

## Wildlife and Countryside Link response to the consultation on proposed changes to national planning policy

February 2016

### Introduction

1. Wildlife and Countryside Link (Link) brings together 47 voluntary organisations concerned with the conservation and protection of wildlife, countryside and the marine environment. 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 eight million people in the UK and manage over 750,000 hectares of land.
2. This response is supported by the following 11 organisations:
  - Buglife – The Invertebrate Conservation Trust
  - Open Spaces Society
  - National Trust
  - Woodland Trust
  - Wildfowl & Wetlands Trust
  - The Ramblers
  - The Wildlife Gardening Forum
  - The Wildlife Trusts
  - The British Mountaineering Council
  - RSPB
  - Campaign to Protect Rural England

### Q1. No comment

### Q2. No comment

### Q3. Do you agree with the Government's definition of commuter hub? If not what changes do you consider are required?

3. We do not agree with the Government's definition of commuter hub. The definitions set out in paragraphs 15a and 15b are ambiguous and open to interpretation with neither providing a clear definition of a sustainable transport hub. For example 15a could include any rural bus stop as it is always possible to continue a journey by walking or cycling. Paragraph 15b defines a frequent service as one running every 15 minutes (or with the potential to run at least every 15 minutes) and is open to short term fluctuations in local public transport provision.
4. In its current form, the proposed changes to national policy would not support development in the most sustainable locations (i.e. those locations benefiting from high quality truly sustainable, multi modal transport hubs)



5. The definitions should include measures to specifically exclude development within sensitive areas such as National Parks and other sites that benefit from a protective designation (e.g. SSSIs and sites selected as Local Wildlife sites). It should be made clear that the existing exclusions to the NPPF presumption in favour of sustainable development apply. Link also recommends that exclusions should also apply to loss of irreplaceable habitats such as ancient woodland, and priority habitats (Habitats of Principal Importance under Section 41 of the NERC Act (2006)).
6. Consequently, we recommend that development around Commuter Hubs is not permitted within environmentally designated sites or on land of high environmental value (including ancient woodland and priority habitats). This should be made explicit within the revised policy wording.
7. In addition the Link would like to see an emphasis on providing high quality green and blue spaces as part of any development proposed around Commuter Hubs.

**Q4. Do you have any further suggestions for proposals to support higher density development around commuter hubs through the planning system?**

**Q5. Do you agree that the Government should not introduce a minimum level of residential densities in national policy for areas around commuter hubs? If not, why not?**

8. Link responses to questions 4 and 5 have been combined and assume that environmentally sensitive areas are protected from higher density development.
9. Link members wish to ensure that any drive to increase densities does not result in the loss of open green spaces. The policy should set targets for accessible open green space to be met as part of future development around Commuter Hubs. Whilst the benefits of high quality accessible green space are always numerous its value is magnified in areas of high housing density. As such we recommend that the following standards are recognised in national planning policy (and are a requirement of development around Commuter Hubs):
10. Natural England and the Countryside Council for Wales Accessible Natural Greenspace Standard (ANGSt) recommend:
  - *No person should live more than 300m from their nearest area of natural greenspace of at least 2ha in size*
  - *at least one accessible 20ha site within 2km of home*
  - *one accessible 100ha site within 5km of home*
  - *one accessible 500ha site within 10km of home*
  - *provision of at least 1ha of Local Nature Reserve per 1,000 people*
11. The Woodland Trust's Woodland Access Standard (developed in association with the Forestry Commission) aspires:
  - *That no person should live more than 500m from at least one area of accessible woodland of no less than 2ha in size*

- *That there should also be at least one area of accessible woodland of no less than 20ha within 4km (8km round trip) of people's homes*

12. It is also important to remember the potential impact of high density development on the UK's obligations to the Water Framework Directive and the Floods Directive. It is important that new development does not cause the status of water bodies to decline or to increase flood risk either in the area of the development or elsewhere in the catchment.

**Q6. Do you consider that national planning policy should provide greater policy support for new settlements in meeting development needs? If not why not?**

13. No. Link is unconvinced that the NPPF needs changing to support new settlements to a greater degree than is already provided in paragraph 52 of the current NPPF. Link members are acutely aware of the need for new homes across the country and, in particular, affordable homes. We strongly believe that there should be a focus on the quality of the homes and their setting; we should be building communities that people really want to live in, not just focussing the number of units needed across the country. Local residents must be fully engaged in the development process. The Government needs to set high standards for their construction. These standards need to be more specific and tighter than the core planning principles of the NPPF (referred to as the 'sustainable development objectives of national policy' in the consultation paper), so that both land is used widely and England continues to be at the cutting edge of urban design and development. In particular, Link recommends the NPPF should state that for new developments:

- There should be a clearly accepted need for new housing that the new settlement is aiming to fulfil, and a wide range of affordable homes should be provided;
- New communities should use suitable brownfield land, where available, in preference to greenfield land or brownfield land of high environmental value;
- The site and associated infrastructure does not conflict with any local environmental objectives, formally designated/selected areas or their settings, and should protect and enhance irreplaceable habitats and other existing heritage or biodiversity assets;
- New communities should be self-sustaining with good provision of supporting jobs, work spaces and community facilities, and low density or dormitory development should be avoided;
- Accessible green and blue spaces and sustainable transport (public transport, cycling and walking) should be planned for during the early stages of design and provided from the outset of development commencing, and the settlement should generally be expected to have rail access; and
- New housing should not cause an increased risk of flooding either in the immediate area or elsewhere in the catchment.

**Q7. Do you consider that it would be beneficial to strengthen policy on development of brownfield land for housing? If not, why not and are there any unintended impacts that we should take into account?**

14. Link recognises that redeveloping brownfield land can provide opportunities for sustainable development, reduce pressure on the Green Belt and other undeveloped land, and offer chances to promote economic regeneration. However, some brownfield sites are havens for wildlife and support some of the UK's most scarce and threatened species. 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' health and wellbeing. Some of these sites may provide the only area where water can soak into the ground, the development of which may have unintended consequences on flood risk in the area. In addition housing may not be most appropriate use for Brownfield & local planning authorities must be able to account of local circumstances when deciding how particular sites should be used.
15. The value of brownfield land for wildlife is recognised by the National Planning Policy Framework (paragraphs 17 and 111), which states that planning policies should 'encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value'. Guidance produced by the Wildlife and Countryside Link in June 2015 defines 'high environmental value' in biodiversity terms<sup>1</sup>.
16. A site should be considered to be of 'high environmental value' in biodiversity terms if:
- *It contains priority habitat(s) listed under section 41 Natural Environment and Rural Communities Act 2006*
  - *The site holds a nature conservation designation such as Site of Special Scientific Interest, or is selected as a Local Wildlife Site.*
17. Work has been undertaken by Defra to determine the extent, distribution and quality of Open Mosaic Habitats (a type of habitat considered to be of high environmental value) on Previously Developed Land in England and Wales. Preliminary government statistics emerging from this study suggest that just 6-8% of brownfield sites fall into this definition.
18. One such example of a brownfield site considered to be of high environmental value in biodiversity terms is Canvey Wick in Essex, a former oil refinery which supports over 1400 species of invertebrates and is the most important site in the Thames Gateway for the Shril Carder Bee. The site has been designated as an SSSI for invertebrate fauna associated with open mosaic habitat and is a RSPB Reserve.

### **Proposed Changes to Policy**

19. The proposed changes intend to make clearer in national policy that substantial weight should be given to the benefits of using brownfield land for housing (in effect, a form of

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<sup>1</sup> <http://www.wcl.org.uk/docs/Brownfield%20high%20environmental%20value%20FINAL%20June%2015.pdf>

'presumption' in favour of brownfield land). Further changes would make it clear that housing on brownfield sites should be supported, unless overriding conflicts with the

Local Plan or the National Planning Policy Framework can be demonstrated and cannot be mitigated.

20. Link is concerned that proposals for a 'presumption' in favour of brownfield land could potentially result in key issues – such as biodiversity – being given inadequate consideration.
21. Separately, the Housing and Planning Bill proposes to grant permission in principle for development sites included on a register of sites allocated in any other 'qualifying document' such as a Local Plan and on application to the Local Planning Authority. So, if brownfield land of high environmental value is granted permission in principle there will be added pressure to develop these sites, resulting in a significant loss of biodiversity.
22. It is clearly important that brownfield land of high environmental value (in biodiversity terms) is properly defined and understood. This will help ensure that paragraphs 17 and 111 of the NPPF are interpreted correctly. Further guidance should be provided to supplement the brownfield land pages in the Planning Practice Guidance – '*Can brownfield land have a high ecological value?*' to ensure that planning practitioners fully understand how to determine if a brownfield site is of high environmental value (in biodiversity terms). As a minimum this should incorporate the definition above - i.e. a site is of high environmental value (see definition in paragraph 16)
23. Link also requests that all brownfield sites being considered for development be supported by an up to date ecological survey and assessment undertaken by a recognised independent expert (for example, a Chartered Member of the Institute of Ecology and Environmental Management). Permission (including permission in principle) should not be granted until all survey work has been completed and reported on.
24. We have four key clear recommendations for which should be taken into account when amending National Policy (as proposed in paragraphs 21-23 of the consultation document):

**Recommendation 1:** Any 'presumption' in favour of housing development on brownfield land should exclude land of high environmental value for biodiversity.

**Recommendation 2:** Brownfield land of high environmental value for biodiversity should be excluded from permission in principle and from the proposed registers of brownfield land (and any other 'qualifying document').

**Recommendation 3:** National Planning Practice Guidance should be updated to provide a more clearly understood definition of land of high environmental value in biodiversity terms (this could equally apply to sites on brownfield and greenfield land).

**Recommendation 4:** All sites being considered for development should be informed by an ecological network map (NPPF paragraph 117) and supported by an up to date ecological survey and assessment undertaken by a recognised expert.

**Q8. Do you consider that it would be beneficial to strengthen policy on development of small sites for housing? If not, why not? How could the change impact on the calculation of local planning authorities' five-year land supply?**

25. Whilst the ambition to support small and medium-sized building companies is laudable, Link is doubtful that introducing an effective presumption in favour of development on small sites will do much to support such companies, which will face considerable problems in terms of economies of scale compared to large companies. Whilst brownfield sites could offer increased opportunities for specialist developers, greenfield sites would be likely to be bought by volume housebuilders, particularly where adjoining sites could be amalgamated to form large sites.
26. As stated in the consultation document, most Local Plans already include policies that support the development of small sites within policy boundaries or on suitable windfall or brownfield sites. Link is however extremely concerned about the proposal to support development on small sites immediately adjacent to settlement boundaries. Many small towns, villages and even hamlets have defined settlement boundaries, and this policy would potentially open up for development all the land surrounding them. Settlement boundaries would then subsequently be extended to encompass such new development, leading to outward expansion. Settlement boundaries are often located where there are particularly environmentally sensitive sites immediately adjacent to the boundary which need to be protected from development. This proposal would completely undermine this approach. Whilst this policy may well bring forward additional housing development, it would mark a return to ad-hoc, unplanned development, thus seriously undermining the role of Local Plans and placing extensive areas of countryside at risk. This would be likely to provoke considerable public opposition. Link does not consider that the safeguards afforded by the NPPF in terms of the definition of sustainable development would be adequate, when part of that definition currently refers to “approving development proposals that accord with the development plan”.
27. We also wish to reiterate that land of high environmental value should not be developed. This should apply to all housing development whether large or small-scale.
28. An alternative scenario might be that local planning authorities stop defining settlement boundaries for the smaller settlements in their areas in order to circumvent this policy, which could in fact further restrict the number of sites coming forward and therefore have a negative impact on housing delivery.
29. If Government does intend to proceed with this policy amendment, it could be amended to refer to “settlements” rather than “settlement boundaries”, to allow local planning authorities the opportunity to define “settlement” in more sustainable terms and so reduce the risk of inappropriate development around small villages and hamlets.

**Q9. Do you agree with the Government proposal to define a small site as a site of less than 10 units? If not, what other definition do you consider is appropriate, and why?**

30. Link is concerned that whatever the definition of small sites is without adequate control/qualification, “small sites” would easily be amalgamated to form large sites.

**Q10. Do you consider that national planning policy should set out that local planning authorities should put in place a specific positive local policy for assessing applications for development on small sites not allocated in the Local Plan?**

31. We do not agree with this proposal. Most Local Plans already include policies against which applications for development on small sites not allocated in the Local Plan are assessed. These are helpful as they give landowners and developers a strong indication of where development may or may not be permitted. Within settlement boundaries it is appropriate for such policies to be worded positively, however outside settlement boundaries this would lead to the difficulties described under Q9 above.

**Q11. We would welcome your views on how best to implement the housing delivery test, and in particular:**

**• What do you consider should be the baseline against which to monitor delivery of new housing?**

32. The baseline should be the relevant Local Plan period, so that under-delivery in respect of a Local Plan’s housing allocations and policies can be taken into account when reviewing the Local Plan. The baseline figure would be the Local Authority’s estimate of the potential housing delivery of their Local Plan allocations and policies, which should be stated in the Local Plan. It would not be practical to assess, and compensate for, a lesser period unless a formal mid-term review of a Local Plan was to take place.

33. The consultation document is unclear in terms of the suggested period over which delivery of new housing would be monitored, and under-delivery compensated for; paragraph 31 refers to the assessment taking place over a two year period, whereas paragraph 32 talks about action being taken where there is under-delivery over a “sustained period”. Assessing under-delivery over a two year period is illogical when planning permissions last for three years. It is also too short a time to factor in market fluctuations.

**• What steps do you think should be taken in response to significant under-delivery?**

34. There should be a policy presumption against the renewal of planning permissions, or, in the case of larger sites, a requirement for a phasing agreement whereby planning permission would be revoked if the permitted housing is not delivered. Alternatively, a mechanism could be introduced whereby a developer or landowner would face a financial penalty in cases of non or under-delivery unless there are proven economic or technical reasons why development has not gone ahead.

35. Link is concerned that a requirement to identify additional sites for housing (including the potential for new settlements) will place even greater pressure on the most environmentally sensitive land. Any additional sites coming forward for development (in response to under-delivery of housing) must comply fully with the environmental policies in the NPPF. In addition, any proposals for new settlements should comply with our earlier recommendations. The proposal to compensate for under-delivery by identifying additional sites would not be a quick-fix, either in terms of reviewing their Local Plans, or, more particularly, by proposing new settlements.

**• How do you see this approach working when the housing policies in the Local Plan are not up-to-date?**

36. The priority should be to get up-to-date Local Plans in place. There is a shortage of planning officers and research staff with skills in population forecasting and the monitoring of housing land supply and housing completions. Many local authorities have reduced or ceased undertaking such work. County Councils used to undertake such monitoring work and use the information to inform their Structure Plan housing allocations, which took under-delivery into account. This then fed down into Local Plans. Much of this activity has now ceased and the specialist staff have retired or otherwise left the profession. Link is therefore concerned that the necessary skills and resources do not exist in many local planning authorities. Even where they do exist, the work that would be entailed in undertaking housing delivery monitoring would be likely to distract policy planners from progressing their Local Plans, so exacerbating the problem.

**Q12. What would be the impact of a housing delivery test on development activity?**

37. Due to the difficulties and complexities outlined above involved in monitoring and compensating for under-delivery, Link considers that there would be a negative impact on development activity.

**Q13. No comment**

**Q14. Do you consider that the starter homes exception site policy should be extended to unviable or underused retail, leisure and non-residential institutional brownfield land?**

38. Paragraphs 34-40 of the consultation document seek to provide further support to the delivery of starter homes. In particular paragraph 40 states that “...we propose to widen the scope of the current exception site policy for starter homes to incorporate other forms of unviable or underused brownfield land, such as land which was previously in use for retail, leisure and non-residential uses (such as former health and educational sites). This will provide clarity about the scope of the exception site policy for applicants and local planning authorities, and release more land for starter homes.”

39. Similar to the points already raised in respect of question 7, Link’s primary concern is to ensure that brownfield land of high environmental value (in biodiversity terms and more widely ) is not developed for new housing.



40. Consequently we reiterate recommendations 1-4 set out in respect of question 7 above.

41. There are also risks in assuming that sites which are unviable or under-used for retail, leisure, institutional or indeed commercial/employment uses are suitable for Starter Homes. For example, they may be in locations where non-residential development would not be environmentally harmful, but residential use would, particularly if Suitable Alternative Green Space is not provided.

**Q15. Do you support the proposal to strengthen the starter homes exception site policy? If not, why not?**

42. Link does not support this policy. We do not believe that exception sites should be used to deliver starter homes. Exception sites were originally created to allow exceptions to normal planning policy so that affordable homes could be built to meet local housing need.

**Q16. No comment**

**Q17. Should rural exception sites be used to deliver starter homes in rural areas? If so, should local planning authorities have the flexibility to require local connection tests?**

43. We do not believe that rural exception sites should be used to deliver starter homes. Rural exception sites were originally created to allow exceptions to normal planning policy so that affordable homes could be built to meet local housing need. Starter homes are unlikely to be affordable to the majority of those in housing need in rural areas so allowing starter homes on rural exception sites is contrary to the purpose of exception sites. It is precisely because exception sites have been used to address identified local housing need that many landowners have been willing to release land for housing and communities have been willing to accept new housing developments. In addition, allowing the limited number of exception sites available to be used for starter homes will further restrict planning authorities' ability to deliver the kind of affordable housing needed to meet local need and will lead to increased pressure for housing development on sites that should be used for other purposes or protected from development (e.g. land of high environmental value).

44. If rural exception sites are to be used to deliver starter homes, it is essential that local planning authorities have the flexibility to require local connection tests and that such a requirement remains with the property 'in perpetuity'. Currently, the owners of starter homes can sell their properties on the open market after five years, meaning that many of these properties are likely to end up as holiday or second homes. This will further undermine policies aimed at addressing local housing need in rural areas.

45. If the policy amendment suggested in paragraph 24 relating to small sites is progressed, there would in effect be a presumption in favour of housing sites adjacent to settlement boundaries. Such land would therefore acquire development value and

would be highly unlikely to come forward as exception sites, the supply of which would therefore be reduced.

**Q18. Are there any other policy approaches to delivering starter homes in rural areas that you would support?**

46. Those local authorities who already allocate sites for housing could identify whether there is local demand for starter homes and then identify sites for the delivery of these homes as part of the mix of housing to be delivered in their area.

**Q19. Should local communities have the opportunity to allocate sites for small scale Starter Home developments in the Green Belt through their neighbourhood plans?**

**Q20. Should planning policy be amended to allow redevelopment of brownfield sites for starter homes through a more flexible approach to assessing the impact on openness?**

47. Link responses to questions 19 and 20 have been combined.

48. The consultation paper proposes to relax, in these two respects, the exceptions to Green Belt controls over house building. They come at a time when Green Belts and other areas protected by the NPPF, particularly Areas of Outstanding Natural Beauty (AONBs), are increasingly being compromised by large scale changes made in Local Plans.

49. Despite promising in the Conservative manifesto to protect the Green Belt, Ministers are largely standing by while up to 225,000 houses are being proposed in various Local Plans, a nearly threefold increase on the amount that had been proposed when the NPPF was introduced in 2012 (<http://www.cpre.org.uk/resources/housing-and-planning/green-belts/item/3894-green-belt-under-siege-the-nppf-three-years-on>). Similarly, a National Trust report on AONBs in late 2015 (<https://www.nationaltrust.org.uk/documents/national-trust-areas-of-outstanding-natural-beauty-and-development.pdf>) paints a similar picture of growing development pressure in those areas. There are therefore clear tensions with the Conservative Manifesto pledge to maintain protection of the Green Belt and other protected landscapes, which need further investigation and action. The proposals in the consultation paper are likely to result in further increases in development in these areas. Such continued growth in such development will have seriously damaging implications, both in terms of (i) reducing the attractiveness of brownfield regeneration options within urban areas, and (ii) undermining the potential of Green Belts and protected landscapes as a valuable environmental resource for people and wildlife.

50. Link believes that it is vital that the open qualities of brownfield sites are maintained when they are redeveloped, and the existing NPPF safeguards for sites of high environmental value should also be maintained (i.e. brownfield land of high environmental value should not be developed) . Some brownfield sites in the Green Belt can be taken out of the Belt and/or beneficially redeveloped, but others are of high

environmental value and many of them contribute to the fundamental Green Belt characteristic of a sense of an open landscape. We would not support neighbourhood plans allowing development unless this was on sites that clearly no longer needed to be in the Green Belt.

51. Link believes that we need both a Ministerial Statement and more rigorous testing of development proposals affecting Green Belts and other nationally designated areas. The Government needs to be clearer that 'exceptional circumstances' is a tough test.

**Q.21 No comment**

**Q22. What are your views on the assumptions and data sources set out in this document to estimate the impact of the proposed changes? Is there any other evidence which you think we need to consider?**

52. Link supports the view of the Town and Country Planning Association (TCPA), which in its written evidence submission to the Community and Local Government Select Committee sets out that any review of the NPPF should be "*conducted as holistic exercise and based on clear evidence on outcomes on the ground<sup>2</sup>*". There is no evidence set out within the consultation that this has been the case. In addition Link would like to draw attention to evidence submitted by the Local Government Association which sets out that almost nine in every ten planning applications are being granted permission and that there are currently 475,647 homes in England with planning permission that are waiting to be build<sup>3</sup>, proving that planning is not a barrier to growth. In contrast this consultation seems to be based entirely on the assumption that planning is a restriction to growth and development.

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<sup>2</sup> Paragraph 2

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/communities-and-local-government-committee/dclgs-consultation-on-national-planning-policy/written/26661.html>

<sup>3</sup> Paragraphs 2.3 and 5.5

<http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/communities-and-local-government-committee/dclgs-consultation-on-national-planning-policy/written/28140.html>