

Housing and Planning Bill: ensuring a democratic, fair process that delivers sustainable development

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Wildlife and Countryside Link (Link) brings together 46 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practise and advocate environmentally sensitive land management, and encourage respect for and enjoyment of natural landscapes and features, the historic and marine environment and biodiversity. Taken together our members have the support of over 8 million people in the UK and manage over 750,000 hectares of land.

This response is supported by the following 10 Link members:

- Buglife
- Woodland Trust
- Friends of the Earth
- Open Spaces Society
- Wildfowl and Wetlands Trust
- Wildlife Gardening Forum
- Bat Conservation Trust
- CPRE
- Butterfly Conservation
- The Wildlife Trusts

Democratically accountable local planning is essential for sustainable development delivering integrated economic, environmental and social benefits. The Housing and Planning Bill is a radical change to the existing system that removes people's voices and undermines local democratic control over development. It is hugely centralising, handing local authority planning powers over to the Secretary of State.

With hundreds of thousands of new homes needed over the next few years, it is vital that we build places that are great for people, wildlife and the wider landscape. Any proposed changes to the planning system should take this into account. Equally, local planning authorities should be properly resourced to deliver this vision.

Link has a deep concern that many of the proposals in the Housing and Planning Bill would be a backward step. We ask you to support the following amendments to the Planning Bill to ensure a democratic, fair process that delivers sustainable development in the public interest.

Decisions must be democratically accountable at a local level

The proposed ‘permission in principle’ clause is profoundly radical. It allows the Secretary of State to create a development order, for any land allocated for development in a qualifying document (e.g. register, Neighbourhood Plan, Local Plan, etc), that gives permission to development in principle. There are no limitations on what sort of development this may be on the face of the Bill. With regards to registers, the Bill itself does not specify the types of register that the Secretary of State might require local planning authorities to prepare, maintain and publish (it is only the Explanatory Notes that specifically refer to registers of brownfield land). This ‘opens the door’ to permission in principle being granted for an even wider range of developments.

Furthermore, permission in principle will severely restrict the potential for local authorities and the public to comment on – or object to - development on these sites. There has been no public consultation on these provisions, and no environmental or social assessment of the impact of this sort of decision-making system. There is no explanation of what would happen if a local authority wishes to refuse the detailed planning application. **We therefore recommend the deletion of Clause 102.**

Sustainable development must be a meaningful, enforceable duty

The Bill considers housing in isolation with no consideration of the context it sits in and the components required to create truly sustainable communities balancing economic, environmental and social elements. For example the Bill sets out a duty to promote Starter Homes, but there is no provision for these to make any financial contribution to the locality through the Community Infrastructure Levy or Section 106 Agreements. We would therefore like to know how the Secretary of State has assessed the effect of this clause in relation to the planning system. With no funding mechanism to support them, it is likely that these houses will not benefit from green infrastructure and other necessary public services and amenities needed to make them sustainable places people really want to live. In addition they would place additional strain on existing public services. If these developments are not to be the ‘slums of the future’, there must be some public interest safeguards put in place. We therefore recommend the inclusion of a new clause that defines sustainable development:

“sustainable development” means development that meets the social, economic and environmental needs of the present without compromising the ability of future generations to meet their own needs including the application of the following principles:

- (i) living within environmental limits;
- (ii) ensuring a strong healthy and just society;
- (iii) achieving a sustainable economy;
- (iv) promoting good governance;
- (v) using sound science responsibly.”

Brownfield Land Register

The Bill introduces a new statutory register of brownfield sites. Redeveloping brownfield land can provide sustainable development opportunities, reduce pressure on the Green Belt and other

undeveloped land, and offer chances to promote economic regeneration. However, a minority of previously developed sites are havens for wildlife. Two of the UK's top sites for wildlife diversity, are brownfield land and support some of the UK's most scarce and threatened speciesⁱ. In many cases they provide the last 'wild space' in urban areas for local communities, allowing them access to nature and consequently improving the communities' well-being. We seek assurance that all sites on the register are screened using up to date ecological data (and any that trigger an EIA or Appropriate Assessment would not be given permission in principle) or (before being awarded permission in principle)

We also seek assurances that sites of 'high environmental value' will be excluded from the register. Sites should be considered of 'high environmental value' in biodiversity terms if:

- They contain priority habitat(s) listed under section 41 Natural Environment and Rural Communities Act 2006
- They hold a nature conservation designation such as Site of Special Scientific Interest, or a Local Wildlife Site.

Using the criteria above, preliminary government statistics suggest around 6-8% of sites fall into the 'high environmental value' classification; a tiny proportion of brownfield land overall. Protection of such a small number of sites from inappropriate development is unlikely to prevent the re-use of brownfield sites overall, discourage suitable development sites coming forward or force additional development into greenfield areas.

Nationally Significant Infrastructure Projects

The clause on Nationally Significant Infrastructure Projects (NSIPs) will allow the Secretary of State to grant consent for housing through the NSIP process, even where there is no functional link between the housing and a nearby NSIP. As with the Bill's proposals for 'permission in principle', these proposals pose a significant threat to democratically accountable local planning. As a principle, planning for housing should be undertaken through local planning powers. As such, we recommend that housing is not included in the NSIP regime.

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**Wildlife and Countryside Link
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ⁱ Open mosaic habitats high value guidance: when is brownfield land of 'high environmental value'? Wildlife and Countryside Link, June 2015