

## Link response to NPPF and NMDC consultation 27.03.2021

Note: This will be an online response to survey questions.

### National Planning Policy Framework

#### Chapter 2: Achieving sustainable development

##### Q1. Do you agree with the changes proposed in Chapter 2?

Wildlife and Countryside Link (Link)\* welcomes the proposed changes in Chapter 2. However, we propose several amendments to ensure the NPPF delivers the ecologically sound and zero carbon planning and development required to recover nature, mitigate and adapt to climate change and improve human health and wellbeing. The Building Better Building Beautiful Commission's (BBBBC) 'Living with Beauty' report is clear that sustainability and health are closely linked to beauty and placemaking.

Paragraph 7: We welcome the reference to the UN Sustainable Development Goals. However, it is important that these goals are seen to be relevant for national and local planning policy and decision-making. By referring them as being at a very high level, the NPPF does not achieve this. We would suggest the phrase, "In order to achieve the objective of sustainable development," instead of "At a similarly high level." In addition, this should not be the sole reference in the NPPF to the SDGs. The SDGs should be embedded throughout the revised NPPF to ensure they apply at the plan-making and decision-making levels. We suggest the inclusion of a link listing and describing the UN SDGs in the text or in a footnote of the NPPF: <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>.

Paragraph 8(b): The inserted term 'beauty' must be clearly defined in policy to recognise the importance of nature and sustainability to beauty, as suggested in the BBBBC's 'Living with Beauty' report.

Paragraph 8(c): We support the change to emphasise the role of the planning system to protect and enhance the natural and historic environment and to improve biodiversity in order to foster healthy functioning ecosystems that support social, economic and ecological resilience. However, we suggest adding a reference to recovering the environment to align with the 25 Year Environment Plan: "to protect, enhance *and recover* our natural, built and historic environment."

Paragraph 11(a): While we support the proposed amendment, in light of the Government's aspirations to restore and recover the natural environment and to enhance biodiversity, there should also make express references to these aims. Paragraph 11(a) should be further amended to read: "All plans should ~~promote~~ *achieve* a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; *protect*, improve *and restore* the environment *and protect and enhance biodiversity and healthy functioning ecosystems...*" In order to ensure plans and decisions follow the intention of this paragraph amendment through into practice, it will be important to ensure that annual reports are used to monitor progress towards net zero and delivering the 25 Year Environment Plan, and not just on housing delivery and targets.

In addition, the role of planning in addressing climate change should be much more clearly defined and we suggest including the following wording: "*Achieving sustainable development includes securing the mitigation of, and adaptation to, climate change. All planning strategies, and the decisions taken in*

*support of them, must reflect the ambition to help business and communities build a zero carbon future and prepare for the impacts of climate change. Accordingly, all planning policies and decisions must be in line with the objectives and provision of the Climate Change Act 2008, including the 2050 net zero carbon target.”*

We are concerned about the process of this consultation and other planning changes. It is not clear how these proposed changes to the NPPF will sit in the wider planning context, given how quickly it is changing due to ongoing planning reforms, changes to EIA and SEA, and proposals to extend permitted development rights<sup>1</sup> – the latter which has also been criticized by the BBBBC’s ‘Living with Beauty’ report. We are concerned that the proposals in this consultation cannot be properly evaluated given the uncertainty of the wider planning context and that the fast pace of change across the planning system results in a lack of scrutiny of these and other proposals.

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### **Chapter 3: Plan-making**

#### **Q2. Do you agree with the changes proposed in Chapter 3?**

Wildlife and Countryside Link (Link)\* supports amendments to paragraph 20 but disagrees with proposed changes to paragraph 35(d).

Paragraph 20: We support the proposed changes that reflect that planning is about place-making, not just development. Well-designed and beautiful places are also about nature-rich accessible green spaces and green infrastructure and sustainable zero carbon development – as acknowledged by the BBBBC’s ‘Living with Beauty’ report. Just as the planning system makes space for development, the planning system must make space for nature. However, revisions in this section miss the opportunity to connect the NPPF with government’s ambitions to achieve net zero and nature’s recovery. Strategic policies (paragraph 20) should include planning measures to achieve nature’s recovery and net zero as well as mitigation and adaptation. However, while strategic policies like design codes should help raise standards, they cannot replace other detailed scrutiny at the strategic site allocation stage and later stages.

Paragraph 35(d): We disagree with the proposed change and suggest removing the proposed added phrase “and other statements of national planning policy, where relevant.” It is unclear how National Policy Statements for developments approved through the NSIP process and National Spatial Frameworks produced for sub-regional strategies like the Oxford Cambridge Arc will sit alongside the NPPF, which should to direct all planning policy across the country. We are concerned this proposal

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<sup>1</sup> These include recent changes to (and further amendments proposed to) permitted development rights, especially to enable the delivery of new residential dwellings via a change of use from offices (B1 – since 2012), more recently retail (class M – 2019) and from commercial uses (proposed ‘class E’ from August 2021).

could undercut national planning policy, risk future uncertainty of planning policy, and undermine local democracy and input about local planning strategies.

It is also worth noting here that the Government's proposals to expand permitted development rights, in particular the change of use classes within urban centres, threatens the delivery of this chapter's aims.

In general, we are concerned about the process of this consultation and other planning changes. It is not clear how these proposed changes to the NPPF will sit in the wider planning context, given how quickly it is changing due to ongoing planning reforms, changes to EIA and SEA, and proposals to extend permitted development rights<sup>2</sup> – the latter which has also been criticized by the BBBBC's 'Living with Beauty' report. We are concerned that the proposals in this consultation cannot be properly evaluated given the uncertainty of the wider planning context and that the fast pace of change across the planning system results in a lack of scrutiny of these and other proposals.

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#### **Chapter 4: Decision making**

##### **Q3. Do you agree with the changes proposed in Chapter 4? Which option relating to change of use to residential do you prefer and why?**

Wildlife and Countryside Link (Link)\* disagrees with the proposed changes in Chapter 4. We do not agree with either option regarding changes to the Article 4 directions in paragraph 53 – we suggest there should be no change to the Article 4 directions.

Paragraph 53: Article 4 directions allow local planning authorities to protect important natural or heritage sites and to preserve the local character of conservation areas, landscapes and towns. They are important tools for local planning authorities and communities to input to local planning by restricting permitted development rights.

There should be no narrowing of Article 4 directions, especially given the recent consultation on 'Supporting housing delivery and public service infrastructure' that proposed changes of class use and the extension of permitted development rights. PDR developments can go ahead without adhering to the proposed NMDC and without a requirement to provide green infrastructure to support the additional residents in an area due to expanded developments under PDR and residential conversions. Article 4 directions in this context provide a valuable mechanism for councils to ensure key areas that are unsuitable for PD conversion (perhaps due to their geographical periphery, or their key nature as important commercial, office, retail units) are not lost to housing). This is especially the case where their

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loss would lead to further reductions in the overall sustainability of such areas reducing local residents' to access local services and facilities).

Contrary to the Government's aim to integrate 'beauty' into the planning system and the design of developments, permitted development rights frequently deliver poor-quality developments. CPRE's Housing Design Audit with the Place Alliance (<http://placealliance.org.uk/research/national-housing-audit/>) found that the majority of new housing development design is either 'poor' or 'mediocre.' These findings were echoed in the BBBBC's 'Living with Beauty' report, which commented that PDR for residential development "inadvertently permissioned future slums" (p. 69). The report also cites a loss of betterment payments (for affordable housing), an absence of beauty or any design requirements, highlights the unsustainable locations where housing conversion has taken place and recommends 'Policy Proposition 8' to address these (and other) crucial oversights. The key point is that these NPPF revisions fail to capture the above BBBBC recommendations – showing in part how disparate the planning system is, and how the same issues linked to a lack of beauty and design in PDR will remain despite these generally positive changes to the NPPF.

This proposed change to Article 4 directions is an example of Link's concern of the quickly changing wider planning context. It is challenging to evaluate proposed changes to the NPPF given the scale and pace of change facing the wider the planning system, including the Planning White Paper reforms, changes to SEA and EIA, and proposals to further extend permitted development rights.

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## **Chapter 5: Delivering a wide choice of high quality homes**

### **Q4. Do you agree with the changes proposed in Chapter 5?**

Wildlife and Countryside Link (Link)\* supports the suggested revisions to Paragraph 73 to ensure a genuine choice of transport mode, including sustainable transport, but notes that it could be strengthened with more specific prioritisation of active travel and public transport.

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## **Chapter 8: Promoting healthy and safe communities**

### **Q5. Do you agree with the changes proposed in Chapter 8?**

Paragraph 97: Wildlife and Countryside Link (Link)\* agrees with the proposed change in Chapter 8 to new paragraph 97 and welcomes the recognition of the interconnected benefits of protecting and enhancing local nature-rich green spaces for climate change mitigation and adaptation and for human health and wellbeing. We propose a change to new paragraph 97 to strengthen the link between public health and wellbeing and access to green spaces delivered through the planning system: “Access to a network of high quality open spaces and opportunities for sport and physical activity is *essential* for the health and wellbeing of communities.” Local design codes should seek to set out specific minimum standards for access to high quality green and blue spaces.

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## **Chapter 9: Promoting sustainable transport**

### **Q6. Do you agree with the changes proposed in Chapter 9?**

New paragraph 105(d): Wildlife and Countryside Link (Link)\* welcomes the proposed amendment and we suggest a further reference to the opportunity to integrate high quality walking and cycling networks with green and blue infrastructure, providing benefits to people and nature.

We also suggest further amendments to this chapter to clarify that no new major car-dependent development should be allowed.

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## **Chapter 11: Making effective use of land**

### **Q7. Do you agree with the changes proposed in Chapter 11?**

Wildlife and Countryside Link (Link)\* welcomes the proposed change in Chapter 11.

New paragraph 124: We support the emphasis on the role of the planning system in creating beautiful and sustainable places. Nature is an important aspect of beauty, as set out in the BBBBC’s ‘Living with Beauty’ report. Local nature-rich green spaces and green infrastructure, providing benefits to people and nature. Especially since the COVID-19 pandemic, people in England overwhelmingly (89%) saw access to nature-rich green space as improving their health, wellbeing and happiness (‘Recovering Together’ 2020, RSPB). To emphasise the importance of these land use policies in creating beautiful and sustainable places, we suggest the following amendment: “Area-based character assessments, codes

and masterplans can be helpful tools in helping to ensure that land is used efficiently ~~while also creating~~ *to create* beautiful and sustainable places.”

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## **Chapter 12: Achieving well-designed places**

### **Q8. Do you agree with the changes proposed in Chapter 12?**

Wildlife and Countryside Link (Link)\* agrees with the changes proposed in Chapter 12. In particular, we welcome the Government’s proposal for a National Model Design Code with strong community engagement to reflect the character of local areas.

New paragraph 127: We recommend that the “suitable degree of variety” in relation to the level of prescription within design codes includes reference to meeting, and where possible exceeding, locally and nationally set minimum standards. For example, design codes could set expectations of development that should exceed the 10% minimum biodiversity net gain outlined in the Environment Bill, including by setting higher BNG targets.

New paragraph 128: We welcome new paragraph 128 in giving communities a greater say in the design standards for their area. However, the community engagement approach is not clearly defined in this paragraph in the NPPF nor the National Model Design Code. There should be clarity as to the level, extent and nature of community engagement to ensure the corresponding policies are truly democratic and informed by local communities. In addition, we are concerned about the capacity and expertise that genuine community engagement will require on the part of local authorities. We would also like to add a reference to this paragraph to ensure that strategies for protecting and enhancing biodiversity are built into development from the outset: “All guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in, *for example*, the National Design Guide and the National Model Design Code; *and Local Nature Recovery Strategies, and Local NRN maps and local tree and woodland strategies.*”

Finally, we note the proposed wording potentially allows applicants to prepare design codes for sites they wish to develop. We would insist such an approach is caveated to only be allowed a) where there is an absence of an existing code for the wider area; b) where there is public consultation on such proposals and c) where the council is happy the site code is appropriate. This is to ensure the design of such proposals truly links to local vernaculars and include principles the local community is happy to accept.

New paragraph 130: We also support the proposed new paragraph 130 on trees and street trees. Trees support efforts to address biodiversity loss and the climate emergency, while improving our own health and wellbeing, and are thus essential to wider green space and green infrastructure. However, ‘whenever possible’ provides too broad a loophole to remove existing trees. Existing trees are important to preserve, with a higher ecological value and climate storage potential than newly planted trees. We

suggest a footnote that clarifies the phrase ‘whenever possible’ to mean ‘unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.’ Also, we suggest an amendment clarifying any planting should ensure the right trees in the right places. Any new planting should prioritise locally native tree species in keeping with the surrounding natural habitat, informed by expert consultation of the local environmental evidence base, including a Local Nature Recovery Strategy or Nature Recovery Network map. Furthermore, the intentions of the policy could be reinforced by adding references to hedgerows. Many existing hedgerows are protected within the planning system via the Hedgerow Regulations and many also contain trees within them. There should be a presumption against removing existing hedgerows, and the incorporation and/or addition of new hedgerows in new developments should also be encouraged.

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### **Chapter 13: Protecting the Green Belt**

#### **Q9. Do you agree with the changes proposed in Chapter 13?**

Wildlife and Countryside Link (Link)\* supports the suggested changes to new paragraph 149(f).

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### **Chapter 14: Meeting the challenge of climate change, flooding and coastal change**

#### **Q10. Do you agree with the changes proposed in Chapter 14?**

New paragraph 160(c): Wildlife and Countryside Link (Link)\* strongly supports the proposal in Chapter 14 to new paragraph 160(c) that recognises that green infrastructure plays an important role in mitigating both the causes and impacts of flooding. Wherever possible, new development should provide green infrastructure to mitigate flooding risk as well as provide benefits to nature’s recovery and human health and wellbeing. Local Nature Recovery Strategies can help identify locations where natural flood management solutions may also have biodiversity benefits.

While we support the above changes, an opportunity has been missed to align national planning policy with wider binding climate change requirements, as well as advice from the Committee on Climate Change, in respect of onshore wind. With the CCC advising that electricity from low-carbon sources will need to quadruple in order to deliver the UK’s commitment to become a Net Zero emissions economy by 2050, the decision to retain footnote 53 is difficult to understand. While offshore wind farms may

play a part in delivering this target, the role of onshore wind should not be ignored. The footnote should be removed.

New paragraph 168: Not just major developments, but also minor developments should incorporate sustainable drainage systems (SuDS). Minor developments (between one and nine dwellings) make up around 90% of planning applications and are mainly infill development (which would otherwise connect to heavily-constrained urban drainage systems). Current planning policy misses the opportunity to integrate SuDS into minor developments and potentially deliver much greater benefits by reducing surface water flooding and reducing the operation of combined sewer overflows. New developments should be required to include SuDS, where appropriate and that meet national and local standards, in order to connect surface water run-off to existing sewer systems (under Section 106 of the Water Industry Act 1991). Government's failure to implement Schedule 3 of the Flood and Water Management Act is also a contributing factor to poor uptake of SuDS. Clear mechanisms for SuDS approval and adoption are required to promote the uptake of SuDS which are important measures in reducing flood risk and pollution risk and providing crucial green space within developments.

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## **Chapter 15: Conserving and enhancing the natural environment**

### **Q11. Do you agree with the changes proposed in Chapter 15?**

Wildlife and Countryside Link (Link)\* welcomes the proposed changes to Chapter 15.

New paragraph 175: We particularly welcome the additional wording in new paragraph 175 which refers to the need for development within the settings of designated landscapes to be sensitively located and designed so as to avoid adverse impacts on the designated landscapes themselves. This will help protect these areas from potentially damaging development on, and close to, their boundaries.

New paragraph 179(d): We also welcome the amendments to new paragraph 179(d) that recognize the opportunities of protecting and enhancing the environment for improving biodiversity, public access to nature, and human health and wellbeing. However, improving biodiversity and enhancing public access to nature will not always be compatible in the same area. Not all measures to implement biodiversity net gain will enhance public access, and vice versa. To clarify this distinction, we suggest the following wording: "development whose primary objectives is to conserve or enhance biodiversity should be supported; while other opportunities to improve biodiversity in and around other developments should be pursued as an integral part of their design, especially where ~~this can secure~~ measurable net gains for biodiversity *can be secured* and/or where ~~enhance~~ public access to nature *can be enhanced*."

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## **Chapter 16: Conserving and enhancing the historic environment**

### **Q12. Do you agree with the changes proposed in Chapter 16?**

No comment.

## **Chapter 17: Facilitating the sustainable use of minerals**

### **Q13. Do you agree with the changes proposed in Chapter 17?**

Wildlife and Countryside Link (Link)\* sees this consultation as the perfect opportunity to align the NPPF better with the binding climate change mitigation principles of the s19(1A) duty<sup>3</sup> in relation to coal. While it is clear that decision-makers look to local plans in the first instance, national planning policy also plays a powerful role in terms dictating the direction of travel for large greenhouse gas (GHG) emitting developments (e.g. coal extraction).

While the current wording of paragraph 211 is already negatively worded towards the extraction of coal, it fails to address specific and direct impacts for UK and global greenhouse gas emissions resulting from such development linked to climate reductions obligations (re Climate Change Act 2008 and UK Carbon Budgets).

Wales' coal policy (see paragraph 5.10.14 of Planning Policy Wales 11<sup>4</sup>) takes a more overt stance, in part due to new coal mine applications coming forward, but also in light of stricter GHG targets, the decarbonisation of the power sector, realisation of the narrowing timeframe for emissions reduction and as economic arguments for coal are rapidly vanishing. The policy reads as follows:

Proposals for opencast, deep-mine development or colliery spoil disposal should not be permitted. Should, in wholly exceptional circumstances, proposals be put forward they would clearly need to demonstrate why they are needed in the context of climate change emissions reductions targets and for reasons of national energy security.

In light of the publication of the CCC's 6<sup>th</sup> Carbon Budget Pathway earlier this year, and with live applications for coal extraction circumventing the existing tests in paragraph 211<sup>5</sup>, our view is the NPPF's position on coal extraction should be formally linked to binding UK Carbon Budgets, better representative of the government's net-zero expectations – and those of the international community<sup>6</sup> - in this regard. Our recommended text is below:

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<sup>3</sup> <https://www.legislation.gov.uk/ukpga/2004/5/section/19>

<sup>4</sup> [https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11\\_0.pdf](https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf)

<sup>5</sup> Whitehaven Mine - which has now been called-in by the SOS (CLG) linked to the need to "explore" the implications of the 6<sup>th</sup> Carbon Budget:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/968840/Call\\_in\\_letter\\_lpa\\_redacted.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/968840/Call_in_letter_lpa_redacted.pdf)

Also, application link here: <https://planning.cumbria.gov.uk/Planning/Display/4/17/9007>

<sup>6</sup> <https://www.independent.co.uk/climate-change/news/john-kerry-cop26-cumbria-mine-coal-b1814428.html>

~~“216. Planning permission should not be granted for the extraction of coal, unless in *wholly exceptional circumstances* – a) the proposal is considered environmentally acceptable *specifically with regards to the achievement of binding UK greenhouse gas emissions reductions targets*, or can be made so by planning conditions or obligations; or b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts).”~~

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## **Glossary**

### **Q14. Do you have any comments on the changes to the glossary?**

Wildlife and Countryside Link (Link)\* supports the proposed change of definition of green infrastructure as set out in the new national framework of green infrastructure standards.

A definition of beauty, as inserted in paragraph 8(b) and elsewhere in the revised NPPF, is missing from the glossary. Beauty must be clearly defined in policy or associated planning guidance to recognise the importance of nature and sustainability to beauty, as suggested in the Building Better, Building Beautiful Commission’s ‘Living with Beauty’ report.

We also suggest the inclusion in the glossary of a definition of the UN Sustainable Development Goals, including a list of all the Goals: <https://www.un.org/sustainabledevelopment/sustainable-development-goals/>.

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## **National Model Design Code**

### **Q15. We would be grateful for your views on the National Model Design Code, in terms of**

- a) the content of the guidance**
- b) the application and use of the guidance**
- c) the approach to community engagement**

Wildlife and Countryside Link (Link)\* welcomes the Government’s development of the National Model Design Code but we would like to raise a number of issues.

### **a) the content of the guidance**

The NMDC does not recognise the importance of nature and biodiversity in mitigating and adapting to climate change and in achieving the other characteristics of well-designed places. Investments in green infrastructure and restoring the natural environment to enhance biodiversity produce both climate and human health and wellbeing benefits. Recovering nature, mitigating and adapting to climate change, and achieving social justice should be a key foundation of the design approach. Link suggests a stronger focus and concrete references about the value and benefits of green space and enhancing the natural environment to placemaking in the NMDC. The NMDC should reflect the Government's policies that already recognise the importance of local green spaces in connecting and enhancing habitats, for example, Local Nature Recovery Strategies and the Nature Recovery Network.

The NMDC also lacks reference and detail on how landscape character will be taken into account in the design process, an important aspect of protecting local natural and cultural heritage.

The guidance on the code should encourage local codes to think about where they can be specific. For example, in using access to green space standards, setting canopy cover targets and where a higher percentage of biodiversity net gain should be achieved.

The guidance of the code should go further to ensure design codes look to address direct and indirect impacts of development. For example, design codes should be a tool to go beyond minimum guidance on the use of buffer zones between development and ancient woodland.

Long-term monitoring of habitat mitigation and enhancement is essential to ensure short term biodiversity gain actually translates into long-term gain – yet it is unaddressed in the NMDC guidance notes. Design guidance should ensure long term maintenance and protection of new features as well as long-term stewardship of these features.

Paragraph 19: We would seek an amendment to paragraph 19 of the NMDC to make it clear that when developers and landowners do prepare their own design codes, guidance and masterplans, these must be in accordance with the NMDC and its related guidance and subject to full community engagement from the outset. Especially in the context of the wider planning reform, Link is concerned that without our proposed change, this paragraph could undermine the NMDC and its approach. All design codes, no matter who develops them, must meet standards of consultation and community engagement and align with minimum standards in national and local policies.

Page 7, Figure 2: We welcome the references in the nature section of this table, including water, SuDS, flood risk, street trees, biodiversity, net gain and provision of open space and networks of spaces. It should be made clear that this provision for open spaces should be for natural and nature-rich spaces, as many open and green spaces are lacking in nature.

Page 8, paragraph 30: We suggest the inclusion of Local Nature Recovery Network maps as part of this information base to inform design. We also recommend the following change to ensure local planning authorities consult the best available information: *“Local Planning Authorities may already hold this information, so it is possible that they will not need to carry out further analysis for the purpose of producing a design code, for other analyses such as ecology, external data sources should be consulted for the most comprehensive available information and new surveys may be required.”*

Page 18, paragraph 51(i): The NMDC states that the requirement for new green space should be based on the Government's open space and recreation guidance. However, while this guidance does recognise the benefits to ecology and health and wellbeing of some open space, it does not recognise the importance of making space for nature as set out in the Government's 25 Year Environment Plan, or reference or link to Local Nature Recovery Network maps or Strategies, protected sites, habitats and species, and other spaces for nature's recovery.

Page 32, paragraph 64(vi): We propose the inclusion of 'accessible natural green space' to this list of local service which new houses should be within walking distance.

### **b) the application and use of the guidance**

We have several comments regarding the implementation of the NMDC and the application and use of the guidance. Recognizing the already-stretched resources and capacity of Local Planning Authorities, we are concerned about the ability of LPAs to produce their own design codes and to ensure genuine community engagement. LPAs must be provided with sufficient resources and expertise to produce local design codes and to meaningfully engage with local communities. In addition, statutory consultees and environment NGOs face resourcing challenges as well in engaging with many codes and master plans concurrently.

When developers and landowners do prepare their own design codes, guidance and masterplans, these should only be allowed where there is an absence of an existing code for the wider area, they must be in accordance with the NMDC and its related guidance, and they must be subject to the same level of community engagement and public scrutiny that Local Plans are held to. All design codes, no matter who develops them, must meet standards of consultation and community engagement and align with minimum standards in national and local policies. The status of the document should be clearly referenced at the outset to make clear if it has any weight in future planning decisions.

We have concerns that the implementation of the NMDC may be limited by the proposed changes to reduce the scope of Article 4 directions, particularly given the recent Government proposal to extend permitted development rights. Planning for beautiful and high quality design requires local planning authorities to retain the ability to remove permitted development rights in order to successfully implement design codes and guidance.

Navigating the system is also likely to prove a challenge: design codes operating at different spatial scales must work together to avoid duplication while avoiding gaps. It will be necessary to ensure good signposting between different documents.

### **c) the approach to community engagement**

The NMDC should have a stronger approach to community engagement, that goes beyond just a consultation. Engagement should be an ongoing conversation throughout the planning cycle, not just an event, survey or process. The principle of the NMDC is to encourage early community engagement in the design of places and planning applications, and this should be reflected more strongly in the NMDC. However, early engagement of local communities in the production of design guides and codes should be in addition to, not a replacement for, a consultation when development comes forward. Local communities should have a say in the details of what happens in their area, not just the principles.

The community engagement approach is not clearly defined in this paragraph in the NPPF, nor the National Model Design Code. There should be clarity as to the level, extent and nature of community

engagement to ensure the corresponding policies are truly democratic and informed by local communities. In particular for master planning for large sites, there should be a requirement for wider community engagement. Public participation and engagement requires further capacity and skills on the part of local planning authorities.

PDR developments can go ahead without adhering to the proposed NMDC and without a requirement to provide green infrastructure to support the additional residents in an area due to expanded developments due to PDR and residential conversions. Contrary to the Government's aim to integrate 'beauty' into the planning system and the design of developments, permitted development rights frequently deliver poor-quality developments. CPRE's Housing Design Audit with the Place Alliance (<http://placealliance.org.uk/research/national-housing-audit/>) found that the majority of new housing development design is either 'poor' or 'mediocre.'

In general, Link is concerned about the process of this consultation and other planning changes. It is not clear how these proposed changes to the NPPF will sit in the wider planning context, given how quickly it is changing due to ongoing planning reforms, changes to EIA and SEA, and proposals to extend permitted development rights<sup>7</sup> – the latter which has also been criticized by the BBBBC's 'Living with Beauty' report. Link is concerned that the proposals in this consultation cannot be properly evaluated given the uncertainty of the wider planning context and that the fast pace of change across the planning system results in a lack of scrutiny of these and other proposals.

\*Wildlife and Countryside Link (Link) is the largest environment and wildlife coalition in England, bringing together 57 organisations to use their strong joint voice for the protection of nature and landscapes. This consultation response is supported by the following Link members: Association of Local Environmental Record Centres (ALERC), Bat Conservation Trust, Campaign for National Parks, Campaign to Protect Rural England (CPRE), Open Spaces Society, Royal Society for the Protection of Birds (RSPB), The Wildlife Trusts, and Woodland Trust.

### **Public Sector Equality Duty**

#### **Q16. We would be grateful for your comments on any potential impacts under the Public Sector Equality Duty.**

Wildlife and Countryside Link (Link)\* identifies there could be an Equality Impact implication on the community engagement process for the preparation of design codes, guidance, policies and masterplans. The current lack of clear guidance, resources, capacity, and tools for local planning authorities to carry out community engagement could result in differential opportunities in different areas and for different groups of people to participate in the design process. We are concerned this may result in the knowledge and preferences for design, beauty, sustainability and placemaking of some communities or groups of people being overlooked or left out. For example, digital-only approaches to community engagement on design may exclude some older people and some minority ethnic groups. Digital approaches must also ensure the inclusion of people with visual or motor disabilities.

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<sup>7</sup> These include recent changes to (and further amendments proposed to) permitted development rights, especially to enable the delivery of new residential dwellings via a change of use from offices (B1 – since 2012), more recently retail (class M – 2019) and from commercial uses (proposed 'class E' from August 2021).

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