

## **Consultation paper on a new Planning Policy Statement: Planning for a Natural and Healthy Environment**

### **A response by Wildlife and Countryside Link June 2010**

Wildlife and Countryside Link (Link) brings together over 30 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 environment and biodiversity. Taken together our members have the support of over 8 million people in the UK and manage over 690,000 hectares of land.

This response is supported by the following 17 organisations:

- Amphibian and Reptile Conservation
- Bat Conservation Trust
- Buglife – The Invertebrate Conservation Trust
- Butterfly Conservation
- Campaign to Protect National Parks
- Campaign to Protect Rural England
- Council for British Archaeology
- Friends of the Earth England
- The Grasslands Trust
- The Mammal Society
- Plantlife International
- Ramblers
- Royal Society for the Protection of Birds
- Wildfowl & Wetlands Trust
- The Wildlife Trusts
- Woodland Trust
- WWF - UK

#### **Introduction**

Link understands that the new Conservative-Liberal Democrat Coalition Government is intent upon significant reform of the planning system in England. It is our view that the planning system plays a key role in society's response to the twin crises of climate change and biodiversity loss. As a result, ensuring there are robust and effective national planning policies covering these issues must be a priority for the incoming Government.

This consultation paper on a new Planning Policy Statement (PPS), *Planning for a Natural and Healthy Environment*, is unfinished business from the previous administration. At the time of writing this response, it is not clear what the new Government's attitude will be towards maintaining existing policy or indeed the continued development of draft policy.

Link was closely involved in the drafting of existing policies in this area (particularly PPS7 and PPS9) and is generally supportive of the policy approach within them. We

have no objection in principle to the consolidation of these policies or their eventual incorporation into a national planning framework, as proposed in the Conservative Party's *Open Source Planning Green Paper*.

However, we consider that it would be premature to publish the new PPS in this International Year of Biodiversity without a more fundamental review of biodiversity policies in PPS9. Careful consideration must also be given to what more the planning system can do to deliver biodiversity protection and enhancement, given that the UK has, under existing policies, failed to meet its commitment to halt biodiversity loss by 2010.

We also recommend that this review should be informed by a study of the effectiveness of policies in PPS9, in a similar manner to the study carried out of the implementation of the supplement to PPS1, *Planning and Climate Change*. The revised PPS should also take account of the findings of the Lawton Review, due to report in June 2010.

We make our detailed comments on the draft PPS below in this context.

### **Key points**

- (a) The PPS should emphasise species and habitat restoration and enhancement. The policy of 'no net loss of biodiversity' is no longer adequate in the face of continuing biodiversity loss. Creation, restoration and enhancement should be the norm, not an optional extra.
- (b) Local authorities should still be required to identify any areas or sites for the restoration and creation of new priority habitats (as set out in paragraph 5 (ii), PPS9) in preparing local plans.
- (c) The PPS must include recognition of the UK Government's ratification of the European Landscape Convention in 2006 and seek improvements in the maintenance and enhancement of landscape character.
- (d) Local authorities should be required to prepare Green Infrastructure strategies as part of the local plan process. The current obligation to prepare 'open space' strategies should be removed as the PPG17 assessment does not require local authorities to consider biodiversity value and often centres on amenity value only.
- (e) The PPS should address access standards. It could helpfully recommend that, in assessing a community's needs, local authorities adopt Natural England's Accessible Natural Greenspace Standard and the Woodland Access Standard.

### **Do you support the consolidation and streamlining of policies on the natural environment, green infrastructure, open space, sport, recreation and play into a single planning policy statement?**

In principle, we welcome the consolidation of policy statements as a step in the right direction in terms of securing a healthy natural environment and the ecosystem services it provides. We also welcome the emphasis in the objectives that the environment makes an important contribution to the quality of life, health and well-

being of the nation.

We welcome the integration of ecosystem services into planning policy, which is central to any shift towards delivering meaningful 'Green Infrastructure' (GI), as defined in Annex A of the new PPS. However, we are concerned that biodiversity policies are now insufficiently distinguished from other policies for the natural environment, which may make it more difficult for local planning authorities to fulfil their statutory duties for biodiversity.

**Does the proposed PPS address sufficiently all the issues that planners and others face in relation to protecting the natural environment, delivering green infrastructure and other forms of open and green spaces, and land and facilities for sport, recreation and play?**

No. We address the issues under a number of headings below.

### Biodiversity

We note the explicit statement that the new PPS should "*contribute to the overall aim of no net loss of biodiversity*". 'No net loss' as an aspiration, however, simply reflects the maintenance of the status quo. Given the UK's failure to meet its commitment to halt biodiversity loss by 2010, and the adoption of the new EU 2020 biodiversity target, we believe that the PPS should seek a net gain for biodiversity in contribution to national, regional and local targets. This also means that it should not only address the direct impacts of development on biodiversity (e.g. in terms of immediate habitat loss), but also its indirect impacts at a landscape scale (e.g. on the ability of wildlife to move between habitat patches and the role of quality wider landscapes to the integrity of smaller protected areas), and the need for enhancement and restoration to be the norm, not an optional extra. For example, in Kent, The Wildlife Trust advises local authorities to ensure that fully connected GI is provided through all development as well as off site mitigation for the larger developments, creating landscape scale habitat creation enhancement and extension within the south east's regionally agreed 'Biodiversity Opportunity Areas'<sup>1</sup>.

One of the key themes emerging from the Link – CLG liaison workshop on this PPS in 2009<sup>2</sup> was the need to address habitat creation as well as protection. It is therefore extremely important that the new PPS should retain both paragraph 5 (ii) of PPS9 which outlines the explicit requirement for local planning authorities to identify any areas or sites for the restoration and/or re-creation of new priority habitats, and paragraph 12 of PPS9 which stresses the protection of habitat networks and the connection of isolated habitat. The omission of these policies is a serious cause for concern.

The references in policies NE2.1(ii) and NE3.1 of the draft PPS to incorporating national, regional and local targets are valuable, but while such guidance is indicated for 'plan-making', its application to development management is missing.

We welcome the re-statement on page 15 of the draft PPS of the Government's objective that planning should conserve and enhance biodiversity. However, the

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<sup>1</sup> [www.sebiodiversity.org.uk](http://www.sebiodiversity.org.uk)

<sup>2</sup> Liaison meeting between Wildlife and Countryside Link and the Department for Communities and Local Government, 14 July 2009, RSPB Headquarters, Sandy Bedfordshire. For further information contact [fiona@wcl.org.uk](mailto:fiona@wcl.org.uk)

supporting text (bullet point 3 in particular) actually weakens, rather than supports this commitment by simply referring to enhancement in pursuit of no net loss. We would suggest a re-wording to reflect the aim of net gain and retention of the wording in paragraph (ii) of the Key Principles in the current PPS9. Development should seek to deliver biodiversity enhancements, even on sites where there is none, as a means of contributing to GI, climate change adaptation, a landscape-scale approach and ecosystem function.

It is government policy that the protection offered by the Habitats Regulations will apply to potential Special Protection Areas (pSPAs), candidate Special Areas of Conservation (cSACs) included in a list sent to the European Commission, and listed Ramsar sites. This policy should, therefore, be set out in the PPS itself and the wording in paragraph 6 of PPS9 should be reinserted, not simply left to the revised circular.

We are pleased to see that the wording of PPS9 in relation to SSSIs and ancient woodland is reflected in this draft PPS (NE8). With regard to ancient woodland we would like to see the incorporation of PPS9's references to the fact that it cannot be recreated and the need for local planning authorities to identify areas that do not have protection (PPS9 page 6, paragraph 10). The new PPS should therefore recognise habitats that cannot be re-created and include the need for local planning authorities to identify those areas that are outside statutory protection.

Policy NE 3.2 of the draft PPS refers to local authority proposals maps but we believe that other important sites for biodiversity, beyond those internationally and nationally designated, should also be included here. In the same way that specific development locations are identified at the Site Allocations stage, so too should Local Sites be taken into account. This would not only protect habitats and species and increase resilience to climate change but would also serve to raise awareness of biodiversity issues to local people.

### Climate Change

A resilient natural environment, and the healthy status of the wildlife and landscape features within it, is a prerequisite to sustainable adaptation of both nature and society to climate change. For Link, a landscape-scale approach is essential to ensure that biodiversity and landscape character are at the heart of ecosystem services provision. In land use terms this means whole landscapes and ecosystems being restored and enhanced in order to give our wildlife and habitats the best chance of adapting to, and therefore surviving, climate change, and to give people the best chance of a high quality of life.

Climate change will have indirect impacts on biodiversity through changes in socio-economic drivers, working practices, cultural values, policies and use of land and other resources. Due to the predicted scale, scope and speed of these impacts, many could be more damaging than the direct impacts. More consideration needs to be given in the new PPS to the indirect, as well as the direct, consequences of climate change at both a site and a landscape scale.

GI strategies should place a strong emphasis on the functional connectivity of habitats (i.e. on the ability to absorb and respond to change whilst sustaining biodiversity and ecosystem goods and services). In doing so, they will need to address the connectivity of GI not just within the urban environment but across whole

landscapes. There should also be reference to the need to provide 'climate space' for biodiversity, i.e. for the landscape to be sufficiently permeable and thus habitat patches sufficiently functionally connected so that species can respond to climate-related pressures to shift their distributions. GI strategies should place a strong emphasis on the functional connectivity of habitats (i.e. on the ability to absorb and respond to change whilst sustaining biodiversity and ecosystem goods and services). In doing so, they will need to address the connectivity of GI not just within the urban environment, but across whole landscapes.

### Landscape

More emphasis should be given to the importance of landscape throughout the draft PPS. The lack of importance attributed to landscape is particularly concerning given the UK Government's ratification of the European Landscape Convention in 2006. Policy NE8.1, for example, states that permission should be refused if an application would result in significant harm to biodiversity that cannot be adequately mitigated against or compensated for. With regard to landscape, the policy refers to minimising harm but it does not go as far as stating that permission should be refused if the application would result in significant harm that cannot be mitigated or compensated for. The policy should be reworded to indicate that refusal on these grounds is an option.

### Accessible Natural Greenspace and Woodland Access Standards

The PPS should address access standards. It could helpfully recommend that, in assessing a community's needs, local authorities adopt Natural England's Accessible Natural Greenspace Standard and the Woodland Access Standard. Natural England's Accessible Greenspace Standard recommends that people living in towns and cities should have an accessible natural green space:

- of at least 2 hectares in size, no more than 300 metres (5 minutes walk) from home
- at least one accessible 20 hectare site within two kilometres of home
- one accessible 100 hectare site within five kilometres of home
- one accessible 500 hectare site within ten kilometres of home
- a statutory Local Nature Reserves at a minimum level of one hectare per thousand population.

However, it is not always appropriate to include international, national and local sites within the measured area of natural open spaces as their habitats may be too sensitive to support a high level of access.

We recognise that, if the standards are to be adopted, they may need to be phased in gradually and care will need to be taken to ensure that responsibility for implementation is carefully distributed between various levels of government and society.

Meanwhile the Woodland Access Standard developed by the Woodland Trust and now adopted by many others including the Forestry Commission recommends that:

- no person should live more than 500 m from at least one area of accessible woodland of no less than 2 ha in size

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

### Environmental information

A particular practical issue faced by planners is the availability of information for both plan making and management of development. The PPS could be more explicit on this point, and notably with regard to ensuring that planning decisions are not made in the absence of good information. Policy NE 1.1 makes a good statement in the context of 'plan making', but this is insufficiently substantiated in either policy NE1.2 or NE 1.3. There is also insufficient direction for the need for good information in 'development management' within the draft PPS.

The practice guide should outline that the need to ensure appropriate systems of data management, interpretation and dissemination is fundamental to the delivery of the PPS. Thus developing an appropriately resourced environmental records system such as those held by Local Records Centres, which allows the development of appropriate spatial information and local evaluation of biodiversity interests, needs to be recognised.

### **Do you agree with the requirement for local planning authorities to continue to produce, and keep up-to-date, open space strategies which are based on assessments of local need and audits of existing provision (NE1.3)?**

No, we recommend the phasing out of open space strategies. They should instead be incorporated into new, GI strategies which would be developed by local planning authorities and address the needs of communities, landscape, sustainable agriculture, biodiversity and climate change adaptation. These should then be incorporated into the development plan with the GI mapped within the major urban centres and rural landscape. Delivery policies and inter-agency working are essential, as is strategic planning of the natural environment above the level of the county.

In this respect, the planning system needs to take greater account of soil function and planning policies should be 'soil proofed'. Link believes that in the future land will increasingly be required to perform multifunctional roles. The Agricultural Land Classification system (that identifies Best and Most Versatile land) should be adapted so it is able to assess not only the potential of different soil types to produce food and other commodities, but also to identify the location of soils that are best suited to providing or restoring areas of threatened habitats, and which can also perform carbon storage functions, for example certain types of lowland grasslands and the peatlands of the uplands.

### **We propose that local planning authorities should take a strategic approach to the delivery of green infrastructure (NE4), but not to produce and publish a formal strategy (although they can do so if they choose). Do you agree with this proposal?**

No, as stated above. Having welcomed the adoption of a GI approach, we believe the best way forward to achieve and secure the benefits of GI is for local authorities to be required to draw up GI strategies to evidence and demonstrate the strategic approach.

Indeed many local authorities are already engaged in doing so voluntarily and there are a number of models of good practice already in existence. For example, Tonbridge and Malling Borough Council's 'Managing Development and the Environment Development Plan Document and work done in Tees Valley and Swindon. GI strategies should place a strong emphasis on the structural and functional integrity and connectivity of habitats (i.e. on the ability to absorb and respond to change whilst sustaining biodiversity and ecosystem goods and services). In doing so, they will need to address the connectivity of GI not just within the urban environment but across whole landscapes.

Mapping and formulation of GI policies at a local level has a number of advantages:

- Local authorities have access to the expertise of local organisations which are likely to have specialist knowledge of the areas which are of high biodiversity value but may not be designated;
- Local communities will be able to identify the green links within the rural and urban environment and establish the most effective GI and landscape-scale networks;
- Regional and sub regional authorities are unlikely to have detailed information regarding the ecology present in Local Wildlife Sites;
- Protection of European sites and the mitigation needed is not incorporated into all regional plans, therefore if not mapped on a local level, the mitigation might not link into the overall GI.

**Do you agree that the proposed policy NE4 will deliver the Government's objectives without imposing any significant new burdens?**

Yes. If taken with our recommendation above to phase out open space strategies in favour of GI strategies, policy NE4 should not pose any significant new burdens. However, we believe a more holistic approach is required which also properly addresses the interplay between rural and urban areas. This would involve development of GI strategies, which we favour, and proactive action by local authorities to deliver biodiversity protection and *enhancement*. This will represent a new emphasis for local authorities, yet we believe this will deliver across a wide range of agendas in the longer term and progressively prove a more efficient approach.

**The amended wording of planning policy relating to the floodlighting of sports and recreation facilities (NE11) makes it clear to local planning authorities that they should balance the impacts on amenity and biodiversity against the wider benefits to the community in terms of health and wellbeing and the additional provision of facilities. Do you agree with this proposal?**

We believe that biodiversity, landscape and local people should not be unduly compromised. Biodiversity objectives need to be clearly understood when evaluating the impacts of other land uses in 'green space' or the delivery of 'ecosystem services'. The delivery of ecosystem services may sometimes conflict with biodiversity goals, and hence the ideal emphasis within the PPS should be to achieve 'win-win', integrated solutions. One example where an understanding of the specific impacts on wildlife conservation objectives is much needed is the use of floodlighting.

Floodlighting affects species orientation differentially and may serve to attract or repulse particular species. This affects foraging, reproduction, communication, and other behaviour. It consequently disrupts natural interactions between species. Light

pollution near to wildlife habitats is likely to substantially affect the behaviour of species active during dawn and dusk twilight or nocturnal species such as moths, bats, other invertebrates and certain species of birds, resulting in the decline of some species<sup>3</sup>.

Excess lighting also has a detrimental affect on people, for example, sleep disruption. A recent survey<sup>4</sup> by the Campaign to Protect Rural England revealed that floodlights from sports facilities caused 53% of the problems people experienced from excess lighting. The development of this PPS presents an opportunity for CLG to develop national policy on reducing and preventing light pollution more generally, by delivering the long awaited annex to PPS 23: Planning and Pollution Control.

## **Additional comments**

### Key principles

One of the real strengths of PPS9 was having the Key Principles stating clearly and unambiguously what was expected of local authorities with regard to biodiversity and geodiversity in relation to development control issues and Local Development Frameworks. However, this PPS does not have a clear, top-level statement of what is expected of local authorities. In addition, many of the Key Principles in PPS9 have actually been weakened in the draft PPS<sup>5</sup>.

It is vital that headline Key Principles on the Natural Environment are included in the policy statement. They would make a strong, more easily understood argument for biodiversity and the natural environment and make the document clearer and easier to use.

The draft PPS needs to include explicit guidance on how to weigh and balance negative impacts on local people, landscape and biodiversity against benefits to the wider community and how the assessment of impacts on biodiversity objectives will be made. It also reinforces the need to look at infrastructure at a wider scale which is consistent with the aspirations of the PPS.

### Biodiversity and recreational use

Where a development is adjacent to a SSSI or Local Wildlife Site, these sites need to be protected from the additional pressure from recreational use and should not count as the public open space for the development. This is not to say that people should be excluded from the sites, but the developer needs to ensure there is adequate alternative recreational open space so that additional pressure is not put on fragile and/or important habitats.

Even on sites where the primary function is recreational, safeguarding what already exists, and enhancements for the benefit of wildlife, can often be easily incorporated without detriment to meeting amenity objectives. For example, boundaries can be managed less intensively and stepping stones of natural habitat can be designed

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<sup>3</sup> Corney, P.M., Smithers, R.J., Garnett, B., Lush, M.J., Kirby, J.S., Peterken, G.F., Le Duc, M.G. and Marrs, R.H. (2009) *The impacts of nearby development on the ecology of ancient woodland*. Woodland Trust, Grantham

<sup>4</sup> [www.cpre.org.uk/campaigns/landscape/light-pollution/light-pollution-campaign-update](http://www.cpre.org.uk/campaigns/landscape/light-pollution/light-pollution-campaign-update)

<sup>5</sup> For example, PPS9 Key Principle (i) is partly covered in NE1.1 but the requirement for local authorities to assess the potential to sustain and enhance biodiversity resource is omitted. PPS9 Key Principle (iii) is cursorily covered in NE4 but it not as proactive with regard to biodiversity and nature conservation.

through the grounds. It is disappointing that policy NE5 does not mention the collective and/or individual value of green spaces for wildlife or the need to manage areas and corridors within these green spaces.

The draft PPS should consider opportunities to enhance recreational rights of way for biodiversity. Although not applicable in all cases, enhancement of rights of way can provide useful habitat links through both rural and urban environments, allowing easy migration for wildlife through GI. We would recommend a requirement to provide linear habitat alongside rights of way wherever possible in policy NE6.

We welcome the obligation to maintain the natural character of the undeveloped coast (NE7) and believe that this should include enabling natural processes, such as erosion, to operate where this does not impact on human habitation. However, we are concerned regarding the promotion of access in all cases. Some areas, such as vegetated shingle, can be degraded if accessed heavily, and in other areas migratory birds prone to disturbance occur in large, internationally important numbers. Opportunities for increased coastal access should therefore only be pursued where this is compatible with other environmental objectives, including the protection and enhancement of biodiversity.

**Wildlife and Countryside Link  
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