

[Link response to Brownfield Passports working paper](#)

FINAL – 13 December 2024

Seeking sign on from members by Friday 20 December

Sign ons: Bat Conservation Trust, Buglife, CPRE – The countryside charity, Froglife, Open Spaces Society, National Forum for Biological Recording, PTES, The Wildlife Trusts

General feedback

Wildlife and Countryside Link agrees that many brownfield sites are suitable for development. National policy already promotes development on suitable brownfield land in order to reduce pressure on greenfield sites. Re-development on suitable brownfield sites could be further supported by tackling other factors such as implementation of national policy, costs and uncertainties of land remediation, land ownership, relative market appeal, and investment profitability. **However, a default ‘yes’ to development proposals on urban brownfield land, as proposed in this Brownfield Passports working paper, risks sites of high environmental value being lost.**

Sites should be assessed for their value and potential value for biodiversity and local communities on a case-by-case basis and not based on land classification. Other factors will also need to be considered to determine whether a particular site, including brownfield land, is a suitable location for homes or other identified needs, including whether it is a sustainable location from climate, transport, and economic perspective need to be considered along with whether there are other potential more beneficial uses. For example, providing local access to nature in urban areas which might lack good access to green and blue spaces and/or improving habitat connectivity across urban areas for wildlife.

The NPPF proposal to add ‘acceptability in principle’ to planning policies and decisions on brownfield land,¹ which was strengthened further in the Government’s response to the NPPF consultation and the new NPPF to ‘proposals on brownfield land should be approved unless substantial harm would be caused’² and the proposed Brownfield Passports, as set out in this working paper, which go even further to give a default ‘yes’ to developments on brownfield land, reduce or remove the opportunity for the decision-maker to identify high environmental value sites and weigh environmental and other considerations about a particular case in the planning balance. It would also make it more difficult for the decision-maker to make the best decision in line with sustainable development, because of first having to prove a case to disapply the ‘acceptance in principle,’ so outcomes could be unsuitable as well as unsustainable.

Brownfield sites can be very important for wildlife. Brownfield sites of high environmental value support a variety of early successional habitats and a high diversity of wildlife, in particular invertebrates, as well as birds, bats, amphibians and reptiles, and a variety of other species.

¹ https://www.wcl.org.uk/docs/Link_NPPF_consultation_response_Sept2024.pdf

² <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system/outcome/government-response-to-the-proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system-consultation>

Many brownfield sites are considered a Priority Habitat known as Open Mosaic Habitat on Previously Developed Land (OMHPDL).³

Brownfield sites are becoming increasingly important for many invertebrate species, supporting rare and threatened invertebrate assemblages found nowhere else. Rare and threatened species are found on brownfield sites, including the Shril Carder Bee, the critically endangered Distinguished Jumping Spider, and the Horrid Ground-weaver Spider, which is endemic to parts of the UK, all listed under section 41 of the NERC Act.⁴ Natural England research has indicated that at least 12-15% of nationally rare and scarce invertebrate species can be found on UK brownfields (and this figure is likely to be an underestimate).⁵ Protecting and recovering these sites will be important in achieving the Environment Act 2021 target to halt and reverse the decline of species by 2030 and 2042 respectively.

In order to identify brownfield sites of high environmental value, sites must be appropriately assessed on a site-by-site basis, with surveys by ecological experts.

Many wildlife-rich brownfield sites are already not recognised until late in the planning process. Buglife has vast experience of planning casework, engaging in hundreds of planning applications where OMHPDL or invertebrates associated with brownfield habitats are affected, and a common issue encountered is that the environmental value of the site is not identified until the planning application is submitted or when the layouts and plans have been finalised. This is likely due to a lack of definition of 'high environmental value brownfield land', a lack of up to date environmental information, and a dearth of ecological expertise and capacity at the local authority level.⁶

Unfortunately, this means that wildlife-rich brownfield sites are regularly being lost to development around England, despite their value to wildlife and to local communities. Further fast tracking or blanket approaches to development on all brownfield land, as Brownfield Passports propose, has the potential to harm brownfield habitats and species.

If the Government pursues Brownfield Passports, there must be an explicit exclusion for brownfield sites of high environmental value. This will require: 1) a specific definition of high environmental value brownfield land, in line with the definition of OMHPDL, 2) a review of the Open Mosaic Habitat Inventory by Natural England to ensure it is up to date, 3) appropriate ecological assessment by experts, including desk-based and site-based surveys, and 4) sufficient ecological expertise and capacity within local planning authorities to identify high environmental value brownfield sites and any impacts from development proposals.

Local Nature Recovery Strategies should also identify brownfield habitats as a strategic priority and shortlist species that have a strong dependency on brownfield sites, and so could be a useful resource in identifying high environmental value brownfield sites.

There should be an exclusion for any development proposals with adverse impacts in relation to nature's recovery, as well as 'in relation to flood risk and access,' as identified in the working

³ <https://data.jncc.gov.uk/data/a81bf2a7-b637-4497-a8be-03bd50d4290d/UKBAP-BAPHabitats-40-OMH-2010.pdf>

⁴ <https://cdn.buglife.org.uk/2024/09/Planning-for-Invertebrates-Brownfields-Buglife-Briefing-September-2024.pdf>

⁵ <https://publications.naturalengland.org.uk/publication/127046>

⁶ <https://www.alge.org.uk/wp-content/uploads/sites/15/2022/06/ALGE-ADEPT-Report-on-LPAs-and-BNG-2022.pdf>

paper. There should also be robust design coding to drive and ensure nature-friendly design, on any development proposals coming forward on suitable brownfield land.

Finally, there are other mechanisms which could support sustainable development on suitable brownfield land. Ensuring up to date and quality environmental information, such as the Open Mosaic Habitat Inventory, can help steer development proposals away from inappropriate sites for development. Sufficient planning and ecological capacity and expertise within local planning authorities is essential for scrutinising and consenting appropriate development proposals quickly. There is also research that demonstrates that it is not the planning system that is holding up the re-use of previously developed land (given there is already existing policy support for this), but other aspects of the planning and regeneration regime, including the effectiveness of PDL remediation funding and challenges with land ownership.⁷

We urge the Government to reconsider its commitment to Brownfield Passports and would welcome the opportunity to discuss these issues raised further.

Feedback on specific questions

- Could national policy be clearer if it were explicit that development on brownfield land within urban settlements is acceptable unless certain exclusions apply?

Wildlife and Countryside Link agrees that many brownfield sites are suitable for development. National policy already promotes development on suitable brownfield land in order to reduce pressure on greenfield sites. Re-development on suitable brownfield sites could be further supported by tackling other factors such as implementation of national policy, costs and uncertainties of land remediation, land ownership, relative market appeal, and investment profitability. However, a default 'yes' to development proposals on urban brownfield land, as proposed in this Brownfield Passports working paper, risks sites of high environmental value being lost. We urge the Government to reconsider its commitment to Brownfield Passports and would welcome the opportunity to discuss these issues raised further.

- What caveats should accompany any general expectation that development on brownfield land within urban settlements is acceptable?

If the Government pursues Brownfield Passports, brownfield sites of high environmental value must be excluded.

If the Government pursues Brownfield Passports, there must be an explicit exclusion for brownfield sites of high environmental value. This will require: 1) a specific definition of high environmental value brownfield land, in line with the definition of OMHPDL, 2) a review of the Open Mosaic Habitat Inventory by Natural England to ensure it is up to date, 3) appropriate ecological assessment by experts, including desk-based and site-based surveys, and 4) sufficient ecological expertise and capacity within local planning authorities to identify high environmental value brownfield sites and any impacts from development proposals.

⁷ <https://www.edie.net/navigating-brownfield-issues/>

Local Nature Recovery Strategies should also identify brownfield habitats as a strategic priority and shortlist species that have a strong dependency on brownfield sites, and so could be a useful resource in identifying high environmental value brownfield sites.

The identification and exclusion of high environmental value brownfield sites will help identify where these sites are also habitats for protected species and/or species of principle importance for biodiversity, where legal restrictions or legal obligations under the biodiversity duty might apply.

- How best can urban areas be identified and defined if this approach is pursued?

No comment.

- Could national policy play a role in setting expectations about the minimum scale of development which should be regarded as acceptable in accessible urban locations?

No comment.

- What parameters could be set for both the scale of development and accessibility?

No comment.

- Could more use be made of design guidance and codes to identify specific forms of development that are acceptable in particular types of urban area?

If the Government pursues Brownfield Passports, any development proposals that come forward on suitable brownfield land should be subject to robust design coding to drive and ensure nature-friendly design. This should include protecting and enhancing existing site habitat features, enhancing habitat connectivity, designing landscape schemes, sustainable urban drainage, and nature-friendly building features.⁸

- What sort of areas would be most suited to this approach, and at what geographic scale could such guidance and codes be used?

No comment.

- How could Local Development Orders be best used with these proposals?

We are concerned about the proposed use of Local Development Orders to implement Brownfield Passports, as this mechanism removes the opportunity for site-by-site consideration.

⁸ https://wcl.org.uk/docs/New_nature-friendly_design_requirements_Link_briefing_Nov2024.pdf

Brownfield sites can vary tremendously, including having different environmental values, and so site-by-site consideration is essential. Upfront planning permissions, without suitable ecological assessments, prevents each site and development from being considered on its own merits. Identification of high environmental value brownfield sites requires site surveys by ecological experts.

Existing issues with development proposals on brownfield land, including the late identification or consideration of wildlife-rich brownfield land or brownfield-supported species, would be exacerbated by the broad Local Development Order approach.

- Are there any other issues that we should consider if any of these approaches were to be taken forward, in particular to ensure they provide benefits as early as possible?

If the Government pursues Brownfield Passports, it will be important to consider how the spatial identification of suitable brownfield land interacts with the identification of nature recovery opportunity areas and priorities within Local Nature Recovery Strategies.

- In addition to streamlining permissions on urban brownfield sites, where else do you consider this type of policy could be explored to support economic growth?

We do not consider this type of policy fit-for-purpose for the environment, local communities, or good local place-making.

To support better and faster planning and decision-making, the Government should invest in up to date environmental data and planning and ecological capacity and expertise in local planning authorities.