

Reforms to national planning policy: Non-inquiry session

Evidence for the Levelling Up, Housing and Communities Committee

Land Use Planning Group, Wildlife and Countryside Link

March 2023

Wildlife and Countryside Link (Link) is the largest environment and wildlife coalition in England, bringing together 70 organisations to use their strong joint voice for the protection of nature.

Summary

1. The Levelling Up, Housing and Communities Committee announced that it will be examining the Government's reform to national planning policy, including the current consultation on proposed changes to the National Planning Policy Framework (NPPF), the approach to developing National Development Management Policies (NDMPs), and other proposals for planning reform resulting from the Levelling Up and Regeneration Bill. While there was not a formal call for written evidence, we hope this submission is useful as background briefing before the oral evidence session in March 2023.
2. The planning system can and should play an important role in delivering a healthy natural environment, including the Government's targets to halt the decline of nature by 2030 and achieve net zero by 2050.
3. Currently, land use change and development is a contributor to environmental degradation and greenhouse gas emissions in the UK.¹ Current environmental protections in the planning system 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.² 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.
4. 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.
5. The planning system has many levers to ensure that planning and development delivers better environmental outcomes and a more sustainable built environment, including national and local planning policies, planning guidance, environmental assessment, integrating environmental data³ and local knowledge, and engaging with communities. Done

¹ [UK Housing: Fit for the Future?](#) Report from the Climate Change Committee (2019)

² <https://nbn.org.uk/stateofnature2019/>

³ [Land Use Change Statistics](#) from MHCLG can help ensure new development is sustainable and inform the redesign of existing places (e.g., brownfield development on brownfield land that is wildlife-rich) to ensure sustainability.

well, these can ensure the location of development (for example, avoiding harm to important habitats and ensuring good public transport connections) and design of development is sustainable.

6. The ongoing planning reforms through the Levelling Up and Regeneration Bill, including the introduction of a new environmental assessment regime, and changes to national planning policy, offer an opportunity to make the legislative and policy changes to harness land use planning to halt and reverse the decline of nature, aligning with the Government's Environment Act 2021 targets, net zero by 2050 target in the Climate Change Act 2008, and commitments at the recent UN Biodiversity Conference (COP15).
7. Despite the Government's welcome recognition in the consultation on national planning policy that the protection and enhancement of the environment and the mitigation and adaptation of climate change are core objectives of planning, the Government's programme of planning reforms so far will not deliver these aims.
8. Instead of tinkering around the edges of the planning system, the Government should amend the Levelling Up and Regeneration Bill and bring forward proposals for national planning policy that align the planning system with, and support it to deliver, nature and climate targets.

The Levelling Up and Regeneration Bill

9. The Levelling Up and Regeneration Bill represents a missed opportunity to enable the planning system to make a greater contribution to delivering the Government's environmental objectives.
10. As the only piece of legislation including planning right now and with every year counting towards whether or not we meet the 2030 nature recovery targets, the Levelling Up and Regeneration Bill should be amended to:
 - a. **Update the statutory purposes of National Parks and Areas of Outstanding Natural Beauty (AONBs)** to recover nature, tackle climate change, and connect more people to these protected landscapes, as well as strengthen Management Plans with targets and actions to deliver on these new statutory purposes and require public bodies to further the plans. These legislative changes would enable portions of these landscapes to contribute towards the commitment to protect 30% of land for nature by 2030.
 - b. **Enable and prioritise nature-based solutions at a catchment-scale delivered by water companies** to meet new wastewater treatment standards, rather than concrete on-site works, to ensure that measures taken to reduce nutrient pollution deliver additional nature and climate benefits.
 - c. **Strengthen Local Nature Recovery Strategies (LNRSs) in the planning system** by requiring local development plans be in strategic conformity with the LNRS.

Currently LNRs only have to be given ‘regard to’ by Local Planning Authorities (LPAs). Instead, LNRs should be given more weight in the planning system so that these important documents genuinely inform local plan-making and day-to-day decision-making at a local level.

- d. **Create a new planning designation to support land for nature’s recovery** – ‘Wildbelt’ status, identified by LNRs and recognised in local development plans, with a presumption against land use change that would hinder the recovery of nature on these sites.
 - e. **Introduce a levelling up mission for access to a healthy natural environment**, which would drive strategic action by Government and LPAs to improve access to nature for the most deprived communities, in order to tackle major disparities in access to high-quality green and blue spaces and in related health outcomes across the country.
11. The Levelling Up and Regeneration Bill also introduces a new system of environmental assessment through Environmental Outcomes Reports (EORs). While in principle EORs have the potential to deliver good outcomes for nature, due to the dearth of detail on the face of the Bill, the lack of parliamentary scrutiny on vast enabling powers for the Government to reform and create environmental assessment through secondary legislation, and the weak non-regression clause in the Bill, the provisions in the Bill open the door to possible regression in environmental protections. These concerns have been repeatedly echoed by Public Bill Committee witnesses,⁴ by MPs during Commons stages,⁵ by nature and climate groups in their written evidence,⁶ and by the Office for Environmental Protection.⁷
 12. Environmental assessments play an essential role in assessing potential environmental impacts from plans and development proposals, considering alternative proposals to limit harm, and identifying mitigation measures to minimise harm. Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) are internationally-recognised processes. The detail of the scope, requirements, and implementation of an entirely new system of environmental assessment is crucial, especially in the face of the nature and climate emergencies. Despite the urgency and importance of the detail of the new EOR regime and the continued progression of the Bill through Parliament, the Government has not yet published the detail of EORs in the promised public consultation.
 13. The Government should amend the Levelling Up and Regeneration Bill with safeguards to ensure that the EOR regime lifts rather than lowers environmental standards, by increasing the level of parliamentary scrutiny of the secondary legislation, preserving the integrity of the Habitats Regulations (the strongest protections for protected sites and species), clarifying that the scope of EORs will include climate mitigation and adaptation, and

⁴ https://publications.parliament.uk/pa/bills/cbill/58-03/0006/PBC006_LevellingUp_1st27th_Compilation_20_10_2022.pdf p115-116

⁵ https://publications.parliament.uk/pa/bills/cbill/58-03/0006/PBC006_LevellingUp_1st27th_Compilation_20_10_2022.pdf p687

⁶ [2238 \(parliament.uk\)](https://www.parliament.uk)

⁷ [Levelling-up and Regeneration Bill \(7th September 2022\) \(parliament.uk\)](https://www.parliament.uk)

strengthening the non-regression clause. As drafted, the non-regression clause in the Bill gives the Secretary of State the power to weaken individual existing environmental protections when making regulations, as long as they are satisfied that the 'overall level of environmental protection' will not be less than before. The Bill should be amended to have a stricter non-regression test as agreed to by the Government in the Environment Act 2021, which specifies that the legislation must not have the effect of reducing the level of environmental protection provided for by any existing environmental law.

National planning policy consultation

14. The consultation on national planning policy is also a significant missed opportunity for nature, climate and people. 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, does not consult on any future ideas for significant policy changes to embed nature's recovery in the planning system, and defers the detail of the interaction of planning policy and important nature policies that come into effect this year (2023).
15. There were no suggested changes to the text of the NPPF in this consultation to support better planning for nature. We welcome the consultation proposals for changes to the NPPF to increase the strength of neighbourhood planning and for the Green Belt, which we think could have environmental benefits, but are not primarily for nature conservation. The questions and direction of travel in the consultation document on local carbon accounting, promoting climate adaptation through planning, and mainstreaming small-scale interventions for nature were also welcome, but direct changes to national planning policy were not consulted on. Even if these changes do come forward in the next NPPF consultation, they are still not sufficient to deliver the Government's environmental targets and ambitions.
16. The Government reiterated its commitments to Biodiversity Net Gain (BNG), Local Nature Recovery Strategies (LNRSs) and strengthened protection for ancient woodland and ancient and veteran trees, however, they did not publish any additional information on implementation of these important nature policies in planning policy, rather deferring the detail to the next NPPF consultation. The Government should bring forward this detail without delay.
17. We do not support the Government's proposal in this consultation to remove the explicit requirement for plans to be justified. This test of soundness includes the requirement to use evidence and to consider reasonable alternatives when making a local development plan. These are essential aspects for good planning and delivering good environmental outcomes and we can see no benefit to the test of soundness being removed.

18. This consultation also included some further detail on the scope and principles NDMPs as proposed in the Levelling Up and Regeneration Bill. More detail and clarification from Government is needed to ensure NDMPs work well for nature, climate and people. There are two additional high-level principles necessary to ensure NDMPs works well for nature, climate and people:
- a. Existing protections in the NPPF will not be diminished in NDMPs.
 - b. 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.
19. Rather than tinkering around the edges of the planning system, the Government needs to bring forward changes to national planning policy that will embed nature recovery and climate mitigation and adaptation as a core objective of the planning system and the strategic policies to deliver on those aims.
20. To achieve nature recovery and climate mitigation and adaptation, the land use planning system, including primary legislation and national planning policy, should have:
- a. **An overarching purpose for the planning system to recover nature and tackle climate change**, through 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.
 - b. **The right policies to guide the right development to the right locations**, including the reinforcement of the mitigation hierarchy in primary legislation or in an NDMP, the strengthening of protections for all irreplaceable habitats and for Local Wildlife Sites, more weight to LNRs in the planning system, and the introduction of a new planning designation to enable sites to support nature recovery, with a presumption against land use change that would hinder the recovery of nature (Wildbelt).
 - c. **Mainstreaming and mandating nature-friendly design in all new development**. The regulations and guidance for BNG must be published without delay and include the necessary detail to close loopholes to ensure that BNG delivers the best outcomes for nature. Schedule 3 of the Flood and Water Management Act 2010 must be implemented as soon as possible with strong standards requiring multi-benefit, natural Sustainable Drainage Systems (SuDS). All local planning authorities (LPAs) should be required to produce a Green and Blue Infrastructure Strategy, as described in Natural England's Green Infrastructure Standards. Nature-friendly design must be mainstreamed through national planning policy, the National Model Design Code (NMDC), and local design codes, with clear guidance on avoiding harm to nature, interventions to minimise or compensate for impacts, and finally, opportunities to contribute to the recovery of nature, including through the provision for nature with built structure design such as swift bricks and bat boxes.

- d. **Plan for people's access to nature** by requiring that local plans set a time-specific target for reaching the Access to Greenspace Close to Home Target that everyone live within 15 minutes' walk of a high quality green or blue space (as described in Natural England's Green Infrastructure Standards and as committed to by Government in the Environmental Improvement Plan 2023).
- e. **Support the resources, expertise, and good environmental data needed to enable good environmental planning and decision-making** by ensuring that LPAs have sufficient resourcing and ecological expertise and introducing minimum requirements for LPAs and developers to consult the existing environmental evidence base to inform decision-making.

21. 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).

For questions or further information, please contact:

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This response is supported by the following Link members:

Bat Conservation Trust

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RSPB

Wildlife Trusts

Woodland Trust

Woodmeadow Trust