

Wildlife and Countryside Link (Link) response to 'Planning for the Future' white paper consultation<sup>1</sup>

October 2020

Introduction and a vision for the planning system

The planning system is important for nature's recovery and can play a huge part in addressing the climate and ecological crises. Planning should not only be about maximising development and minimising environmental harm; it should also play a positive role in protecting vital habitats and species, and creating new biodiverse landscapes. Robust policies, sound governance and democratic oversight of both the plan making and consent process are essential for delivering a planning system that works for nature. Crucially, the planning system should be well resourced, with the right skills, information, expertise and capacity to implement policies.

The Planning White Paper is a missed opportunity to integrate the Government's environmental improvement programme with the planning system. Though there is some incorporation of the Government's ambitions for nature in the White Paper, at present they are weak. In fact, the current proposals risk serious environmental harm. They would weaken protection for nature in areas designated for growth and renewal, while offering no additional safeguards in areas earmarked for protection. Far from speeding up sustainable development in a way that is compatible with nature's recovery, the proposals risk hastening nature's decline. The planning process needs to take account of the climate and ecological crises and be part of the solution to redress the environmental imbalance that currently exists within our system.

The planning system could certainly be improved, however, and the Government has identified some aspects of the system that could be helpfully reformed. We agree that (1) more strategic planning; (2) more capacity for local authorities and statutory agencies; (3) better building design standards; and (4) improved access to data and digitisation, could all help reduce delays and save money in a way that is compatible with nature's recovery.

Unfortunately, the Government's initial ideas in these areas favour speed and simplicity at the expense of environmental protection and wider societal benefits. In particular, the proposals to extend the use of permitted development over large areas would undermine the important local ecological diligence that helps to identify and protect habitats and species that are of local, national and international importance.

Furthermore, consideration of forthcoming proposals to amend Environmental Impact Assessment and Strategic Environmental Assessment appear to be based on the false premise that environmental regulation is responsible for housing shortages and delayed development in England.

A planning system in England should be benchmarked against the three key criteria set out below. At present, the Planning White Paper fails to adequately address every one of these. The benchmarks below demonstrate where the White Paper falls short, and also details suggestions of how the Government can address these shortfalls. Whether there is an entire overhaul of the planning system, or there are less significant reforms, a planning system in England must meet the following:

---

<sup>1</sup> *Wildlife and Countryside Link is the largest environment and wildlife coalition in England, bringing together 57 organisations to use their strong joint voice for the protection of nature. Our members campaign to conserve, enhance and access our landscapes, animals, plants, habitats, rivers and seas. Together we have the support of over eight million people in the UK and directly protect over 750,000 hectares of land and 800 miles of coastline.*

- Benchmark 1: Ensuring nature’s recovery is embedded into the planning system, with the resources needed to fund it.
- Benchmark 2: Well-resourced local authorities, with access to up-to-date and thorough data and the skills and systems to inform decision-making.
- Benchmark 3: Giving local communities democratic involvement in all aspects of their local planning system (both at the Local Plan development stage and throughout the planning application process) for the protection and enhancement of the natural environment and landscapes around them.

### **Benchmark 1: Ensuring nature’s recovery is embedded into the planning system, with the resources needed to fund it**

Ambitious reform must go further. Our planning system should not simply be reducing environmental harm in the quest to build new homes, it should be used to focus the planning system on environmental recovery, thriving nature and resilient communities. This needs to be done through a connected system of national, strategic and local planning.

The main environmental focus of the current planning system is preventing and mitigating harm. While not always preventing damage of even our irreplaceable habitats, this has been relatively effective in reducing the loss of statutory protected habitats and species without slowing down development, largely thanks to the rules for site-based protected in the Habitats Regulations. However, it has been far from enough to turn the tide in nature’s decline.

As two of the main sectors contributing to nature’s decline, the Government has recognised the potential for harnessing planning and development to contribute to recovery. The proposals in the Environment Bill for biodiversity gain and Local Nature Recovery Strategies (LNRSs) aim to contribute funding and improve strategic planning for nature. More broadly, the Prime Minister has recognised the need to protect 30% of the land for nature by 2030.

However, the Planning White Paper fails to take those initiatives into account:

- The Environment Bill proposals for LNRSs are not legally linked to the planning system, with only a weak duty to “have regard” to LNRSs in setting local environmental policies. In their current form, the LNRSs risk being an expensive paper exercise that does not effectively influence planning and spending decisions. Currently, LNRSs are given no role in informing Local Plans or zoning in the White Paper. Any planning reform should include a requirement to use Local Nature Recovery Plans as the environmental basis for strategic planning.
- The proposals to expand Development Consent Orders under the Nationally Significant Infrastructure Planning Projects (Development Consent Orders) regime and for Development Corporations to be used more extensively for housing development risk lifting large areas of development out of the new requirements for biodiversity net gain. Major infrastructure projects should be included in requirements for biodiversity gain in the Environment Bill, and planning reform should not curtail the coverage of net gain requirements.
- The weakening of Section 106 and the Community Infrastructure Levy removes the percentage of developer contributions which are ring-fenced for local green projects. From maintaining or creating important habitats to contributing to local green and blue spaces, maintaining S106 and CIL will go a

long way in contributing to the delivery of the objectives in the 25YEP. This will also have an impact on Biodiversity Net Gain and reduce the pot available for nature within local budgets.

### Proposal:

In the next iteration of planning proposals, the Government should redress the problems that the proposals in their current form could create for nature. It should:

- Remove its proposals for automatic permission and extensive permission in principle in Growth and Renewal Areas. Ecological data and mapping at the strategic level fall far short of the detail and accuracy needed to give outline planning consent or permission in principle without detailed on-site ecological assessments. Site-based survey work should remain at the heart of the planning system, supported by reference to historic biological records. Strategic level planning approaches should be improved to complement existing site-based survey work.

Nature does not adhere to areas or boundaries. Instead, by improving baseline assessments for nature and mapping important habitats more accurately, delays can be avoided and savings made, at the same time as maintaining on-site survey work.

- Bring forward new proposals for identifying “highly protected areas” and “nature recovery areas”. In “highly protected areas”, there should be a presumption against damaging activities and not to rely on mitigation measures as a way to permit development. Existing designations could be reinforced and buffered with stronger planning protection. In “nature recovery areas<sup>2</sup>—which could be an area under new proposals or a novel designation—damaging development could be limited and planning for habitat creation could be streamlined, in coordination with spending on enhancing and restoring nature. These could be an expression of the Local Nature Recovery Strategies and the Nature Recovery Network in the planning system.

Nature is needed everywhere, and the planning system must go further to deliver this. Space must be made for nature across any newly defined ‘areas’ and all development. It should also accommodate or contribute to high quality Green Infrastructure with accessible natural green (and blue) space - for both people and wildlife - which connects to the surrounding urban or rural landscape and contributes to the wider Nature Recovery Network, and which builds climate resilience.

LNRs and Biodiversity Net Gain should be properly integrated into the Town and Country Planning regime and the NSIP regime so that all development contributes to nature’s recovery. Both systems should be informed by the same evidence base and environmental data infrastructure and be supported by statutory obligations and skilled staff at Local Planning Authorities and the planning inspectorate.

We recommend that the White Paper proposals are improved by identifying “Highly Protected Areas”, which could help to reinforce the protection already afforded by statutory designations by incorporating other important sites like Local Nature Reserves, Local Wildlife Sites, alongside irreplaceable habitats like, ancient woodlands and trees, peatlands and other priority habitats in an area with a legal presumption against development that results in their loss, with a suitable buffer included to ensure indirect damage is also reduced.

---

<sup>2</sup> Note: this would be a separate, distinctive concept to the Nature Recovery Areas outlined in the 25 YEP ( which are landscape scale project areas - discrete project areas serving particular functions and not something that is integrated across the planning system.) Nature Recovery Areas in the planning system would be as described in the text above.

A wider “Nature Recovery Area” should be identified and designated where nature is currently degraded but there are opportunities for recovery. Expedited planning permission could be given for environmental investments and new restrictions would be set for hard infrastructure. These areas could provide space for large-scale rewilding projects, greening the greenbelt, nature corridors through the landscape, or “tier 3” environmental land management projects, providing a focus for national and local environmental investments or the work of a National Nature Service. Development and hard infrastructure would be restricted. They should also provide wildlife corridors into the heart of our towns and cities.

Highly Protected Areas and Nature Recovery Areas could be the spatial articulation of Local Nature Recovery Strategies, giving them weight in the planning system. They could add up to an effective Nature Recovery Network. They could also help ensure that 30% of the land is managed for nature, mirroring the Government’s oceans leadership on land ahead of critical global negotiations in 2021.

**Benchmark 2: Well-resourced local authorities, with access to up-to-date and thorough data and the skills and systems to inform decision-making.**

More, and better, strategic planning can help to avoid cost and delay by identifying important environmental considerations more clearly upfront and facilitating cooperation across administrative boundaries. Indeed, without significantly improved strategic planning arrangements, it is hard to see how good planning outcomes that work for, rather than against, nature, will be secured. However, even with the best data available, strategic-level mapping will not be capable of replacing on-site survey work for the near future. There is too much variation and fine detail in habitats and species, with highly site-specific ecosystems, which will need to continue to be assessed by an expert ecologist. Granting permission in principle with outline planning consent across large areas would short-circuit the crucial role of expert ecologists in assessing individual sites for species and habitats that are important locally, nationally or internationally. Once permission in principle has been granted for a site, it is difficult to prevent development, even where ecologically important habitats or species are found by later survey work. The proposals for allocating land for permission in principle without adequate site-based survey and mapping work should not be taken forward.

Nevertheless, improved strategic approaches could help make significant savings, by complementing rather than replacing site-based surveys. At the moment, many environmental data of appropriate granularity and accuracy are managed by Local Environmental Records Centres and other members of the National Biodiversity Network, but the systems and baseline data are not yet adequate to achieve the aspirations of the 25 Year Environment Plan and a reformed planning system. Environmental data are not available for all areas. Despite industry guidance, most data generated due to development are not made available for re-use; where accessible, there is lack of obligation to use the evidence base, and often lack of skills to interpret it. There is also a serious dearth of up-to-date information on the condition of protected sites (statutory and non-statutory), and the location of important habitat types that imposes costs and delays on development. This is exacerbated by a high proportion of applications of poor quality which omit required environmental information and fail to consult the available local evidence base, leading to delays and additional costs for Local Authorities.

**Proposal:**

The Government could helpfully improve the planning system by enhancing strategic considerations and enriching and sharing the data available to inform the process. This could be done by:

1. Improving Local Authority access to ecological expertise, aiming for every Authority to have access to in-house ecologists and environmental planners
2. Increasing the number of strategic planners and development management officers so environmental issues can be built in early, while improving monitoring and enforcement
3. Increasing funding for Natural England to review and improve how it performs its statutory planning functions and provides environmental advisory services
4. Clarifying the quality of information required by Planning Authorities to validate applications
5. Updating the Ancient Woodland Inventory, the Ancient Grassland Inventory, the Open Mosaic Habitats Inventory and the Priority Habitat Inventory
6. Updating designation information on historic features including Scheduled Ancient Monuments.
7. Mapping other critical, irreplaceable habitats such as peatlands, including shallow and degraded peat
8. Increasing support for Local Environmental Records Centres Historic Environment Records and Local Wildlife Site partnerships. As part of the announced 'Natural Capital and Ecosystem Assessment', there needs to be a costed audit of the national environmental information infrastructure against the needs, targets and reporting requirements of planning and strategic environmental improvement.
9. Encouraging engagement of local ecological specialists and advice at the outset of the planning application process.
10. A data provision based on F.A.I.R principles, with Intellectual Property Rights, data curation and quality assurance costs, and consequences for support of volunteer recording all taken into account

**Benchmark 3: Giving local communities democratic involvement in all aspects of their local planning system (both at the Local Plan development stage and throughout the planning application process) for the protection and enhancement of the landscapes around them**

Good environmental governance requires meaningful and democratic public participation, transparency and accessibility. In the same way that environmental information is vital for a nature-enhancing planning system, so is community engagement and participation. There are many tools and mechanisms needed for creating effective public engagement, some of which the current planning system already has in place.

Local communities ought to play a central role in determining the management and creation of the area that they live in, from enhancing habitats and natural spaces to the design of buildings. Local democracy and nature's recovery are interlinked and must not be undermined in any changes to the planning system.

The White Paper's proposal to extend permission in principle is a serious undermining of democratic process within the planning system. In particular the loss of democratic oversight and public scrutiny of actual development proposals could lead to worse outcomes for nature under the new system. This democratic deficit must be addressed. Limited controls within growth or renewal areas will lead to fewer policies within local plans and a loss of control by elected members through planning committee decision making.

Neighbourhood Plans should continue to have a role in setting local policies tailored to the needs of their neighbourhood and where communities choose to do so, Neighbourhood Plans can foster community ownership of and engagement with planning.

**Proposal:**

The revised reforms should maintain many of the mechanisms for consultation that already exist within the current planning system, increasing transparency and participation where possible (e.g. through ease of access to information/data). There must be an unambiguous embedding of the following in a new planning system:

- The involvement of planning committees on large and controversial plans: Where the protection of nature and green/bluespace is concerned, there is huge public interest in protecting and enhancing them. The ambition in the 25YEP to improve health and wellbeing relies on involving local communities in identifying important aspects on the local environment, alongside national and international priorities, with open and meaningful opportunities for people to have a say in individual decisions.
- Community consultation throughout the planning process: The government should keep the statutory requirement for two consultations for new developments as a minimum. Community consultation earlier on in the process is welcome, but not at the expense of further consultations down the line. Changes to plans inevitably lead to changes in their impact on the surrounding landscape. Local communities and other stakeholders must have a meaningful say over these.
- The maintenance of SEAs as part of the Sustainability Appraisals in Local Plans: In any planning system in England, there would continue to be a need for SEA or a similar equally robust procedure to inform the development of plan policies and identification and consideration of site allocations and ensure both these and alternatives are consulted on before the plan is submitted for examination.
- A tiered system of strategic planning: Nature does not live within boundaries, and cross-boundary cooperation is essential for the protection and enhancement of vital habitats such as woodlands, wetlands and grasslands. The integration of a Nature Recovery Network and LNRs into Local Plans must go hand in hand with public participation to inform them, ensuring that at each level of governance stakeholders and the public are playing a meaningful role in the planning process. This will ensure that pressure to develop is not placed on areas that are already struggling with a lack of environmental capacity, and would also help to ensure that nature and its recovery is joined-up across England.
- The maintenance of Neighbourhood Plans: Maintaining neighbourhood plans as part of strategic planning is a key element. Arguably, the proposed system of categorising areas for growth, protection and renewal would call for more, not less, detailed Local Plans, in order to provide certainty and clarity to all parties and, most importantly, assurances with regard to the quality of new development to be delivered and associated impacts.

## Responses to white paper consultation questions

### **2(a). Do you get involved with planning decisions in your local area? [Yes / No]**

#### **2(b). If no, why not?**

Link members include organisations with an extensive local network of staff and volunteers who engage with plans, decisions and development proposals in their local area. Many Link members have submitted their own responses, many of which detail the experience of their members' experiences with the current planning system.

### **4. What are your top three priorities for planning in your local area?**

**[Building homes for young people / building homes for the homeless / Protection of green spaces / The environment, biodiversity and action on climate change / Increasing the affordability of housing / The design of new homes and places / Supporting the high street / Supporting the local economy / More or better local infrastructure / Protection of existing heritage buildings or areas / Other – please specify]**

Other. The planning system does not currently give environmental factors sufficient weight in decisions. A culture change is needed to reimagine the planning system as part of the solution to environmental and social problems, rather than simply seeing environmental protection as a constraint on development.

Planning must deliver protection and enhancement of the environment, with action on ecological recovery and climate change. Unless the protection of natural green spaces and the environment, biodiversity and action on climate change are considered properly as part of the planning system, then ecological degradation and climate change will put all other considerations at risk.

The purpose of the planning system is to integrate all these priorities in order to deliver the best outcomes for society and the environment, with reference to expert evaluation, public dialogue and scrutiny, and fit-for-purpose evidence at all stages. Local Plans are well positioned to bring local context and knowledge to bear upon these priorities, and Local Nature Recovery Strategies can play a central role in delivering on them.

### **5. Do you agree that Local Plans should be simplified in line with our proposals?**

No. Much more detail on the proposed system is required to make a full assessment of these proposals. Based on the detail provided in the White Paper, there is a real risk that an oversimplification of Local Plans and planning rules could harm England's ecosystems. Local Plans should remain evidence-based, informed by robust ecological and environmental assessment, and democratic, subject to public engagement and scrutiny.

The proposed changes could lead to significant oversights in Local Plans due to gaps in available environmental data. While in theory a good baseline of environmental data could be used to identify important and irreplaceable habitats, the currently available environmental data does not have the granularity or comprehensiveness to be applied to determining areas for simplified decision-making and even with substantial improvements, site-based survey work will remain an important safeguard to ensure that important habitats and species are not adversely affected. It is unrealistic to map every single important habitat or identify the whereabouts of important species in advance. However local plans must be informed by up-to-date evidence on habitats and species. To that end, sites must be routinely assessed by an expert ecologist to monitor species and habitats over time, and to determine the potential impact of development.

As set out in [Raising the bar: improving nature in our National Parks](#), data from Natural England highlights that a lower percentage of SSSIs are in favourable condition (25.3%) than the national average (38.5%). The Government should be integrating regular, detailed, site-specific surveys to monitor the condition of SSSIs and to help planning authorities and developers ensure their plan meets biodiversity net gain (BNG) requirements.

Nevertheless, improvements in mapping, data and availability of information could help to reduce delays and

costs. Many environmental data of appropriate granularity and accuracy are managed by Local Environmental Records Centres and other members of the National Biodiversity Network, but the systems, and coverage and currency of baseline data, are not yet adequate to achieve the aspirations of the 25 Year Environment Plan and a reformed planning system across the country. Limitations in environmental data stand in the way of effective spatial planning and efficient environmental investment.

Limitations in monitoring and enforcement capacity compromise the effectiveness of important environmental regulations. Many protected sites have not been assessed for many years. Large swathes of the countryside have not been mapped for important habitats. Many water bodies and farms are rarely monitored or inspected. Despite industry guidance, most data generated due to development are not made available for re-use. Where accessible, there is lack of legal obligation to use the evidence base, and sometimes lack of skills to interpret it; many applications likely to affect nature are not accompanied by assessment of the available evidence base.

Open data provision is to be encouraged, so long as Intellectual Property Rights, data curation and quality assurance costs, and consequences for support of volunteer recording are taken into account. At present, MHCLG and Local Authorities lack access to essential environmental data to help planning move swiftly while protecting our precious natural assets. Improving the environmental data infrastructure, and the quality and availability of data will help to improve the efficiency of the system in a way that complements site-specific survey work, rather than replacing it.

The proposed simplification of Local Plans will not ensure the protection and restoration of nature and deliver on the ambitions of the Government's 25 Year Environment Plan. This is due to: 1) insufficiently detailed Local Plans; 2) lack of bespoke, i.e. local, development management policy; 3) lack of opportunity to ensure the details of development undergo proper democratic scrutiny in the consent process, and 4) lack of resources and expertise to create and implement high quality plans and address gaps in data. Data is a key aspect of the reforms set out in the 'Planning for the Future' white paper, but there is no indication of how these reforms will improve the use of and access to environmental data. As part of the announced 'Natural Capital and Ecosystem Assessment', there needs to be a costed audit of the national environmental information infrastructure against the needs, targets and reporting requirements of planning and strategic environmental improvement.

An accurate National Habitat Map is crucial for creating a successful Nature Recovery Network and for Local Nature Recovery Strategies (LNRSs), and would enhance decision-making on land use and the water environment. This includes setting a baseline against which to deter deliberate degradation of the natural environment, in particular with regard to Biodiversity Net Gain. Also, while site-specific surveys are still required to provide the relevant detail to inform the final decision about where development goes, habitat maps are necessary to support evidence based strategic planning. As well as improving environmental evidence-based decision-making, regular and early surveys can increase the efficiency of environmental assessments of development proposals by identifying any issues early in the process.

In summary, limitations in environmental information, such as the lack of granularity and accuracy in Defra's Living England maps, compromise the ability of Government, planning authorities, and wider stakeholders to accurately assess the state of nature outside the protected area network. Even where good strategic-level information exists, it is not comparable with the kind of site and season-specific detail that is revealed by site specific surveys at the point of application. Therefore, if Local Plans are simplified and overlook the need for this environmental information, this could have a serious impact on sites and species of environmental importance across England.

## **6. Do you agree with our proposals for streamlining the development management content of Local Plans, and setting out general development management policies nationally?**

We disagree with this proposal. A loss of detailed local policy would seriously constrain local planning

authorities' ability to respond appropriately and effectively to local environmental opportunities, challenges, and circumstances, of which arguably most pressing are the ecological and environmental crises. While some development management policies are appropriate to set out nationally, such as those in the NPPF, local development management policies are also needed. Greater flexibility is needed for local authorities to have a planning system which can adapt to site-specific opportunities and constraints, delivering decisions and design well-suited and tailored to the local context.

**7(a). Do you agree with our proposals to replace existing legal and policy tests for Local Plans with a consolidated test of “sustainable development”, which would include consideration of environmental impact?**

No, there is a risk that a single sustainability test allows long-term and cumulative environmental considerations to be more routinely trumped by short-term economic gains.

A healthy environment underpins a healthy and successful society. A consideration of environmental impacts is not sufficient to deliver a planning system that has nature's recovery at its core. Any Local Plan should be compatible with the need to restore nature, support thriving ecosystems and contribute to mitigation and adaptation to climate change. At the moment, there is not enough detail about the proposed single sustainability test to assess whether it would ensure those conditions are met.

Sustainability Appraisal and Strategic Environmental Assessment are an important element of assessing whether a plan can proceed in a way that will meet current needs without compromising the ability of future generations to meet their own needs. These assessments help to reveal any unacceptable trade-offs between economic gain and environmental protection. Done well, they help identify solutions that properly integrate social, environmental and economic objectives and can inform the evolution and development of plans, consultations and examinations in public leading to a more robust plan overall. In doing so they can reduce delays later on in the process. Environmental Assessments should not be diluted in an attempt to streamline and speed up procedures.

We consider that the interpretation of sustainable development in the NPPF often prioritises development over other considerations and underplays the consideration of alternatives. Any streamlining of environmental assessment risks further weakening environmental considerations against short-term economic objectives. If there were a single sustainability test, it would need to give sufficient weight to present and future environmental considerations, ensuring that Local Plans make provision for development to take place only where this is compatible with reversing ecological decline and addressing climate change. In addition, there would continue to be a need for SEA or a similar equally robust procedure to inform the development of plan policies and identification and consideration of site allocations and ensure both these and alternatives are consulted on before the plan is submitted for examination.

If the Government decides to proceed with a sustainability test to replace the legal and policy test, there should be a clear requirement that to satisfy a test, a plan must: (1) contribute to ecological protection and recovery; and (2) be compatible with climate change mitigation and adaptation.

The UN Sustainable Development Goals could be used as a basis for a future assessment framework.

**7(b). How could strategic, cross-boundary issues be best planned for in the absence of a formal Duty to Cooperate?**

The Duty to Cooperate should not be abolished without a clear proposal for an alternative statutory mechanism for addressing cross-boundary strategic matters. We suggest serious consideration be given to establishing coherent arrangements for democratic, strategic or regional planning.

Local Nature Recovery Strategies should play a key role in cross-boundary planning, if their governance is designed appropriately to consider issues that overlap administrative boundaries. LNRSs should be integrated into the 'Planning For the Future' reforms. Through Nature Recovery Maps, Local Authorities should be able to easily identify and deal with cross-boundary issues, and strategic planning decisions can be made on the basis

of each LA's LNRS, which feed into the Nature Recovery Network for England. By doing this, the reform would not only create a clear mechanism for dealing with cross-boundary planning issues, but would also help to deliver the 25YEP and targets formed under the Environment Bill.

This would only be effective however if there was a clear duty for Local Authorities to deliver LNRSs, including through planning decisions, and information of requisite quality to be available and put to use, with the necessary systems, standards, expertise, strategies, funding mechanisms and overall infrastructure to facilitate this, with clear requirements for data to be taken into account in decision-making such as cross-boundary planning issues. This would mean decisions about land use, land management, infrastructure and other planning and development explicitly take account of Nature Recovery Maps and Plans.

Together, a well planned set of Local Nature Recovery Strategies should ensure the development of a coherent ecological network and a Nature Recovery Network. A stronger duty to consider LNRSs in planning and spending decisions would help to ensure that these landscape-scale ecological considerations are properly taken into account.

**8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?**

Well-resourced Local Authorities are the most effective and accurate vehicle for determining the appropriate number of homes in the appropriate places. The housing number formula concentrates housing numbers in London and the South East - in many local authorities that are already struggling to meet existing levels of need without damaging valued green spaces and habitats. Assessments of the environmental capacity of an area for new development will need to be done to ensure that the importance of building new homes does not harm nature: these assessments should be done locally, to ensure that locally important sites and species are identified in this process.

Though we acknowledge the need for new homes across England, from an environmental perspective we are concerned that a standard method for distributing the national housing target could lead to the wrong homes being built in the wrong places.

We welcome the recognition that such a "requirement figure takes into account the practical limitations that some areas might face, including the presence of designated areas of environmental and heritage value, the Green Belt and flood risk", though we are still concerned that the standard method may overlook other sites of high nature value. For instance, while much brownfield land is suitable for redevelopment, many brownfield sites are important habitats for wildlife. As well, green/blue spaces which do not fit into any of the protection categories may be of high biodiversity value and serve as important natural spaces for local communities. Moreover, the standard method as proposed risks leading to overdevelopment in some areas exceeding these places' capacity to sustainably accommodate development, leading to a loss of local green space and otherwise causing widespread environmental and social harm.

We support appropriate increases in housing density for new development - where it can be designed in from the start and help create walkable neighbourhoods and reduce sprawl. However, we are also concerned that without more thought, 'densification where appropriate' may lead to a development on, or adverse impacts to, green (and blue) spaces in urban areas upon which communities rely. Some significant research has been carried out recently on access to greenspace in particular, demonstrating the level of need in this regard. Research conducted by Friends of the Earth found that about 1 in 5 of people in England lose out on the benefits of quality local green space.

11.6 million people in England live in 1,257 neighbourhoods which are the most deprived of green space and 928 neighbourhoods have slightly better but still very poor green space provision.<sup>3</sup> In a similar vein, National Trust research has demonstrated the wealth of benefits that could be provided by a programme of investment in the urban environment. 295 deprived neighbourhoods of 440,000 people are grey deserts, with no trees or

---

<sup>3</sup> <https://friendsoftheearth.uk/nature/access-green-space-england-are-you-missing-out>

accessible green space.<sup>4</sup> The ‘densification’ principle may further disadvantage communities if Local Authorities are required to deliver a high number of homes relative to the area of land available for development.

**9(a). Do you agree that there should be automatic permission for areas for substantial development (Growth areas) with faster routes for detailed consent?**

No, we do not agree with automatic permission for substantial development. The granting of permission in principle to or automatic approval for developments in allocated ‘Growth Areas’ raises a number of serious concerns.

The proposal for ‘Growth Areas’ would lead to land being allocated for development in a process that is rushed, likely to exclude local knowledge, and based on inadequate information. This would mean that important environmental sites (either for their local importance or for wider ecological significance) are likely to be marked down as areas for development. Even the highest standards of building and mitigation would not be enough to ensure that significant environmental harm does not take place.

In order for ‘Growth Areas’ to avoid overlooking important environmental considerations, areas must be properly mapped, with up-to-date and fine-grained environmental information from a range of mechanisms and sources, including necessary on-site ecological surveys. We understand that the government is planning to undertake extensive geospatial mapping of England, as well as gathering data on the ground to integrate into Local Plans. However, these geospatial environmental data cannot replace site-specific surveys where expert ecologists provide the spatial granularity and temporal sensitivity currently impossible to attain with geospatial environmental data.

The best available data should be better integrated into the planning system immediately, including the use of site-specific surveys as they are used to inform the decision-making process within the current planning system. This should be followed by a costed audit of environmental data needs, gaps, provision and use is needed. This audit should be used to inform an information strategy for the national Environmental Improvement Plan that maps out the existing and missing elements of our national environmental information infrastructure, the measures required to support, link and facilitate these and the means of funding their implementation. This will require investment to enable more efficient, truly sustainable development in pursuit of local needs, national priorities and the environmental imperatives supported by a sustainable environmental data infrastructure and evidence base.

Additionally, we anticipate that if adequately mapped with up-to-date and accurate environmental information, ‘Growth Areas’ may be fragmented segments of land which are insufficient for any significant development. The question then would be which requirements would a development be subject to if said application covers both ‘Growth Area’ land and ‘Renewal Area’ land or even ‘Protected Area’. If in such a case the lowest requirement applies, the system risks overlooking areas of environmental importance; if it is the highest requirement, this could be prohibitive for developers. For these reasons, applications should continue to be granted by Local Authorities on a case-by-case basis.

Furthermore, the determination of land required for ‘Growth Areas’ across Local Authorities will fall under the expertise of the planners within each Authority across England. Most Local Planning Authorities lack ecological expertise and adequate resources to evaluate proposals and make well-informed important planning decisions in line with fostering nature’s recovery.

We are also concerned that the white paper contains loopholes which undermine biodiversity net gain under the proposed ‘Growth Areas’. In particular, delivery mechanisms such as housing developments classed as NSIPs and the exemptions of Development Corporation from delivering net gain could lead to large residential developments delivering nothing for nature. This could leave England’s nature in a worse state than before.

---

<sup>4</sup> <https://www.nationaltrust.org.uk/press-release/new-research-shows-55bn-fund-needed-to-level-up-access-to-urban-green-space-as-part-of-uks-green-recovery>

Site surveys and impact assessments must be undertaken before individual development proposals are approved and if habitats and species of principal importance are found to be present, permission should be revoked without compensation.

Finally, combined with the reduction in opportunities to engage in the Local Plan (since under the White Paper proposals objectors' right to participate in a Local Plan examination in public may be lost), fast track routes to planning permission will curtail the ability of local communities to have a say in decisions that affect their local environment. Often, local voices are the last line of defence for important natural habitats, and communities are only really engaged with planning when the threat is very real and imminent. Increasing the quality of engagement and consultation at the Local Plan level is important, but must not be at the expense of engagement when it comes down to the details.

**9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?**

We disagree with these proposals.

The proposed consent arrangements for renewal areas would have a negative impact on local habitats and species, biodiversity and green/blue infrastructure. They would also, lead to a loss of democratic oversight, scrutiny of proposals and public participation in decisions, weakening the ability of communities and councils to manage development in their area and leading to poorer planning outcomes.

In addition, the proposed consent arrangements for 'Protected areas' do not provide any certainty or clarity on what is protected, nor any additional level of protection beyond that already afforded by individual site designations. The document makes reference to Sites of Special Scientific Interest (SSSI) and Local Wildlife Sites (LWS), however this does not include other major statutory designations or those requiring protection, such as National Nature Reserves (NNR), Local Nature Reserves (LNR), irreplaceable habitats such as lowland bog and ancient woodland, and priority habitats. The omission of these sites from the government's proposed 'Protected Areas' and the failure to include any additional protection is very concerning and a missed opportunity to foster nature's recovery and help deliver the government's ambition to protect 30% of England by 2030.

We propose "Highly Protected" areas and wider "Nature Recovery" areas. 'Highly Protected' areas could reinforce protection already afforded by site designations, for example SSSIs, by incorporating other important sites like Local Nature Reserves, Local Wildlife Sites, alongside irreplaceable habitats such as ancient woodlands and trees, peatlands, and other priority habitats in an area with a legal presumption against development. The idea could be extended to our marine environment, with areas allocated for 'Highly Protected Marine Areas', where damaging activities are prohibited to let nature recover.

"Nature Recovery" areas could include higher requirements for biodiversity gain and environmental benefits, and make planning simpler for environmental enhancements such as habitat creation and nature-based solutions. It should be noted that you cannot have a biodiversity net gain where an irreplaceable habitat is damaged or lost. For example, some projects to create important habitats like ponds and wetlands currently require planning permission, but this could be simplified or granted in principle for areas in a 'Nature Recovery' area to speed up investments in ecosystems, helping to support nature and provide nature-based solutions to climate change and flooding. These areas could provide space for large-scale rewilding projects, greening the greenbelt, nature corridors through the landscape, or "tier 3" environmental land management projects.

Granting a form of outline permission in renewal areas raises similar concerns as to those raised in our response to Question 9a on growth areas. While supporting proposals that make more efficient use of land, we are concerned that a fast track approach increases risk to green spaces and urban trees.

We strongly disagree with the expansion of permitted development rights in renewal and growth areas.

**9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally**

## Significant Infrastructure Projects regime?

We disagree with this proposal. Bringing forward new settlements in the NSIP regime creates a number of problems. First, NSIPs are explicitly cited as an example of the wholly exceptional reasons to allow decisions that will lead to destruction of irreplaceable habitats such as ancient woodland. In addition, the Environment Bill currently does not include NSIPs within scope of Biodiversity Net Gain.

Second, the NSIP regime reduces the democratic oversight and public scrutiny of planning proposals, reducing the role of councils and communities to that of 'consultee'. The Development Consent Order process also reduces the role of planning authorities to that of consultee, rather than decision maker. Rather than adopt this top-down approach a better way to plan new settlements is by way of a democratic strategic or regional planning tier and local planning authorities working together with their communities.

## 10. Do you agree with our proposals to make decision-making faster and more certain?

In principle, making decision-making more efficient and more certain is a positive aim. However, these proposals appear to be based on the false premise that environmental regulation is responsible for housing shortages and delayed development in England. We do not support these proposals.

While there are delays in the planning system, evidence - including that from Sir Oliver Letwin's 2018 review – does not support the view that environmental regulation is the cause of delay in the construction of new homes and other important developments. Rather, 'land-banking' and intentional delay have shown to be the cause of many delays in recent years. The decision to grant permission in principle to development in allocated 'growth areas', while overlooking the importance of site-specific surveys, or for democratic scrutiny of proposals, is not grounded in evidence, and is particularly risky for nature.

A drive for quicker decisions should not come at the cost of positive outcomes for nature and the environment. However, we do think that improvements to up-front mechanisms and processes within the planning system have scope to reduce delays, this includes better data mapping, surveying and community consultation. LA expertise is essential for an efficient decision-making process.

Currently, many planning applications fail to assess their effects on nature properly but planning authorities rarely challenge these problems successfully. This is not necessarily the fault of the planning application process or the development management regime. Often, Local Authorities lack sufficient expertise and resources to make an informed judgement or to fight a case if it should come to protracted negotiations or a legal dispute. Only 26% of LPAs have in-house ecologists.<sup>5</sup> It is also essential that LAs have in-house planners and data managers to ensure efficient use of environmental information.

To meet statutory determination targets, planning authorities face pressure to get applications processed quickly. Consequently, screening for biodiversity might not always happen or happen as early as it should. To address this, there need to be reassurances of how applications and development proposals will be properly assessed for biodiversity under the proposed new consent arrangements. This may be exacerbated in a system which does not enshrine site-specific work at an early stage in the process, which can cause delays further down the line.

The system could be sped up by:

1. Improving Local Authority access to ecological expertise, aiming for every Authority to have access to in-house ecologists and environmental planners
2. Increasing the number of strategic planners and development management officers and better resourced local plans teams, so environmental issues can be built in early, while improving monitoring

---

<sup>5</sup> <https://www.endsreport.com/article/1585763/capacity-crunch-councils-expertise-deliver-biodiversity-goals>

and enforcement

3. Increasing funding for Natural England to review and improve how it performs its statutory planning functions and provides environmental advisory services
4. Clarifying the quality of information required by Planning Authorities to validate applications
5. Updating the Ancient Woodland Inventory, the Ancient Grassland Inventory, the Open Mosaic Habitats Inventory and the Priority Habitat Inventory
6. Updating designation information on historic features including Scheduled Ancient Monuments.
7. Mapping other critical, irreplaceable habitats such as peatlands, including shallow and degraded peat
8. Increasing support for Local Environmental Records Centres and Historic Environment Records. As part of the announced 'Natural Capital and Ecosystem Assessment', there needs to be a costed audit of the national environmental information infrastructure against the needs, targets and reporting requirements of planning and strategic environmental improvement.
9. Encouraging engagement of local ecological specialists and advice at the outset of the planning application process.
10. A data provision based on F.A.I.R principles, with Intellectual Property Rights, data curation and quality assurance costs, and consequences for support of volunteer recording all taken into account

#### **11. Do you agree with our proposals for accessible, web-based Local Plans?**

We disagree with the simplified role envisaged for Local Plans and Neighbourhood Plans. It is important that these plans continue to set out detailed policies tailored to local circumstances and opportunities. With regard to the White Paper's reference to "the more limited evidence that will be expected to support 'sustainable' Local Plans", it is unclear what evidence planning authorities currently assemble to produce a sound local plan that the government considers might be dispensed with in future.

To facilitate high quality development at greatly increased rates without undermining environmental improvement, any planning reform will need to be founded on a similarly radical approach to environmental information. Such an approach must be outcome-led and data-driven, ensuring that information of requisite quality will be available and put to use, and that the necessary systems, standards, expertise, strategies, funding mechanisms and overall infrastructure will be in place to facilitate this. There must be clear requirements for data to be taken into account in decision-making.

There are a number of important data sets that should be updated/completed as a priority, including:

- Ancient Woodland Inventory
- Mapping of Tree Preservation Orders
- Ancient Grassland Inventory
- Open Mosaic Habitats Inventory
- Priority Habitat Inventory

Elements of the Environment Bill, the 25 Year Environment Plan and any new planning system will overlap considerably in relation to their data and information management needs. However, in the current proposals,

there is no clear mechanism for incorporating improved environmental information in the proposed planning process. Without a clear connection to decision making, the value of new data is wasted.

Local Nature Recovery Strategies could be the principle nexus for the interaction between environmental improvement and planning, but they are currently unrecognised in the proposed planning reforms. The duties associated with LNRs in the Environment Bill are not strong enough to ensure they are used to full effect.

Based on national park, metropolitan and county boundaries, LNRs will cover all of England without overlap. If, as we propose, they include a map of Highly Protected Areas and Nature Recovery Areas, they will help to integrate delivery of a number of policies by providing the spatial evidence for targeting the new Environmental Land Management Scheme, and Biodiversity Net Gain and Environmental Net Gain offsets.

Moreover, LNRs mapping of areas of high environmental opportunity will align with the mapping and information needs of Planning for the Future's Protected, Growth and Renewal area classifications. LNRs have the potential to coordinate a much richer picture of environmental information, which will help to improve planning decisions. For example, there is a need to identify and safeguard not only sites and processes that are of intrinsic high value, but those areas and features which serve linking or buffer roles in Nature Recovery Networks.

Although web-based Local Plans informed by comprehensive environmental data offer potential for improving evidence-based decision-making, this approach should not be at the expense of the more detailed 'traditional' Local Plan. True community engagement requires a diversity of approaches that are accessible and legible for a diversity of audiences. While greater use of digital technologies is needed, in-person engagement and access to hard copy documentation are crucial to enable the participation of those with limited or no access to the internet. Face-to-face communication facilitates a level of engagement and in-depth discussion that cannot be replicated through digital technologies. As a consequence, everyone involved in these exercises stand to be better informed about the planning issues concerned. Locals have an in-depth understanding of their communities and natural spaces, and this local knowledge is crucial to informing a nature-enhancing planning system.

## **12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?**

We support the aim that every Local Authority to have a Local Plan in place, however while there may be scope for some plans to be prepared to a swifter timescale than they are at present, we do not support this proposal as we are concerned that a statutory timeframe of 30 months may put Local Authorities under unnecessary pressure, reduce the opportunities for public engagement, and may lead to inadequacies and gaps in Local Plans. The preparation of Local Plans must be underpinned by well-resourced Local Authorities, and must include sufficient time for the wide breadth of work they will be responsible for, including developing design codes, master planning, coordinating cross-boundary cooperation, community engagement, supporting neighbourhood planning, among other substantial measures needed to adapt to and implement these new reforms.

Additionally, we would like to emphasise that the following functions of the planning system will require significant ongoing capacity and resource from Local Authorities:

- Gathering data, including:
  - Design of digital data platform/s
  - GIS mapping
  - On-the-ground data gathering (particularly for SSSIs and other important sites)
- Interpreting data and configuring this to inform and design the Local Plan

- Community consultation:
  - At the beginning of the process: gathering information/local knowledge and preferences before Plan design
  - Feedback on initial Local Plan
  - Opportunity for consultation throughout

The growing recognition of the importance of access to environmental information across government, particularly in relation to the planning system and wider land use, is welcome. To be effective, major investments will be needed in data collection at the landscape and site-specific scale; improvements will be needed in the way data is handled and shared, with investment in expertise to interpret the data; and planning and decision-making processes must be amended to ensure that environmental information is properly taken into account.

We are concerned by the proposal to remove the right to be heard in person at Local Plan examinations in public, leaving this to the Inspector's discretion to decide whether this right might be fulfilled in other ways, such as by writing or a telephone conversation. This right enables individuals to engage in person alongside other stakeholders, a process that provides for public scrutiny and testing of policies, evidence and plans. According to Section 20(6) of the 2004 Planning Act 'Any person who makes representations seeking to change a development plan document must (if he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination.' The deliberation and discussion that occurs at Examinations in Public helps foster consensus and understanding among diverse parties and ultimately leads to better thought out plans and policies. Maintaining a right to be heard in person is essential if communities and the wider public are to retain a right to meaningfully participate in plan-making and in order to achieve sound outcomes for nature and the environment.

We also disagree with the proposal to allow LPAs to self-assess their Local Plans. External scrutiny is a vital step in ensuring a fairer assessment of a local plan.

### **13(a). Do you agree that Neighbourhood Plans should be retained in the reformed planning system?**

We fully support the use of Neighbourhood Plans. One of the principles of sustainable development is community engagement. From tending to wildflowers on road verges, to monitoring bird populations in surrounding areas, local communities often have a valuable understanding of and connection with the natural world around them. Not only is nature important for communities' wellbeing, but communities play a vital role in observing, preserving and enhancing the natural world around them. Observations by local residents often provide nationally and internationally significant environmental information.

Local communities ought to play a central role in determining the management and creation of the area that they live in, from enhancing habitats and natural spaces to the design of buildings. Local democracy and nature's recovery are interlinked and must not be undermined in any changes to the planning system.

Neighbourhood Plans have a role to play in setting local policies tailored to the needs of their neighbourhood and where communities choose to do so, Neighbourhood Plans can foster community ownership of and engagement with planning.

The role of Neighbourhood Plans should continue as now or be enhanced, not restricted in scope in the manner the reforms propose.

### **13(b). How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?**

The process can be improved by empowering communities to draw up Neighbourhood Plan policies that require development to work for nature, rather than against it, and which would prevent development and the use of land which would cause environmental harm. The design preferences of the community should be reflected in the Neighbourhood Plan where communities would like this, but broader planning considerations should continue to be integral to the Neighbourhood Plan process rather than omitted or constrained along the lines the White Paper proposes.

A suite of tools is needed to better engage communities in the planning process. Digital tools (if well-designed and made accessible), would be an invaluable tool for engaging local communities not only in design preferences, but in all aspects of a planning proposal including those which concern biodiversity and environment. If designed correctly, local communities could have access to information about LNRs, and use this to inform their engagement in the planning process. The more accessible and easy to access this information is, the better- digital tools can go a long way in facilitating public participation..

However, digital platforms where communities can express preference are not a replacement for meaningful, face-to-face consultation. Communities have a vital role to play in conserving the ecosystems that they live within. It is vital that communities play a meaningful and tangible role in determining the design of buildings and developments within their locality. For instance, if a community wants to go beyond the statutory or policy baseline for beauty through their neighbourhood plans and local design codes to incorporate wildlife or nature-enhancing design (e.g. swift bricks) and for developers to be held to account over this requirement then they should have the ability to create this requirement.

#### **14. Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?**

The Letwin review identified build out rates as a reason for slow development and identified solutions to address this: therefore, we support measures to address it, rather than deregulating planning and removing important environmental processes.

While action is needed to tackle build out rate as this leads to increased pressure for development in unsustainable locations, it is important that measures designed to increase build out rates do not adversely affect the contribution development can make to green infrastructure. For instance, more diversity in housing development sites could lead to a piecemeal approach on biodiversity net gain, with some developers contributing and others not. To avoid this, build-out measures must be integrated with strong, integrated plans which deliver for nature. Proposals for site masterplans could be used to ensure any requirements to deliver biodiversity net gain through onsite and offsite contributions are appropriately allocated to different parts of a development site.

Slow build-out rates are one reason why there are delays, rather than, delays are not caused by EIAs or other site-specific work. Empowering planning authorities to take steps to secure more timely build out of environmentally appropriate development, albeit subject to the caveats raised above, would be welcome.

#### **15. What do you think about the design of new development that has happened recently in your area?**

In CPRE's latest Housing Design Audit, the findings showed that "one in five of the audited schemes should have been refused planning permission outright. The design of many others should have been improved before relevant permissions were granted."<sup>6</sup> Given these figures, the design of new developments clearly needs to be

---

<sup>6</sup> <https://www.cpre.org.uk/resources/housing-design-audit-2020/> and <https://www.rtpi.org.uk/research/2018/may/settlement-patterns-urban-form-and-sustainability/>

addressed.

Additionally, the Audit found that 69% of developments were rated as between mediocre and poor when assessed for their contribution to existing and new landscape or topography, or creating new bio-diverse landscapes. These are unacceptable figures and must be addressed.

Very little new development is truly sustainable, as in zero carbon, nature friendly with sufficient affordable homes and workspaces, accessible green space and well served by public transport, walking and cycling. New housing developments are often delivered on the outskirts of towns or cities, served by private cars, with limited provision of new green space, integration with public rights of way, cycle paths and so forth. Research commissioned by the Royal Town Planning Institute found that less than half of new housing built between 2012 and 2017 was within 2 km of a railway station.<sup>7</sup> This must change if we are serious about tackling the climate and ecological emergency and working towards a green, fair recovery.

#### **16. Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?**

The priority for sustainability in every area should be development that is compatible with reversing ecological decline and mitigating and adapting to climate change. This means that local environmental damage must be considered alongside the cumulative effects of development at landscape and national scale. The planning system must ensure that land is enhanced and protected to reverse nature's decline.

A healthy community requires a healthy natural environment, so the priorities must be in preserving and restoring habitats, green and blue spaces, protected areas and environment-enhancing infrastructure.

Sustainability calls for an integrated approach to achieving social, economic and environmental objectives, but long-term environmental improvement is systematically undervalued in decision-making compared with short-term economic priorities. The planning system should give far greater priority to nature and achieving genuinely sustainable outcomes than it does at present. Sustainability must be carefully planned, in line with detailed and robust Local Plans and LNRSs within an overarching planning system that empowers communities and local authorities to set high standards. For instance, a Local Plan and an LNRS should ensure that trees are planted in the right places, that they are the right types of trees and that, crucially, development wherever possible is going to create (not damage) habitats.

At present, environmental sustainability is found wanting in many new developments. As outlined above, the minority of developments in England are positively contributing to existing landscapes or creating new, biodiverse ones. Creating a strong, comprehensive Nature Recovery Network made up of LNRSs should be embedded in any sustainability aspects of the planning system. Developers should be required to demonstrate exactly how they are protecting existing landscapes while contributing to biodiversity net gain from the onset.

#### **17. Do you agree with our proposals for improving the production and use of design guides and codes? [Yes / No / Not sure. Please provide a supporting statement.]**

We support the improvement of design guides and codes as they can play a role in delivering high-quality buildings which benefit nature and communities. A significant improvement on the use of design codes however should be the integration of design codes and LNRSs, as well as the delivery of BNG. The beauty of buildings is intrinsically linked with the natural landscape around them, which in turn is linked to the wellbeing of communities. However, it is also important that design codes go beyond describing simply the aesthetics of buildings, but to wider placemaking and sustainability in which nature is an integral element. The codes should

---

<sup>7</sup> The study mapped and analysed the location of permissions for over 220,000 new homes in 12 fast-growing city-regions between 2012 and 2017., including Cambridge, Brighton, Leeds and Newcastle. Settlement patterns, urban form & sustainability, RTPi, 2018. [www.rtpi.org.uk/media/2822766/settlementpatternsurbanformsustainability.pdf](http://www.rtpi.org.uk/media/2822766/settlementpatternsurbanformsustainability.pdf)

set out how high quality green infrastructure, with accessible natural green space that connects to the Nature Recovery Network, will be required.

However, as outlined in our answer to Q16, there should not be a trade-off between design codes (particularly if they are purely aesthetic, which we do not think they should be) with other considerations such as environmental sustainability, positive impact on nature and habitats and the protection of irreplaceable habitat.

A design code is an important way to reduce and avoid the environmental effects of development, but it cannot be a substitute for site-specific work to ensure that important and vulnerable habitats and species are not adversely affected. Even excellent design codes would not give comfort that large scale permission in principle would not lead to environmental harm.

Codes may have some potential to help secure better designed development, but need to be seen within the broader context of planning impacts and wider objectives such as the climate and ecological crises. Sustainable design should be integral to the codes and guidance.

**18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place-making?**

We agree in principle that LA capacity should be increased for design and place-making, however the scope of this should be widened to integrate ambition on thriving natural landscapes. This would mean that local design codes should be formed with trained ecologists in order to ensure that aesthetic beauty is coupled with nature's recovery, helping LAs to deliver objectives such as biodiversity net gain.

LNRs should also play a key role in setting design codes. To achieve this, LAs will require access to resources, training, expertise and systems to support the implementation of the planning. In particular, to ensure that LNRs effectively combine local environmental interests with national and international ecological objectives, a sophisticated system of governance and local decision-making will be required. Local Authorities will need to be properly resourced to support this new governance system and to make places beautiful. Local planning authorities will equally play a vital role in supporting net gain delivery and supporting local data capture. In this way, their funding must also reflect the increased capacity they will need to do this. Any future reforms must be accompanied with adequate resources and skill to ensure they are effectively implemented. In concrete terms, ensure that every Local Authority has access to the following experts:

- Ecologist
- Environmental planner
- Tree officer
- Data manager

**20. Do you agree with our proposals for implementing a fast-track for beauty?**

We do not support these proposals. The concept or parameters of 'beauty' are yet to be defined. 'Beauty' should be defined in a way that ensures development supports nature's protection and recovery and results in design that delivers environmental benefits including high quality Green Infrastructure with accessible natural green space. Nevertheless, loss of scrutiny that would result from fast-tracking proposals risks overlooking impacts which could cause significant environmental harm.

The COVID-19 pandemic has demonstrated the importance of natural beauty for health and wellbeing, and there has been a boom in research to demonstrate that communities find beauty in biodiversity and the natural world around them. Similarly, the Building Better Building Beautiful Commission in its final report 'Living With Beauty' recognised the importance of greenspace and access to nature for the health and wellbeing of communities and the success of places. This illustrates that any definition of the word beauty must go beyond

the aesthetics of buildings, to placemaking and integration of nature into new development.

## 21. When new development happens in your area, what is your priority for what comes with it?

**[More affordable housing / More or better infrastructure (such as transport, schools, health provision) / Design of new buildings / More shops and/or employment space / Green space / Don't know / Other – please specify]**

Development in urban areas can often result in the loss of valued green spaces or the development of wildlife-rich brownfield land, this contributes to the growing inequality in access to nature and worsens the health of communities.

New developments should provide High quality Green Infrastructure with accessible nature-rich green (and blue space and measures that specifically address the biodiversity and climate crisis).

A careful balance is required between local prioritisation for development needs and environmental improvement with regional, national and international environmental priorities. If priorities are simply set at national level, this will lead to bad planning decisions at the local level, and the wrong developments in the wrong places.

## 22(a). Should the Government replace the Community Infrastructure Levy and Section 106 planning obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

The Community Infrastructure Levy and Section 106 provide funding to vital local conservation and environmental mitigation projects associated with new developments.

There is no indication in the White Paper that any funds would be allocated or ring-fenced within a new Infrastructure Levy for the enhancement of nature or for other environmental purposes. This is concerning, particularly as the only other financial provision for nature is through Biodiversity Net Gain (which should be additional to high quality Green Infrastructure with accessible natural green space as part of the development design). However, this is insufficient as a sole source of financing projects and developments that enhance and protect nature due to the potential exemption of Development Corporations from the Biodiversity Net Gain system.

S106 does more than just collect revenue to LPAs. It is a long-established mechanism for allocating revenue toward biodiversity management, monitoring and enhancement. Through S106 Agreements and CIL, LPAs can clearly establish extra resources to enhance local wildlife areas and parks.<sup>8</sup> We are also concerned about the impact of removing S106 on the mechanisms to secure BNG.

LPAs at present are struggling with a lack of resources. Though we welcome a continued levy system for developments, we are concerned that no statutory allocation of funds for nature in such a levy would lead to those funds being allocated by LPAs elsewhere.

Priorities on the allocation of levy funds should also be set with the involvement of the local community, whether the CIL and S106 are consolidated or not. There should be opportunity for local communities to play a part in deciding how funds ring-fenced for nature could be allocated.

LPAs will play a crucial role in helping to deliver the Government's target of 30% of land by 2030. Therefore the protection and restoration of nature in new developments must be funded adequately, with clearly governed, ring-fenced funds from any levy, including a consolidated Infrastructure Levy.

## 22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific

---

<sup>8</sup> <https://www.biodiversityinplanning.org/wp-content/uploads/2020/03/biodiversityinplanningpracticeadvice2019-15.11.19.pdf>

**rate, or set locally?**

The Infrastructure Levy if set nationally at a single rate would risk insufficient funds being generated in low value areas. All people should have access to nature, and all communities should have the funds to support greater investment in green infrastructure, green and affordable housing, and well-designed natural spaces. The Infrastructure Levy must include a mechanism to ensure the equivalent provision of essential high-quality infrastructure with nature built in for all communities.

**22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?**

Development at present is not doing enough to address the climate and ecological crisis, therefore the overall value of the Infrastructure Levy should be sufficient to contribute to the protection and restoration of nature, with strictly ring-fenced funds for nature-based projects and other environmental infrastructure. The Levy should aim to capture more value to support greater investment in nature-based projects and solutions, and wider environmental infrastructure.

**23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?**

Permitted development rights have resulted in poorly designed development which fails to contribute to nature-based projects and other green infrastructure. We do not support the current extent or extension of permitted development rights. It is unacceptable that developers are able to sidestep responsibilities, and they should be required to contribute to the delivery of wider infrastructure, with funds ring-fenced for nature-based projects and access to nature in the same manner as required by development secured via a planning application.

**25(a). If yes, should an affordable housing 'ring-fence' be developed?**

Equality in access to nature is a key part of sustainability. All developments both urban and rural should be nature-rich and beneficial to nature. Crucially, a 'ring-fence' for affordable housing must come with strong requirements for a thriving natural environment providing access to natural green spaces on people's doorstep, particularly in deprived urban areas.

If developments are allowed to proceed without a sufficient allocation of affordable homes for the particular area, then further developments may become necessary to make good any shortfall. This can have environmental consequences, with a knock on of more development than an area may need. A ring-fence may be a helpful way to provide the right proportion of homes on each site are affordable, ensuring that further development does not become necessary to make up for any shortfall on each individual site.

**For questions or further info please contact:**

Hannah Conway  
Policy Officer  
T: 020 8078 3587

E: [hannah@wcl.org.uk](mailto:hannah@wcl.org.uk)

**This consultation response is supported by the following Link members:**

Amphibian and Reptile Conservation  
Association of Local Environmental Records Centres (ALERC)  
Bat Conservation Trust  
Born Free Foundation  
Buglife  
Butterfly Conservation  
The British Mountaineering Council  
Council For British Archaeology  
CPRE the countryside charity  
Earthwatch Europe  
Four Paws UK  
Friends of the Earth  
League Against Cruel Sports  
Open Spaces Society  
Wildfowl & Wetlands Trust  
The Wildlife Trusts  
The Woodland Trust  
RSPB  
WWF