

**Neighbourhood Planning Bill
Briefing for Report Stage, 23rd and 28th February 2017**

Wildlife and Countryside Link (Link) brings together 45 voluntary organisations concerned with the conservation and protection of wildlife and the countryside. Our members practise and advocate environmentally sensitive land management, and encourage respect for and enjoyment of natural landscapes and features, the historic and marine environment and biodiversity. Taken together our members have the support of over 8 million people in the UK and manage over 750,000 hectares of land. This briefing has been produced by members of Link's Land Use Planning Group.

Clause 13 Restrictions on power to impose planning conditions

(5) Planning permission for the development of the land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition.

There has been much rhetoric but little evidence that pre-commencement conditions are slowing down the delivery of development. The Bill proposes that applicants will need to give written consent before pre-commencement conditions can be used, which concerns us for the following reasons:

- It would cause further strain to already overstretched Local Planning Authorities (LPAs);
- There is a lack of detail on how this provision will be applied at different stages of the decision making process;
- The risk for unintended consequences is substantial;
- Delays to planning decisions are likely to increase and it would not achieve the Government's stated aim of speeding up decision-making;
- It would unnecessarily constrain the ability of LPAs to introduce important conditions to protect our natural and historic environment; and
- It could undermine the Government's commitment to protect our natural and historic environment.

Whilst we welcome Lord Bourne's assurances that he is 'keen to engage on pre-commencement planning conditions to ensure that there is appropriate protection for the cathedrals of the natural world', we are yet to be convinced that this will result in any practicable safeguards for our natural environment.

The Government's proposed amendments to Clause 13 would require a public consultation to be carried out on the suggested changes and the publication of guidance. Whilst these measures are welcome, they will not in themselves make this provision workable.

For clarity's sake, we would like to see Clause 13 (sections 5, 6 and 7) deleted. **We would therefore encourage Peers to press the Minister to delete these sections of the bill, to ensure that the ability to introduce conditions to protect important environmental assets is not unnecessarily constrained.**

We are not alone in voicing concerns over Clause 13 and note that the Royal Town Planning Instituteⁱ, the British Property Federation and the Planning Officers Societyⁱⁱ have all expressed concerns about the proposal.



Notwithstanding this position, we support the amendments that have been tabled by Lord Kennedy, Lord Beecham, Lord Stunell and Baroness Parminter, which would improve the workability of this provision, help ensure that LPAs are not overly constrained in their pursuit of necessary pre-commencement conditions and ensure compatibility with the National Planning Policy Framework.

We believe that the reassurance provided by the Minister during Committee, that appropriate protections for important matters such as heritage and the natural environment will be maintained, should as a minimum, be included on the face of the bill. It should also be reinforced in the guidance that the department has committed to producing about this clause. This could be achieved by adding a new section to the provision:

Insert new section 9 on page 14, line 29:

This provision will not apply to pre-commencement conditions which are required for the purposes of environmental and heritage protection and mitigation.

We understand that the Government is not minded to introduce any exclusions on the face of the bill. However, we would counter this with the following:

- The Minister has already recognised the importance of these types of conditions and is committed to maintaining appropriate protections;
- The Government's aim is to remove unnecessary pre-commencement conditions (the much quoted play areas and picnic tables), which these are not; and
- Excluding environmental and heritage protection and mitigation conditions from this provision would send a clear message to developers and local planning authorities that these considerations should be addressed at the earliest stage of the planning process.

This briefing is supported by the following nine Link members:

- Badger Trust
- Buglife
- Council for British Archaeology
- Campaign to Protect Rural England
- National Trust
- Open Spaces Society
- RSPB
- The Wildlife Trusts
- Woodland Trust

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