

Planning for the Right Homes in the Right Places

November 2017

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

This response is supported by the following organisations:

- Bat Conservation Trust
- CPRE
- Open Spaces Society
- People's Trust for Endangered Species
- RSPB
- The Wildlife Trusts
- Wildfowl & Wetlands Trust
- Wildlife Gardening Forum
- Woodland Trust

Executive Summary

Our detailed response covers three themes for the future of planning: ambitions for housing, local authority capacity, and transparency. While we have not responded in the pro forma, the questions are referred to throughout the text where appropriate. Supplementary points have also been added throughout for consideration.

Link believes that the Government's ambition for housing must ensure quality homes and communities. These communities must have local access to wildlife-rich green spaces, providing opportunities for everyone to connect with nature and enhance their well-being.

Government departments must work together to integrate the forthcoming 25 Year Plan for the Environment with plans for development, to provide high quality homes, for people and nature. New housing must be sensitive to our cultural and natural heritage, whilst creating liveable and resilient communities.

We are concerned that application of the new standardised approach to calculating housing need could reinforce existing regional disparities. Furthermore, we are very concerned about the implications for the environment, particularly where need has increased significantly in highly constrained areas, including parts of the South East.

There must be no weakening of environmental protection through the National Planning Policy Framework (NPPF) review. The revised NPPF should reiterate the need to consider all environmental assets during plan-making and decision-taking. Furthermore, we are concerned by the suggestion that there will be a 'short' period of consultation only for the revised NPPF. If the revised NPPF is reviewing all policy content rather than just that considered as part of recent housing consultations, we believe it should be given a fair period of consultation to allow sufficient responses from experts and interested stakeholders.

In our [response](#) to the Government's Housing White Paper, we noted the importance of a plan-led system, with plans informed by up-to-date, locally informed ecological and spatial data. Proper understanding of the capacity of the environment to meet the demands of new development and the people and communities it intends to serve, must be central to this decision making. The Government could take the lead and undertake or commission an environmental capacity or opportunity study for England focusing on those areas facing the greatest increase in housing need, such as the South East. The outputs could include a set of strategic policy options for meeting development needs in harmony with the environment, complementing the 25 Year Plan for the Environment.

We support the intention behind statements of common ground – to encourage local planning authorities to plan together over a wider area. However, we are concerned the focus is solely on housing delivery. As such, statements of common ground must encourage planning authorities to work together to plan for a broad range of strategic issues, including protection and enhancement of the natural environment and mitigating and adapting to climate change. The performance of authorities in implementing their strategic policies must be measured and used to hold authorities to account.



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

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We are supportive of measures to boost local authority capacity. Local authority planning teams must be well resourced to ensure that they can operate effectively and retain access to ecological and archaeological expertise.

Enhanced planning application fee increases should be linked to the final housing target once environmental designations or other physical or policy constraints have been taken into account. Furthermore, planning authorities should be incentivised to have an up-to-date plan in place and to deliver the maximum public good from development. This could include contribution to local ecological networks and green infrastructure and delivery of nature-friendly housing.

Government Ambitions for housing

With a government ambition to build one million homes by 2020, it is essential that consideration is given to building high quality places that work for both people and the environment by improving ecological networks and access to nature, as well as increasing the supply of homes. The National Planning Policy Framework should not be weakened and policies should make clear that meeting housing need should not come at the expense of sustainable development: the impact on the environment must be given full weight in plan-making and decision taking. Furthermore, European legislation, which forms the bedrock of conservation planning, must be properly incorporated into UK law when we leave the European Union, together with any new domestic governance arrangement equivalent to the functions currently provided by EU institutions, so that the law is properly implemented and enforced.

Link is very concerned that without clearer guidance on the next stages in calculating housing requirement and land supply, the proposed standardised approach to calculating housing need could exacerbate the regional divide in England's economy, placing increased pressure on the countryside and wildlife sites, particularly in the South East. In these areas in particular it must be recognised that not every local authority will be able to meet housing need sustainably. This will particularly be the case where local authorities are surrounded by similarly constrained councils. This should be clarified in guidance so that planning authorities take a consistent approach in such circumstances. At the other end of the scale, places that have capacity to grow, particularly making use of *suitable*¹ brownfield sites may find it harder to fulfil regeneration opportunities and create sustainable places for people and wildlife. An assessment of environmental capacity, that is ambitious in looking for opportunities to improve and enhance the environment as well as delivering new homes, should inform the setting of housing requirements in local plans as well as neighbourhood plans (Question 1a and 11a and b).

We do however support the proposal (Question 4) to continue to allow National Parks to identify housing need figures locally, subject to a recognition that where local planning authorities surround National Parks and other key protected areas, a flexible approach is needed, so that the area does not become a 'dump' for housing not deliverable inside the National Park.

Without clearer guidance, the proposals could harm the plan-led system, with the housing delivery test leading to increased speculative, off-plan proposals being approved with less consideration for the quality of new development (Question 5b and c). Local planning authorities should be supported and incentivised to have an up-to-date plan in place to help plan for high quality new development in the right location.

In our previous response to the Housing White Paper, we outlined our principles for planning for new homes. Clear guidance within the NPPF is needed to ensure that authorities consider the capacity of the environment to accommodate new homes informed by up to date ecological network maps (paragraph 1.5.1 in [our response to the Housing White Paper](#)) and avoid development in locations likely to exacerbate climate change impacts (paragraph 1.5.8 in [our response to the Housing White Paper](#)).

It is also important for the new approach to connect with other government strategies and departments to ensure that the right homes are built in the right places. Deeper connections to the industrial strategy and the Clean Growth strategy, as national approaches for distributing growth and responding to strategic issues such as climate change, could help redress the imbalance. Furthermore, close working with Defra is crucial to ensure that the planning system effectively supports achieving targets within any long-term environmental plans, such as the 25

¹ https://www.wcl.org.uk/docs/WCL_brownfield_register_guidance_final.pdf



Year Plan for the Environment. Cross-government working will be essential to ensure that the natural environment is properly valued and enhanced.

The review of the NPPF provides a unique opportunity to reinforce the importance of protection and enhancement of the natural environment when planning for new development.

Transparency (Question 1b)

We welcome the proposals' to improve transparency as a positive effort to enhance public engagement in planning and the future of our environment. However, this drive for transparency must not lead to a loss of clarity. For example, there is a disparity between the wording in the consultation document and the accompanying 'Housing need consultation data table'. The table lists 'Proportion of Local Authority land area covered by Green Belt, National Parks, Areas of Outstanding Natural Beauty or Sites of Special Scientific Interest'. This is a definitive list as opposed to the open list set out in paragraph 9 of the consultation document. This is additionally confusing due to the proposal in the Housing White Paper to close footnote 9 of the NPPF to restrict the list of specific policies relating to plan making in paragraph 14.

We have discussed this issue with colleagues at DCLG who have assured us that the wording in the table was used due to a word limit being in place. For the sake of clarity, we would ask that instead of specifying a list it would be better to state 'Proportion of Local Authority land area covered by landscape, habitat and environmental constraints'.

To ensure full transparency the evidence base used in making housing calculations must be kept up to date. We would like to draw your attention to the important role of Local Environmental Records Centres and the need to ensure that these are appropriately funded to ensure the evidence base required for decisions.

Statement of Common Ground (Questions 7a, b, c, 8, 9a)

We are supportive, in principle, of the proposed requirement for LPAs to prepare statements of common ground, particularly if this leads to greater strategic spatial planning. Statements of common ground should apply to directly elected Mayors, including those without strategic plan-making powers – mayors without strategic plan-making powers can still be influential on strategic issues such as responding to climate change.

The scope of statements is not entirely clear and further guidance is needed. A requirement of the statement of common ground should be that LPAs plan effectively across boundaries for a wide range of issues including the natural and built environment, to develop high quality places, to respond to climate change and broader environmental capacity issues.

The performance of authorities in implementing their strategic priorities must be measured and used to hold authorities to account. The proposed approach to implementation of strategic issues should be set out in the statement of common ground (along with a programme for review) and be tested at examination. It may be possible to make use of the Annual Monitoring process to assist with this.

Each of the strategic priorities should be addressed in a single statement so that priorities are considered in an integrated way. We do not see the benefit of multiple statements covering single issues.

A flexible approach should be taken to identify the geographical area over which the statement of common ground should apply – for example, the natural environment may not neatly fit within a Housing Market Area and other geographic areas, such as river catchments, may be more appropriate.

Statutory environmental bodies have a clear role to play in statements of common ground, providing scope for challenge on environmental grounds. This must be made explicit in future changes to policy or guidance.

The draft statement of common ground should be made available for public consultation, so that the public have an opportunity to input to cross-boundary strategic planning matters. This is important to ensure transparency and openness in the process.

We agree that the statements should be reviewed, as a minimum, when authorities reach key milestones in the plan-making process. However, it will be important to consider the scale at which the statements are being prepared. For example, if these are agreed as part of a Strategic Spatial Plan involving a number of local



authorities (e.g. there are 10 combined authorities involved in the Greater Manchester Spatial Framework), then there is potential for the statement to be subject to dozens of reviews when each local plan is subject to review or consultation. Furthermore, timescales for completion of draft and interim statements should recognise that some issues, such as agreement of strategic mitigation measures can take time and will not fit neatly into arbitrary timetables.

A final point relates to Sustainability Appraisal / Strategic Environmental Assessment (SA/SEA) and Habitats Regulations Assessment (HRA) – as the statement of common ground will set out the strategic priorities for an area, such as housing, which could result in significant environmental effects or impacts on European protected areas, consideration should be made to the need for SA/SEA and HRA of the statements.

Fees and Capacity (Questions 18 a, b and d)

We are supportive of measures to boost local authority capacity. Local authorities must have the appropriate resources for all aspects of planning and we believe that the increased capacity should ensure improved access to independent technical expertise, such as ecologists.

Boosting local authority capacity and capability to deliver

As stated in our response to the Housing White Paper, Link members were very pleased to see the proposal to allow Local Planning Authorities (LPAs) to raise their planning fees by 20%, provided that this additional funding is invested in their planning department. LPAs faced a 46% real-terms reduction to the planning and development service area in the period 2010-11 – 2014-15², resulting in chronic under-resourcing. The current consultation sets out the intention to allow a further 20% increase to those LPAs delivering the homes their communities need and asks for thoughts on the criteria to measure this.

Whilst we understand the Government wishes to incentivise housing delivery by enabling planning authorities to raise fees further, we are concerned that this could lead to a race to the bottom for under-resourced planning authorities, resulting in worse planning outcomes for people and nature. Furthermore, certain authorities will have a much higher housing need to accommodate than others and will be disadvantaged if they cannot demonstrate delivery – there may be very good reasons for this, such as environmental policy constraints – and such authorities may benefit more from additional support to assist them with strategic plan-making.

Paragraph 125 of the consultation suggests that authorities will be rewarded for meeting housing *need*. As paragraph 9 of the consultation recognises, identifying housing need is not the only stage in the process and planning authorities will also need to determine whether there are any environmental designations or other physical or policy constraints which could prevent them meeting this housing need. Therefore, the fee increase should be linked to delivery against the *final* housing target once policy and environmental constraints have been taken into account. A more appropriate criterion to measure performance would be to incentivise planning authorities to have an up-to-date plan in place, which takes account of housing need and the ability to deliver this when environmental and other policy constraints are considered, resulting in a robust, deliverable, and sustainable final housing target. This would prevent adverse unintended consequences such as planning authorities consenting unsustainable, inappropriate or poor quality developments which are off-plan.

Furthermore, LPAs should be incentivised to deliver high quality places and homes for people and nature. This means delivering the maximum public good from development. Consequently, environmental quality, delivery of sustainable development and quality of place should be included as criteria to measure LPA performance and enable further planning application fee increases. This would support those planning authorities not located in areas of high development pressure and hence unable to benefit from an uplift in planning application fees. These could be underpinned by a series of sub-criteria such as:

- Evidence of good spatial planning for the built and natural environment and to respond to climate change.
- Provision of new and accessible high quality green space.
- Contribution to local ecological networks and green infrastructure.
- Incorporation of biodiversity enhancements in the built and landscaped environment.

² Department for Communities and Local Government – Financial sustainability of local authorities 2014 (National Audit Office, Report by the Comptroller and Auditor General).



In order to achieve high quality outcomes for people and nature, a portion of fee increases must be used to bolster capacity in the following areas:

- Strategic Spatial Planning.
- Technical services such as ecology and archaeology.
- Specialists in assessment techniques such as EIA and HRA.
- Enforcement and monitoring.

Planning authorities should set out a clear plan on how they intend to spend the fee increase, highlighting contributions to the areas above.

Recognising that the outcomes of the fee increases will take some time to bed down, capacity in planning departments must be bolstered in the short-term. We welcome the £25million capacity fund and believe this could be used to set up a central repository of technical experts (e.g. ecologists and archaeologists) and directed to authorities most in need – for example those authorities with the greatest area of constrained land and/or those subject to most housing pressure. Another option, to improve skills and capacity in the short-term, includes the potential for planning professionals to have internships with environment and heritage NGOs to improve knowledge and understanding of these specialist fields. Longer-term, there is a need for increased support to Universities delivering planning-related degrees so that planning students leave University with an understanding of a wide range of subjects including ecology, heritage, design, flood risk, energy and many other areas. Planner's professional development should also encompass this broad range of expertise.

We would welcome a follow-up meeting to discuss our proposals in more detail.

Finally, many conservation organisations are involved in submitting planning applications, particularly for habitat creation and restoration works. We request that caps on planning application fees for such projects are retained. This will ensure important nature conservation projects do not become prohibitively expensive.

