



Planning for nature: How the planning system can deliver for the environment

Introduction

Changes to the planning system offer an opportunity to harness planning and development to deliver better environmental outcomes. **One of the central purposes of land use planning should be to plan for nature.** The planning system can become an influential lever with which to tackle the interconnected crises of biodiversity loss and climate change and to meet the Government's environmental ambitions set out in the 25 Year Environment Plan and in the Environment Bill.

This requires an upping of ambition. Current environmental protections in the planning system and in the proposed planning reforms are designed mainly to prevent environmental harm. They have not been enough to halt the decline of nature, let alone turn the tide. Since 1970, 41% of British species have declined in abundance.¹ Without significant policy changes, drivers of land use change will have serious implications for the state of England's natural environment and its resilience to climate change.² A shift in the system is required: the planning system must go beyond minimizing and mitigating environmental impact and actually contribute to nature's recovery. To do this, the planning system must have the protection and restoration of the environment at its heart when making land use decisions, designing places and planning development.

The following five principles and policies, if built into the planning system, will ensure that planning and development contribute to a green recovery for nature, people, climate and the economy.

(1) Strengthen the legal duty for the planning system to deliver for the environment

One of the goals of land use planning is to achieve sustainable development, as stated in the National Planning Policy Framework (NPPF). However, the existing legal duty to promote 'sustainable development' set out in the Planning and Compulsory Purchase Act 2004 and the commentary on sustainable development in the NPPF are weak and poorly defined.^{3,4}

The statutory duty to promote sustainable development in the exercise of planning functions should be clarified to include explicit objectives for the recovery of nature and the achievement of net zero by 2050 and a duty to contribute to achieving these aims.

At the moment, the NPPF presumption in favour of sustainable development tends to favour short-term economic considerations over environmental objectives. It does not give sufficient weight to the fact that the social and economic needs of the future cannot be met unless the natural environment is in good condition. **The NPPF should be amended to include nature's recovery and net zero by 2050 as specific objectives of the planning system.** These goals should be embedded throughout the NPPF to ensure they apply at the plan-making and decision-making levels.

¹ State of Nature Report (2019): <https://www.rspb.org.uk/our-work/state-of-nature-report/>

² Land Use Futures: Making the most of land in the 21st century (2010): <https://www.gov.uk/government/collections/land-use-futures>

³ Section 39 of the Planning and Compulsory Purchase Act 2004

⁴ Chapter 2 of the National Planning Policy Framework

(2) Identify, protect, and restore existing sites for nature

The planning system should provide strict protection for the remaining fragments of priority habitat across the country through protected designated nature conservation areas. By making space for nature, the planning system can assist in delivering a strong and vital protected sites network to form the backbone of the Nature Recovery Network (NRN) and to contribute to the UK's commitment to protect 30% of land for nature by 2030. Effective area-based management and the meaningful delivery of 30x30 require both long-term protection and good management to ensure nature is in good or recovering condition in these areas. The network of Sites of Special Scientific Interest (SSSI) should be completed and the recommendations of the 2nd and 3rd UK SPA Reviews implemented. Development should be prohibited on irreplaceable habitats. Local Wildlife Sites should be afforded stronger and specified protection in the planning system and given greater recognition for management and resourcing. In the existing planning system, protection for all existing designations should be enhanced or, in the proposed zonal planning system, 'Highly Protected Areas' where development is strictly prohibited should be established.

Protection for nature in other designations such as Protected Landscapes should be strengthened in the planning system. The requirements to enhance the natural environment in these areas should be strengthened. Although there are many successful nature recovery projects in National Parks, there are also significant problems. Data from Natural England highlights that a lower percentage of SSSIs are in favourable condition (25.3%) than the national average (38.5%).⁵ Landscape designations could play an important role for nature's recovery if given a clear requirement to do so, including through the introduction of amended purposes, stronger statutory Management Plans with clear priorities and actions on nature recovery, and significantly greater resources, as recommended by the Glover Review.

(3) Identify and protect sites for nature's recovery

As Government makes progress in addressing the ecological crisis and implementing the 25 Year Environment Plan, more land should be brought into recovery for nature through habitat creation or restoration. While this land may at first be of low biodiversity value, through the regeneration of nature in these areas, this land has the potential to make important contributions to reversing the decline of nature, but only if it is protected in the long-term to secure those environmental benefits.

A new designation to protect these sites through the planning system is needed to secure the long-term environmental benefits of this land in recovery, putting it on a journey to potentially realising its contribution to the 30x30 target and helping link the most important sites for nature to form the Nature Recovery Network (NRN). **A new planning designation for the purposes of enabling the recovery of nature in which damaging development is limited and planning for habitat creation and other nature-based solutions can be streamlined could be identified through Local Nature Recovery Strategies.**

⁵ Raising the bar: improving nature in our National Parks (2018):

<https://www.cnp.org.uk/sites/default/files/uploadsfiles/Raising%20the%20bar%20improving%20wildlife%20in%20our%20National%20Parks.pdf>

(4) Ensure nature's recovery across the landscape in all areas

The state of nature cannot be improved by focusing only on formally protected areas. Important habitats also exist outside designated sites, including crucially important undesignated priority habitats.

The planning system should ensure that the need to enhance the natural environment is considered everywhere. **Strategic planning, complemented by site-specific survey work, is a key tool in identifying important areas for nature. Strategic planning should implement the mitigation hierarchy by steering inappropriate developments away to more suitable locations in order to avoid causing lasting environmental damage.** Decision-makers should apply the mitigation hierarchy strategically and locally when assessing the locations of plans and developments to first avoid causing environmental harm. At the plan and project level, comprehensive, early, and expert-led implementation of SEA and EIA are vital tools in reinforcing the mitigation hierarchy.⁶ Development should be avoided on Green Belts.

Good strategic planning should ensure effective operation beyond and across the boundaries of local authorities to reflect the way in which natural systems work. Local Nature Recovery Strategies (LNRSs) established by the Environment Bill have the potential to be an important tool of strategic coordination and prioritisation, based on integrated local and national environmental data. At the moment, however, that potential is unlikely to be realised because the LNRSs are not given sufficient sway in the planning system or in individual planning decisions. **LNRSs should be legally embedded into the planning system as the environmental basis for strategic planning.** Specifically, they should be recognised as formal planning documents and the proposed legal duty to take LNRSs into account in planning decisions should be strengthened. At the strategic level, LNRSs can provide a spatial plan for nature now and in the future to help direct development to meet the first avoidance stage of the mitigation hierarchy at a strategic level.

Following the mitigation hierarchy, after ensuring that any plans or developments that proceed have avoided environmental impacts and minimised any environmental harm, **the planning system should require that development actually restore and enhance nature.** The Government has recognised the potential for development to contribute to nature's recovery in its landmark Biodiversity Net Gain policy. At the moment, however, a significant amount of major development is excluded from the proposed policy of requiring biodiversity net gain, an omission that will have a high cost for nature.⁷ All development, including major infrastructure projects and permitted development, should contribute to nature's recovery through required Biodiversity Net Gain to provide and enhance local nature-rich green spaces.

Nature must be integrated in all developments and places through sustainable design, green infrastructure and ring-fenced developer contributions for local nature recovery. The planning system should require and promote ambitious design policies and green infrastructure standards by setting them out in the NPPF and National Model Design Code and giving them legislative backing

⁶ More detail on Link's proposals to improve SEA and EIA can be found here:

<https://www.wcl.org.uk/docs/Link%20SEA%20and%20EIA%20briefing%20FINAL.pdf>

⁷ Habitat loss from major infrastructure projects (2021):

https://www.wcl.org.uk/docs/assets/uploads/Habitat_loss_from_major_infrastructure_projects_The_case_for_action_April_2021.pdf

within the Planning Bill. These must be effectively translated into local policy and design codes, informed by ecological expertise and genuine community contributions. Development should also make a contribution to the provision of nature-rich locally accessible green spaces, additional to the delivery of BNG and strategic biodiversity mitigation schemes to address harm from new developments to the National Sites Network. Developer contributions are vital sources of funds for local authorities to secure wider nature conservation benefits for the beauty, health, and wellbeing of their communities. Bespoke and ring-fenced developer contributions should contribute to the management and recovery of local nature, for the benefit of people and communities.

(5) Deliver high-quality environmental decision-making based on adequate resources, expertise, data, and local community engagement

At the moment, poor decision-making, delays and excessive costs often arise in the planning system due to a lack of capacity and resources in local planning authorities, a dearth of high quality environmental data or a failure to integrate that data in decision-making. The planning system should be underpinned by sufficient resources and expertise, accurate and timely environmental data, and local community engagement to ensure the consistency and quality of all land use planning decisions. Timely delivery of planning decisions requires certainty and the reduction of risk, which are facilitated by full information and expert implementation.

At both the strategic level and the local level, **well-resourced and expert bodies are vital to delivering timely, consistent and good planning decisions for nature, climate, planning applicants and communities**. However, planning authorities are currently stretched for capacity⁸ and lack sufficient expertise, with 65% having no in-house ecological expertise.⁹ The promised resources and skills strategy for the planning sector must be followed by sufficient investments in capacity and expertise (including ecological expertise) to ensure the planning system delivers good outcomes for nature, as well as timely and consistent outcomes for all actors involved.

The planning system should be founded on environmental data: **good planning decisions require high quality, accurate and up to date environmental information and sufficiently resourced information infrastructure**. Strategic-level data must be improved, but not as a substitute for vital site-specific surveys. Environmental data should be enhanced through a requirement for the collection and dissemination of project post-implementation monitoring data. Environmental information and data generated by SEA and EIA and other proprietary data should be available and usable for other purposes, for example to help inform LNRSs and Historic Environment Records. The Government's proposed Natural Capital and Ecosystem Assessment will make a welcome contribution to environmental data. However, it is no substitute for local environmental expertise. At the same time, the Government's proposals for zonal planning would mean that environmental data is less integrated in actual decisions, as zones risk "whitewashing away" the subtleties of local environmental data, knowledge and planning. Investment is required to improve environmental information infrastructure to aid in integrating local and national environmental datasets and to make environmental data available to decision-makers.

⁸ LGA response to the PWP consultation (2020): <https://www.local.gov.uk/parliament/briefings-and-responses/lga-submission-ministry-housing-communities-and-local-2>

⁹ ALGE Report on Impact of Spending Cuts (2011): <https://www.alge.org.uk/publications-and-reports/>

Community engagement should be central to the planning system. **Meaningful democratic public consultation on environmental decisions is not only required by the UK's commitment to the Aarhus Convention, but also helps deliver positive outcomes for nature.** Local knowledge and nuance can identify important habitats and species and communities are often the last line of defence in protecting nature.

Executive summary

To ensure good environmental outcomes, the planning system should:

- Be held to account through a strengthened legal duty to contribute to nature's recovery and the achievement of net zero by 2050
- Reinforce protection for the most important sites for nature, including through 'Highly Protected Areas' by completing the network of SSSIs and by providing stronger and specified protection for Local Wildlife Sites
- Identify a new planning designation for the purposes of enabling the recovery of nature
- Ensure the recovery of nature in all areas by legally embedding Local Nature Recovery Strategies in the planning system as the basis of strategic planning, by applying the mitigation hierarchy (first avoiding environmental harm) and by requiring all development to contribute to nature's recovery
- Be founded upon well-resourced and expert bodies, accurate and timely environmental data, and meaningful democratic consultation with local communities

By embedding the environment in the planning system with these five key principles, land use planning can deliver good environmental outcomes and ensure the long-term sustainability of society.

For questions or further information please contact:

Emma Clarke, Policy and Information Coordinator, Wildlife and Countryside Link

T: 020 8078 3581 E: emma.clarke@wcl.org.uk

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