengthening of the mitigation hierarchy, ideally in legislation, perhaps through a National Development Management Policy (NDMP), because the best way to reduce environmental harm is to avoid any negative effects on the environment, before minimising, mitigating, and then compensating for any environmental damage. More than compensating for any habitat that is lost, where damage to

⁵ <https://nbn.org.uk/stateofnature2019/>

existing habitats is unavoidable, mitigation must bring about an overall gain in habitats, via Biodiversity Net Gain (BNG).

- Loopholes that allow developments that result in the loss or deterioration of irreplaceable habitats must be closed. Learnings from the current review of the implementation of the NPPF with regard to ancient woodland and ancient and veteran trees should be applied to strengthen protections across all irreplaceable habitats.
 - Strengthened protection for Local Wildlife Sites by bringing up these important nature sites to have the same level of planning protection as SSSIs, with a requirement to not permit development within or outside a Local Wildlife Site which is likely to have an adverse effect on it, either individually or in combination with other developments.
 - Local Nature Recovery Strategies (LNRSs) to be given stronger weight in the planning system by being recognised as formal planning documents, part of the development plan of a local planning authority.
 - A new planning designation with a presumption against land use change that would hinder the recovery of nature (i.e., compatible with nature-friendly farming and other sustainable land uses, but not with intensive farming). These sites (Wildbelt) would be identified by Local Nature Recovery Strategies and recognised in local plans, and with moderate protections in the planning system to enable these sites to support nature recovery, these sites have the potential to nurture the recovery of habitats and wildlife, putting these sites on the path to be thriving local places for nature, climate and people.
- Mainstreaming and mandating nature-friendly design in all new development.
 - The consultation response and regulations for Biodiversity Net Gain to be published without delay in order to provide the necessary detail for implementation in advance of mandatory BNG in November 2023. We welcome the consultation document's acknowledgment of the risk of deliberate habitat degradation in order to game the metric and more easily achieve BNG and we want to support the Government in developing policy to prevent this.
 - A requirement for local plans to have a Green and Blue Infrastructure Strategy (as described in Natural England's Green Infrastructure Standards) to ensure local planning authorities strategically plan opportunities to increase access to nature and benefits from nature-based solutions.
 - Local design codes must be based on effective community engagement and reflect local aspirations for development in their area, taking into account guidance contained in the National Design Guide, the National Model Design Code, Local Nature Recovery Strategies, local Nature Recovery Network (NRN) maps, local Biodiversity Action Plan, and local tree and woodland strategies.
 - A specific reference to nature-friendly design of development in the NPPF, such as there is for trees, prioritising avoiding harm, then interventions to minimise or compensate for impacts, and finally, opportunities to contribute to the recovery of nature, including provision for nature within built structure design, to strengthen the consideration of nature-friendly design in planning, including bee, swift and bat bricks and boxes, hedgehog highways, and insect hotels.
 - Schedule 3 of the Flood and Water Management Act 2010 should be implemented as soon as possible with strong standards requiring multi-benefit, natural Sustainable Drainage Systems (SuDS) that boost biodiversity and access to nature. Planning policy should emphasise the requirements of Schedule 3 and in particular note that natural, biodiverse SuDS should be used except in limited circumstances.

- Plan for people’s access to nature.
 - A requirement for local plans to set a time-specific target for reaching the Access to Greenspace Close to Home Target (as described in Natural England’s Green Infrastructure Standards) that everyone should live within 15 minutes’ walk of a high quality green or blue space, and a requirement for all new developments to meet this standard. This target forms part of the Environmental Improvement Plan 2023 and is essential to ensure all communities have adequate access to nature for health and wellbeing.

- Support the resources, expertise, good environmental data to enable good environmental planning and decision-making.
 - Local planning authorities (LPAs) need sufficient resourcing and expertise to carry out their functions. Currently, LPAs are under-resourced and lack ecological expertise in particular, with 65% of LPAs not having any in-house ecological expertise.⁶ A more recent survey (2021) found that 53% of respondents reported that their LPA has limited access to an ecologist for planning work (0.5 or less full time equivalent) and 8% reported they do not have any access (internal or external) to ecological expertise (though the authors argue that this number could be as high as 26%).⁷
 - There should be minimum requirements for LPAs and developers to consult the existing evidence base to inform decision-making (e.g., LERC data, Magic, NBN Atlas, etc.) and a requirement to share data from planning applications following appropriate data standards.

We hope to see these and other proposals that represent a step-change for nature in national planning policy be consulted on in the next NPPF consultation promised later this year (2023) or early next year (2024).

To deliver more small-scale nature interventions, national planning policy should be amended to include:

- A specific reference to nature-friendly design of development in the NPPF, such as there is for trees, prioritising avoiding harm, then interventions to minimise or compensate for impacts, and finally, opportunities to contribute to the recovery of nature, including provision for nature within built structure design, including bee, swift and bat bricks and boxes, hedgehog highways, and insect hotels.
- A presumption against removing existing hedgerows, and the incorporation and/or addition of new hedgerows in new developments should also be encouraged.
- Any new planting should prioritise locally native tree species and wild plants in keeping with the surrounding natural habitat, informed by expert consultation of the local environmental evidence base, including a Local Nature Recovery Strategy or Nature Recovery Network map and a landscape character assessment.
- Policy to support wider use of Tree Preservation Orders as a means to protect important trees on development sites.
- Prioritise natural, multi-benefit SuDS, even on small sites, which are accessible to the community, reinforcing Schedule 3 of the Flood and Water Management Act 2010. SuDS can be incorporated even into developments with limited space and can play an important role in putting nature where people live and work.

⁶ [IEMA launches quality development guide for EIA - IEMA](#)

⁷ <https://www.alge.org.uk/local-planning-authorities-biodiversity-net-gain/>

Q.38 Do you agree that this is the right approach to making sure that the food production value of high value farmland is adequately weighted in the planning process, in addition to current references in the Framework on best and most versatile agricultural land?

If this proposed change is pursued, we agree that any consideration to the relative value of agricultural land for food production should be considered alongside other policies in this Framework, including nature and biodiversity, and alongside the Government's Land Use Framework. This proposed change should not prevent the achievement of the Government's nature recovery objectives. For example, in some cases agricultural land which is of poorer agricultural quality and is less 'productive' for food may be more 'productive' for nature.

Q.39: What method and actions could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?

We welcome this question and further work on carbon impact assessments.

We would like to see holistic approach to carbon impact assessments whereby the carbon emitted from the land (e.g., through ground disturbance, soil excavation or habitat loss) is recorded on top of carbon emitted during design/planning, on site construction and operations, including supply chain carbon emissions (e.g., carbon footprints of materials used) and transport carbon costs. These are just examples of carbon costs, but we would expect a full carbon audit of every development project to be submitted with a planning application as part of a full carbon impact assessment. National planning policy should set out a clear methodology for carbon handling in the plan preparation and development management processes. This should be accompanied by government guidance on a process for local authorities to record and report on development-related emissions data. A first step in reducing carbon impacts is retaining and avoiding environmental impacts on in-situ nature in the first instance.

Further work is also needed to ensure accurate measurements of carbon within soils where development take place. An estimated 6.1 million tonnes of CO₂ was lost through the soil as a result of development in 2013, more than the emissions generated through concrete production and across the chemicals sector in the same year.⁸ To avoid such losses in the future, planning processes should include requirements for areas of soil to be protected, and where movement of soil is necessary, for this to be done with minimal impact on soil carbon content.

Furthermore, where soil losses are inevitable, methodologies should be improved to more accurately measure soil carbon content so that it can be replaced elsewhere. Using current approaches, the carbon content of soils may be underestimated as they often limit recordings to no more than 15 cm soil depth in semi-natural grasslands. This ignores disturbance of soil organic carbon stored at 30-100 cm depths; it is estimated that 60% of soil carbon in grasslands is stored between 30-100 cm.⁹ There is also evidence to suggest that carbon stored in temperate forests is

⁸ <https://wp.lancs.ac.uk/sustainable-soils/files/2022/09/Soils-in-Planning-and-Construction-Sept-22.pdf>

⁹ Ward, S. E., Smart, S. M., Quirk, H., Tallowin, J. R. B., Mortimer, S. R., Shiel, R. S., ... Bardgett, R. D. (2016). Legacy effects of grassland management on soil carbon to depth. *Global Change Biology*, 22(8), 2929–2938. <https://doi.org/10.1111/GCB.13246>

underestimated.¹⁰ Improved methodologies to measure carbon storage across different natural habitats are needed to gather more accurate data and better inform decision making in planning processes.

Q.40 Do you have any views on how planning policy could support climate change adaptation further, including through the use of nature-based solutions which provide multi-functional benefits?

There is growing evidence showing how nature-based solutions can be an effective tool both to mitigate climate change and to limit the impact of its effects.^{11, 12} Compared to conventional engineered approaches, ecosystem based approaches to climate change adaptation are often cheaper, can provide multiple benefits in the areas where they are implemented, and are more adaptive to changing conditions in the future.¹³ For example, healthy forests can provide protection against erosion, flooding and high temperatures simultaneously, whereas grey infrastructure is often built to fulfil just one function. There should be a general presumption in favour of nature-based solutions over traditional engineered solutions.

Retaining and avoiding impacts to existing habitats is the most effective way to adapt to climate change, so reinforcing the first step of the mitigation hierarchy to avoid environmental harm and heeding Environment Agency advice on natural capital is an essential first step in planning for climate adaptation. Importantly, planning policies must ensure that green spaces, including semi-natural habitats, that are already providing climate change mitigation and adaptation benefits are protected from development.

The recently published Green Infrastructure Framework sets out how to use nature to deliver multiple benefits, including adaptation to climate change. We recommend that the Government integrates the standard set out in the Green Infrastructure Framework into the NPPF and NDMPs to maximise benefits from nature. In particular, local plans should be required to have a Green and Blue Infrastructure Strategy that sets out how they intend to realise the benefits of restoring nature, including through nature-based solutions. Major developments should also be required to have a Green and Blue Infrastructure Plan setting out how they will deliver multiple benefits from nature restoration. Green and Blue Infrastructure Strategies and Plans should be required to take into account opportunities set out in Local Nature Recovery Strategies.

Furthermore, the NPPF should reinforce the implementation of Schedule 3 of the Flood and Water Management Act 2010 to ensure SuDS deliver multiple benefits, including flood resilience, water management, biodiversity, and boosts to wellbeing, as well as cooling where appropriate.

The Biodiversity Net Gain regulations, guidance, and updated national planning policy must come forward as soon as possible to set out how BNG will be implemented to deliver the best outcomes for nature. This must make clear that BNG should only be considered after the mitigation hierarchy has been applied and impacts of development on biodiversity have first been avoided, mitigated and compensated.

¹⁰ [Laser scanning reveals potential underestimation of biomass carbon in temperate forest - Calders - 2022 - Ecological Solutions and Evidence - Wiley Online Library](#)

¹¹ [nature-based-solutions-adaption-report.pdf \(rspb.org.uk\)](#)

¹² [Nature-based solutions can help cool the planet — if we act now](#)

¹³ [nature-based-solutions-adaption-report.pdf \(rspb.org.uk\)](#)

Where there is scope after delivering the best biodiversity outcomes via BNG, developments should look to deliver multiple benefits on top of the primary biodiversity gains, such as climate adaptation. Onsite or nearby net gain, which must be subject to sufficient monitoring, reporting, and enforcement, including by being recorded on the open BNG register, and which should be additional to any green infrastructure requirements, such as SuDS, could deliver co-benefits for climate and people on top of the biodiversity outcomes.

We are expecting the next statutory National Adaptation Programme for England to be published in summer 2023. This should include a clear plan for how the Government will support and coordinate local communities and organisations to carry out adaptation measures, with a greater emphasis on nature-based solutions, including through local planning processes.

Q.41: Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

Yes, we agree with the principle of enabling the re-powering of renewable and low carbon energy sources where they do not conflict with nature. Supporting the delivery of onshore wind in the right location and with the right safeguards is vital to tackling the urgent climate and nature crisis.

However, the implications for protected species, e.g., bats, birds, amphibians, and the potential impacts on nature need to be fully assessed and considered before any decision is taken. Any adverse impacts on nature, as well as on cumulative landscape and visual impacts (already identified in the NPPF) must be satisfactorily addressed and other relevant safeguards should be in place.

There should be a full SEA applied to local plans which include proposals for re-powering proposals.

Q.42: Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

Yes, we agree with the principle of enabling the re-powering of renewable and low carbon energy sources where they do not conflict with nature. Supporting the delivery of onshore wind in the right location and with the right safeguards is vital to tackling the urgent climate and nature crisis.

However, the implications for protected species, e.g., bats, birds, amphibians, and the potential impacts on nature need to be fully assessed and considered before any decision is taken. Any adverse impacts on nature, as well as on cumulative landscape and visual impacts (already identified in the NPPF), must be satisfactorily addressed and other relevant safeguards should be in place.

There should be a full EIA and full mandatory BNG applied to all full re-powering proposals. Partial re-powering proposals should be subject to a screening or scoping EIA approach.

Q.44: Do you agree with our proposed new Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?

We welcome this proposed change and suggest amending the last sentence to read [additions in italics]: 'Proposals affecting conservation areas, and historical buildings should also take into account

the policies set out in 16 of this Framework *and local planning authorities' relevant legal duties such as those regarding protected species.*'

We suggest this additional information in the NPPF about the applicability of relevant legal duties, such as species protections, because unfortunately there are still a significant number of avoidable offences every year against protected species during the development process, e.g., 75% of recorded offences against bats in 2021. Clarifying the interlink between duties in this way would help prevent confusion and hopefully avoid unnecessary harm to protected species.

Q.49 Do you agree with the suggested scope and principles for guiding National Development Management Policies?

Yes, we agree with the suggested scope and principles for guiding NDMPs and we suggest further principles and clarifications that are needed to ensure NDMPs work well for nature, climate and people.

We agree that NDMPs should be limited to key, nationally important issues commonly encountered in decision-making on planning applications across the country (or across significant parts of the country), but the Government must clarify the status of an NDMP if it does not fit to local circumstances, so that NDMPs are not used to undermine local policies. For example, an NDMP on Urban Greening Factor should be applied in all urban areas but not applied nationally everywhere, or a Green Belt NDMP should be applied in all LPAs that have any Green Belt in their local area, but not in those areas which do not contain any Green Belt, and as all LPAs include some ancient woodland in their local areas, all LPAs would be expected to apply an NDMP on ancient woodland protection. More clarity is needed from Government on how relevant NDMPs will be applied.

Two additional principles are needed to ensure there is no regression in environmental protection through national planning policy: 1) that existing protections in the NPPF will not be diminished in NDMPs and 2) that LPAs can, and should be empowered to go, beyond the policies in NDMPs, e.g., where LPAs include more ambitious policies for climate and nature in their local plans.

Q.50 What other principles, if any, do you believe should inform the scope of National Development Management Policies?

Two additional principles are needed to ensure there is no regression in environmental protection through national planning policy: 1) that existing protections in the NPPF will not be diminished in NDMPs and 2) that LPAs can, and should be empowered to go, beyond the policies in NDMPs, e.g., where LPAs include more ambitious policies for climate and nature in their local plans.

Q.51: Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

Yes, we agree that selective additions to the existing national planning policies should be considered for NDMP status.

Q.52: Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

Yes.

All existing protections in the NPPF must not be diminished in NDMPs and instead be built on or improved. Also, LPAs should be able to go, and should be empowered to go, beyond the policies in NDMPs, where LPAs include more ambitious policies for climate and nature in their local plans.

Existing policies in the NPPF that should be considered for and built on in NDMPs are:

- Irreplaceable habitats (NPPF paragraph 180(c)), in addition to parts of IH guidance and the forthcoming BNG IH advice, could be elevated to an NDMP. Loopholes that allow developments that result in the loss or deterioration of irreplaceable habitats must be closed. Learnings from the current review of the implementation of the NPPF with regard to ancient woodland and ancient and veteran trees should be applied to strengthen protections across all irreplaceable habitats.
- The mitigation hierarchy should be included in an NDMP, with more detail than is currently in paragraph 180(a) of the NPPF. Reinforcing the mitigation hierarchy is important because the best way to reduce environmental harm is to avoid any negative effects on the environment, before minimising, mitigating, and then compensating for any environmental damage. More than compensating for any habitat that is lost, where damage to existing habitats is unavoidable, mitigation must bring about an overall gain in habitats, via Biodiversity Net Gain (BNG).
- Strengthened and more specified protection for Local Wildlife Sites, which are currently protected in paragraph 179(a) of the NPPF, by bringing up these important nature sites to have the same level of planning protection as SSSIs, with a requirement to not permit development within or outside a Local Wildlife Site which is likely to have an adverse effect on it, either individually or in combination with other developments.
- Other important aspects of the NPPF that we would like to see included in NDMPs are (non-exhaustive list): existing paragraph 43 on the importance of the right information for good decision-making, existing paragraph 44 that LPAs should publish a list of their information requirements for applications for planning permission, existing paragraph 99 on open space, sport and recreational buildings and land, existing paragraph 174 that planning policies and decisions should contribute to and enhance the natural and local environment, existing paragraph 177 on refusing permission for major development in protected landscapes, and others.

New national planning policies that should be considered for NDMPs include:

- The purpose of planning: Explicit integration of nature recovery targets under the Environment Act 2021 and the net zero by 2050 target under the Climate Change Act 2008 into the NPPF as considerations in plan-making and decision-making on new development proposals.
- Local Nature Recovery Strategies: LNRs to be given stronger weight in the planning system by being recognised as formal planning documents, part of the development plan of a local planning authority.
- Sites for nature's recovery: A new planning designation with a presumption against land use change that would hinder the recovery of nature (i.e., compatible with nature-friendly farming and other sustainable land uses, but not with intensive farming). These sites (Wildbelt) would be identified by Local Nature Recovery Strategies and recognised in local plans, and with moderate protections in the planning system to enable these sites to

support nature recovery, these sites have the potential to nurture the recovery of habitats and wildlife, putting these sites on the path to be thriving local places for nature, climate and people.

- The provision of green and blue infrastructure: A requirement for local plans to have a Green and Blue Infrastructure Strategy (as described in Natural England’s Green Infrastructure Standards) to ensure local planning authorities strategically plan opportunities to increase access to nature and benefits from nature-based solutions.
- Access to nature: A requirement for local plans to set a time-specific target for reaching the Access to Greenspace Close to Home Target (as described in Natural England’s Green Infrastructure Standards) that everyone should live within 15 minutes’ walk of a high quality green or blue space, and a requirement for all new developments to meet this standard. This target forms part of the Environmental Improvement Plan 2023 and is essential to ensure all communities have adequate access to nature for health and wellbeing.
- Nature-friendly design of development: prioritising avoiding harm, then interventions to minimise or compensate for impacts, and finally, opportunities to contribute to the recovery of nature, including provision for nature within built structure design, to strengthen the consideration of nature-friendly design in planning, including swift bricks and bat boxes.
- Environmental information and data: There should be minimum requirements for LPAs and developers to consult the existing evidence base to inform decision-making (e.g., LERC data, Magic, NBN Atlas, etc.) and a requirement to share data from planning applications following appropriate data standards.

Q.53: What, if any, planning policies do you think could be included in a new Framework to help achieve the 12 levelling up missions in the Levelling Up White Paper?

Planning policies which support nature’s recovery and access to nature are essential to achieving the levelling up missions on health, wellbeing, and pride in place.

The health and wellbeing levelling up missions commit to reducing inequalities and boosting overall health (Healthy Life Expectancy) and wellbeing across the UK. A healthy natural environment and nearby access to wildlife-rich green and blue spaces are significant social determinants of health and wellbeing. A 2016 evidence review concluded that “living in areas with higher amounts of green spaces reduces mortality.”¹⁴ A 2014 review of evidence found that people “who are more connected to nature tended to experience more positive affect, vitality, and life satisfaction compared to those less connected to nature.”¹⁵ However, one in three people in England do not have adequate access to a greenspace within 15 minutes’ walk of home and this disparity in access to nature increases for people from a minority ethnic background, disabled people, and people on low incomes.¹⁶ For levelling up to be successful, environmental inequality must be addressed. The planning system has a central role in ensuring that the location and design of development and places promotes a healthy natural environment and nature access for everyone.

Policies which support nature and access to nature are also crucial to the pride in place levelling up mission, which pledges to increase people’s satisfaction with their town centre and engagement in local culture and community. There is evidence that green spaces in urban places promotes social

¹⁴ <https://pubmed.ncbi.nlm.nih.gov/26540085/>

¹⁵ <https://pubmed.ncbi.nlm.nih.gov/25249992/>

¹⁶ <https://naturalengland.blog.gov.uk/2021/12/07/how-natural-englands-green-infrastructure-framework-can-help-create-better-places-to-live/>

cohesion and connectedness with the local community.¹⁷ Research also shows that people consider parks and green spaces to be the most important factor in pride of place and improvements in parks is the most important explanation for somewhere becoming a better place to live.¹⁸ Development and communities which are environmentally sensitive, nature-friendly, and incorporate beautiful local natural spaces are ones of which residents are proud and want to play a part in the future.

Due to the fundamental importance of access to a healthy natural environment to levelling up, a levelling up mission to reduce environmental inequality across the UK should be added to the Levelling Up and Regeneration Bill. This will create a crucial cross-Government and strategic driver to tackle environmental inequality, promoting nature recovery, climate mitigation and adaptation, people's health and wellbeing, and the prosperity and cohesion of local communities.

The planning system must be designed to ensure all local communities and new development are sustainable, nature-friendly, and support thriving natural spaces close to people by:

- A requirement for local plans to set a time-specific target for reaching the Access to Greenspace Close to Home Target (as described in Natural England's Green Infrastructure Standards) that everyone should live within 15 minutes' walk of a high quality green or blue space, and a requirement for all new developments to meet this standard. This target forms part of the Environmental Improvement Plan 2023 and is essential to ensure all communities have adequate access to nature for health and wellbeing.
- A requirement for local plans to have a Green and Blue Infrastructure Strategy (as described in Natural England's Green Infrastructure Standards) to ensure local planning authorities strategically plan opportunities to increase access to nature and benefits from nature-based solutions.
- Local design codes must be based on effective community engagement and reflect local aspirations for development in their area, taking into account guidance contained in the National Design Guide, the National Model Design Code, Local Nature Recovery Strategies, local Nature Recovery Network (NRN) maps, local Biodiversity Action Plan, and local tree and woodland strategies.
- A specific reference to nature-friendly design of development in the NPPF, such as there is for trees, prioritising avoiding harm, then interventions to minimise or compensate for impacts, and finally, opportunities to contribute to the recovery of nature, including provision for nature within built structure design, to strengthen the consideration of nature-friendly design in planning, including swift bricks and bat boxes.
- There should be a presumption against removing existing hedgerows, and the incorporation and/or addition of new hedgerows in new developments should also be encouraged.
- Any new planting should prioritise locally native tree species and wild plants in keeping with the surrounding natural habitat, informed by expert consultation of the local environmental evidence base, including a Local Nature Recovery Strategy or Nature Recovery Network map and a landscape character assessment.
- Policy to support wider use of Tree Preservation Orders as a means to protect important trees on development sites.
- Schedule 3 of the Flood and Water Management Act 2010 should be implemented as soon as possible with strong standards requiring multi-benefit, natural Sustainable Drainage Systems (SuDS) that boost biodiversity and access to nature. Planning policy should emphasise the requirements of Schedule 3 and in particular note that natural, biodiverse SuDS should be used except in limited circumstances. Prioritise natural, multi-benefit SuDS, even on small sites, which are accessible to the community, reinforcing Schedule 3 of the

¹⁷ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6388234/>

¹⁸ <https://www.moreincommon.org.uk/our-work/research/everyday-levelling-up/>

Flood and Water Management Act 2010. SuDS can be incorporated even into developments with limited space and can play an important role in putting nature where people live and work.

- Local Nature Recovery Strategies (LNRSs) to be given stronger weight in the planning system by being recognised as formal planning documents, part of the development plan of a local planning authority.
- A new planning designation with a presumption against land use change that would hinder the recovery of nature (i.e., compatible with nature-friendly farming and other sustainable land uses, but not with intensive farming). These sites (Wildbelt) would be identified by Local Nature Recovery Strategies and recognised in local plans, and with moderate protections in the planning system to enable these sites to support nature recovery, these sites have the potential to nurture the recovery of habitats and wildlife, putting these sites on the path to be thriving local places for nature, climate and people.
- The explicit integration of nature recovery targets under the Environment Act 2021 and the net zero by 2050 target under the Climate Change Act 2008 into the NPPF as considerations in plan-making and decision-making on new development proposals.

We hope to see these and other proposals that represent a step-change for people's access to nature in national planning policy be consulted on in the next NPPF consultation promised later this year (2023) or early next year (2024).

Q.54: How do you think the Framework could better support development that will drive economic growth and productivity in every part of the country, in support of the levelling up agenda?

The right type of development, well-designed and in the right location, will boost local and regional prosperity. To support good planning decision-making, sufficient resources and expertise for currently over-stretched public bodies, including LPAs, as well as bodies such as Natural England, are needed. This investment in people and skills in local, area-based teams will benefit economic growth and productivity across the country.

As well as increased capacity and skills for planning decision-making, better strategic environmental assessment with Local Nature Recovery Strategies and up-to-date, high quality and appropriate environmental data will also reduce planning delays, costs and uncertainty for LPAs and developers identifying suitable locations for housing, employment areas, and other development.

Investment in the natural environment and environmental infrastructure can also support local and regional prosperity by creating demand for new jobs, skills and training in nature-based solutions and sustainability and attracting and retaining workers and businesses closer to an area, potentially increasing productivity by allowing people to live closer to work with shorter commuting times, more active travel potential, and improved work-life balance.

Q.55: Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

Yes, national policy could go further in promoting brownfield first development on urban brownfield land in order to reduce pressure on greenfield sites, but this must be carefully balanced with the

nature value of brownfield sites. Greater clarity for planners and developers through guidance about what is considered brownfield sites with high environmental value for nature and people is needed.

Q.56: Do you think that the government should bring forward proposals to update the Framework as part of next year's wider review to place more emphasis on making sure that women, girls and other vulnerable groups feel safe in our public spaces, including for example policies on lighting/street lighting?

Yes, we welcome the Government's intention to bring forward proposals as part of next year's review to improve the safety and inclusivity of public spaces, including natural spaces, such as parks, other greenspaces, and canals and other blue spaces.

While nature and access to nature is essential to people's health and wellbeing, women are less likely than men to use and enjoy greenspaces¹⁹ and BAME women in particular are less likely to be visibly present in greenspaces.²⁰

The safety and inclusivity barriers depriving women and other vulnerable groups access and enjoyment of nature has negative implications for their health and wellbeing, and, because connection to nature leads to pro-environmental behaviours, for wider environmental health.

Community engagement and consultation, ensuring representation from vulnerable groups, in the planning of new green and blue spaces or the retrofitting of existing green and blue spaces is essential to creating safer, inclusive spaces. More diverse lived experience in the planning and landscape architecture industries can also help bring an intersectional perspective into planning and design. Recent research has unearthed some factors which can encourage women and girls to access greenspace.²¹

Features promoting the safety and inclusivity of public spaces and natural spaces should also work for nature and climate. For example, Worcestershire has exemplar lighting policies which work for safety, as well as for energy consumption and for nocturnal animals such as bats.

¹⁹

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718113/100000FCGuidanceSocialDynamicsofTreesinLondon.pdf

²⁰ <https://www.runnymedetrust.org/blog/the-race-factor-in-access-to-green-space>

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https://eprints.whiterose.ac.uk/194214/?utm_source=Green+Infrastructure+Partnership&utm_campaign=62bf022151-EMAIL_CAMPAIGN_2017_08_31_COPY_01&utm_medium=email&utm_term=0_f4eb0dc7a3-62bf022151-569602081