

Draft National Planning Policy Framework: Consultation

Wildlife and Countryside Link response

Wildlife and Countryside Link (Link) welcomes the opportunity to respond to this consultation on the draft National Planning Policy Framework (NPPF). Link brings together 35 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 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.

These comments are supported by the following 21 organisations:

- Amphibian and Reptile Conservation
- Badger Trust
- Bat Conservation Trust
- Butterfly Conservation
- Buglife – The Invertebrate Conservation Trust
- Campaign for National Parks
- Campaign to Protect Rural England
- Friends of the Earth England
- Open Spaces Society
- Plantlife
- People's Trust for Endangered Species
- Pond Conservation
- Ramblers
- Royal Society for the Protection of Birds
- Salmon & Trout Association
- The Grasslands Trust
- The Mammal Society
- The Wildlife Trusts
- Wildfowl and Wetlands Trust
- Woodland Trust
- WWF-UK

Question 1 a) The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.

We strongly disagree.

Question 1 b) Do you have comments?

(Paragraphs 13 – 18) The Government’s preferred wording for the presumption in favour of sustainable development is not, in Link’s view, fit for purpose. We believe that the presumption should: (i) clearly reinforce and not undermine the plan-led system of development management; (ii) only favour development proposals that are shown to be sustainable; and (iii) make clear that only relevant policies in the NPPF, rather than the document as a whole, should be factors in planning decisions alongside other material (or relevant) considerations.

The presumption must express commitment to, and requirement for, achieving sustainable development rather than simply being a presumption in favour of development. In Link’s view, a sustainable policy is one that respects all five principles set out in the UK Sustainable Development strategy.¹ At present, sustainable development is not clearly defined in the draft. The final NPPF should explicitly cross-reference UK-wide Sustainable Development policy (just as the draft cross-references, for example, national policy statements), re-state the five key principles of the current Sustainable Development strategy (including the precautionary principle under the heading of ‘using sound science responsibly’), making a clear link between those principles and the NPPF’s ‘core planning principles’ (see re-wording of paragraph 10 in the Annex).

We also believe that additional references to the presumption outside of paragraphs 13 – 18 should be removed, as this is unnecessary repetition. Repetitions occur in paragraphs 20, 26, 48, 51, 55, 63, 66, 74, 110, 153, 165, 169, 170 and 185.

As currently drafted, the test within the presumption allows any and all types of development ‘unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits’. This allows for too great a deviation from the objective of achieving sustainable development.

Link is very concerned that the current presumption undermines the plan-led system. There is a clear tension between the presumption and the ‘default answer is yes’ on the one hand, and on the other the ability of local authorities to determine applications in accordance with the development plan and other material considerations.² It is difficult to reconcile the current presumption with a plan-making process that has gone through a Strategic Environmental Assessment (SEA) before allocating sites strategically and often sequentially to ensure sustainable patterns of development. A plan-led system must be predicated on the ability of planning authorities to refuse development proposals, *where necessary*, that are not in accordance with the development plan. Such proposals would not constitute sustainable development as defined above. The presumption needs to be amended as per Annex I in order to preserve the integrity of the plan-led system.

In addition, we are concerned that where a plan is ‘absent’, ‘indeterminate’, ‘out of date’, or ‘silent’ there will be scope to bypass local authority decisions and proper consideration of the merits of development proposals at the local level. The NPPF should provide a more careful definition of when a plan might not be the primary consideration in decision making.

¹ Living within environmental limits; ensuring a just society; achieving a sustainable economy; promoting good governance; and using sound science. HM Government (2005), *Securing the Future: the UK sustainable development strategy*, <http://www.defra.gov.uk/publications/files/pb10589-securing-the-future-050307.pdf>, p.16.

² Section 28, Planning and Compulsory Purchase Act 2004.

Also, the proposed draft proposes prompt consent for applications that comply with the development plan, but fails to acknowledge that material considerations may require the application to be negotiated or refused, even where it complies with some of the policies in a development plan.

See Annex for Link's proposed re-wording of the presumption.

Question 2 a) The Framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.

We disagree.

Question 2 b) Do you have comments?

Link welcomes most of the core planning principles in paragraph 19. However, they omit three crucial aspects that are vital to ensuring both sustainable development and that planning operates in the public interest. These are: taking account of the range of effects of development on society and the environment as well as the economy; ensuring that plans and decisions are properly based on analysis, evidence and soundly backed judgement; and that full account is taken of the need for transparency, information and participation.

These should be clearly stated as core planning principles to assist both the implementation of relevant legal requirements (such as on environmental assessment, access to information and procedural fairness) and the Government's agenda of increased transparency within local government. We recommend that wording already contained within paragraphs 26 and 27 of Planning Policy Statement (PPS) 1 could be inserted into the NPPF and cover all of these points effectively (see re-wording of the paragraph 19 in the Annex).

The draft NPPF repeats in several places (paragraphs 20, 63 and 66) the need for planning decisions to be consistent with the presumption; as noted above this is unnecessary repetition and should be removed.

(Paragraph 20) Supplementary planning documents (SPDs) can play a crucial role in ensuring the delivery of high quality development. For instance, biodiversity SPDs help to ensure that biodiversity is not peripheral to the planning process but is integrated into the design stages. Such integration produces truly sustainable development that delivers multiple goals. It will not necessarily bring forward development 'at an accelerated rate' (although it may do in many cases), but the planning system cannot simply be a tool for bringing forward development as quickly as possible. The wording of paragraph 20 should therefore be amended so that local authorities are not discouraged from producing SPDs where they may support genuinely sustainable development.

(Paragraph 24) The word 'genuinely' must be deleted from the 6th bullet point of paragraph 24. Its inclusion implies a rarity of occurrence that is likely to dissuade local authorities from protecting the natural environment. Planning authorities should be encouraged to protect as much land of environmental value as possible, whilst taking into account other objectives.

(Paragraph 27) This paragraph should direct Local Planning Authorities (LPAs) to consider a robust environmental evidence base alongside those for housing, employment and other uses. Economic sustainability, including market and economic signals, must be considered *alongside* social and environmental sustainability.

(Paragraphs 39 and 70) The wording of paragraphs 39 and 70 implies that a LPA should seek to reduce the level of planning obligations relating to site allocations in order to make schemes viable. Local planning authorities should only allocate sites for development where this would achieve sustainable development and the application of planning obligations will often be necessary to achieve this goal. If the level of necessary planning obligations would render the scheme financially unviable the site should not be allocated. The costs of a development should be borne by the developer, not the environment. Paragraphs 39 and 70 must be deleted or amended accordingly.

(Paragraph 45) Effective planning for the natural environment often needs to take place at a landscape or ecosystem-scale that is incompatible with administrative boundaries. Such action will require effective joint-working by adjoining local authorities and should be reflected in paragraph 45, which currently only references joint-working in respect of economic growth. As recommended by the Natural Environment White Paper, *The Natural Choice*, Local Nature Partnerships will have a crucial role to play in delivering environmental restoration and enhancement across local authority boundaries, and they should be referenced alongside Local Enterprise Partnerships in paragraph 45.

Question 2 c) The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.

We strongly disagree.

Question 2 d) Do you have comments?

(Paragraph 23) As currently drafted, the NPPF and the duty to cooperate do not provide a sufficient basis for larger-than-local strategic planning. This is largely because the draft NPPF deals too narrowly with land use and fails to recognise the need to have a spatial planning system. One of the key principles of Planning Policy Statement 1 was that ‘a spatial planning approach should be at the heart of planning for sustainable development’, where ‘Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they can function.’³

Challenges such as climate change and protecting and enhancing nature are best addressed by providing direction and guidance from the national strategic level, so that local level actors can implement strategies that, together, can be greater than the sum of their parts. In the case of the natural environment, effective planning, including the implementation and maintenance of ecological networks, will often need to take place at a landscape or ecosystem-scale that is incompatible with administrative boundaries. Such action will require effective joint-working by adjoining local authorities, and in many

³ ODPM (2005) *Planning Policy Statement 1: Delivering Sustainable Development*, <http://www.communities.gov.uk/documents/planningandbuilding/pdf/planningpolicystatement1.pdf>.

instances may be required to enable compliance with the legal obligations of the Birds and Habitats Directives.

In the absence of a spatial NPPF, there must be a strong duty to co-operate between local authorities that will enable strategic spatial planning across local authority boundaries. We are pleased to see that certain environmental matters referred to as strategic priorities (paragraph 23) will require cross-boundary working in order to be considered sound at examination. However, further guidance will need to be issued to clarify what constitutes 'effective' cross-boundary working under the duty to co-operate. We believe that effectiveness of cooperation should be assessed on the basis of outcomes achieved through joint working. This should ensure that collaborative work is carried out early in the plan-making process and should encourage continuing co-operation for the duration of the plan-period (e.g. in terms of evidence collation, monitoring and reporting).

Question 3 a) In the policies on development management, the level of detail is appropriate.

We disagree.

Question 3 b) Do you have comments?

(Paragraph 54 and 55) Link believes that 'sustainable economic growth' needs to be better defined before we can support it as a planning objective. We recommend that the wording of PPS4 may assist in providing a workable definition. Economic growth will only be sustainable if it integrates, and does not come at the expense of, environmental and social objectives. We would therefore like to see the removal of the requirement to give 'significant weight' to economic growth, in the absence of any reference to environmental and social considerations. No one aspect of sustainable development should be isolated or given primacy in such a manner. To do so would undermine the even-handed determination of planning applications and would erode public faith in the planning system as something that operates in the wider public interest, rather than just for business.

Question 4 a) Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.

We disagree.

Question 4 b) What should any separate guidance cover and who is best placed to provide it?

Much of the current body of guidance is still relevant. In particular, Link believes that the guidance contained in Circulars 06/05 (on biodiversity), 05/07 (on controlling outdoor advertisements) and 07/09 (World Heritage Sites), as well as many Minerals Policy Guidance notes (MPGs), still plays a crucial role and is best maintained and updated by Government or its agencies. There should be a thorough public consultation on the future of existing circulars and other best practice guidance. Link recommends that this should take place once the NPPF has been finalised so that it is clearly understood what policies any guidance should refer to, and where gaps in policy may need further explanation. Should any of this guidance be taken forward by organisations outside Government, Link believes that a process needs to be identified for giving Government endorsement to any final

published material so that it can confidently be given weight in planning decisions. A risk of relying on particular organisations outside Government to provide guidance on specific policy areas is that the resultant guidance could be inconsistent with other areas of Government policy. Consideration of such issues would therefore have to be a condition of any Government endorsement.

Question 6 a) The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.

We strongly disagree.

Question 6 b) Do you have comments?

(Paragraph 76 and 80) The town centre first policies should ensure that town centres are protected and not threatened by out of town development. The retail need test should be referenced: ensuring that there is unmet need on an independent evidence base for retail before approving further large retail development provision. The NPPF should also contain a provision to retain and enhance street and covered markets as a vital component of public space and the local economy.

(Paragraphs 77 and 78) Link does not support the proposed removal of offices from the sequential test and we call for the current policy in PPS4 to be reinstated.

Question 7 a) The policy on planning for transport takes the right approach.

We strongly disagree.

Question 7 b) Do you have comments?

The draft NPPF lacks an overall vision of the development pattern which planning policy should foster in order to promote sustainable transport patterns. There is no obvious view of where most development should be located to minimise traffic impacts and no vision of the importance of a hierarchy of town, local and neighbourhood centres where local needs can be met with the minimum of travel. National standards for parking, density and transport assessment are all to be abandoned. The NPPF lacks the mechanism to apply policies to the bulk of development that already exists.

Unnecessary caveats are applied to most transport-related policies, which means that they will not receive sufficient weight in the assessment of applications or the development of local plans.

- (Paragraph 83) The NPPF supports a pattern of development which facilitates the use of sustainable transport, but only "where practical" or "where reasonable to do so".
- (Paragraph 86) In certain situations development that maximises walking, cycling and public transport travel is not required – "planning policies and decisions should consider whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site".
- (Paragraph 88) Planning policies and decisions that minimise the need to travel and maximise walking, cycling and public transport are compromised by having to take into

account "policies set out elsewhere in this Framework", e.g. those in support of economic development.

- (Paragraph 89) Policy that development should be located and designed to give priority to pedestrian and cyclist movements, minimise conflict between traffic and cyclists or pedestrians and consider the needs of disabled people, is qualified by the phrase "where practical".

(Paragraph 90) The need for a travel plan for all developments that generate significant amounts of movement is also to be determined by local criteria. To be meaningful and not just a tick box exercise, travel plans should include targets for modal share. This does not necessarily need to cross the localist agenda as these could be set by local authorities, but they need to be included if travel plans are to be effective (as the evidence shows⁴).

Evidence also shows that provision of parking is important in determining travel patterns. Maximum parking standards for commercial development have been shown to be effective, particularly when allied to travel plans, in promoting development that enhances rather than undermines town centres and minimizes single occupancy car use. National car parking standards, part of PPG13, are not mentioned at all in the Framework. Planning authorities will be free to set minimum standards if they wish. The effect of this will be to facilitate unsustainable traffic-generating developments with large amounts of car parking.

(Paragraph 86) A particular concern is that the test for the rejection of development on the grounds of transport impact is too demanding. Again, this could allow developments with environmentally damaging traffic impacts, and does not take account of the cumulative effects of development which might not breach this test in isolation but which would still cause significant damage.

(Paragraphs 91 and 92) The draft does however have two more positive statements including a policy requiring local authorities to aim for a mix of uses "to minimise journey lengths for employment, shopping leisure, education and other activities" and that within large-scale developments "key facilities such as primary schools and local shops should be located within walking distance of most properties."

Question 9 a) The policies on minerals planning adopt the right approach.

We disagree.

Question 9 b) Do you have comments?

(Paragraph 100) This paragraph should ensure that securing adequate supplies of minerals is done within environmental limits and without irreversible damage, as in Minerals Policy Statement 1 (MPS1).⁵

⁴ Understanding successful workplace travel initiatives in the UK; S. Cairns, C. Newson, A. Davis (from Transportation Research Part A: Policy and Practice, Volume 44, Issue 7, August 2010, Pages 473-494 <http://www.sciencedirect.com/science/article/pii/S0965856410000492>).

⁵ DCLG (2006) *Minerals Policy Statement 1: planning and minerals*, <http://www.communities.gov.uk/documents/planningandbuilding/pdf/152993.pdf>, p.5.

(Paragraph 101 bullet 2) Link welcomes the policy on peat extraction but we believe that it should be extended to say that peat extraction should not continue on existing sites beyond the date stipulated in the planning consent.

(Paragraph 102) Link welcomes the policy to ensure that sufficient levels of permitted reserves are available from outside National Parks and other nationally designated areas. However, we believe that government could give further policy expression to this objective by including the following sentence to paragraph 102: 'local planning authorities should ensure a progressive reduction in the amount and proportion of aggregates extraction from National Parks and AONBs'.

(Paragraph 167) This paragraph should include the test for major mineral development proposals, as currently set out in MPS1. While we recognise that the paragraph includes the major development test, we think that there would be merit in including this within the minerals section, or, at the very least, clarifying that major minerals development will be assessed under the requirements of paragraph 167.

National policy guidance on oil and gas developments – as in annex 4 of MPS 1 – should be included in the NPPF.

Question 10 a) The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.

We disagree.

Question 10 b) Do you have comments?

(Paragraphs 107 – 113) The most significant concerns for Link are:

- the lack of a clear sequential approach, as set out in current policy in PPS3, that prioritises development on previously developed land (brownfield) that is suitable for development over greenfield sites;
- if a sequential approach is to be retained, that it should explicitly exclude some categories of land that are currently defined as 'previously developed' but are not suitable for development because of their nature conservation value; and
- the lack of a clear preference for high, rather than low housing densities.

Although the national target for the proportion of all new housing to be built on brownfield land has been abolished, both of these remain indicators of sustainable development measured by the Department for Environment, Food and Rural Affairs (Defra).

The loss of these policies has serious implications for the countryside and for urban areas in need of regeneration. The policies proposed within the draft NPPF for achieving urban regeneration are significantly weaker than the existing guidance (PPS3), and in practice the draft NPPF carries the risk of increased development on green fields, as the NPPF's impact assessment notes.⁶

⁶ DCLG (2011) *Draft national planning policy framework: impact assessment*, p.55.

Link recommends that the NPPF should ensure that a sequential brownfield-first approach is applied at all levels by including clear criteria and measures to guide the identification, allocation and release of land for housing and other development. There should be no presumption that all previously developed sites are suitable for development and sustainability principles should continue to apply. Some sites, for example, are in areas poorly served by public transport. In a small but significant number of other cases the current definition of 'previously development land' incorporates areas of habitat of great importance for biodiversity; if the sequential approach is to be retained the definition must be amended to exclude these habitats. This should serve to maintain current protection in PPS7 and PPS9 respectively.

Link notes that the draft NPPF calls on local authorities to set their own approach to density standards. Avoiding low density development is crucial to ensuring that land is used efficiently for new development, and that effective integration with public transport can be achieved. The NPPF should therefore state that high densities should be preferred to low densities, in cases where decisions are appealed or where there is no local plan.

The widespread loss of biodiversity from the countryside has highlighted the increasing importance of some previously developed land for its wildlife value. In some cases, the application of current policies is resulting in the endangered species now largely restricted to 'previously developed land' being put at risk of extinction. This problem was recognised in the 2003 England Biodiversity Strategy which set the objective of 'Key brownfield biodiversity conserved through site protection, mitigation and habitat creation.'⁷

The Government has already changed the definition of 'brownfield' to exclude private residential gardens. We recommend that the definition of 'previously developed land' in the Glossary should be amended to exclude a number of key sites for biodiversity (see Annex). The amended definition should also exclude mineral workings and landfill, and spoil dredging or ash disposal. Currently only mineral and landfill sites where there is existing provision for restoration are excluded from the definition.

Question 13 a) The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.

We disagree.

Question 13 b) Have you comments to add?

These comments should be taken as also responding to Question B3.7 in the impact assessment.

Link welcomes the continued strong policy tests for alteration of Green Belt boundaries and new development. We are concerned, however, that the Government may be significantly under-estimating the value to society of both Green Belt policy and the land protected as Green Belt. The analysis of the value of Green Belts in the impact assessment largely relies on a single study carried out by Hanley and Knight in 1992, quoted by the Barker Review of Land Use Planning, suggesting that the present benefit of Green Belt land was £200,000

⁷ Defra (2011) *Working with the grain of nature: A biodiversity strategy for England*, <http://www.defra.gov.uk/publications/files/pb7718-biostrategy-021016.pdf>, p.125.

per hectare per year.⁸ Though we understand this study to be of good quality, it only relates one element of ecosystem services (cultural value expressed as willingness to pay) to a single site in Chester. Green Belts cover 13 per cent of England and contain a range of other services associated with undeveloped land, including 250,000 hectares of best quality agricultural land, 89,000 ha of Sites of Special Scientific Interest (SSSIs) and 220,000 ha of broadleaf and mixed woodland. Many of these benefits (particularly the quantities of SSSIs and woodland) will have increased over time and the protection against development afforded by the Green Belt designation will have played a critical role in this.

The Government should state its commitment to Green Belt protection more strongly in the final NPPF by making it clear that (i) new Green Belts may well be justified in circumstances where they have strong local support; and (ii) the presumption against inappropriate development remains, and is not changed by the presumption in favour of sustainable development.

Question 15 a) Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

We strongly disagree.

Question 15 b) Do you have comments?

Link welcomes the inclusion of many of the policies for protecting the natural environment in the proposed draft, including:

- green infrastructure networks (167)
- priority habitats and species (168)
- Identifying and mapping ecological networks (168)

However, Link also has a number of concerns. First, we believe that these good policies will be undermined by the pro-growth tone of the document, and the weakness of the presumption in favour of sustainable development (see answer to question 1 b)).

Second, we believe that the protection of the natural environment through the planning regime should be based on both the instrumental value of the natural environment and its intrinsic value for prosperity and public enjoyment.

Third, we note that the proposed draft implies a restrictive approach to the natural environment as a whole. *The Natural Choice* defines the natural environment as including all farmland and forests (in other words all countryside), and undertakes to ‘retain protection and improvement of the natural environment as core objectives for local planning and development management’. This is without any caveats or exclusions. The proposed draft is therefore inconsistent with *The Natural Choice*, in narrowing planning protection to defined areas of ‘valued landscape’ and minimising biodiversity impacts (important though these all are). In Link’s view it should be made clear that planning protection extends to the countryside as a whole, as stated in *The Natural Choice*.

In addition, the planning system should not only help to protect our remaining and depleted levels of biodiversity and our finest landscapes, but also to *restore* lost biodiversity and

⁸ DCLG (2011) *Draft national planning policy framework: impact assessment*, p.52.

improve neglected landscapes through net gains in biodiversity and countryside quality. As identified in *The Natural Choice*, this will require the delivery of both more and better ecological networks, and landscape scale conservation, through the planning system. The NPPF should accord specific protection to all SSSIs, and protect and recognise the value of locally designated landscape areas (such as Areas of Great Landscape Value) and our 40,000 plus Local Wildlife Sites as important wildlife refuges and as critical components of ecological networks. Nature Improvement Areas should also be identified and protected through the planning system.

Link is deeply concerned by the draft policy on Best and Most Versatile (BMV) agricultural land in paragraph 167. Link's position statement on soil (available on request) points out that present BMV policy in PPS7 needs to be strengthened to protect soil. The Government should provide new text (we have suggested this in the Annex) to honour the commitments made on protection of BMV land in both the Conservative Green Paper *Open Source Planning* and in paragraph 2.35 of *The Natural Choice*. In Link's view, the draft NPPF policy does not amount to protection of BMV land, merely a requirement to take it into account. Link is also concerned that, as with Green Belts, there should be a specific direction in the NPPF to plan positively for the future use of BMV land for benefits beyond food production, such as increased biodiversity and landscape quality.

Link welcomes the continued commitment in the draft NPPF to protect National Parks and Areas of Outstanding Natural Beauty. We do not believe, however, that the wording used in the draft NPPF on the tests for major development proposals is as clear as it is in paragraphs 21 and 22 of PPS7 and we call for the existing PPS7 wording to be reinstated. Link also calls for the NPPF to require decision makers to have regard to the setting of protected areas when considering development in land outside them but which is likely to have an effect on setting.

Link welcomes the continued emphasis on protecting the undeveloped coast. For the policy to be effective we also urge that the final NPPF states that 'few developments require a coastal location'.

Link welcomes the explicit protection given to irreplaceable habitats such as ancient woodland in the NPPF. However we believe that the caveat in paragraph 169, point 4, should be deleted to ensure meaningful protection for ancient woodland. Ancient woodland covers a mere 2% of the land area in the UK; it is our equivalent of the rainforest and once lost ancient woodland cannot be recreated. Despite its irreplaceable nature 85% of all ancient woodland remains outside of legislative protection and is therefore at considerable risk if it is not given explicit and meaningful protection within the planning system.

Impact Assessment

Question A2: Are there any broad categories of costs or benefits that have not been included here and which may arise from the consolidation brought about by the NPPF?

Yes.

Successful, sustainable and prosperous economies are founded on a healthy, functioning natural environment. There is a wealth of evidence (UK NEA⁹, *The Economics of Climate Change*¹⁰, *Future of EU Environmental Policy*¹¹ and *Towards a Green Economy*¹²) that recognises the economic and social value of the natural environment; this value has not been embedded in the proposed planning policies, which are weighted heavily in favour of economic growth rather than genuine sustainable development. These benefits must be recognised as a core principle of the NPPF, particularly if it is not to be subject to Strategic Environmental Assessment.

No account has been made for the transitional costs. Local Plan policies will need to be altered to take account of changes to national and regional policy. For example Local Development Frameworks were not required to repeat regional or national policy. This will now need to be captured, as will detail currently captured within Supplementary Planning Documents. Furthermore, if the detail of national policy is reduced as proposed there will be resource implications for local authorities, in terms of time and expertise, since authorities will need to provide the detail in local policy that is missing from national policy.

**Question B 1.1: What impact do you think the presumption will have on:
iii. the speed of decision-making?**

Link believes that the draft NPPF, were it to be adopted as policy, would pose a grave risk of developers resorting to the planning appeals process to a significantly greater degree than has been the case since the introduction of the plan-led system of development control in 1991. If this took place it would be the exact antithesis of localism and of the Minister's desire for 'fewer appeals to the Planning Inspectorate and more decided locally' (House of Commons Hansard 17 May 2011). It would also contradict the Government's stated desire for a fast, efficient and more certain planning system. The risk of the presumption leading to more appeals has been noted in the Government impact assessment for the NPPF, where it states that 'it is difficult to quantify the scale of this risk.'¹³

The head of planning at British Land (a company which has openly supported the reform) has recently noted that in the 1980s, when there had previously been a policy presumption in favour of development, the number of appeals had risen to 30,000 a year (compared to around 16,500 appeals being submitted in 2010/11). He stated that the NPPF as drafted

⁹ UK National Ecosystem Assessment (2011), *The UK National Ecosystem Assessment: Synthesis of the key findings*.

¹⁰ Stern, N. (2006) *The Economics of Climate Change: The Stern Review*. Her Majesty's Treasury, London

¹¹ European Environmental Bureau (2010) *Future of EU Environmental Policy*, <http://www.eeb.org/index.cfm/activities/sustainability/7th-environmental-action-programme/>.

¹² United Nations Environment Programme (2011), *Towards a Green Economy: Pathways to sustainable Development and Poverty Eradication*.

¹³ DCLG (2011) *Draft national planning policy framework: impact assessment*, p.30.

'will often provide a basis for applicants to appeal because they believe it offers a route to the approvals they want.'¹⁴

If the economy recovers as the Government intends, and no additional resources are provided to ensure comprehensive local plan coverage, a potential return to the 32,000 mark last seen in 1989/90 is likely. This would represent a near doubling of the number of appeals submitted in 2010/11.

We are also concerned that developers are likely to use the planning appeals system as a means to pressure local authorities into granting planning permission, even where an appeal is not taken through to a final decision. A particular characteristic of planning in the late 1980s was the high figure of appeals that were withdrawn (between 5 and 9 times more than in 2010/11). Alongside this it should be remembered that in the 1980s, as now, the vast majority of planning applications (at least 80% in each year) have been approved.

B. 4.2: What impact will the Local Green Space designation policy have, and is the policy's intention sufficiently clearly defined?

(Paragraphs 130 and 131) The NPPF says that the Local Green Space designation 'will not be appropriate for most green areas or open space'. This is a major concern and must be re-considered. Link believes that local communities and local authorities should be given wide discretion to designate local green space provided that such a designation can be justified. At present it is difficult to ascertain whether any areas will be designated.

The new designation must not be seen as a replacement for current laws which protect village greens. The two issues should be considered separately as the basis for registering land as village greens, where people have established rights to use it over 20 years, is entirely different to the proposals for land that is 'special' to a community under the new designation.

In addition, the new designation will not grant access to the public to use the land and this crucial aspect must be reviewed so that the local community can benefit where land is designated.

**Wildlife & Countryside Link
October 2011**

¹⁴ Johnston, B (2011) *British Land chief predicts return to 'planning by appeal'*, <http://www.planningresource.co.uk/news/1089380/British-Land-chief-predicts-return-planning-appeal/?DCMP=ILC-SEARCH>.

Annex: Specific recommendations for amendments to the draft NPPF

Delivering sustainable development

9. The purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development means development that meets the needs of the present without compromising the ability of future generations to meet their own needs². It is central to the economic, environmental and social success of the country and is the core principle underpinning planning. Simply stated, the principle recognises the importance of ensuring that all people should be able to satisfy their basic needs and enjoy a better quality of life, both now and in the future.
10. ~~For the planning system~~In delivering sustainable development, the planning system should follow the five guiding principles of sustainable development set out within the UK Sustainable Development Strategy (2005), *Securing the Future*¹⁵; means:
- **Living within environmental limits** - Respecting the limits of the planet's environment, resources and biodiversity – to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations.
 - **Ensuring a Strong, Healthy and Just Society** - Meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion, and creating equal opportunity for all.
 - **Achieving a sustainable economy** - Building a strong, stable and sustainable economy which provides prosperity and opportunities for all, and in which environmental and social costs fall on those who impose them (polluter pays), and efficient resource use is incentivised.
 - **Promoting good governance** - Actively promoting effective, participative systems of governance in all levels of society – engaging people's creativity, energy, and diversity.
 - **Using sound science responsibly** - Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.
- ~~• **planning for prosperity (an economic role)** — use the planning system to build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type, and in the right places, is available to allow growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure~~

¹⁵ HM Government (2005) *Securing the future: the UK sustainable development strategy*. HM Government: London.

- ~~planning for people (a social role)~~— use the planning system to promote strong, vibrant and healthy communities, by providing an increased supply of housing to meet the needs of present and future generations; and by creating a good quality built environment, with accessible local services that reflect the community's needs and supports its health and well-being; and
 - ~~planning for places (an environmental role)~~— use the planning system to protect and enhance our natural, built and historic environment, to use natural resources prudently and to mitigate and adapt to climate change, including moving to a low-carbon economy.
11. These ~~three components~~five principles should be pursued in an integrated way, looking for solutions which deliver multiple goals. There is no necessary contradiction between increased levels of development and protecting and enhancing the environment, as long as development is planned and undertaken responsibly. The planning system must play an active role in guiding development to sustainable solutions.

The presumption in favour of sustainable development

13. The Government is committed to ensuring that the planning system does everything it can to support sustainable ~~economic~~ growth. A positive planning system is essential because, without growth, a sustainable future cannot be achieved. Planning must operate to encourage sustainable growth and not act as an impediment. ~~Therefore, significant weight should be placed on the need to support economic growth through the planning system.~~
14. At the heart of the planning system is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. Local planning authorities should plan positively for ~~new~~ sustainable development, ~~and approve all individual proposals wherever possible.~~ Local planning authorities should:
- prepare Local Plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic, social or environmental changes; and
 - approve development proposals that accord with statutory plans without delay; ~~and~~
 - ~~grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date.~~
- All of these policies should apply unless the ~~adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole~~ application of any other policy in this Framework in any case has the effect of disallowing or requiring refusal of development.

Where there are no relevant local plan policies, applications should be determined in accordance with the relevant policies in this Framework, and any other material consideration.

Core planning principles

19. A set of core land-use planning principles should underpin both plan-making and development management and should be taken into account by all those engaged in the planning system, from local authorities and developers through to communities. These principles are:

- planning should be genuinely plan-led, with succinct Local Plans setting out a positive long-term vision for an area. These plans should be kept up to date and should provide a practical framework within which decisions on planning applications can be made with a high degree of certainty and efficiency
- Plans should take account of the range of effects, both positive and negative, of development on society, the economy and the natural and historic environment.
- Plans should be properly based on analysis and evidence, and policy makers should exercise soundly based judgement when the evidence is uncertain.
- Local planning authorities should take full account of the need for transparency, information and participation.¹⁶
- planning should proactively drive and support the development that this country needs. Every effort should be made to identify and meet the housing, business, natural environment and other development needs of an area, and respond positively to wider opportunities for growth.

~~Decision-takers at every level should assume that the default answer to development proposals is “yes”, except where this would compromise the key sustainable development principles set out in this Framework~~

- planning policies and decisions should take into account local circumstances and market signals such as land prices, commercial rents and housing affordability. Plans should set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business community, whilst ensuring that new development takes place within environmental limits
- in considering the future use of land, planning policies and decisions should take account of its environmental quality or potential quality regardless of its previous or existing use
- planning policies and decisions should seek to protect and enhance environmental and heritage assets in a manner appropriate to their significance, and reduce pollution. Where practical and consistent with other objectives, allocations of land for development should prefer land of lesser environmental value
- planning policies and decisions should make effective use of land, promote mixed use developments that create more vibrant places, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can

¹⁶ Taken from PPS1, paragraphs 26 – 27.

perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production)

- planning policies and decisions should enable the reuse of existing resources, such as through the conversion of existing buildings, and encourage, rather than restrict, the use of renewable resources (for example, by the development of renewable energy)
- planning policies and decisions should actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable
- planning policies and decisions should take account of and support local strategies to improve health and wellbeing for all; and
- planning policies and decisions should always seek to secure a good standard of amenity for existing and future occupants of land and buildings.

Environmental assessment

34. Planning policies and decisions should be based on up-to-date information about the natural environment and other characteristics of the area. Working with Local Nature Partnerships where appropriate, this should include an assessment of existing, and potential components of ecological networks. A sustainability appraisal should be an integrated part of the plan preparation process, and should consider all the likely significant effects on the environment, economic and social factors.

Planning strategically across local boundaries

Local planning authorities should work collaboratively with other bodies to ensure that strategic priorities across local boundaries are properly co-ordinated and clearly reflected in individual Local Plans^[2]. They should take account of different geographic areas, including travel-to-work areas and ecological networks. In two tier areas, county and district authorities should cooperate with each other on relevant issues. Local planning authorities should work collaboratively on strategic planning priorities to enable delivery of sustainable economic growth in consultation with Local Enterprise Partnerships, and the protection and enhancement of the natural environment in consultation with Local Nature Partnerships; and the delivery of low-carbon and renewable energy.

Minimise vulnerability to climate change and manage the risk of flooding

154. Local plans should fully consider the implications of climate adaptation over the long term including factors such as heat stress and flooding. Local planning authorities should ensure a robust and proportionate evidence base. New development should be planned to avoid increased vulnerability to impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.

Natural environment

Objectives

163. The Government's objective is that planning should help to deliver a healthy natural environment for the benefit of everyone and safe places which promote wellbeing. The Government has set out its policy objectives in the Natural Environment White Paper and local plans should support these objectives. Local planning authorities should ensure that the natural environment, including all the countryside, is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources including soil and food production capacity, and to ensure it may be enjoyed by all.
164. To achieve this objective, the planning system should aim to conserve and enhance the natural and local environment as a whole by:
- ~~protecting valued landscapes~~
 - preferably avoiding, or minimising impacts on biodiversity and landscape,
 - ~~and~~ providing net gains in biodiversity and countryside quality, where possible and supporting the growth of ecological networks; and
 - preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability.
165. In preparing plans to meet development requirements, the aim should be to avoid (the preferred option) or minimise adverse effects on the local and natural environment. ~~Plans should allocate land with the least environmental or amenity value where practical, having regard to other policies in the Framework including the presumption in favour of sustainable development. Plans should be prepared on the basis that objectively assessed development needs should be met, unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.~~
166. To this end, local planning authorities should set criteria based policies against which proposals for any development on or affecting sites of importance for biodiversity ~~protected wildlife sites~~ or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites.

Protect valued and enhance landscape

167. Local planning authorities should:
- set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure

- maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast. Development rarely needs a coastal location and should only take place on the undeveloped coast in exceptional circumstances.

- Set policies to ensure the protection and enhancement of particularly important or locally valued areas of landscape, where these have been rigorously assessed, and can be justified in accordance with their significance and the presumption in favour of sustainable development. Local or strategically important green spaces should be protected using the Local Green Space designation (see below).

- Best and most versatile agricultural land should be developed only in exceptional circumstances, and should otherwise be designated and protected for agricultural, wildlife conservation, or landscape purposes.

~~take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality, except where this would be inconsistent with other sustainability considerations or the Local Plan's growth strategy and where poorer quality land is unavailable or unsuitable~~

- ~~give great weight to protecting the~~ landscape and scenic and natural beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty should have the highest level of protection, and regard should also be had to the setting of these areas. The conservation of wildlife and cultural heritage should be given great weight ~~are important considerations~~ in all these areas, ~~and should be given great weight in National Parks and the Broads.~~ Planning permission should be refused for major developments in designated areas except in exceptional circumstances where it can be demonstrated they are in the public interest. Consideration of such applications should be subject to the most rigorous examination and include an assessment of:
 - the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the ~~local~~ economic and social well-being on the area
 - the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; ~~and~~
 - any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated; and
 - the environmental standards to which any development will be carried out. High environmental standards should be expected if any development is granted planning permission.

Minimise impacts on biodiversity and geodiversity

168. Planning policies should:

- take account of the need to plan for biodiversity at a landscape-scale across local authority boundaries
- identify and map components of the local ecological networks, including: international, national and local sites of importance for biodiversity, and areas identified by local partnerships for habitat restoration or creation, including Nature Improvement Areas
- ~~promote-ensure~~ the ~~preservation~~protection, restoration and re-creation of priority habitats, and ecological networks and the recovery and protection of priority species populations, linked to national and local targets, where applicable; and identify suitable indicators for monitoring biodiversity in the plan; and
- aim to prevent harm to geological conservation interests.

169. When determining planning applications in accordance with the Local Plan and the presumption in favour of sustainable development, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused
- development proposals where the primary objective is to conserve, ~~or~~ enhance or biodiversity should be permitted
- opportunities to incorporate biodiversity in and around developments should be encouraged
 - planning permission should be refused for development likely to have an adverse effect on a SSSIs (either individually or in combination with other developments) unless the benefits of the development at this site clearly outweigh the impacts on the SSSI and any broader impacts on the national network of SSSIs
 - planning permission should not normally be permitted for development likely to have an adverse effect on a Local Wildlife Site (either individually or in combination with other developments)
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, ~~unless the need for, and benefits of, the development in that location clearly outweigh the loss~~
- the following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation
 - listed or proposed Ramsar sites¹⁴; and
 - sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

Glossary

Brownfield land (formally referred to as previously developed land): Brownfield land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. This includes defence buildings, but excludes:

- Land that is or has been occupied by agricultural or forestry buildings.
- Land that has been developed for the purposes of: minerals extraction; spoil, dredgings or ash disposal; -or waste disposal by landfill ~~purposes where provision for restoration has been made through development control procedures.~~
- Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.
- Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).
- Land that fits the definition of 'Open Mosaic Habitat on Previously Developed Land'.
- Land that fits the definition of any habitat listed under Section 41 of the Natural Environment and Rural Communities Act (2006).
- Land that is designated as a Site of Special Scientific Interest or is defined as a Local Wildlife Site.