

National Planning Policy Framework

Consultation questions

We are seeking your views on the following questions on the Government's proposal for a new National Planning Policy Framework.¹

Email responses to: planningframework@communities.gsi.gov.uk

Written responses to:

Alan C Scott

National Planning Policy Framework

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(a) About you

(i) Your details

Name:	Steve Whitbread
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(ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response

Personal views

(iii) Are your views expressed on this consultation in connection with your membership or support of any group? If yes please state name of group.

Yes

¹ (see: <http://www.communities.gov.uk/publications/planningandbuilding/draftframeworkconsultation>)

No

Name of group:

(iv) Please tick the *one* box which best describes you or your organisation:

Private developer or house builder

Housing association or RSL

Land owner

Voluntary sector or charitable organisation

Business, consultant, professional advisor

National representative body

Professional body

Parish council

Local government (i.e. district, borough, county, unitary,etc.)

Other public body (please state)

Other (please state)

(v) Would you be happy for us to contact you again in relation to this consultation? - Yes

The National Federation for Biological Recording exists to champion and support the entire biological recording community across the UK. NFBR promotes the collection, dissemination and use of terrestrial, freshwater and marine data to meet local and strategic biodiversity information needs.

Our response to this first draft National Planning Policy Framework relates principally to

- (i) the evidence to be used in plan development and application determination by local authorities, or in support of individual development/mitigation proposals, and**
- (ii) to the relationship between the NPPF and the Natural Environment White Paper (NEWP).**

In general, NFBR welcomes:

- **The move towards better integration of national planning policies. A single document, to cover clearly all matters for consideration in relation to plan and decision making, should reduce the chance of any issue being overlooked or sidelined.** Once suitably revised, the NPPF, together with all supporting documents, should be made available on a single government web portal. Individual planning authorities should make their draft and adopted plans and policies available in a similar fashion, linking with the NPPF page.
- **Planning policies and decisions the opportunity directed by a Local Plan, all based on evidence. This should ensure that appropriate emphasis is given to good local data in formulating local (and community/area) plans and policies, and in guiding and determining development proposals.** Good local policies, e.g. for protecting natural resources, should be acted on accordingly.
- **The need for an *adequate, up-to-date and relevant* evidence base (including environmental information) for decision-making is clearly set out (p.27).**
- **The unified coverage of biodiversity, geodiversity and landscape.**
- **Recognition of the role which the planning system should play in enhancing and protecting the natural environment including restoration of degraded habitats, re-connection of fragmented species populations, restored ecological diversity within the Green Belt.**

However, there are a number of significant concerns:

- **In the absence of any rigorous definition, the overriding presumption in favour of *sustainable development*, so frequently repeated, means little more than a presumption in favour of development.**
- **The balance between conflicting needs, a planning mainstay since the introduction of town and county planning is given too little weight.**
- **The requirement to safeguard ecosystem services and the economic benefits they provide and to protect and restore biodiversity in a strategic manner, clearly set out in other government plans and strategies published whilst the draft NPPF has been in preparation, appear not to have been taken into proper account. The draft gives greater weight to economic rather than environmental sustainability (p.13-14), failing to address the new understanding of the contribution to national and local economies heralded by the UK National Ecosystem Assessment.**
- **There is no effective connection between the NPPF and the Natural Environment White Paper or the new England Biodiversity Strategy. As it stands, the NPPF not only fails to facilitate what NEWP, EBS and Lawton Review, say need to be delivered, e.g. networks, habitat restoration, landscape scale conservation, but will tend to undermine the delivery of their objectives. DCLG appears not to be setting a helpful example of the collaboration required of local councils.**
- **The opportunities, which the NPPF should provide to introduce a more effective planning system - providing a well-gearred linkage between national, regional and local strategies, resulting in more sustainable outcomes for people and places, for our built, natural, social and cultural infrastructures – are at risk of being squandered.**

Additionally:

- **There is a need to provide an effective definition of what sustainable development is, and what this means for plan making and development proposals.**
- **Alongside any fundamental changes, the text should be revised to minimise ambiguity and uncertainty. There are frequent, redundant repetitions, e.g. of *the presumption in favour of sustainable development*. This should be remedied.**
- **Consideration should be given to clarification of the relative rank of “special circumstances”, “great weight” et al. in relation to local plan and policy making, and to application determination.**

(b) Consultation questions

Delivering Sustainable Development

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

1(a) – Do you agree? **Disagree**

1(b) Do you have comments? (please begin with relevant paragraph number)

There is a need for a better balance between economy, environment and communities in order to ensure that development is sustainable.

(p9) The present, inadequate definition of *sustainable development* undermines the validity of the presumption in its favour, tarnishing the *golden thread* (p14). Together with earlier statement that *the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs*, this undermines the fundamental credibility of the NPPF as an effective means of guiding planning, development, and the wise use and sustainable stewardship of land and other natural resources.

No indication is given as to how either planning authorities or developers might best assess whether proposals are sustainable, with especial reference to:

- the impact on the value, integrity and resilience of ecosystem services
- the information and procedures needed to make such necessary assessment.

What is required goes beyond existing, unsustainable, planning practices, with numerous councils already failing to meet existing obligations, (biodiversity duty, ensuring access to environmental information). Many planning authorities will face difficulties in preparing or revising local plans. This lack of guidance needs to be addressed.

There is a need for

- (1) a clear and full definition of what sustainable development is,**
- (2) an explanation of what this should deliver in practice, supported by**
- (3) clear, concise, appropriately detailed guidance as to how planning authorities, large or small, may ensure that their plans and policies will be formulated to ensure sustainability through development.**

Fulfilling these three requirements would go a long way towards to ensuring that the NPPF would not only provide the right approach, but would have a positive and important influence in the initial shaping and evaluation of proposals.

(p17) Where plans are lacking, out of date or silent - given general NPPF conformity - there is a presumption for allowing development as proposed, whatever the evidence may indicate. Given that some 70% of current local plans are out of date, this translates into a circumvention of the local control of planning and development. This is unlikely to be sustainable overall.

This also conflicts with the stated intention to enable local communities to plan the future of their local area. It would also tend to disallow the imposition of any community infrastructure levy, planning obligations or planning conditions necessary to the sustainability of a development.

There needs to be a period of transition

- to allow existing plans to be updated or replaced,
- for community plans (p25,p36) to be produced,
- for ensuring that the necessary evidence base (p34) is available and in use.

Whilst all planning authorities should be encouraged (with appropriate support, incentives and penalties) to respond to a revised NPPF as soon as practicable, some will be in a better position to do so more quickly than others. This must not be allowed to result in some largely uncontrolled, postcode planning lottery, far removed from any notion of strategic, sustainable planning.

There needs to be an adequate transition period, suitably phased, following the adoption of the revised NPPF. Two years should be adequate for plan production, community referendum and inspection, for any planning authorities, as well as for evidence gathering and the provision of government guidance. Measures will need to be agreed in relation to the later adoption of local community plans.

This is necessary to ensure that planning can respond to the needs for growth, in a sustainable way as practicable, whilst helping to balance competing needs and ensuring way that development and growth are guided by planning and the needs and wishes of communities.

The formal recognition of the opportunity (if not the requirement) to use development revenues to guide and to deliver **environmental enhancements** from **development revenues** is welcomed. This should help to fund the necessary evidence base.

Plan-making

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.

2(a) Do you agree? **Disagree**

2(b) Do you have comments? (please begin with relevant paragraph number)

The Framework does not explicitly identify “tests of soundness” at present. **The text needs revision.**

(p27) However, an LPA will be required to ensure the Local Plan is based on adequate, up-to-date and relevant evidence on the environmental characteristics and prospects of its area.

This implies access to local environmental information (and regional/national

information to provide necessary context) but - in striking contrast to prescriptions for the Historic Environment - no specific indication is made as to how this is to be achieved. **This should be remedied.**

There is currently no recognition of the importance (or existence) of environmental infrastructure or the ecosystem services (air, water, food...) on which we all depend. **This requires remedy.**

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

2(c) Do you agree? **Disagree**

2(d) Do you have comments? (please begin with relevant paragraph number)

(p27, p34) Whereas planning authorities are obliged to provide or have access to adequate environmental information for their area, not all do at present. This situation needs to be corrected as a priority in connection with the introduction of the NPPF. **There should be a clear outline of what environmental data should have access to, in relation to quality, coverage and completeness.** Determination of a decision should not proceed without informed appraisal of such evidence by suitably skilled and experienced staff.

Where one or more authorities fail in this regard, cross-boundary decision making will be adversely affected.

(p44) Joint working will also apply to availability of comparable evidence bases across LPAs, yet there remain profound differences between local record centres even in adjoining counties (although this should gradually be addressed via the ALERC-administered, accreditation scheme). There also needs to be better recognition of the importance of – and support for - the relationships between data users, managers and providers in sustaining the evidence base on which the delivery of strategic priorities depends.

Decision taking

In the policies on development management, the level of detail is appropriate.

3(a) Do you agree – **Neither agree nor disagree**

3(b) Do you have comments? (please begin with relevant paragraph number)

54. In *looking for solutions that enable the delivery of sustainable development proposals*, the broad detail would appear sufficient to incorporate environmental considerations provided these were recognised, understood and available elsewhere. Yet what will guarantee this?

The **right information is crucial to good decision making.** LPAs should explain what

information is needed – alongside their own evidence base - and **publish a checklist of** relevant, necessary and material **information requirements**.

With the over-riding presumption in favour of development, there is less incentive for developers to engage in pre-application discussions with planning authorities and local communities, despite the importance such interactions have in shaping proposals to the needs of place and community. Consequently, planning gain opportunities will be constrained.

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

4(a) Do you agree? **Disagree.**

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

1. A wide range of guidance in appropriate form is required by different audiences, to set limits and requirements, providing certainty whilst identifying what is desirable/permmissible within these parameters, whether in general principle or in relation to particular circumstances.
2. Without any real appraisal of the likely outcomes (impact assessment notwithstanding), in reducing detailed policy and guidance from central government to such an extent, there NPPF is in danger of creating a vacuum of guidance (whether to steer or to be steered by).
3. Whilst leaving more open to interpretation might be presented as a means of enabling greater flexibility in decision making at a local level, the result is likely to be less certainty, and less control.
4. The burden of deciding what detailed policies and guidance should be followed is set to be transferred to LPAs, without additional resources. Each will do nothing; be obliged to tailor their own detailed policy/guidance (reinventing the wheel on multiple occasions) or adopt 'off the shelf' guidance from some willing provider.
5. Without adequate guidance to LPAs, developers and others, providing the foundation of local plans, to guide and appraise development proposals, planning will not work as it needs to.
6. Guidance providers will vary with subject, e.g. retrofitting of scheduled buildings would be the province of English Heritage. Whilst Defra/DCLG might provide guidance on biodiversity information obligations, practical advice on meeting these might better come from e.g. the Association for Local Government Ecologists/Local Government Association.
7. However, any additional guidance must be accountable and consistent with legislation, and must at least *involve the appropriate Agency or Department of Government* in its formal adoption, else it will have nil credibility – it will simply be the views of any one potential lobby group. Local Govt can enhance or interpret guidance (e.g. biodiversity checklists, Building Futures etc) but any such guidance must be officially approved, expert and credible.

8. Whatever its source, form or content, such guidance should be made available via a single planning website/portal.

In relation to biodiversity, existing guidance, such as the Circular on Biodiversity and Geodiversity is out of date, dealing only with protected and priority sites and species.

There is an urgent need for updated guidance on planning and development in relation to the challenges and commitments identified by Government in the Natural Environment White Paper, which appear to have been ignored during the formulation of the NPPF.

Business and economic development

The 'planning for business policies' will encourage economic activity and give business the certainty and confidence to invest.

5(a) Do you agree? **No view offered.**

5(b) Do you have comments? (please begin with relevant paragraph number)

5(c) What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?

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.

6(a) Do you agree? **Disagree.**

6(b) Do you have comments? (please begin with relevant paragraph number)

A town centre first presumption, supported by a requirement to re-use previously developed or derelict sites should be retained.

Transport

The policy on planning for transport takes the right approach.

7(a) Do you agree? **No view offered.**

7(b) Do you have comments? (please begin with relevant paragraph number)

Communications infrastructure

Policy on communications infrastructure is adequate to allow effective communications development and technological advances.

8(a) Do you agree? **No view offered.**

8(b) Do you have comments? (please begin with relevant paragraph number)

Minerals

The policies on minerals planning adopt the right approach.

9(a) Do you agree? **Agree.**

9(b) Do you have comments? (please begin with relevant paragraph number)

(p102-103) Appropriate information, drawn from the local evidence base, and advice will be important in minimising adverse impacts and guiding ecological restoration.

Housing

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

10(a) Do you agree? **No view offered.**

10(b) Do you have comments? (please begin with relevant paragraph number)

Planning for schools

The policy on planning for schools takes the right approach.

11(a) Do you agree? **No view offered.**

11(b) Do you have comments? (please begin with relevant paragraph number)

Design

The policy on planning and design is appropriate and useful.

12(a) Do you agree? **No view offered.**

12(b) Do you have comments? (please begin with relevant paragraph number)

Green Belt

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

13(a) Do you agree? **Disagree - although the above should read as *a clear message on strong Green Belt protection.***

13(b) Do you have comments? (please begin with relevant paragraph number)

(133 et seq) The loss of emphasis on 'town centre first' and brownfield site reuse, increases the likelihood of urban sprawl and dereliction, contrary to this objective (and p163). This needs to be remedied.

Although previous guidance has given Metropolitan Open Land the same status as Green Belt, there is no mention of MOL. This needs remedy (inserted after before/after 147).

The treatment of Community Development Orders is a potential threat to Green Belt land. It should be reconsidered so as to discourage inappropriate schemes without

wholly precluding development that will strengthen local communities on the urban fringe.

Climate change, flooding and coastal change

The policy relating to climate change takes the right approach.

14(a) Do you agree? **No view offered.**

14(b) Do you have comments? (please begin with relevant paragraph number)

The policy on renewable energy will support the delivery of renewable and low carbon energy.

14(c) Do you agree? **No view offered.**

The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy, including the test for developments proposed outside of opportunity areas identified by local authorities.

14(e) Do you agree? **No view offered.**

14(f) Do you have comments? (please begin with relevant paragraph number)

The policy on flooding and coastal change provides the right level of protection.

14(g) Do you agree? **No view offered.**

14(h) Do you have comments? (please begin with relevant paragraph number)

Natural and local Environment

Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.

15(a) Do you agree? **Strongly disagree.**

15(b) Do you have comments? (please begin with relevant paragraph number)

We offer comments on existing paragraphs but would like to emphasise the following:

(p.163 et seq) The obligation on LPAs to have access to up to date biodiversity information and other environmental data, critical to the fulfilment of many of the points below should be explicitly stated in this section in the manner, which the need for data about the Historic Environment is highlighted. There should at least be a cross-reference to p.34-35.

This section is defensive rather than positive, especially in comparison to p.178, a stance that has failed to halt UK biodiversity loss. Moreover it, fails to support the objectives and commitments of the Natural Environment White Paper.

We would insert the following:

164x. Local planning authorities should set out a spatial strategy for the conservation and enjoyment of the natural environment, including biodiversity assets most at risk through habitat loss and fragmentation, lack of management and other threats. In developing this strategy, local planning authorities should take into account:

- the desirability of sustaining and enhancing the significance of natural capital
- the wider social, cultural, economic and environmental benefits that conservation of the natural environment can bring; and
- the desirability of new development making a positive and sustained contribution to the quality and resilience of green infrastructure, ecological networks, ecosystem services and adaptation to climate change.

In practice this would reflect a collaboration between LPAs, local biodiversity partnerships and the new Local Nature Partnerships

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 lack of a strategic approach within the NPPF to address the recommendations of the Lawton Review and the corresponding commitments of the Natural Environment White Paper, not least in relation to account for ecosystem services, the UK National Ecosystem Assessment and landscape scale conservation is a major failing which will hinder the delivery of NEWP commitments and international obligations.

On this basis the present draft NPPF would fail tests

- (i) of fitness for purpose in relation to this objective, and**
- (ii) of concordance with wider Government policy.**

This needs to be re-examined and corrected as a priority.

164. To achieve this objective, the planning system should aim to conserve and enhance the natural and local environment by:

- protecting valued landscapes
- minimising impacts on biodiversity and providing net gains in biodiversity, where possible; 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.

This is ambiguous. Does “*where possible*” refer only to “*net gains*” or also to “*minimising impacts*”? Clarification is needed.

To ‘conserve’ indicates active management but none of the draft bullet points actually cover this. Amend.

There is a need for either an additional bullet point or the amendment of one of the first two points above to address the issue of strategic ecological networks, ecosystem services etc.

Thermal pollution e.g. in urban heat islands, and marine pollution should be included within the final bullet point.

165. In preparing plans to meet development requirements, the aim should be to 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.

The purpose of the differentiation between “local” and “natural” environment is unclear.

The requirement for plans to identify more development land than is necessary to meet “objectively assessed development needs” may result in development being taken forward in non-preferred areas with greater adverse impact.

166. To this end, local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites ¹²

[12= National sites comprise Sites of Special Scientific Interest, which should be given a high degree of protection. Circular 06/2005 provides further guidance in respect of statutory obligations for biological conservation and their impact within the planning system.]

Whilst it is important to give greatest protection to the sites of greatest quality/importance a facile, site-by-site evaluation in relation to designated site criteria is not adequate to the purpose of strategic spatial planning, protecting biodiversity nor sustaining the value of ecosystem services. A landscape approach is required in order to identify, safeguard and enhance green corridors/ecological networks in accordance with NEWP commitments.

This can be delivered via a strategic approach to local plan making but the NPPF is currently silent on this issue. This is failing of the framework should be corrected as a matter of priority and great weight given to the above in local planning.

Protect valued landscape

This section heading does not correspond well with the content of p167 (e.g. in urban areas). Replace.

167. Local planning authorities should:

- set out a strategic approach in their Local Plans, planning positively for the ~~creation~~, **protection, management, enhancement, linkage and creation** of networks of biodiversity and green infrastructure

This should include explicit reference to (1) mapping, survey and monitoring (whether undertaken by or on behalf of LPAs) and (2) ecosystem services. The strategic approach needs to be spatial and set in geographical context. Again this requires an evidence base and staff able to apply it and advise others.

- maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes [**insert and biodiversity**], particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast
- 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

Although generally sound within a lowland context much poor quality agricultural land, particularly in upland areas is of high biodiversity/aesthetic value. Amend wording to ensure clarity.

- give great weight to protecting landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty. The conservation of wildlife and cultural heritage 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 – **with evidence** - they are in the public interest.

Consideration of such applications should 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 economy
- 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.

AONBs include large blocks of semi-natural habitat and, in respect of Lawton Review recommendations and NEWP commitments by HM Government, it is important that conservation of biodiversity be given great weight in all AONBs as well as in the National Parks and the Broads.

A failure of planning since the introduction of Town and Country Planning, has been the inability to appraise development proposals based on need. Here reference is made to ‘meeting the need’ for a development. How may this be extended so that a local planning authority may guide, evaluate or refuse proposals, in relation to sustainable planning and development elsewhere?

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

What government guidance will there be for this? What penalties will there be for authorities that fail to do so? How will this requirement be assessed by Inspectors prior to plan adoption? How can a development proposal be adequately appraised if one or more LPAs do not have an up to date plan in place? If there is no adequate, current, local plan in place, how can there be certainty that impacts on biodiversity/geodiversity will be minimised?

- 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

Whilst this would provide an LPA with a map of designated sites and ‘opportunity areas, there is a need to consider the added/multiplicative value of links, stepping stones and buffer areas within ecological networks or strategic green

chains/corridors beyond designated site value.

There also needs to be expert knowledge of what makes a site or network of value and the ecosystem processes that underpin this value, e.g. seasonal water levels in relation to wet meadows.

- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the recovery of priority species populations, linked to national and local targets¹³; and

[13 - Including those identified by local biodiversity partnerships.]

Amend to include (1) awareness and (2) management. It is vital that sites are managed in the long term in order to maintain and increase their value and that local communities appreciate their value.

This point needs to be applied in urban areas, where priority species/habitats are relatively lacking and ecological networks more fragmented/damaged, but many more people to benefit from positive measures.

- identify suitable indicators for monitoring biodiversity in the plan; and

Leaving individual LPAs entirely free choose their own indicators will provide no effective monitoring. There is a very strong case for identifying nationally, a series of indicators appropriate for local use, some common to all, others selected as appropriate (e.g. to reflect regional variations), based on UK priority species/habitats within their area and the degree of connectivity/isolation of habitat patches and species populations. This should complement and be integrated with the use of national indicators.

We consider that discussions between DCLG, Defra, ALGE, ALERC, BRC,NHM, JNCC/Natural England and the NBN Trust should identify an appropriate suite of indicators to balance monitoring needs with measures to provide a local evidence base.

- aim to prevent harm to geological conservation interests.

There is a fundamental need for local biodiversity and geodiversity information and advice to be made available. Ultimately, targeted land management is required. How will these be supported in a consistent manner via the planning system under the NPPF?

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

Wording here permits any level of harm from none to slightly less than significant in relation to an individual proposal without any mitigation. This is a 'death by a thousand cuts' approach, serving neither to enhance biodiversity nor to advance sustainability. Revise.

- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted

There is a possibility of instances where elements of such a proposal e.g. the building on a brownfield site, yet to be designated as an SSSI for its high invertebrate diversity, of a complex for captive breeding rare species for the purpose of (re-)introduction, would be in accord with this point but would be highly damaging. Amend this point.

- opportunities to incorporate biodiversity in and around developments should be encouraged.

This is poor. Rewrite, e.g. *Where opportunities exist, action should be taken to enhance biodiversity and ecosystem services in and around developments, or compensatory measures pursued elsewhere.*

- 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.

Wording here appears to permit the loss of veteran trees within ancient woodland. Rewrite. There needs to be adequate mitigation/compensation where any loss of irreplaceable habitat is permitted. How will LPAs determine what are irreplaceable habitats in their area?

- 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

[14- Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.]

- 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.

170. Development likely to have a significant effect on sites protected under the Birds and Habitats Directives would not be sustainable under the terms of the presumption in favour of sustainable development.

For the purpose of clarity, this paragraph should name SPAs and SACs and should specifically identify all sites to be accorded the same protection: candidate SPAs, SACs, Ramsar sites, Natura 2000 sites. Such lack of consistency in the way sites (and other issues) are referred to throughout the framework needs to be addressed.

Based on the UK Government's position on the future of biodiversity as set out in NEWP and the England Biodiversity Strategy 2020, there is a need for greater weight to be given to impacts on SSSIs and local wildlife sites if the ecosystem processes which underpin the domestic economy are to be protected. The draft NEWP does not yet address the new paradigm.

A precautionary approach should be applied to potential adverse effects – especially taking into account cumulative or multiplicative effects – on important areas, habitats, ecological networks or ecosystem processes and in relation to IUCN risk categories, where there is doubt about how 'likely' or how 'significant' adverse effects might be.

Preventing unacceptable risks from pollution and land instability

171. Local policies and decisions should ensure that:

- new development is appropriate for its location, having regard to the effects of pollution on health, the natural environment or general amenity, taking account of the potential sensitivity of the area or proposed development to adverse effects from pollution; and
- the site is suitable for its new use taking account of ground conditions, pollution arising from previous uses and any proposals for land remediation¹⁵

[¹⁵ - As a minimum, the land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.]

There is a need to consider not only direct effects of pollution, but of the capacity of the natural environment to cope with pollution, e.g. proliferation of hard surfacing increasing the likelihood of raw sewage release into water courses during periods of heavy rainfall.

172. In doing so, local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

Potential pollution risks will be of significant concern to local communities. Experience suggests that pollution control regimes are not always adequate. In preventing responsible planning authorities from making such regimes of material consideration and imposing its assumptions on local decision making, Government should be obligated to ensure that regulation and inspection will provide effective safeguarding.

173. Planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development

- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions, while recognising that many developments will create some noise; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

174. Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

175. By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Although design can greatly reduce light spillage it can be necessary to impose conditions, e.g. in relation to hours of use, to avoid thresholds of impact being exceeded.

At night, all landscapes are intrinsically dark. Consider rewording.

Historic Environment

This policy provides the right level of protection for heritage assets.

16(a) Do you agree? **Agree.**

16(b) Do you have comments? (please begin with relevant paragraph number)

The requirements here appear to be more stringent, better integrated and more positive in outlook than is currently the case with the section on the Natural Environment.

Impact assessment

The Framework is also accompanied by an impact assessment. There are more detailed questions on the assessment that you may wish to answer to help us collect further evidence to inform our final assessment. If you do not wish to answer the detailed questions, you may provide general comments on the assessment in response to the following question:

17a. Is the impact assessment a fair and reasonable representation of the costs, benefits and impacts of introducing the Framework?

As far as it is possible to judge, it is unlikely that the assessment properly gauges the costs and consequences of offloading responsibility for policy and guidance provision. The lack of meaningful opportunity to comment on existing policy and guidance is regrettable. It is likely that too much will be thrown out with the bath water.

Planning for Travellers

18 Do you have views on the consistency of the draft Framework with the draft planning policy for traveller sites, or any other comments about the Government's plans to incorporate planning policy on traveller sites into the final National Planning Policy Framework?

Specific questions on the impact assessment

QA1: We welcome views on this Impact Assessment and the assumptions/estimates contained within it about the impact of the National Planning Policy Framework on economic, environmental and social outcomes. More detailed questions follow throughout the document.

QA2: 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 National Planning Policy Framework?

QA3: Are the assumptions and estimates regarding wage rates and time spent familiarising with the National Planning Policy Framework reasonable? Can you provide evidence of the number of agents affected?

QA4: Can you provide further evidence to inform our assumptions regarding wage rates and likely time savings from consolidated national policy?

QA5: What behavioural impact do you expect on the number of applications and appeals?

QA6: What do you think the impact will be on the above costs to applicants?

QA7: Do you have views on any other risks or wider benefits of the proposal to consolidate national policy?

QB1.1: What impact do you think the presumption will have on:

- (i) the number of planning applications?** They are likely to increase given the presumption in favour of development, particularly where LPAs are slow in producing local plans.
- (ii) the approval rate?** Dependent on the quality of the definition of Sustainable Development and the adequacy of information supplied with applications (as well as the quality of local policies and guidance). In turn this depends on how LPAs front load pre-planning information and advice. It also depends on the carrots and sticks that encourage developers to present well-designed, sustainable proposals are in accord with and serve to further local plans.

(iii) the speed of decision-making? This should accelerate but
- if developers are slow to provide sufficient evidence of
Sustainable Development - may not lead to the increased
number of permissions expected.

QB1.2: What impact, if any, do you think the presumption will have on:
(i) the overall costs of plan production incurred by local planning authorities?
(ii) engagement by business?
(iii) the number and type of neighbourhood plans produced?

QB1.3: What impact do you think the presumption in favour of sustainable development will have on the balance between economic, environmental and social outcomes?

The failure of the UK to meet biodiversity targets, the poor condition of SSSIs, loss of priority habitats and the evidence presented by a wide range of environmental indicators highlight the need for positive measures that go beyond protection of scattered wildlife sites, highlight the need for local plans to do more than *contribute to the achievement of sustainable development, adhere to EU environmental legislation, meet other **statutory environmental duties**, for example Section 40 of The Natural Environment and Rural Communities Act, commonly referred to as “**the Biodiversity Duty**” (p33). Yet, as far as the state of the Natural Environment and its contribution to the UK economy are concerned, the NPPF appears to have been written with blinkers on.*

Unless environmental sustainability is given greater weight, taking account of new approaches already adopted by the Government, there will be a skew towards (short-term) economic development, rather than a truly sustainable approach. Although the NPPF covers the protection of features of importance, this is insufficient to ensure that development is sustainable. Considerably greater stress needs to be placed on the requirement for planning and development to benefit natural capital in a **positive** way.

QB1.4: What impact, if any, do you think the presumption will have on the number of planning appeals?

QB2.1: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

QB2.2: Is 10 years the right time horizon for assessing impacts?

Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

QB2.3: How much resource would it cost to develop an evidence base and adopt a local parking standards policy?

QB2.4: As a local council, at what level will you set your local parking standards, compared with the current national standards?

Do you think the impact assessment presents a fair representation of the costs and benefits of the policy change?

QB2.5: Do you think the impact assessment presents a fair representation of the costs and benefits of the policy changes on minerals?

QB3.1: What impact do you think removing the national target for brownfield development will have on the housing land supply in your area? Are you minded to change your approach?

QB3.2: Will the requirement to identify 20% additional land for housing be achievable? And what additional resources will be incurred to identify it? Will this requirement help the delivery of homes?

QB3.3: Will you change your local affordable housing threshold in the light of the

changes proposed? How?

QB3.4: Will you change your approach to the delivery of affordable housing in rural areas in light of the proposed changes?

QB3.5: How much resource would it cost local councils to develop an evidence base and adopt a community facilities policy?

QB3.6: How much resource would it cost developers to develop an evidence base to justify loss of the building or development previously used by community facilities?

QB3.7: Do you think the impact assessment presents a fair representation of the costs and benefits of the Green Belt policies set out in the Framework?

Whilst the Framework implies that LPAs should work towards enhancing Green Belt quality (p135), the Impact Assessment of permitting certain sites to be developed states, 'There is no requirement for Green Belt land to be of a high environmental, aesthetic value: such areas are protected by designations e.g. SSSIs'-'...there could be a local amenity impact'. Whilst this is true there, would appear to be a clear **conflict of expectations** that would not contribute towards sustainable development. In particular, the future contribution of ecosystem services (e.g. fuel and water supply, heat island amelioration) to the quality of life for rapidly expanding, urban populations) needs to be taken into account (in accordance with the UKNEA).

QB4.1: What are the resource implications of the new approach to green infrastructure?

The Impact Assessment states that:

- there is a subtle difference between open space and green infrastructure;
- that local councils should make better decisions and improve the protection and management of green infrastructure;
- Green Infrastructure (e.g. green corridors) should be enhanced and there should be further designation of GI networks.

These are positive and to be welcomed.

There will be the **need for an evidence base** - including **biodiversity information** and other information about the natural environment - to ensure plans and policies provide for a sufficient GI to enable delivery. Providing and maintaining this evidence base requires resources, beyond what is generally made available at present.

The fundamental problem is how the required actions – new link creation and management - will be resourced. Cutbacks in local authority spending have fallen disproportionately on these areas. Whilst the planning system should protect key areas, only ring-fenced, planning gain can help to deliver these objectives on the ground and maintain the necessary evidence base.

QB4.2: What impact will the Local Green Space designation policy have, and is the policy's intention sufficiently clearly defined?

The policy seems reasonably clearly defined. However, given the current treatment of local (wildlife) sites within the NPPF, it is questionable as to what extent formal local designation will safeguard areas, beyond what should be achieved through local plans. Resources might be better devoted towards improving strategic green space networks. Formal Defra guidance has already been produced using the term 'local sites' but there will be a need to rationalise Local Green Space with Local Wildlife Sites of different grades, giving due weight to safeguarding the primary role(s) and purpose(s) for which a site is designated whilst supporting its multifunctional nature.

Given the proscriptions, the question is raised as to the extent to which sites not (yet) designated or will be at greater risk. The Impact Assessment does not appear to consider the role of non-statutory local sites as a local level of importance. It is assumed that references to local sites include Local Wildlife Sites, not just statutory Local Nature Reserves that receive less protection in the planning system than SSSIs.

QB4.3: Are there resource implications from the clarification that wildlife sites should be given the same protection as European sites?

Three SACs are yet to be designated. There are four potential SPAs. Resource implications are limited but may be locally significant.

If required, Appropriate Assessment would add to existing burdens. All such sites will have to be SSSIs, so much of the necessary work should be incorporated into normal plan making.

QB4.4: How will your approach to decentralised energy change as a result of this policy change?

QB4.5 Will your approach to renewable energy change as a result of this policy?

QB4.6: Will your approach to monitoring the impact of planning and development on the historic environment change as a result of the removal of this policy?