

Planning for the Future Consultation
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1. Introduction

- 1.1 This submission has been developed by The Wildlife Trusts in response to the proposals in the Government's Planning White Paper: Planning for the Future. As well as preparing a TWT response, we have enabled over 13,000 members of the public to share their views directly with the consultation team. A short selection of comments sent as part of these responses are attached in Annex 1, to help demonstrate the level of interest and support the public has for ensuring wildlife and natural spaces are at the heart of the planning system.
- 1.2 We are in a climate and nature emergency – an emergency which has profound impacts on the environment and our current and future land use planning decisions. We are also beginning to see the growing impacts of society's disconnect and progressive decline in its interactions with nature. Restoring a healthy and resilient natural environment is vitally important to health, well-being and economic prosperity. Protecting, restoring and creating wild places will secure carbon-storing habitats, help tackle climate change, provide important wildlife habitat and ensure access to nature to improve people's lives. A positive planning system has a key role to play in this.
- 1.3 The Planning White Paper (PWP) rightfully recognises that the planning system is central to many of our most important national challenges including: *'providing the high quality homes and places where people want to live and work; combating climate change; improving biodiversity; and supporting sustainable growth'*. And to meet these challenges we need to have a planning system that is fit for purpose. The Wildlife Trusts agree there is room for improvement with the current planning system, but also recognise planning is, necessarily, a complicated practice involving multiple sectors and disciplines - trying to simplify it or render it straightforward, risks making it even less perfect. We cannot afford such sweeping changes to the planning system without placing the natural environment and climate at its heart. It is imperative that any future reforms are informed and underpinned by wider ambitions and legal requirements for the climate and environment, including the Climate Change Act (2008) and the proposed provisions under the Environment Bill (2019-21).
- 1.4 The Government's 25 Year Environment Plan¹ - **A Green Future** *'sets out government action to help the natural world regain and retain good health'* including a commitment to *'put the environment at the heart of planning and development, to create better places for people to live and work'*. We would expect future planning reforms to align with this and to integrate the forthcoming legal requirements on spatial planning for nature's recovery and net gain. Despite a few encouraging words in the introduction, the proposals that follow are woefully inadequate

¹ HM Government (2018) *A Green Future: Our 25 Year Plan to Improve the Environment*

in this regard. It is imperative that when **Planning for the Future**, any proposed reforms integrate and facilitate these goals rather than undermine them.

2. About The Wildlife Trusts

- 2.1 The Wildlife Trusts are actively engaged in the planning system, promoting opportunities to improve the natural environment, and each year, we respond to about 7,500 planning applications that threaten to harm the natural environment. We believe all new and existing housing developments should be healthy, attractive and inspiring places where people and wildlife flourish together. Everyone should have the opportunity to experience and benefit from access to nature on their doorstep. The Wildlife Trusts have more than 800,000 members 40,000 volunteers, 2,000 staff and 600 trustees, and we manage over 2,300 nature reserves for the benefit of wildlife and people. We work to transform the environment in which we live: restoring, recreating and reconnecting wildlife-rich spaces in rural and urban areas. We do this in partnership with local communities, developers, farmers, landowners, schools, local authorities, statutory agencies, other NGOs and businesses.
- 2.2 The Wildlife Trusts want to see active recovery for wildlife happening across at least 30% of land and seas by 2030, connected and protected in a Nature Recovery Network (NRN), which allows nature to thrive once more. To secure this we are calling for a new designation, Wildbelt - to protect land that is in recovery and for this to contribute to the NRN.

3. Main Comments

- 3.1 To provide clear expectations and deliver truly sustainable development, the planning system must set a well-defined framework of rules and be underpinned by a robust definition of sustainable development that: incorporates living within environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly²

What needs to happen?

- 3.2 **Wildlife recovery and people's easy access to nature for health, wellbeing and enjoyment must be at the heart of planning reform.** Strategic planning for nature, in which the network of space needed for nature's recovery is identified, mapped and integrated into the planning system, must be applied across all proposed development categories to create wildlife corridors, secure nature's recovery and provide access to nature close to where people live. Local Nature Recovery Network Strategies and maps must be a legal requirement and be integrated into national planning policy to ensure they underpin local plans and any associated master plans, design codes and guides.
- 3.3 **Decisions must be based on accurate ecological data.** A full and urgent programme of investment is required to establish high quality ecological data. This must include long-term financial support for a revised Local Environmental Records Centre model that provides the services needed to supply high-quality, open data to the revised planning system. This will take time, so a transition programme is needed to ensure that any fast turn over to a new planning system does not destroy natural places in the process. As strategic data does not provide the site-level detail necessary to ensure nature is properly taken into account, timely, site-based survey work and ecological expertise is crucial –where necessary, it should still be possible to revoke permission in principle and outline planning approval, without compensation, if habitats

² HM Government (2005) Securing the future delivering UK sustainable development strategy

and species of principal importance are found to be present where they were not previously recorded.

- 3.4 **Nature protection policies and standards must not be weakened and the mitigation hierarchy upheld** This includes retaining and strengthening nature protection policies in the NPPF, supporting local policies which are tailored to local concerns and ensuring assessment of environmental impacts are undertaken and informed by accurate data and site based survey before development is permitted. There should be a presumption against development that will directly or indirectly result in loss of or damage to protected sites and priority habitats and against development that will negatively impact protected and nationally threatened species. Undesignated sites of biodiversity value (greenfield and brownfield) should not be subject to permission in principle or outline planning permission without prior ecological assessment and effective consultation.
- 3.5 **The ecological and climate crises must be addressed by ensuring development contributes to nature's recovery** All developments, regardless of the route by which they are permitted should deliver substantive biodiversity net gains – this must include any permitted through Development Orders or as Nationally Significant Infrastructure Projects. There should also be a new protection designation – *Wildbelt* – to support nature's recovery. This would enable new land that is currently of low biodiversity value, but is intended to be or is in the process of being managed to enable nature to recover, to be protected through designation - and so speed the creation of the Nature Recovery Network to which the Government is already committed.
- 3.6 **People and local stakeholders must be able to engage with the planning system** at points where it is meaningful to them and sufficient information is available to understand the impacts on nature and on local communities. It is vital that communities are made aware in the consultations of all the issues and opportunities their community faces – including climate and ecological challenges. If the reforms are to be truly equitable and democratic as set out in the introductory paragraphs, we would also expect any future planning system to include third-party rights of appeal.

The premise of the reforms

- 3.7 There is a strong assertion in the PWP, that the current planning system is not delivering enough houses fast enough – with planners, the environment and public engagement often seen as the barriers within the current system. Yet Government's own live statistical data on speed of planning application decisions³ shows the system to be quite efficient (in terms of meeting planning decision deadlines), with the vast majority (80%+) permitted.
- 3.8 We recognise the planning system is complex and there are some elements that need fixing, but to blame it for lack of /or speed of housing delivery means that the real problems relating to the housing market (see proposal 4) are not being addressed. And fundamentally the wrong fix is being proposed. We believe there are a number of issues, many of which are not adequately addressed by the Planning White Paper that would support a more efficient and effective system:
- Greater investment in local planning authority expertise, skills and capacity (planners, ecologists, landscape and design, community engagement, administrative support, committees) so they can effectively evidence, assess, determine and enforce proposals and apply effective guidance and support to the design of developments.
 - A full program of investment to establish high quality, accurate and up to date ecological data on which to base land use decisions. This includes addressing the

³ <https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics> (based on data last updated on 23 July 2020)

complexities of making ecological data ‘open’ *e.g.* mobilising private data and supporting a revised Local Environmental Records Centre funding model for collecting, validating and managing these data.

- Greater enforcement of ecological assessment and engagement of local ecological expertise at an early stage of the development process.
- Early and ongoing local stakeholder engagement to identify and address issues at the outset and harness the right level of advice at a point when it can avoid costly delays. This would also foster transparency and trust and ensure that everyone has a voice at the point that is relevant to them in the development journey.
- Clear guidance, methodology and support to: ensure natural assets are identified both at the strategic level in terms of locating development and at the design and implementation stages to ensure they are effectively protected and integrated; and to help Planning Inspectors in decision making and enforcement.
- Stability in planning policy to allow LPAs to develop, consult on and embed plans and policies – so they can focus on delivery rather than making constant updates.
- Greater power to local planning authorities to ensure permissions are delivered in a timely manner and to prevent dilution of conditions agreed at the planning application stage, which can result in loss of accessible natural greenspace and reductions in affordable, social and rented housing provision.

4. Consultation Questions

PILLAR One – Planning for Development

Overview

Q 2. Do you get involved with planning decisions in your local area?

- 4.1 **Yes.** The Wildlife Trusts work closely with local planning authorities and provide formal response to local plans and supplementary development documents. We have decades of experience of working with planners and developers to get the best outcomes for wildlife through local plan policy, development decisions and design. We respond to approximately 7,500 planning applications every year. This input reflects capacity - thousands more could be improved ecologically, for example, in London alone there are 90,000 planning applications per annum, and a study for the GLA in 2016 showed 18% of these had some demonstrable biodiversity impact⁴.

Q 3. Our proposals will make it much easier to access plans and contribute your views to planning decisions. How would you like to find out about plans and planning proposals in the future? [Social media / Online news / Newspaper / By post / Other – please specify]

- 4.2 **Other.** We support the intention in the PWP to make information more accessible, and the drive to engage a younger audience through use of new technological platforms and social media apps is welcome. But this must not come at the expense of disenfranchising a more traditional demographic. We therefore believe, in the absence of any alternative, there needs to be a combination of the above approaches.

⁴ https://www.london.gov.uk/sites/default/files/biodiversity_and_planning_research_report_0.pdf

- 4.3 It is our experience that members of the public are often not clear where to look for notifications of planning applications, quite commonly we are approached by members because of a site notice or comment in a planning magazine. One solution, may be to improve/replace the planning portal to provide a single user-friendly digital system that makes it easy for people to receive notifications of all applications within an area they define, rather than one defined by the local authority boundaries. Consolidating to a single non-digital gateway (site notice) that is well publicised could also be a beneficial change. This can be phased out over time as public demand for it falls.
- 4.4 In addition some Trusts *e.g.* Worcestershire Wildlife Trust benefit from effective mechanisms with LPAs, for direct notification via email (with lists based on proximity of proposal to features of interest *e.g.* SSSI and LWS plus some Section 41 habitats, scale and type of development, or likely impact on protected species). While this approach will not necessarily be appropriate everywhere, this local flexibility to make specific arrangements for notification should be supported, if it works effectively for local circumstances.
- 4.5 But key to all of this, is finding new ways to engage and entice people to participate – providing the right tools is just part of the process.

Q 4. What are your top three priorities for planning in your local area?

- 4.6 This question is based on a false premise, that individuals have all the information they need to have a clear understanding of the future needs of the area, and risks a league table response to priorities, which should be interpreted with caution. Planning should be a joined up holistic process that strategically and spatially considers and integrates the needs of all society and stakeholders in a sustainable way. Priorities should be considered in the context of where, when and how they are needed, and be informed by accurate and detailed data and evidence including a Nature Recovery Network map. This will ensure: existing natural assets like Local Wildlife Sites are protected; opportunities for nature's recovery are identified and protected; and developments are designed and built in a truly sustainable way – contributing positively to nature and the health and well-being of the people that occupy them.

Proposal 1: The role of land use plans should be simplified. We propose that Local Plans should identify three types of land – Growth areas suitable for substantial development, Renewal areas suitable for development, and areas that are Protected.

Proposal 1 – Key points and recommendations

The Wildlife Trusts support a plan-led approach, but this requires:

- national planning policy that is based on a clear and robust definition of sustainable development that incorporates the five principles established in Securing the Future¹ and that recognises the role of the planning system in delivering UN Sustainable Development Goals
- the application of the mitigation hierarchy at each stage of plan and decision making, with avoidance the default sustainable position.
- a spatially planned approach, underpinned by a Nature Recovery Network map, Local Nature Recovery Strategy and ecological assessment - to ensure nature and its recovery are placed at the heart of decision making and to set the long-term framework within which sustainable new development can be planned.
- protection policies for internationally, nationally and locally designated sites and priority habitats being retained and strengthened; and a new designation, Wildbelt, to protect nature that is in recovery.
- Urgent action to address the: current gaps in ecological data to inform local plans and land category decisions; and the lack of assessment criteria, methodology and capacity to identify and protect ecological assets.
- significant on-going public investment to support the local collection, collation, validation and management of high quality ecological data and Local Wildlife Site partnerships and to address the barriers to making ecological data 'open'.
- full public and local stakeholder engagement at the master planning and development application stages of development; and the right to be heard at examination – we do not support any proposals to remove these rights.

The Wildlife Trusts are deeply concerned about the potential risks to nature and its recovery posed by the proposed categories of land and any associated loss and unplanned provision for accessible natural green space to people. Any reforms of this nature must ensure:

- Protected areas are subject to much tighter restrictions, where development is avoided.
- Protected areas comprise a network, linking existing important sites with identified areas of opportunity, including a Wildbelt designation.
- Non designated sites in Growth and Renewal areas are not allocated for development without first assessing the value of the site to nature and people.
- All land categories include space for nature and all development accommodates or contributes to high quality Green Infrastructure with accessible natural green space - for both people and wildlife - which connects to the surrounding urban or rural landscape and contributes to the wider Nature Recovery Network.
- Updated information and site specific surveys are provided when development is brought forward.
- All developments, whatever the land category and permitted route, should contribute to BNG.

Q 5. Do you agree that Local Plans should be simplified in line with our proposals?

- 4.7 **No.** The proposals contain insufficient detail to make a thorough judgement. As they stand, we are concerned that the proposals to simplify local plans will lead to loss and damage to the natural environment and fail to support the goals of the 25 Year Environment Plan to

secure Nature's Recovery. Nature is so fragmented that a lot of undeveloped land has a potential role to play in nature's recovery and provision of natural capital. This potential needs to be spatially planned and integrated into the planning system, alongside other land-use needs. Planning is a complicated practice which engages many different sectors and processes. We are concerned that by trying to render it simple and straightforward, it risks delivering poorer outcomes than the current system.

- 4.8 The planning system is one of the very few mechanisms available for delivering joined up approaches between stakeholders - covering everything from housing, a Nature Recovery Network, minerals, waste, strategic transport, water provision, energy and other important local infrastructure like schools, health services and shops. A key priority should be to encourage cooperation within and across borders to deliver the needs of society in a sustainable and joined up way.
- 4.9 In order to guide effective decisions, a local plan must consider the built environment in the wider context of other land use and community needs. This includes presenting and integrating a comprehensive, spatial and strategic approach to the conservation, enhancement and restoration of the natural environment – a Nature Recovery Network (NRN) see Box 1.
- 4.10 The Wildlife Trusts support a plan-led approach, but it needs to be sustainable, robust, transparent, democratically accountable and informed by the right evidence, including NRNs and ecological site based survey. Front-loading the system allows for constraints and opportunities to be recognised as early as possible in the decision-making process and for the mitigation hierarchy to be applied from the outset.
- 4.11 We also welcome the intention to speed up plan making – recognising there are many areas still without up to date local plans (for example the Sheffield Unitary Development Plan, last updated in 1998 and Core Strategy last updated in 2009). This results in a strategic and policy vacuum that leads to speculative applications, land grabs, political debates and unsatisfactory and slow decision making.

Box 1 A Nature Recovery Network and its role in forward planning

Government's 25 Year Environment Plan and the draft Environment Bill, both promote and support the development of a Nature Recovery Network (NRN). At its simplest, an NRN is a joined-up system of places important for wild plants and animals - it combines existing wildlife rich areas and protected sites, with the places where new habitats need to be created, in order to expand habitats, reduce fragmentation and ultimately help secure nature's recovery and provide natural solutions to climate change. An NRN map coupled with clear and consistent policy processes will help inform forward planning, target action for nature and enable decisions to be based on high quality, robust, spatial environmental information.

At a strategic level, integrating this spatial approach for nature into the decision-making on where to allocate housing and other development, will mean the location of important areas for biodiversity can be avoided and those places where development could contribute to a Nature Recovery Network would be known even before development sites are chosen. This would allow potential biodiversity risks to be considered at the earliest possible stage of decision making, ahead of the necessary site specific surveys – helping to ensure the proper application of the mitigation hierarchy and reduce costly delays. A Nature Recovery Network sets the long-term framework within which sustainable new development can be planned. Without it, development will be inherently unsustainable.

- 4.12 However, to avoid increasing biodiversity loss and making the ecological crisis worse, the proposals depend heavily on having up to date and accurate ecological information on which to inform the plan, which is not currently available. A planning system, led by a rule based local plan requires significant Government investment in collating, managing and updating high quality ecological data at the local level to make it viable.
- 4.13 Furthermore, a front-loaded system will not negate the need for updated information and site specific surveys when development is brought forward. Even if detailed surveys are undertaken at the time the plan is produced, habitats and distribution of priority species can change over time, which is why all professional ecological bodies recognise that ecological surveys are only valid for a limited time period (12 months - 3 years depending on specific circumstances)⁵.
- 4.14 Time cannot and should not be saved by basing decisions on inadequate information and evidence, but it can be saved by: avoiding last-minute issues at the development stage, through avoiding ecological impacts; and securing good design, large scale strategic compensation and biodiversity net gains as part of the NRN. In Rotherham, all allocation sites within the local plan were subject to ecological survey prior to allocation and where considered important and necessary to do so, they are flagged for survey ahead of a development proposal coming forward.⁶
- 4.15 We have considerable concern about the proposed approach to categorising land on the basis that it provides no mechanism for nature's recovery and three ways in which nature can be destroyed: by being automatically discounted in the growth areas, overwhelmed in the renewal areas and at risk in the protected areas. It fails to recognise:
- nature is dynamic, not static.
 - the diverse range of habitats and species that reside and often flourish in potential Growth and Renewal areas. In some cases certain species may be relatively confined to these areas *e.g.* black redstart, streaked bombardier (beetle). As such these land areas are highly likely to play a role in the NRN in areas outside the assets of the protected areas.
 - the role that nature plays in people's lives and in shaping the places where they live, work and play⁷. People want and need nature on their doorsteps – it needs to thread through developments not be excluded from them or bolted on afterwards.
 - the mix of land uses that exist in most English urban and suburban areas as well as in rural settlements. The assumption of 'Growth' in all urban areas could lead to the loss of essential greenspaces for urban communities - this could further increase inequalities in access to nature, negatively impacting communities that suffer higher levels of deprivation. And in Renewal areas, 'infill' of urban and suburban settlements and village edges could result in losses of pockets of valuable biodiversity, leading to decreased ecological resilience.
- 4.16 The plan-led part of the system could ensure evidence on wider constraints like flood risk and coastal change are front-loaded. But it is not clear how rapidly changing evidence on flood risk/coastal change will be incorporated once the plan is in place; nor how local knowledge (*e.g.* from Flood Action Groups), which is currently considered at the planning application stage, will be sufficiently enabled and harnessed at the plan-making stage.

5 CIEEM (April 2019) Advice note: [On the lifespan of ecological reports and surveys](#)

6 Rotherham Local Plan Sites and Policies (2018) <https://www.rotherham.gov.uk/downloads/file/478/sites-and-policies-document>

7 The Wildlife Trusts (2018) Homes for People and Wildlife – How to build housing in a nature-friendly way)

Growth and Renewal areas

- 4.17 Insufficient information is available in the Planning White Paper about the decision-making process for determining the growth and renewal areas and how and/or if the impacts on the natural environment will be identified and addressed when determining these. No detail is given on what is meant by a ‘substantial’ development and what might be considered a constraint to inclusion in a Growth Area, other than flood risk. Furthermore, areas of constraint are only excluded if the risk cannot be mitigated, but there is no explanation of how this mitigation is to be achieved, if permission in principle is given and compliance with design codes is the only subsequent requirement. These design codes will need to be detailed enough to ensure appropriate flood protection at both property and development level (property-level could be easier to secure via standard design requirements, but development level *e.g.* SuDS will need bespoke solutions according to local modelling *etc.* The availability of such modelling is currently variable. All this needs defining to inform meaningful consultation.
- 4.18 In the absence of this detail we are highly concerned about the potential risks these categories pose to nature and its recovery, particularly with the Growth area aligned with ‘outline planning permission’ and the Renewal area aligned with a ‘presumption in favour of development.’ A presumption in favour of development, does not align with sustainable development principles. It will be vital that any decisions on assigning these areas and the appropriateness of the site for development are:
- done in line with the mitigation hierarchy, which should be applied at every stage of plan-making and decision-making, with avoidance the default sustainable position; and
 - informed by detailed ecological data, survey and knowledge both at allocation and development stages.
- 4.19 Our concerns about the current levels of data to provide the confidence needed to ensure that the mitigation hierarchy is properly applied and land categories in local plans will not impact negatively on nature are set out in paragraphs 4.32 – 4.40.
- 4.20 While we welcome the potential role of design codes they must cover the natural world as well as the built environment (see comments under proposal 11). We also note that the Planning White Paper promotes the idea of master plans for housing developments within growth areas. Ecological Assessment and Nature Recovery Networks should be at the heart of any future master planning process to ensure ecological considerations are considered from the outset and central to design. We believe strongly that master plans should be subject to public consultation. It is not clear from the PWP whether this is the intention.
- 4.21 We are extremely concerned, that currently there are no specific recommendations in Pillar one, that planning for green infrastructure and nature will be required in the Growth and Renewal areas. In fact there is a high risk of direct habitat loss in the Renewal area due to infilling and developments at the perimeters of towns and villages, which usually contain high value sites (actual and potential) both for nature; and for local people (as places for informal recreation and connection with nature close to where they live) (see Box 2). Alongside indirect loss from densification, which will, by bringing more people into an area, lead to increased recreational pressure and other indirect impacts on wildlife. This won’t put nature into people’s lives; it will lead to a reduction of available greenspace, crowding of remaining spaces and increased inequalities in access to nature.

- 4.22 It is not clear, how the proposals will align with securing biodiversity net gain in line with the emerging Environment Bill. Confidence over the deliverability of biodiversity net gain and its long-term management/monitoring, needs to be provided prior to determination of a development planning application. It is unclear from the proposals how this would be achieved and resourced in the Growth and Renewal areas. Much greater clarity is needed on this. The Wildlife Trusts would not support an approach to categorising land and permission in principle, which excludes developers from the requirement of biodiversity net gain or which is at odds with the fundamental principles of biodiversity net gain delivery.

Box 2 Risks to undesignated sites in potential Renewal areas

These examples are typical of the actual and potential damage and loss that could occur in renewal areas, if decisions are not informed by good ecological data and if nature and its recovery is not properly integrated into land-use decisions.

Renewal areas in Worcestershire are likely to overlap with high value, but undesignated assets like unimproved grassland and orchards, many of which occur at the urban fringe and many of which will not be supported by current and or available data.

Under the proposed reforms, these assets will be at significant risk of damage or loss. Because of the limited time available to secure the evidence to identify what and where these high value assets are to inform decision making, coupled with no/limited scope for local stakeholder engagement at the application stage.

Renewal areas in Gloucestershire are likely to be near to urban centres, but there are several examples of designated sites and core parts of the Nature Recovery Network that would be indirectly impacted by a Permission in Principle approach. The Nature Recovery Network has demonstrated that development on undesignated land near Stroud Town, Gloucestershire could ecologically isolate highly designated sites, such as the Rodborough Common Special Area of Conservation (SAC). Evidence of this has already been demonstrated by development on undesignated land around the Innsworth meadow SSSI, just outside of Gloucester.

Renewal areas in London A recent Green Belt review for Croydon, recommended no changes. However, a subsequent 'growth options' review identified land within the Green Belt to be de-designated, some of which is adjacent to Local Wildlife Sites, known locally as Sites of Importance for Nature Conservation (SINCs), including one of London Wildlife Trusts Nature Reserve. This is likely, under the proposed reforms to be identified as a Renewal area. Similarly in 2019, a West of Borough review in Hounslow (land south & east of Heathrow) allocated many sites for 'in-fill' some on/adjacent to SINCs (25 out of >90 sites). Decisions are still pending, but the consequences of these being approved, will be inevitable impacts on core LWSs of high biodiversity value.

Protected area

- 4.23 We have two significant concerns with the Protected area.
- 4.24 *Firstly, the land within the protected area is not excluded from development*, as the name might suggest – this is misleading and leaves the protected sites at risk and potentially more unprotected than they are under the current system. The Nature Recovery Network needs to be fully integrated into any concept of Protected areas and these areas need much greater restrictions on where development should be avoided.
- 4.25 Under the current system we already see damage to protected sites as a result of development. But we believe proposals within the Planning White Paper to remove local policy from local plans, could further undermine the capacity to protect locally distinctive and locally valuable assets.

- 4.26 Under the proposed reforms, local plans and the land identified for development and protection will be measured against a single statutory ‘sustainable development’ test with nationally defined development restrictions. Without sight of: the proposed definition of sustainable development; the nationally defined development restrictions; and the revised National Planning Policy Framework, it is impossible to gauge whether these will be adequate to protect nature (See further comments under Proposal 3).
- 4.27 A central commitment of the Government’s 25 Year Environment Plan places the environment at the heart of planning and development to achieve genuine sustainable development. This will not be achieved unless this is included from the outset in the purpose of the NPPF and as an underpinning principle of housing and other development. The current definition of sustainable development within the National Planning Policy Framework is inadequate and should not be used as the measure against which development proposals are assessed. Any future planning reform should:
- include a clear and robust definition of sustainable development that incorporates the five principles established in *Securing the Future*⁸ of living within environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.
 - recognise the role of the planning system in delivering the Government’s commitment to the UN Sustainable Development Goals (Agenda 2030).
 - retain and strengthen protection policies for internationally, nationally and locally designated sites and priority habitats. This should include:
 - the recognition of Local Wildlife Sites and priority habitats within the current footnote 7 of the NPPF;
 - a clearer definition of irreplaceable habitats⁹; and
 - the methodology to identify irreplaceable habitats
 - integrate nature and high quality Green Infrastructure¹⁰, which includes accessible natural green space into housing and the built environment.
- 4.28 *Secondly, there is no mention of nature’s recovery within the proposals for categorising land.* The protected area appears to be made up of protected sites and areas designated for their natural, landscape or cultural importance. Though we are pleased to see the proposals recognising the importance of protected sites and areas, and in particular the recognition of Local Wildlife Sites within the list of the existing valuable areas to be protected. National Parks, AONBs are not specific wildlife designations (although some may contain areas of wildlife designation) and there is no specific mention of biodiversity or nature at all in the five purposes of Green Belt. It is important that this list also includes irreplaceable habitats like Ancient Woodland. We are pleased to see areas of significant flood risk will be included within the protected areas and as mentioned in 4.16, that these areas would be considered a constraint to development in growth areas unless the risk could be mitigated. However, it is not clear how these areas would be defined and how mitigation would be satisfactorily determined.

8 HM Government (2005) *Securing the future delivering UK sustainable development strategy*

9 Irreplaceable habitats are those which could be described as irreplaceable due to the technical difficulty or significant timescale required for replacement. It includes but is not limited to ancient woodland; ancient/veteran trees (which are often outside of ancient woodlands); ancient hedgerows; traditional unimproved meadows/ancient grasslands; unimproved calcareous grasslands; heathland; lowland raised bog; fens; blanket bog, limestone pavement and some types of sand dune including grey and mature sand dunes, saltmarsh, reedbed and heathland

10 [Building with Nature](https://www.buildingwithnature.org.uk/about) <https://www.buildingwithnature.org.uk/about>

- 4.29 Protecting designated sites and areas alone, is not however enough, and it does not reflect the wider goals of Government's 25 Year Environment Plan¹¹ and the draft Environment Bill, both of which promote and support the development of a Nature Recovery Network, based on the principle of creating more, bigger, better and joined sites, as established in Making Space for Nature in 2010¹². The report concluded that *'England's collection of wildlife sites, diverse as it is, does not comprise a coherent and resilient ecological network even today, let alone one that is capable of coping with the challenge of climate change and other pressures. The evidence is equally compelling that Making Space for Nature to establish such a network will make efficient use of scarce land and resources, and deliver many benefits to wildlife and people.'* This report was welcomed by the Government, yet ten years on, Sir John Lawton and the expert panel who undertook the review have recently reported that most of the 24 recommendations made in the original report have yet to be enacted.¹³ The planning system has an integral role to play in delivering many of these recommendations. Protected sites are currently fragmented and vulnerable to damage from a range of pressures and failing to recognise this would lead to further degradation. These reforms must ensure that nature and its recovery are spatially planned and placed at the heart of future decision-making.
- 4.30 Nature does not fit in spatial or temporal boxes, protecting fragments is no longer enough. The Protected area should be a network, linking existing important sites with identified areas of opportunity to provide for nature to recover in the future. One way of helping secure nature's recovery would be through a new designation – Wildbelt - to protect nature that is in recovery. This would enable new land that is currently of low biodiversity value, but is intended to be or is in the process of being managed to enable nature to recover, to be protected through designation, and so speed the creation of the Nature Recovery Network. Both landscape and site-based assessments are required to properly understand the impact of development.
- 4.31 Furthermore, nature is needed everywhere; protection and enhancement of nature should not be exclusive to the Protected area. The NRN should be a driver for defining the potential suitable locations for development and for protecting those areas of irreplaceable natural capital, as well as reconstructing wildlife-rich landscapes for all to enjoy. It is absolutely vital therefore that the red lines of the various land categories do not result in:
- physical barriers that fragment the Nature Recovery Network: preventing species movement and denying access to natural green space close to where people live, work and play.
 - All land categories, should include space for nature and all development, should accommodate or contribute to high quality Green Infrastructure with accessible natural green space - for both people and wildlife - which connects to the surrounding urban or rural landscape and contributes to the wider Nature Recovery Network. All developments whatever the land category should contribute to Biodiversity Net Gain.
 - the loss of undesignated habitats, sites/spaces of high biodiversity value, which will undermine nature's recovery. These areas are some of the vital steppingstones and buffers that provide the connectivity and foundations for a more, bigger, better and joined up Nature Recovery Network and they are often the sites most valued by people, providing access to nature, close to where they live. Insufficient ecological data, puts these valuable 'undesignated' sites at particular risk under the proposed

11 HM Government (2018) *A Green Future: Our 25 Year Plan to Improve the Environment*

12 Lawton, J.H., Brotherton, P.N.M., Brown, V.K., Elphick, C., Fitter, A.H., Forshaw, J., Haddow, R.W., Hilborne, S., Leafe, R.N., Mace, G.M., Southgate, M.P., Sutherland, W.A., Tew, T.E., Varley, J., and Wynne, G.R. (2010) *Making Space for Nature: a review of England's wildlife sites and ecological network*.

13 <https://cieem.net/sir-john-lawton-calls-for-1-billion-to-make-space-for-nature-10-years-on-from-ground-breaking-report/>

reforms, particular if there is limited/no opportunity to engage at the application stage. Many undesignated habitats and sites of high biodiversity value could well be of Local Wildlife Site (LWS) value, but LWS partnerships do not have the resources for survey and monitoring of sites – this needs rectifying. For example, in Cambridgeshire, the 1990's County Habitat Survey identified around 520 LWS. However, approximately another 500 sites were listed as potential LWS with potential to support particular species groups, but could not be assessed or selected without specialist surveys. There has never been the resources available to assess over 95% of these potential sites.

- indirect damage to protected sites/areas of high biodiversity value as a result of permitted development on adjacent land with no consideration to the impacts this might inflict.

Lack of ecological data to inform local plans and decisions about land categories

- 4.32 We are very concerned that frontloading planning decisions within the local plan and providing 'permission in principle' without any further consultation or site specific survey at the application stage, presents a significant risk to nature because of the current lack of ecological information and evidence on which to inform these decisions. The proposals set a shortened timetable for local plan production of 30 months with just twelve months to gather the necessary evidence to inform and justify the plan and ultimately set in stone outline planning permission (for developments in the growth area) or permission in principle (for developments in the renewal area). Due to the seasonal constraints of ecological field work, a 12 month window is unlikely to be sufficient to obtain all data where there are gaps in knowledge.
- 4.33 Local Nature Recovery Strategies and accompanying Local Nature Recovery Network maps need to be in place before the local plan is developed in order to inform delineation of the three land categories.
- 4.34 Currently, detailed ecological data is currently lacking across much of the country to properly inform these maps to ensure nature is protected and enough space is identified for its recovery. The gaps in ecological data to inform local plans and land category decisions need to be addressed now - by undertaking detailed and comprehensive on the ground habitat surveys. Furthermore, assessment criteria, methodology and capacity is also lacking for many ecological assets to be identified and protected (see box 3) and to understand how they may need to be future-proofed in light of changing climatic conditions.
- 4.35 These gaps in ecological data and assessing ecological assets need to be addressed with the same urgency as the proposed planning reforms. Economic growth must be fully integrated with all environmental and societal needs and such significant planning reforms should not be permitted until the evidence is available to inform the proposals. The information requirements for deciding on the three categories of land in local plans need to be clearly set out as mandatory. Even then, this will only provide a strategic picture at a single point in time, it will not remove the need for site survey or allow for adaptation to climate change.
- 4.36 A front loaded approach still requires site specific survey (See Box 4). Existing evidence is not present for every habitat and species of conservation importance in every area. And the cost of providing this level of information is prohibitive. The only cost-effective way to ensure sufficient evidence is available to make decisions that avoid significant harm to nature is to require targeted survey to fill evidence gaps when applications come forward. Without this, there is a risk of missing the:

- ecological complexities of individual sites. This could lead to serious losses to nature, for example:
 - The Lodge Hill development in Kent is an example of the risk of relying on incomplete data: under threat from a housing development, a site survey revealed a nationally important population of nightingales that would have been lost if there was no requirement to provide this information to support a planning application. Lodge Hill went on to be designated a Site of Special Scientific Interest;
 - A major development at Cinderford Northern Quarter in Gloucestershire was on undesignated land and allocated without site surveys. Surveys later revealed significant populations of protected species and Local Wildlife Site quality habitat, which would have remained unmitigated for with a front-loaded decision making process and no site specific survey.
- dynamic changes to nature that may occur between the point at which a local plan is agreed and the point at which a development actually comes forward. Nature is not static, for example, vegetation will change through natural succession and changes in management, and animals (individuals and whole populations) move, especially in response to climate change. If the time lapse between the two is too extensive, the ecological data underpinning the permission in principle is likely to be inaccurate and out-of-date at the time the development comes forward; and

Box 3 Issues with identifying and protecting existing ecological assets

In Staffordshire, there are believed to be:

- several sites that would meet criteria for Sites of Special Scientific Interest selection including at least one wet grassland Local Wildlife Site (Lount Farm);
- areas of Annex 1 habitats that could be considered for SSSI/Special Area of Conservation (SAC) designation *e.g.* small areas of inland saltmarsh in the vicinity of Pasturefields Salt Marsh SAC/SSSI;
- many Ancient Woodlands that have yet to be added to the national inventory + several wetlands and potentially irreplaceable ancient hedgerows; and
- degraded Lowland raised bog and other bog habitats that could be included in the Midland Meres and Mosses SAC/ Ramsar designation.

Lack of resources and capacity nationally, mean that these sites and habitats are not being recognised for their true value. This includes a lack of:

- resources and capacity for Natural England to designate statutory sites, carry out research, develop better guidelines and best practice, and tackle enforcement issues; and
- nationally adopted guidance and methodology for identifying irreplaceable habitats (other than Ancient Woodlands), leading to many such habitats being unrecorded and poorly understood.

In Greater London, the Ancient Woodland Inventory (AWI) was published in 1986; it takes no account of the data gathered on ancient woodland since then, and the then cut-off size of 2ha means only the larger Ancient Woodlands in London appear on the MAGIC/AWI data. London Wildlife Trust has opposed an application that would impinge on a Local Wildlife Site (known locally as a Site of Importance for Nature Conservation - SINC) which is partly Ancient Woodland, with the applicant using MAGIC and the case officer not even referring to the SINC citation (that references Ancient Woodland character still surviving). Uncreatable ancient habitats in urban situations are especially vulnerable; even the revised lower AWI size of 0.25ha would miss a whole host of tiny fragments.

- impacts on, and opportunities for conservation of, protected species. It is unclear from the proposals how impacts on protected species and associated legal requirements

would be assessed and mitigated within the Growth and Renewal areas. Under the new system, if permission is assumed/automatic, it is not clear how developers will be regulated to ensure ecological impacts are assessed to: avoid damage and illegal activities; and to take appropriate opportunities to build biodiversity into the design (as per current legal requirements, guidance and best practice).

- 4.37 The consultation promotes an open data approach (paragraph 1.11) for the planning system, which in the broadest sense can be viewed as a good, transparent way forward. However, this does present a number of issues and challenges with regards to ecological data, which compound our concerns with frontloaded decision-making and the ecological data that is currently available to inform this.

Box 4 Case studies – the need for up to date and site based data to inform decisions

Cuerden Farm Ponds Local Wildlife Site, Lancashire - *Site survey, revealed LWS no longer met selection criteria*

Part of a proposed 300 unit housing development In Chorley Borough, Lancashire lay adjacent to the ditches and ponds of a Local Wildlife Site identified primarily for its community of breeding Great Crested Newt: it was identified as a Local Wildlife Site on the proposals map and so protected proportionately by appropriate policy in the Chorley Local Plan.

When this application was initially submitted in early 2010, there was insufficient information to establish biodiversity impacts and determine the application due to incomplete surveys. A second round of surveys were therefore completed and demonstrated impacts on statutorily protected species were unlikely. While the development still posed significant threat to the Local Wildlife Site, the absence of the outstanding and qualifying amphibian assemblage for which it had been solely selected meant that the development could proceed with adequate mitigation and compensation for the loss of historic (and potential future) amphibian habitat through planning conditions (in line with the then biodiversity planning policy, guidance and legislation).

Under the proposals in the Planning White Paper, this Local Wildlife Site would have been allocated as a Protected area in the Local Plan and with the suggested reduction in site based survey, the applicant would either have been refused consent or been obliged to undertake mitigation and compensation on the basis of a Great Crested Newt population and amphibian assemblage that was no longer present in reality.

The Local Wildlife Site has since been provisionally removed from the register but, as Lancashire County Council and Natural England have both withdrawn resource from the county Local Wildlife Site partnership, this removal has not yet been formally ratified - as three years' data of absence would be needed and there is no public or charitable resource to undertake such Local Wildlife Site survey work.

Chorlton Moss, Staffordshire - *Lack of survey and old data sets could lead to loss of undesigned, high value sites*

The Staffordshire Local Wildlife Site criteria are regularly updated as new information on habitat importance and survey methods is gained. New LWS are also often identified through planning applications. One recent example in Staffordshire is that of Chorlton Moss, a degraded lowland raised bog which was proposed as part of a housing development site. The existing data and boundary for the site was over 20 years old, and had not included surrounding land due to access restrictions and resources. Through the surveys for the application, wet meadows surrounding the bog were found to be of LWS quality when assessed against the LWS criteria. Recent policy and evidence on protecting peatlands, such as protecting the wider Functioning Ecological Unit, also led to the Staffordshire LWS criteria for peatlands being updated. The application was eventually refused twice and an appeal withdrawn, and land within the application site was designated. Had Staffordshire Wildlife Trust along with local people and the LPA not brought in experts to assess and challenge the proposals, the value of the site could easily have been missed. Had data been complete and peatlands fully understood as part of the LPA's evidence base, such a threat may not have occurred in the first place.

- 4.38 Much of the UK's existing ecological data is not funded with public money, it has not been collected for Government purposes and in most cases it is not owned by the Government or the NBN. Our experience shows that making all ecological data open is not that simple, not least because of data sharing regulations and historic agreements and data holding licences. As such an open data approach is likely to result in:
- a significant reduction in data availability (particularly for protected species);
 - erosion of data quality (particularly in cases where local data is not comparable at the national level); and
 - a reduction in the resources from developer fees, which are currently used to verify and validate data; support ongoing survey work and the volunteers that provide the data; and part fund Local Wildlife Site systems in many areas. Significant ongoing public investment for managing and updating high quality ecological data at the local level and supporting Local Wildlife Site partnerships will be needed. Without this, high quality, up-to-date data will not become open access.
- 4.39 Furthermore, if open data (where it exists) is made available to developers, it would still need ecological expertise and local knowledge to interpret that data and design suitable habitat and mitigation into development. Interpretation in a local context is vital. Habitats and species assemblages common in some parts of the country may be rare in others. Local Wildlife Site criteria are a particularly valuable tool in the Ecological Impact Assessment to identify 'regional, county or local significance'.
- 4.40 If the steer is for all data to be open, the complexities and technical issues with regards to mobilising private data, as well as the models for collecting, validating and managing this data, need to be addressed. It also needs to be recognised that not all data is suitable as open data, for example, there is a lot of sensitivity around data for species which are especially vulnerable to persecution (*e.g.* badgers, adders), egg collecting and rarity. In the meantime, decisions impacting our natural world should be based on the most up to date, robust and relevant data, not solely on the data that is currently open. And this will mean addressing the concerns in relation to the current gaps in data, as we raised under paragraphs 4.32 – 4.36.

Loss of local democracy

- 4.41 We object to the loss of opportunity to challenge damaging development at the point where the actual development proposals come forward. Consultation questions 2a and 2b ask whether people get involved in planning decisions, and if not why not. But the consultation does not ask what would encourage people to get actively engaged. In our experience, this tends to be when individual development applications are submitted, that people consider to be potentially damaging to the local area where they live. Under the new system, public engagement at this point would not be possible when automatic outline planning permission is granted within a designated Growth area. We believe this significant reduction in the public's opportunity to input in the decision-making process for new development has been profoundly under-played in these proposals, and would lead to a loss of democratic accountability.
- 4.42 This combined with the reduced period of consultation at local plan stage coupled with the potential proposals for independent examination to: remove the automatic right to be heard at the examination process for the local plan; or even to remove the need for an independent examination of the local plan altogether – relying on local authorities to self-assess - are of huge concern and proposals we do not support (see our specific comments on this under proposal 8). This would remove the only opportunity for public and third-party organisations such as The Wildlife Trusts to challenge specific and potentially damaging planning proposals and to be heard by an independent Inspector. And if left to the plan making stage,

there would be no opportunity for people moving into an area to engage with the planning process and decision making.

- 4.43 We support the principle of design guides and codes (see proposal 11) and the engagement of local communities in their production, which, done well, minimises delays by encouraging developers to consider risks and meet community expectations from the outset. However, we don't believe this is an adequate substitute for having a voice at the point at which development comes forward. As we already know with neighbourhood planning, community engagement in design codes and guides will be of interest to specific members of the community, but its reach is likely to be limited to those that have the time and interest to engage, particularly as the codes won't necessarily be that site-specific or time-specific.
- 4.44 We note that the Planning White Paper makes several references to Master Plans being produced along-side site specific codes as a condition of the permission in principle granted through the plan. What isn't specified is whether local communities will be consulted on/have an opportunity to influence these and the associated layout and design of a development coming forward in the growth areas.
- 4.45 Public and local stakeholder involvement at the master planning and development application stage are both critical. As well as providing local information that may not be picked up by the consultant ecologists, it can be an important way to secure transparency and ownership. Without this, the public will not have trust in the decisions, will be disenfranchised and become disillusioned – leading to potential legal or direct action by the public with the inherent costs and delays this would cause. Having early engagement at the master planning stage should dramatically reduce the consultation required at the application stage, thus streamlining whilst retaining local democracy.
- 4.46 The Planning White Paper implies public consultation results in delays, but it is not clear on what evidence this is based. Our experience is that delays tend to be caused by: poor quality applications, under-resourced and overstretched planning departments; applicants not providing sufficient information or the right information asked of them; and/or negotiations over complex issues, for example there is a development [proposal for 450 dwellings in Whiston, Rotherham](#), which was validated in April 2019 and Highways have requested another 6 months from now (*e.g.* determination Feb 2021 at the earliest).

Proposal 2: Development management policies established at national scale and an altered role for Local Plans

Proposal 2 – Key points and recommendations

- The Wildlife Trusts strongly favour the alternative option proposed in the PWP to allow flexibility in setting development management policies in Local Plans with clear rules that these do not dilute national policy.
- National Planning Policy could usefully provide some much clearer definitive rules to support this approach
- The Wildlife Trusts support the principle of design codes and guides, but codes must be:
 - meaningful and of sufficient scope to ensure nature’s recovery, secure biodiversity net gains and deliver high quality green infrastructure that includes accessible natural green space.
 - informed by accurate and detailed ecological data.
 - in place ahead of applications coming forward.
 - flexible to meet local needs and well-resourced to ensure good community engagement.
- Communities and local stakeholders must have the opportunity to engage and shape the actual design of developments at the master planning and application stage of development.
- Automatic machine readable technology to screen development proposals must not replace the skills, knowledge and consideration that are required to make objective decisions on the impacts, designs and cumulative impacts of development.

Q.6 Do you agree with our proposals for streamlining the development management content of local plans, and setting out general development management policies nationally?

- 4.47 **No.** The use of some national development management policies may be helpful where national policy has a clear requirement to be consistent and provide clear, unequivocal expectations of what is and is not permitted *e.g.* Green Belt policy, designated sites policy. And for strengthening clear rules and requirements for certain standards *e.g.* Sustainable Drainage Systems (SuDS), in line with the Flood and Water Management (Act 2010). But one size cannot fit all in an arena as complicated as planning, not least because of the differing natures of local authority areas (rural/urban) and the types of local authorities from County to Unitary and National Park Authorities. There must be some ability to reflect and respond to local environmental, social and economic circumstance, in order to avoid great detriment of planning outcomes and public engagement in the process.
- 4.48 Development management policies, in many instances, are directly related to the holistic view of the whole administrative area which itself informs the strategy and overall aims of a local plan. This should be determined locally, if it is to be properly democratic and informed by local needs.
- 4.49 Local planning authorities need to shape many of their policies to reflect local concerns and issues, going beyond design, for example, policies which seek to diversify housing stock and or direct development away from areas and species of local nature conservation value and distinctiveness. For example, Cambridgeshire is severely deficient in open access land such as downland, moorland or coast, so much so, that SSSIs are being adversely impacted by recreational pressures – new developments in these areas may need to strategically plan for substantially more accessible nature Green Space than areas where this is less of an issue.
- 4.50 The proposals, as written, risk undermining the protection of locally important sites and habitats (designated and undesignated), greatly restrict the capacity of planning to reflect

local circumstances (including all three pillars of sustainable development) and potentially stifle innovation, leading to generic development and poor strategic decision-making.

- 4.51 As it stands national policy is often too generic to guide local circumstances and nuances. We would therefore support the second alternative option set out in paragraph 2.16 of the consultation, to allow local authorities to have a *similar level of flexibility to set development management policies as under the current Local Plans system, with the exception that policies which duplicate the NPPF would not be allowed*. This would enable local knowledge of housing needs, biodiversity, achieving and delivering Nature Recovery Networks, net gain (and other matters crucial to a high quality green and built environment) to be properly encompassed in a local plan that meets local needs. However, this should come with the clear rule, that local policies should not dilute or contradict national policy.
- 4.52 To improve transparency and clarity, National Planning Policy could usefully provide some much clearer definitive rules to avoid ambiguity and effectively inform this approach - both to help local plan development and help the process of public engagement.
- 4.53 In principle, we support the development of local design guides and codes, and the engagement of local planning authorities and neighbourhoods in their production. However, much of this is dependent on the content and standards set in the national design code (see proposal 11). Local design guides and codes must be meaningful and of sufficient scope to ensure nature's recovery, by including: Green Infrastructure requirements (underpinned by standards *e.g.* Building With Nature) which connect to the wider Nature Recovery Network; and biodiversity net gain requirements which support the Nature Recovery Network. Local design guides and codes should also require the need for accurate and detailed ecological information. And it will be imperative that these are in place ahead of applications coming forward to ensure they truly shape the application.
- 4.54 Done well, they could be a positive mechanism for development in the growth and renewal areas (or better still incorporated into the current planning system). But recognition needs to be given to the fact that if these are to be done well, they are not a 'quick fix' – they will be resource-heavy and potentially move the difficulties of local plan production to another place. It also needs to be recognised that a one-size-fits-all approach will not fit local vernaculars as anticipated elsewhere in the consultation. More critically, they would need to be well-resourced in order to be available for all major development.
- 4.55 As discussed under paragraph 4.45 retaining the opportunity to respond to applications is important for local democracy. However, an effective stage for consultation is during the master planning stage when communities and stakeholders can help shape the actual design of developments.
- 4.56 Without more detail it is very difficult to assess proposals set out in 2.15, to use automatic machine readable technology to screen the compliance of development proposals with planning policy and design codes. We are very concerned that this approach would reduce necessarily complex and nuanced decisions to an overly simplistic approach and we urge that this does not replace the skills, knowledge and consideration that is required to make objective decisions on the impacts and designs of a development.
- 4.57 Trusts often encounter planning applications that are missing vital information about potential impacts on designated sites, protected species and core parts of the Nature Recovery Work. Or indeed that make assumptions about what species and habitats may or may not be present without taking account of local conditions/evidence *e.g.* for example in Nottinghamshire, assumptions have been made that otters will not use small drainage ditches despite camera evidence to the contrary, and that white-clawed cray fish will only be present in high quality streams when records show they are present in small degraded watercourses.

An automated system relies on the information provided by the applicant being both accurate and complete and this is often not the case. There must be a level of professional audit to avoid damaging developments.

- 4.58 Furthermore, it is not clear how an automated system would be able to quantify the indirect or cumulative impacts on a site (such as shading) or the risks to that site from lack of alternative green space provision. This local knowledge will also be vital in assessing the cumulative impacts of multiple developments coming forward in an area that is linked through ecological function.

Proposal 3: Local Plans should be subject to a single ‘sustainable development’ test, replacing the existing tests of soundness

Proposal 3 – Key points and recommendations

- The Wildlife Trusts would not support any streamlining of the ‘test’ of sustainable development, unless it was:
 - rigorous enough to ensure against poor or unlawful decisions with no accountability
 - well-resourced and based on rigorous data and assessment, including natural capital considerations
 - underpinned by a clear and robust definition of sustainable development (see proposal 1)
- The duty to Cooperate should be retained and strengthened to provide a greater-than county mechanism for collaboration between councils on strategic matters, including from an ecological perspective: NRN, Local Nature Recovery Strategies, Local Nature Partnerships, flood risk, cumulative impacts, NSIP impacts.
- Nature Recovery Networks should be placed at the centre of local plans, as the vehicle to: identify unsuitable areas for development; assess cumulative impacts of development; ensure protection and meaningful enhancement of biodiversity (including biodiversity net gains); and to plan for the creation of wildlife-rich greenspace.

Q 7a Do you agree with proposals to replace existing legal and policy tests for local plans with a consolidated test of “sustainable development” which would include consideration of environmental impact?

- 4.59 **No** because it is not clear what is being proposed. It would depend greatly on what the test is and how ‘sustainable development’ is defined. If the principles of Sustainability Appraisal could be retained in the proposed statutory test, then it may achieve the same purpose, but we are concerned that the current system is already overly-simplified. Much more detail is required to provide an informed answer to this question.
- 4.60 An effective local plan has an essential role to play in delivering true integration of economic, social and environmental priorities and objectives. It is hard to see how the necessary assessments, evidence and data to assess this, could be reduced to a single test, particularly given the proposals in the Planning White Paper for this to also incorporate matters previously covered under the Duty to Cooperate. Any consolidated test would need to be rigorous enough to ensure it did not result in poor or unlawful decisions with no accountability. Furthermore, it will need to be underpinned by the right level of resources to provide the necessary evidence to determine whether the plan is ‘sound’ or not.
- 4.61 As discussed in paragraphs 4.26 -4.27, the current definition of sustainable development within the National Planning Policy Framework is inadequate and should not be used as the measure against which development plans and site proposals are assessed. Any future planning reform should include a clear and robust definition of sustainable development.

- 4.62 Furthermore, in its recent response to the recommendations of the Natural Capital Committee Report¹⁴, Government committed to integrating natural capital considerations into the planning system via the NRN. This is a welcome commitment and vital to securing the Environmental Net Gain ambitions of the 25 YEP. It is, however, difficult to see how integration will be feasible within a very streamlined sustainable development test. Achieving the desired outcome of increasing development quality will only be possible if it is based on rigorous data and assessment. Streamlining can best be achieved by improving the access to, quality of, and interpretation of this information.

Q.7 (b) How would strategic, cross-boundary issues be best planned for in the absence of a formal Duty to cooperate?

- 4.63 Abolishing the duty would be a significant retrograde step and completely at odds with The NRN approach and the aspirations of the 25 Year Environment Plan. The Wildlife Trusts want to see the duty strengthened not removed and believe that a greater-than-county mechanism for collaboration between councils on strategic matters must be a key requirement of the planning system if it is to work effectively at the local level and deliver consistently on all of the three pillars of sustainable development.
- 4.64 The duty was introduced to ensure cross boundary cooperation following the loss of regional planning. It was recognised at the time that a framework for local authority cooperation was needed to enable strategic planning across local authority boundaries on a whole range of issues from housing and transport to the environment. This requirement has not gone away and is of particular importance where local planning authorities cover parts of larger urban areas, where they have to align policies and also plan spatially because of shared challenges and opportunities.
- 4.65 In the absence of the duty, there will need to be very clear requirements for cross-boundary cooperation to ensure this still happens – at the moment the Planning White Paper does not provide any satisfactory alternative mechanism to ensure this happens. Nor does it provide any direction on how Local Plans in Greater London will relate to the London Plan and the Mayor of London’s planning powers. While new style-digital local plans and maps will help LPAs to consider strategic cross boundary issues, it will still be essential that they are required to engage and cooperate in their production and the cross-boundary decisions they make.
- 4.66 Nature, including ecosystems, networks of habitats and species movements do not stop at administrative boundaries - cross boundary cooperation will be needed to ensure maximum strategic planning and outcomes for nature’s recovery. Strategic level cooperation and spatial planning enable individual and combined impacts to be properly assessed alongside opportunities to restore and reconnect the natural environment to secure multiple benefits for wildlife and people. If a Nature Recovery Network was placed at the centre of local plans, then this could act as the vehicle to: identify unsuitable areas for development and those with less potential risk of conflict with biodiversity issues; assess cumulative impacts of development; help ensure protection and meaningful enhancement of biodiversity (including biodiversity net gains); and help plan for the creation of wildlife-rich greenspace for expanding communities, in a spatially coherent way that is planned from the start.
- 4.67 As well as its role in co-operation in matters relating to biodiversity, the duty has been an important mechanism for ensuring cross-boundary cooperation on matters like flooding. It has helped support the coordination and production of joint strategic flood risk assessments, and

14 Defra (2020) The Government’s response to the Natural Capital Committee’s state of Natural Capital Report 2020

the identification of up-stream, strategic-scale interventions, such as natural flood management, working at a catchment scale.

- 4.68 As well as cross boundary working, the duty to cooperate has been a helpful driver in ensuring partnership engagement in some areas of the country. Local Nature Partnerships (LNP) have played an important role in facilitating cooperation amongst local partners and in promoting an integrated approach to nature conservation. For example, Dorset LNP and the Hertfordshire LNP have both engaged a wide range of partners in producing Nature Recovery Network maps for their respective areas. Some local authorities are also working directly with their Wildlife Trust to produce Nature Recovery Network maps. This is the case in London, where Hackney Council is working with London Wildlife Trust to develop a NRN map/plan, even though its local plan has recently been adopted. And the case in Somerset, where seven planning authorities now have maps and policies in their local plans.
- 4.69 Cross boundary working and cooperation will also be vital in the successful facilitation of Local Nature Recovery Strategies (LNRS), stemming from the Environment Bill. Cornwall has been selected as one of five pilot counties for the LNRS. While Cornwall only has one county boundary with Devon, this boundary is the Tamar River which is one of the most significant natural assets (also an AONB) that South West England has. Cooperation with its neighbours to link the LNRS along and across this boundary will be vital and incorporating development planning into this process will need to be a priority.
- 4.70 Cooperation must work beyond adjoining counties, but also across the wider region and the National Planning Framework. The National Infrastructure Strategy, for example includes developments that impact nature beyond the county borders, for example, Hinkley Point C nuclear reactor, currently under construction in Somerset.
- 4.71 Failure to cooperate can cause delays to local plans, for example, in 2019 neighbouring Mid Sussex District Council and Wealden District Council did not appear to collaborate on their approach to the Ashdown Forest Special Protection Area (SPA). Mid Sussex District Council designated Suitable Alternative Natural Greenspace (SANG) with Natural England early on and this was put forward as a solid policy as part of its submission district plan in August 2016. At the same time however, Wealden District Council had the policy from its Core Strategy overturned at appeal, requiring it to assess each application on a case by case basis because it had not done the same. Cooperation between the two authorities could have secured a more consistent and collaborative strategy for the mitigation of the SPA and saved time. The Wealden local plan was thrown out by the inspector at the examination, with one of the reasons relating to inadequate engagement with Natural England and concerns about the way the council approached cross-boundary issues with other authorities.

Proposal 4: A standard method for establishing housing requirement figures which ensures enough land is released in the areas where affordability is worst, to stop land supply being a barrier to enough homes being built. The housing requirement would factor in land constraints and opportunities to more effectively use land, including through densification where appropriate, to ensure that the land is identified in the most appropriate areas and housing targets are met.

Proposal 4 – Key points and recommendations

The Wildlife Trusts:

- support the principle of making better use of suitable brownfield sites, but:
 - development should not be allowed on brownfield sites of high biodiversity value;
 - brownfield sites should be subject to survey and assessment prior to approval for development.
- does not support the standard method of housing need because it fails to take account of both local projected demand (based on accurate data) and the ability and desirability for an area to accommodate new sustainable development. Methodology used to assess housing need must:
 - take into account the environmental carrying capacity of an area to accommodate new housing;
 - take account of local conditions and constraints, *e.g.* components of the Nature Recovery Network (including sites with potential to contribute to nature's recovery) and flood risk areas;
 - be informed by accurate local ecological data and a robust assessment of real housing need in the social rented and affordable sector.

4.72 There are several references in the introduction to the Planning White Paper and under proposal 4 to make better use of 'brown field sites'. However, the paper does not differentiate between concrete-covered brownfield sites and those that have developed significant wildlife value and have become important community assets since being abandoned (for some communities, particularly in densely populated urban areas, these can be vital spaces for access to nature close to home).

4.73 The Wildlife Trusts support the principle of prioritising development on brownfield sites where suitable, but the emphasis is on 'suitable'. To provide certainty for planners and developers: survey and site based assessments should always be carried out before they are considered suitable for development, they must not be exempt from Ecological Impact Assessments and there must be scope for removing Permission in Principle, without compensation, if the value of the site is discovered after allocation. There should also be a clear definition of the types of brownfield sites that should be considered from the outset as high environmental value and therefore unsuitable for development. High environmental value brownfield sites are those that:

- Contain priority habitat(s) listed under section 41 of the Natural Environment and Rural Communities Act 2006;
- Host certain protected or priority species, and/or regionally 'significant' populations of protected/priority/notable species or assemblages;
- Hold a nature conservation designation such as Site of Special Scientific Interest, or are selected as a Local Wildlife Site or meet Local Wildlife Site criteria.

- 4.74 More information is available from Wildlife and Countryside Link's *Open mosaic habitats high value guidance*¹⁵. Without such safeguards, we are likely to see the continued loss of, and damage to, ecologically important brownfield sites (See Box 5).

Box 5 Risks to Brownfield sites of high biodiversity value

Rolls Royce, Hucknall, Ashfield District Council A large development including a business park and residential development was given outline permission in 2014, despite its proximity to Nottinghamshire's largest area of calcareous grassland which is recognised as a Local Wildlife Site (LWS) due to its botanical interest. The development will lead to a significant and extensive loss of the grassland habitat within the LWS. With statutory protected sites covering just 1.5% of Nottinghamshire's land area, LWSs are where most of the county's important wildlife can be found. The development was approved despite continued objections by Nottinghamshire Wildlife Trust and significant concerns raised by Nottinghamshire County Council Nature Conservation team and Natural England. The Environmental Impact Assessment found that the development, even with mitigation, would be likely to lead to adverse impacts.

Eye Green, Peterborough Adjacent to Eye Green Local Nature Reserve and Local Wildlife Site (LWS), east of Peterborough, an area of high environmental value brownfield open mosaic habitat has recently been allocated for housing on appeal. There was an historic allocation for employment use, but the housing allocation is over a larger area and therefore the remaining brownfield habitats outside of the Local Nature Reserve boundary (but within the LWS boundary) will be lost.

Handforth Garden Village is a strategic site allocated in the Cheshire East Local plan, part of the site is considered brownfield. In 2016 (before adoption of the local plan in 2017) 36 ha of the 120ha site was selected as a Local Wildlife Site (LWS) due to the value of its suite of ponds, grassland and dragonfly assemblage of regional importance. The LWS is 'high ecological value brownfield' and should not have been allocated in the local plan and Cheshire Wildlife Trust lobbied against this. Development (as an allocated site) will lead to the loss of the majority of the LWS, although offsite compensation will be secured.

Q 8(a). Do you agree that a standard method for establishing housing requirements (that takes into account constraints) should be introduced?

- 4.75 **No.** Any assessment of housing need should take into account both local projected demand (based on accurate data) and the ability and desirability for an area to accommodate new sustainable development. Statistical and data based approaches to establishing housing numbers can attempt to accommodate concepts of constraint; but this is only part of the picture in establishing if the figure is deliverable.
- 4.76 The standard methodology simply dials up housing figures but ignores the availability of deliverable sites. This methodology will not deliver additional houses, just additional housing figures. This failure in matching real housing need with deliverability, will inevitably lead to pressure on the natural environment, leading to loss or degradation of sites of high environmental value; and would undermine other natural capital, as this would not have been properly factored in to the calculations – thus undermining the environmental carrying capacity of an area.
- 4.77 The Wildlife Trusts object to the underlying policy driving these proposed changes, namely that providing 300,000 homes a year, skewed to the least affordable areas, will solve problems of inequality and poor access to homes.
- 4.78 The standard methodology relies on an assumption that by making more land 'available' through forcing Local Planning Authority's (LPA) to plan for unrealistic numbers of homes,

¹⁵ <http://www.wcl.org.uk/docs/Brownfield%20high%20environmental%20value%20FINAL%20June%202015.pdf>

developers will build so many homes that the value of their own product *i.e.* house prices, does not increase. This is clearly not a sound business model for developers and will instead result in LPAs failing to meet their housing targets, therefore opening up the system to unsustainable and unplanned development. This in turn fails the natural environment by not considering if there is sufficient capacity to provide water, clean air and a landscape that can react to a changing climate for the benefit of people and wildlife.

- 4.79 Currently, LPAs allocate sites in local plans with the capacity to accommodate plan-targets, but developers decide the build out rates and will not build more houses than can be sold by them at their own determined level of profitability, *i.e.* keep house prices high and less affordable, to maintain profit levels. It is part of no house builder's business model to build so many houses that they'd have to sell them at a discount. This was illustrated within Sir Oliver Letwin's independent review on Build out Rates, commissioned by the Government¹⁶.
- 4.80 Paragraph 2.24 is fundamentally flawed, in suggesting that lack of affordability in housing provision is a result of inadequate land supply. Some developers intentionally slow development phasing in order to maintain high prices, evidenced by the extant housing permission data, which points to between 800,000 and 1 million extant planning permissions for residential dwellings in England.^{17 18} And in the timeframe of just one year to June 2019, 163,000 fewer houses were built than were given planning permission based on 377,000 full residential planning consents granted¹⁹ and a build out of just 214,000 homes.²⁰ These figures are mirrored locally by a desk top study undertaken by Nottinghamshire Wildlife Trust which found that across just five Nottinghamshire Local Planning Authorities there are currently 17,104 extant housing permissions, some of which were permitted three and four years ago.
- 4.81 The gap between permission and build out is accounted for in paragraph 2.25 which states "inclusion of an appropriate buffer to ensure enough land is provided to account for the drop off rate between permissions and completions as well as offering sufficient choice to the market, encompasses all that is wrong about the current market forces dictating what houses are actually built and when. There should be no need for a "buffer" in a well evidenced planning system, with timely delivery of permissions.
- 4.82 The changes to the standard methodology appear to have been designed to result in a housing target that meets the Government's manifesto pledge of 300,000 new homes being built a year. However, their manifesto also guaranteed that they will 'protect and restore our natural environment', 'increase biodiversity' and 'devolve power to people and places across the UK'. We do not believe that this Planning White Paper is keeping all of these promises. This Government also made commitments to reverse wildlife declines in the UK, which is currently one of the most nature-depleted places on the planet, yet the proposed changes to the standard methodology would make this situation worse, and at the same time do nothing to address the affordability of homes.
- 4.83 Using the baseline as suggested, results in a self-perpetuating situation where authorities with high rates of house building in the recent past are made to continue that level of delivery in perpetuity. For example, a significant number of homes have been built in the last 5-10 years in Horsham District, Sussex but this does not mean the same level can be accommodated

¹⁶https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/718878/Build_Out_Review_Draft_Analysis.pdf

¹⁷ TCPA (2020) Raynsford Review – Planning 2020 'One Year On'. London. Town & Country Planning Association.

¹⁸ LGA (2020) Housing Backlog - more than a million homes with planning permission not yet built:

<https://www.local.gov.uk/housingbacklog-more-million-homes-planning-permission-not-yet-built>

¹⁹ Savills (2019) Planning Policy Update December. London. Savills Research UK Residential. Available at:

<pdf.euro.savills.co.uk/uk/residential---other/planning-policy-updatedecember-2019.pdf>

²⁰ HBF (2019) Massive increase in housing supply despite wider uncertainties. 14 Nov.,. Available at: hbf.co.uk/news/massive-increasehousing-supply-despite-wider-uncertainties/ London. Homebuilders Federation.

moving forwards. Continuous growth is clearly not compatible with the principles of sustainable development and environmental limits, especially when there is currently little opportunity for LPAs to require new homes to contribute sufficiently to net zero targets.

- 4.84 Additionally, the Office of National Statistics states that household projections are not forecasts, therefore they should not be used to calculate the need for housing. If projections are used, they should be over a longer period to reduce volatility and prevent substantial changes in the housing need calculation each time a new set of projections is used.
- 4.85 The evidence of the Letwin Review indicates that the housing targets are unachievable for a sustained period, not least due to limited supplies of building materials and limited availability of skilled labour. The focus needs to move to where and how we build the correct mix of houses; acknowledging the environmental carrying capacity of an area, not just how many homes we need to build.
- 4.86 There should also be a far greater emphasis on robust assessment of real housing need in the social rented and affordable sector, which should not be left to the private sector to deliver. This is where there is a further failing in market-led delivery. Too often, the minimum number of affordable and social-rented homes are tagged onto a larger development, where lower numbers of such homes, are subsequently negotiated down on viability grounds. The new proposals would increase the likelihood of this, by removing the necessary detailed data gathering on local housing needs which should be part of the application process.
- 4.87 When LPAs fail to meet their housing targets they are punished by having less control on what development is acceptable for their local needs. In our experience, this results in unplanned development in unsustainable, car-dependent locations, that do nothing in terms of delivering nature on people's doorsteps. Whilst this system is likely to change through proposed future planning reform, a large amount of damage can still be done though creating physical barriers to the development of a Nature Recovery Network (NRN) and perpetuating unhealthy, nature deprived lifestyles.
- 4.88 One of the biggest flaws of the standard methodology is the lack of consideration of 'constraints' to housing delivery. We are currently in the midst of an ecological, climate and health crisis and yet, the changes to this methodology will make these worse as there is no consideration of environmental capacity.
- 4.89 It should be acknowledged that meeting a housing target based on poor evidence of local need, is not in itself in the public interest if the type of development being delivered is working against nature's recovery and people's connection to nature and failing to provide the place-making that enables people to lead safe and healthy lives. There is a public interest in delivering a Nature Recovery Network that protects and restores nature, which in turn helps secure the ecosystem services needed by new residents to an area - this should be given significant weight.
- 4.90 The standard methodology should allow LPAs to adjust numbers based on local conditions and recognise ecological assets. This must include components of the Nature Recovery Network, including sites with potential to contribute to nature's recovery. Across the UK there is insufficient ecological and environmental data to make good quality assessments remotely or at a national level.
- 4.91 In the current system, the only 'constraints' given any real weight are national landscape designations. Whilst we strongly support the protection of our most valuable landscapes, the current system results in housing delivery being pushed into areas inappropriate for development, *i.e.* those prone to flooding or neighbouring undesignated areas (which may have greater ecological value than the designated landscape nearby). Without ecological

connectivity and function across the landscape, the decline of nature across the country will continue. For example, see Box 6.

Box 6 The housing methodology and wider constraints

In Sussex, 83% of Rother District is in the High Weald Area of Outstanding Natural Beauty (AONB). The changes to the standard method recently consulted on would result in a housing target of 1,173 dwellings per annum. This is compared to the current standard method target of 736, the current local plan target of 335 and the average build over the last 3 years of 241. This is despite large areas of land around the Bexhill to Hastings Link Road being allocated for large scale development which has not been brought forward by developers.

It is clear that with the majority of the district being within a protected area, delivering 1,173 dwellings per annum will be virtually impossible. This presents a serious concern that the mandatory housing requirement that Rother District Council is unable to deliver will be passed on to neighbouring authorities, which are also very constrained, but not “protected” by the AONB designation.

Q 8(b). Do you agree that affordability and the extent of existing urban areas are appropriate indicators of the quantity of development to be accommodated? [Yes / No / Not sure. Please provide supporting statement.]

- 4.92 The adjustment formula creates the highest targets in rural areas, which are often the least sustainable areas for extensive growth. The formula seems to be focused on increasing housing targets rather than delivering affordable housing. Fundamentally, the use of this ratio skews what is considered affordable, driving up further unsustainable levels of housing numbers without actually solving the issue (see comments under Q8a on why increasing supply does not decrease house prices).

Proposal 5: Areas identified as Growth areas (suitable for substantial development) would automatically be granted outline planning permission for the principle of development, while automatic approvals would also be available for pre-established development types in other areas suitable for building.

Proposal 5 – Key points and recommendations

Proposals for the categorisation of areas must be underpinned by the resources and evidence on which to make sound decisions. Decisions must:

- be informed by a Nature Recovery Network map, a Local Nature Recovery Strategy and upfront ecological assessment.
- ensure that growth and renewal areas avoid impact to the core features of the Local Nature Recovery Network and; contribute positively to help achieve landscape scale restoration and recovery for people and wildlife by creating space for nature (this includes non-designated sites and areas of opportunity for nature's recovery and people's access to nature).
- ensure local authority ecologists (appointed where absent) agree in principle to the proposed allocations (working where possible with relevant local ecological experts).

The Wildlife Trusts are concerned about proposals for consent for developments in growth and renewal areas. If outline permission/permission in principle is given:

- we would not want to see any dilution in the current requirements for reserve matters/technical detail including full environmental assessments for noise, flooding, ecology etc.
- development coming forward, must be informed by updated information and site specific surveys to assess ecological impacts and cumulative impacts (in addition to the assessments made at the time of allocation).
- the design codes and guides used to inform development design, must fully integrate nature.
- all development, should accommodate or contribute to high quality Green Infrastructure with accessible natural green space - for both people and wildlife - which connects to the surrounding urban or rural landscape and contributes to the wider Nature Recovery Network.
- all development, regardless of the permitted route of approval, should contribute to Biodiversity Net Gain (exemptions for Development orders and NSIPs must be removed from the Environment Bill).
- We do not support any proposals for development in Growth areas to be considered under the Nationally Significant Infrastructure Project regime.
- We do not support any automatic consent/fast track to beauty ahead of any well researched and critiqued evidence from the pilots.

4.93 There is not enough information on how the process will work in practice to give a fully informed response to questions 9a and 9b. From a strategic perspective, we would want to be confident that:

- Any proposals for categorising areas of land would be informed by a regularly updated Local Nature Recovery Network map, Local Nature Recovery Network Strategy and detailed on the ground surveys.
- Development would be: targeted in areas that avoid impact to the core features of the Local Nature Recovery Network and; contribute positively to help achieve landscape-scale nature conservation restoration and recovery.
- Space for nature would be integrated into the Growth areas and all development, would accommodate or contribute to high quality, accessible natural green space - for

both people and wildlife – which connects to the surrounding urban or rural landscape and contributes to the wider Nature Recovery Network as part of the design code. All developments whatever the land category would contribute to BNG. Green Infrastructure would be required to meet clearly defined quality standards *e.g.* Building with Nature²¹

- 4.94 In addition, it is not clear how the proposals align with principles for Garden Cities, Towns, and Villages. Despite the fact that this is a significant part of delivering housing targets and creating new communities, there is no mention of these in the Planning White Paper.
- 4.95 The proposals appear to suggest multiple new routes by which developments could be approved across the proposed Growth and Renewal areas (see paragraphs 2.32 – 2.33 of the PWP). This is in addition to the existing planning application routes that will remain available for the protected areas. Even with some (as of yet unspecified) consolidation of existing consent routes, it is hard to see, with: so many existing routes to development consent being consolidated; and so many new routes being proposed; and with several different bodies potentially overseeing authorisation and enforcement, how the proposals are securing a more streamlined and simple route for planners and developers. It is also very difficult to see how the wider infrastructure needs of society will be effectively and strategically planned in a joined up and sustainable way.
- 4.96 Under the proposals, it is not clear how the direct and indirect impacts of development on ecological assets will be addressed in the growth and renewal areas. Nor is it clear how cumulative impacts of sites that are given outline planning permission/permission in principle/permitted development will be assessed. Information at the plan making stage on the minimum and maximum number of dwellings does not provide the level of detail to determine the number of residents that the site will carry, the share of affordable and social rented homes, and the needs of residents in terms of water use, access to green space, transport etc. Cumulative impacts need to be strategically assessed for entire growth and renewal areas at the point of designation along with any mitigation required. These need to be considered in cooperation with bordering authorities and in line with the Nature Recovery Network.
- 4.97 Paragraph 2.34 states it would be possible in the renewal and growth areas *for a proposal which is different to the plan to come forward (if, for example, local circumstances had changed suddenly, or an anticipated opportunity arose)*. This recognition of flexibility to divert from the local plan, if there are changes in local circumstances or anticipated opportunity, should be applicable to the natural environment. If an area allocated in the local plan as a growth or renewal area is later evidenced as being of high biodiversity value or if the cumulative impacts of development coming forward in these areas is found to exceed the environmental carrying capacity, then it should be possible to adjust the proposals accordingly. In such cases, permission should be revoked without compensation.

Q 9(a). Do you agree that there should be automatic outline permission for areas for substantial development (Growth areas) with faster routes for detailed consent?

- 4.98 **No.** There is not enough information in the PWP to provide an informed response nor is there enough evidence to demonstrate that this approach can deliver high quality sustainable developments. However, if Growth areas are given automatic outline permission we would want assurance that detailed reserve matters under current requirements for local plan allocations were not diluted. There would also need to be specific guidance and requirements on a number of other factors including, but not necessarily limited to:

²¹ [Building with Nature](https://www.buildingwithnature.org.uk/about) <https://www.buildingwithnature.org.uk/about>

- assessments to establish constraints like flood risk, noise, ecology, contamination, archaeology and transport;
- proper and rigorous impact assessments at the point of application, including cumulative impact assessment;
- design codes and standards to ensure Green Infrastructure and nature's recovery are incorporated into the design of all developments;
- biodiversity net gain delivery (as per the 25 Year Environment Plan, NPPF and Environment Bill) being a requirement for all developments, with current exemptions removed *e.g.* for development orders and NSIPs; and
- enforcement measures – to ensure all requirements are properly adhered to.

4.99 On the issue of ecological assessments to establish constraints, there is no detail in the Planning White Paper about who would be responsible for undertaking these or indeed if they would be required. Would it be the local planning authority prior to allocation? Or would it be the responsibility of the applicant/developer? In the case of the former, this has a significant impact in terms of resources, both financial and professional, particularly given the time frames proposed for establishing local plans. If this is not a requirement, these constraints, if they exist, could mean: the principle of development is unacceptable; the amount of development that can be provided will be significantly hindered; and/or the development has adverse impacts on the environment either, directly or as a result of its environmental carrying capacity.

4.100 We believe that to ensure sustainable development, all relevant assessments should be carried out upfront with the appropriate allocation of resources to ensure this is done effectively. Furthermore, all site allocation proposals should be agreed to 'in principle' by a local authority ecologist (and their supporting partners) prior to allocation and determination if outline permission will be automatically granted as part of this future process. Engagement of key ecological specialists should happen as early in the process as possible See Box 7.

Box 7 Ensuring expertise, scrutiny and data are used to inform site allocations in the local plan

In Cornwall, as part of the most recent 2017 Site Allocation Development Plan Document (DPD), Cornwall Wildlife Trust (CWT) was asked to review proposed site locations and provide feedback to the County Ecologist. Cornwall Council (CC), unlike many local authorities, has a full time ecologist. This early engagement allowed CWT to provide information on specific areas to be avoided from the outset and recommendations for appropriate site assessments (due to differing scales). It was noted by CWT that the majority of the suggested sites were already located outside of habitat designations.

Similarly, Suffolk Wildlife Trust consultancy has been working closely with Ipswich Borough Council, to ground truth site allocations for its emerging plan and undertake an ecological audit of 79 sites around Ipswich as part of a review of the Local Plan. It also included provision of advice on how biodiversity net gain could best be achieved on each site.

The results of the audit can be viewed here:

https://www.ipswich.gov.uk/sites/www.ipswich.gov.uk/files/ipswich_wildlife_audit_introduction_sep2019.pdf

4.101 As well as upfront assessments, The Wildlife Trusts would also want reassurance that developments in growth areas were required to undertake proper and rigorous impact assessments at the point of application, because conditions on land, change over time, particularly with regard to biodiversity. An area of land that might be categorised for "Growth" in a local plan may result in a significant number of factors (*e.g.* habitats, flood risk, drainage, surrounding patterns of transport, air emissions) changing in the intervening time between a development application coming forward.

- 4.102 The 25 year Environment plan committed to place the environment at the heart of planning and development. We would not want to see automatic outline permission for Growth areas, if it was not a requirement of the developments within them to integrate or contribute to high quality green infrastructure and nature's recovery.
- 4.103 Worcestershire councils have been successful in using strategic policy in local plans to require Green Infrastructure at varying scales, with detail then coming forward either through site specific allocations policy or more generally through the rest of the development management suite. The South Worcestershire Development Plan (covering three districts and about two thirds of the county) has adopted the mechanism outlined in Box 8. For highly urbanised areas, the Urban Greening Factor (UGF) could be used. London Wildlife Trust has worked with the Greater London Authority on guidance for using the UGF to deliver biodiversity net gains (as Defra BNG is often not easy to use in inner city areas with demolition of existing buildings and erection of taller ones on their footprint) – see also Box 8. Similar approaches, where the specifics are set out in the 'growth area' policy linked to design codes and guidance, could work providing they are underpinned by an accurate and up to date evidence base.

Box 8: Approaches used to secure good Green Infrastructure and BNG in Growth Areas

South Worcestershire Development Plan: Green Infrastructure

A. Housing development proposals (including mixed-use schemes) are required to contribute towards the provision, maintenance, improvement and connectivity of Green Infrastructure (GI) as follows (subject to financial viability(20):)

- i. For greenfield sites exceeding 1ha (gross) - 40% Green Infrastructure (GI)(21 – excluding gardens).
- ii. For greenfield sites of less than 1ha but more than 0.2ha (gross) – 20% Green Infrastructure (GI)(22).
- iii. For brownfield sites – no specific Green Infrastructure (GI) figure(23).

B. The precise form and function(s) of GI will depend on local circumstances and the Worcestershire Green Infrastructure Strategy's priorities. Developers should seek to agree these matters with the local planning authority in advance of a planning application. Effective management arrangements should also be clearly set out and secured. Once a planning permission has been implemented, the associated GI will be protected as Green Space (SWDP 38 refers).

C. Other than specific site allocations in the development plan, development proposals that would have a detrimental impact on important GI attributes within the areas identified as "protect and enhance" or "protect and restore", as identified on the Environmental Character Areas Map , will not be permitted unless:

- i. A robust, independent assessment of community and technical need shows the specific GI typology to be surplus to requirements in that location; and
- ii. Replacement of, or investment in, GI of at least equal community and technical benefit is secured.'

London Plan (intend to publish, 2019) Under Policy G5 Urban greening

A. Major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

B. Boroughs should develop an Urban Greening Factor (UGF) to identify the appropriate amount of urban greening required in new developments. The UGF should be based on the factors set out in Table 8.2, but tailored to local circumstances. In the interim, the Mayor recommends a target score of 0.4 for developments that are predominately residential, and a target score of 0.3 for predominately commercial development (excluding B2 and B8 uses).

C. Existing green cover retained on site should count towards developments meeting the interim target scores set out in (B) based on the factors set out in Table 8.2.

Table 8.2 https://www.london.gov.uk/sites/default/files/intend_to_publish_-_clean.pdf (p366)

- 4.104 Furthermore, some local planning authorities have developed very good guidance on Planning for biodiversity that supports the aspirations of the local plan. Cornwall Council's 'Planning for Biodiversity Guide'²², for example has been a material consideration for planning since 2018. It is a guidance document for all planning types in Cornwall and as such, all developers are encouraged to adhere to it from the outset. Similar documents could be produced and used by every Local Planning Authority across the Country and linked to design codes and guides.
- 4.105 The 25 Year Environment Plan also commits to embed a net gain principle for housing and infrastructure. The Environment Bill, which sets out the mandate for these proposals currently excludes development approved through Development Orders and Nationally Significant Infrastructure Projects. As it stands, some of the development consent regimes being proposed for the Growth area would be exempt from delivering biodiversity net gain. This undermines Government's own commitments for nature's recovery and presents an unlevel playing field for developers. We would not support either approach unless these exemptions were removed from the Environment Bill, with clear policy direction that biodiversity net gain applies to all development.

Q 9(b). Do you agree with our proposals above for the consent arrangements for Renewal and Protected areas?

- 4.106 **No.** As with the answer to 9(a), there is insufficient information on which to make an informed response.
- 4.107 We are concerned that neither of these area approaches offers the equivalent protection to biodiversity as the current system (and that is already failing to protect sites and species properly) and neither will deliver the step-change in enhancement required to secure nature's recovery as set out in the 25 Year Environment Plan (as discussed under our response to Proposal 1 Q5).
- 4.108 Granting a presumption in favour of development in *renewal areas*, raises similar concerns to those set out in response to Question 9a relating to growth areas and outline planning permission and the issues raised under proposal one in relation to growth and renewal areas, protected sites, ecological data and local democracy. We also submitted a response to Government's consultation on Changes to the Current Planning system, and the concerns we have with regards to extending permission in principle to major development. The issues in that consultation response (which can be viewed [here](https://www.cornwall.gov.uk/media/38341273/biodiversity-guide.pdf)) apply to the application of PiP in the renewal area, regarding:
- direct and cumulative impacts on existing sites, habitats and species of biodiversity value;
 - loss of opportunity to reconnect habitats and create a Nature Recovery Network for wildlife and people;
 - reduced access to nature through loss of existing natural spaces; and
 - the potential loss of opportunity to effectively plan for nature within the built environment, close to where people live, work, learn and play.
- 4.109 While we can see the potential value of design codes and guides (see proposal 11) we believe their success will depend on a significant number of inter-related factors. We have said in our response to Q20 that we would support a pilot programme to test the concept of a fast track to beauty, if the findings were reported, critiqued and used to inform and evidence the best approach for creating well designed developments in a sustainable way. However,

²² <https://www.cornwall.gov.uk/media/38341273/biodiversity-guide.pdf>

at the current time in the absence of detail on design codes and guides and ahead of any pilot and its associated findings, we do not support any proposals for automatic consent or permitted development.

- 4.110 Renewal areas present a significant risk to nature in rural counties because these areas are likely to overlap with high value, but undesignated, assets like unimproved grassland and orchards, many of which occur at the urban fringe. Under the proposed scheme it will be much harder to defend and prevent harm to these extremely valuable sites, given the proposals to limit opportunity to engage at the application stage and given the proposed timescales for local plan production – because current data and evidence to determine where these high value assets are and whether they are likely to be adversely impacted, is not adequate.
- 4.111 We are also very concerned about the potential impacts on valuable undesignated natural spaces in and around densely populated urban areas. Both directly from infilling, but also from the indirect pressure of densification. Bringing more people into an area, without an appropriate capacity or increase in natural infrastructure provision to ensure adequate access to green space will lead to increased recreational pressure, impacts on existing natural spaces and a poorer standard of living for residents.
- 4.112 There is no information in the consultation on the intended requirements for associated high quality green infrastructure to absorb this level of development and ensure people have access to nature close to where they live. There is a significant risk that this will not only place existing sites of high environmental value at risk, it will also lead to under delivery of natural green space as part of the development. With so many different routes to approving development there will also be missed opportunities in terms of delivering green infrastructure that provides multiple benefits across a number of development sites. Green Infrastructure should be required to meet clearly defined quality standards *e.g.* Building with Nature²³
- 4.113 As discussed under 9a, we are concerned by any proposals for development approved through Development Orders, if they are exempt from mandated biodiversity net gain requirements. This goes against commitments in the 25 Year Environment plan for nature’s recovery, particularly given the scale of exemptions that might result from proposals coming forward through this route in all three categories.
- 4.114 We believe the *Protected areas* would have less protection than they do now, not least because the absence of local policy inferred in the Planning White Paper (see our specific comments on this under proposal 2 Q6), would undermine capacity to protect locally distinctive and locally valuable assets in the way they are currently. Furthermore, we do not agree that the existing suite of designations is operating effectively and all modern conservation theory demonstrates that more bigger, better and more joined up solutions are required in order to secure the future of even the most highly designated sites.
- 4.115 Most significantly, the whole principle of categorising protected areas is completely undermined by the proposals in paragraph 2.35 which suggest that development could still be brought forward through conventional application routes, permitted development rights and development orders. This, in effect opens up a free-for all for planning applications to come forward outside the “plan”, with no policy support and without the proper processes in place to assess the application at an allocation stage in a proper comparative way with other possible allocations (including through Sustainability Appraisal). Combine this with recent proposals for extending Permission in Principle to major developments, this is totally

²³ [Building with Nature](https://www.buildingwithnature.org.uk/about) <https://www.buildingwithnature.org.uk/about>

unacceptable and effectively allows a back door for untested applications to be made in the areas of the plan that were assessed as requiring protection.

Q 9(c). Do you think there is a case for allowing new settlements to be brought forward under the Nationally Significant Infrastructure Projects regime?

4.116 **No.** Based on the current Nationally Significant Infrastructure Project (NSIP) regime, this would undermine the local democratic process; result in a weakening of nature protection policies; and result in a significant amount of development being exempt from delivering biodiversity net gain – undermining Government’s goals for nature’s recovery. Furthermore our experience with existing NSIPs, for example Hinkley Point C, is that they tend to be resource hungry and not particularly fast.

4.117 In order to work, the NSIP regime would need to:

- ensure protections and enhancements for nature, established through current national planning policies are not weakened;
- ensure assessments and decisions made at a national level are properly informed by accurate, up to date, local data and knowledge and not based purely on national datasets with no local knowledge or input of the site;
- undertake appropriate engagement with all interested stakeholders, taking into account their views. This would include ensuring:
 - communities most affected by a proposed settlement are given opportunities to help influence and shape the design;
 - all technical consultees are engaged to ensure a proposed new settlement fully meets sustainability criteria.
- be required to deliver biodiversity enhancements and net gain to the same extent as other local development. This includes integrating the existing natural features of the development site into the design.

Proposal 6: Decision-making should be faster and more certain, with firm deadlines, and make greater use of digital technology

Proposal 6 – Key points and recommendations

The Wildlife Trusts support the principle of creating a more efficient system, but this must not be done at the expense of better outcomes for people and wildlife. We are concerned that:

- shorter and standardised application forms will not necessarily capture important local variations and considerations and they could undermine targets to deliver benefits for people and wildlife.
- machine readable plans without alternatives could disenfranchise some members of the community/applicants.
- reducing submissions to 50 pages could result in insufficient detail on which to make informed and sound decisions (this will slow the process if it creates delays waiting for additional information) – we would propose a 50 page summary, with public access to the detail for those stakeholders wanting to provide greater scrutiny.
- standardising and digitising information will only be suitable if the information is kept up to date and fit for purpose – this will need ongoing investment.

Efficiencies can be made by:

- encouraging pre-application advice early in the process and by providing clear guidelines on the level and timing of information that is required from the applicant (this includes ensuring that any ecological impact assessments are undertaken early in the application process).
- ensuring local authorities have the right resources and expertise (including ecologists) to carry out assessments and make decisions.

Q.10. Do you agree with our proposals to make decision-making faster and more certain?

- 4.118 **No.** Without a greater level of information it is not clear to see how this proposal could work in practice.
- 4.119 We support the principle of reforming the planning system to be more efficient as long as it also delivers better outcomes for wildlife and people and providing local planning authorities are properly resourced to achieve this. The current proposals do not seem likely to do this. The use of technology is theoretically a good thing, providing it is used to support existing mechanisms which ensure proper scrutiny and sustainable outcomes. The priority should be about ensuring quality development in the right location, which incorporates good design. Shorter and more standardised forms will not reflect local variations (environmental, heritage, landscape *etc*) or capture important local considerations adequately. This will lead to important matters like the presence of protected species or priority habitat being missed completely. Particularly, given the reduced opportunity to engage later in the process, the proposals as they stand could mean that such things get overlooked.
- 4.120 Fault is often laid with the planning authorities for delays in determination (as implied by paragraph 2.40) but very often fault lies with the applicant for not providing adequate information in a timely manner, not applying for pre-application advice, or failing to submit appropriate information such as an adequate Ecological Impact Assessment (EcIA). Wildlife Trusts routinely respond to planning applications with inadequate EcIA, that do not meet accepted standards or that state there are ‘no’ biodiversity impacts, even when, for example, a Local Wildlife Site is affected. We recognise that there will be some unavoidable delays with some ecological surveys that can only be undertaken at certain times of the year. But all

associated delays can be avoided and/or kept to a minimum with early engagement and if the right information is provided at the right time in line with best practice guidance.

- 4.121 We believe the proposal to have machine readable plans could discriminate against many householder applicants (for example) who draw their own plans, which are not likely to meet the standards required. Larger developers would benefit from being able to design machine-readable plans. This could also result in the submission of plans that undermine targets intended to deliver benefits for people and wildlife, without the current scrutiny and intervention of professional planners to ensure the best outcomes. Digitisation could also disenfranchise a whole set of potential respondents, potentially making the process even more contentious because of a perceived (or indeed real) lack of public consultation.
- 4.122 We are concerned by the suggestion in paragraph 2.39 (bullet point 3), that major development proposals will be limited to a statement of no more than 50 pages. It is not clear from this what aspects of current evidence and information should be left out or reduced. Failure to provide the detail necessary to make the right decisions could lead to unintended consequences or refusals on the basis of lack of information. If only a planning statement is required, it is not clear how stakeholders like ourselves will be able to scrutinise evidence and provide advice to planners on Biodiversity Net Gain calculations and ecological information which, in our experience, are often misleading or inaccurate, grossly underestimating environmental impacts. It means lots of questions will be raised but not adequately answered. This leads to considerable scope for additional delays or bad decision making. However, we also recognise that people can be deterred from engaging with the planning system due to the size of documents involved. One solution to this would be to require a summary statement of 50 pages (with clear guidance on what information should be included) with full public access to the detailed underlying data.
- 4.123 We can see the value of undertaking assessments for ecology, archaeology, flooding, drainage, noise, contamination *etc* prior to allocation, as it enables clear design parameters to be established early on. However, we do have concerns about how this will be achieved, particularly given the tight time frames over which LPAs are expected to bring plans forward and the current capacity and expertise to ensure this is done well. The expertise to undertake many of these assessments is not held within most local planning authorities. Procurement of the necessary expertise would add significant expense and time on local planning authorities during the plan making process for the planning authorities. Investment in this lack of specialist expertise must be addressed as part of the reforms. Local Planning Authorities should also be encouraged to work with local specialists early in the plan making process. Box 9 shows the combined value of having in house ecologists and Service Level Agreements with local ecological experts like the Wildlife Trusts.

Box 9 The benefits of having in house and local ecological expertise to support planning

Cornwall Council, is a Unitary Authority covering the entire county and associated planning applications. It employs a full time county ecologist and also has a Service Level Agreement (SLA) with Cornwall Wildlife Trust (CWT) to provide planning support to the County Ecologist. As a result, CWT can suggest better planning processes, influence local planning policy and input into guidance. This includes training Cornwall Council case officers and contributing to steering groups. Cornwall Wildlife Trust and Cornwall Council also co-chair the Cornwall Biodiversity Initiative (CBI), which is the working group of the Local Nature Partnership. The CBI work closely together as a partnership to apply effective guidance and support to the design of developments where appropriate. This transparency would be beneficial if it could be adopted by other counties.

- 4.124 We do not understand how a design code will be made digital in a way that will enable the proper assessment of plans against it. Very often, it is the detail that makes or breaks a proposal. It is also not clear how a neighbourhood plan would fit in with this automated process, which appears to relate to subjective matters, that require professional human judgement.
- 4.125 Standardising and digitising information will only be suitable if there is an investment in keeping the information up to date and fit for purpose. Will the supporting spending review referred to in paragraph 2.39 make the investment required?

Proposal 7: Local Plans should be visual and map-based, standardised, based on the latest digital technology, and supported by a new template

Q.11 Do you agree with our proposals for accessible, web-based local plans?

- 4.126 **Yes**, in principle. We would welcome ways to make it easier and more accessible for local people to get engaged in local plan making through better technology. But, in order to provide accessibility and opportunity to all, this should not be the only route of engagement. In addition, free education and training would be vital in helping to upskill and provide greater confidence in use of web based technology, by working with universities, schools, and hard to reach areas of society. We do express some caution in relation to the proposals, in that:
- web based interaction has the ability to simplify a complex process and may not always provide an adequate expression of the potential problems and opportunities;
 - any standard template would need to be capable of adaptation to incorporate the local Nature Recovery Network and natural capital assets (including Local Wildlife Site updates), and highlight local special features and character, which are what help shape places;
 - it would need to be properly resourced and updated with new information and evidence.

Proposal 8: Local authorities and the Planning Inspectorate will be required through legislation to meet a statutory timetable for key stages of the process, and we will consider what sanctions there would be for those who fail to do so.

Proposal 8 – Key points and recommendations

The Wildlife Trusts support the principle of speeding up plan production, but we do not believe the proposed timetable is realistic for the following reasons:

- Local planning authorities do not have the resources and expertise to ensure effective preparation and consultation of all the necessary elements of a front-loaded plan led system *e.g.* design codes, masterplans, strategic cross boundary issues, environmental assessments, categorising land and permission in principle, stakeholder engagement and consultation.
- The ecological evidence base (including Nature Recovery Network maps, Local Nature Recovery Strategies) on which to inform and justify the plan is inadequate.

Both of the above need urgent investment, ahead of any reforms

- Overall public consultation is too short, and leaves minimal time for amendments to be made following consultation, before submission to the Planning Inspectorate.

We strongly object to proposals to remove the examination process entirely

Q 12. Do you agree with our proposals for a 30 month statutory timescale for the production of Local Plans?

- 4.127 **No** based on the current levels of resources and expertise to support this process. The Wildlife Trusts support the principle of speeding up plan production and for every area to have an up-to-date plan in place. However, we do not believe the proposed timetable is realistic with the current resources available to local authorities to ensure effective preparation and consultation on design codes, masterplans for large sites, address the gaps in the evidence base, consider strategic cross boundary issues, consider all the front loading elements which would allow for categorising land and permission in principle, ensure adequate stakeholder engagement and consultation (as discussed under proposal 1).
- 4.128 The lack of resources (financial and expertise) available to local planning authorities to ensure delivery. For example on the issue of ecology alone, the majority of LPAs have no in-house ecological expertise and no adequate ecological data base to inform plan making. Yet they will have just 12 months (stage 2) to get the 'necessary evidence to inform and justify the plan'. Access to ecological advice will be essential to meet this stage of the proposal and ensure that any decisions are evidence based and sustainable with regards to biodiversity.
- 4.129 It will be imperative that the plan is delivered based on thorough evidence, research and expertise. If the plan is based on poor decision-making and poor evidence, this could result in substantial delays while this is addressed during the public consultation.
- 4.130 Furthermore, we are concerned that the overall public consultation period has been shortened. This now only happens at Stage 3, but it is not clear from the PWP whether there will be limitations on the types of comments/level of detail of comments at this stage; nor how/if these will be addressed.
- 4.131 We are particularly concerned, given the timeframe, that the draft local plan would be submitted to the Planning Inspectorate without an opportunity to amend the plan in response to consultation responses from the community and other local stakeholders. This is fundamentally undemocratic and reduces the voice of local people in matters affecting their local environment. To remove this would have a detrimental impact on the LPA being able to submit a plan with as wide a support as possible and would make the Inspector's job harder.
- 4.132 An arbitrary word limit on consultation responses, whilst superficially attractive to those who have to review the comments, would be unnecessarily restrictive for consultees, and would undermine the principle that such responses often include important local evidence and data. This could be particularly damaging for issues such as biodiversity and historic heritage, where local information from consultees can be crucial to well informed decision-making. However, we would welcome the opportunity to work with MHCLG on how responses could be made easier to review.
- 4.133 The alternative options suggestion in 2.54 of removing the Examination process entirely, is wholly contrary to achieving good planning, which is based on the key principles of local democracy and a chance to be heard. Inspectors usually listen to local views and evidence. Removing the right to be heard at an examination is another anti-democratic step proposed and one we do not support. We remain to be reassured that there is a genuine commitment to retain even the limited democracy we have in the current planning system, let alone improve it.

Proposal 9: Neighbourhood Plans should be retained as an important means of community input, and we will support communities to make better use of digital tools

Proposal 9 – Key points and recommendations

The Wildlife Trusts support the retention of neighbourhood plans. More clarity is needed on how they will fit in with the proposed reforms. We believe:

- they should support a bottom up approach to planning reform and continue to provide an avenue for local democracy and evidence; and
- local planning authorities will need the capacity and resources to support and sustain neighbourhood planning groups.

Q.13(a) Do you agree that Neighbourhood Plans should be retained in the reformed planning system?

- 4.134 **Yes**, in principle we support retention of Neighbourhood plans in the planning system. Currently they add value. They have been useful in achieving a good baseline and positive policies for wildlife at a local scale and they provide a proper avenue for local democracy and evidence. Neighbourhood plans should be used to support a bottom up rather than top down approach for any planning reform. Local knowledge is essential to providing the site/area based resolution to help fine tune and deliver Nature Recovery Networks (amongst other things) - see Box 10. Currently, there are still many areas without neighbourhood plans. If there were the resources, they could be rolled out further to add an important level of local detail and we would support the strengthening of the system to allow this.
- 4.135 However, it is not clear how they would fit into the new proposals for the plan-led system and categorisation of land. There is no clarity on neighbourhood plan policies and how these would relate with local plans and the National Planning Policy Framework. The proposed reforms appear to diminish the role of Neighbourhood Plans other than for introducing local design codes. This would not bring the sustainability benefits that are currently achieved by local people engaging in matters of environmental, socially and economic importance to them and nor help bring forward ideas on how to achieve nature's recovery in the local area.

Box 10 Use of a mapping tool to support neighbourhood planning in Cornwall

In Cornwall, as part of the Neighbourhood Plan process, Cornwall Wildlife Trust supports parish communities via a unique spatial mapping product (produced by the Environmental Records Centre for Cornwall and the Isles of Scilly 'ERCCIS') called a Wildlife Resources Map, WRM. The WRM highlights areas of land within a parish boundary which have wildlife value. This includes Statutory and Non-statutory designated sites but also provides landcover information for additional areas of semi-natural habitat which are not formally designated, including Priority Habitats such as Cornish Hedge locations. Local species data is also supplied by ERCCIS so parishes, can refer to discrete locations of value for protected species. This information allows parishes to design their Neighbourhood Plans to promote nature conservation and environmental growth. This detailed environmental information is available to guide better planning locations from the outset. A lot of local community engagement work has already been delivered to guide better planning in Cornwall. Ratified Neighbourhood Plans should be used to provide a bottom up approach for any planning reform so this local democracy is not lost.

Q. 13(b) How can the neighbourhood planning process be developed to meet our objectives, such as in the use of digital tools and reflecting community preferences about design?

- 4.136 This process relies on local volunteers, often who care about something and are driven and passionate to be engaged. They need to know they are empowered to make a difference and influence change. Currently, neighbourhood plans provide an avenue for local democracy and evidence, which helps inform and shape local communities and the places where the volunteers who develop them live. If planning moves towards a more standardised approach to evidence and design, neighbourhood planning groups need to be brought into the process and LPAs will need the capacity to support and sustain them if they are to play a meaningful part of the future process.

Proposal 10: A stronger emphasis on build out through planning

Proposal 10 – Key points and recommendations

- Permitted development should be built within a reasonable timeframe, with permission revoked where this is not achieved.
- Better systems should be established to support delivery and enforcement of phased development to ensure: evidence and ecological data remains up to date; conditions are met (including BNG); Green Infrastructure and BNG is delivered up front; long-term maintenance is established.

Q.14 Do you agree there should be a stronger emphasis on the build out of developments? And if so, what further measures would you support?

- 4.137 **Yes.** There needs to be tighter restrictions on delivery times of houses and associated conditions to ensure communities get what they need. The current lack of housebuilding is largely due to market failure not planning failure (see proposal 4). To avoid slow build out rates there should be a requirement on approved developments to be built-out within a reasonable timeframe, with permission revoked where this is not achieved. Greater clarity is also needed on how land supply will be regulated in Growth areas, to avoid slow build out when the market is depressed.
- 4.138 One solution would be for local councils to have control over development location, design and delivery, allowing more co-ordinated approaches to urban design and off-site compensation/mitigation. Developers would then have to compete for contracts with a delivery schedule, quality control, local buy-in and a design that benefits the community as opposed to maximising profit.
- 4.139 Phasing of developments with different developers is already undertaken by planning authorities. However, they are still dominated by a small number of large developers. Therefore, these proposals to ensure a better spread and mix of developers might help to bring development forward in a timely manner, once approved. This would enable more accurate predictions of 5 and 10 year housing supply, which has demonstrably been shown to be inaccurate in many areas, due to slow build-out rates. This in turn has had detrimental effects on other communities (on whom there is more pressure for windfall development) and on achieving sustainable development.
- 4.140 Phasing of developments using different developers will require better systems to be in place to support delivery and enforcement. This support should ensure:

- build out happens within an agreed time to ensure the evidence and ecology on which the master plan was based is up-to-date. Too long a delay might result in alterations to ecology, rendering the master plan unsuitable;
- conditions or requirements for developments are met and not lost due to different decisions being made by contractors on the ground;
- clarity and guidance on how biodiversity net gain is embedded and delivered in a consistent and holistic manner, so that all developers involved in the build out contribute in a way which is strategically best for biodiversity and nature's recovery. Emerging examples of how this is being achieved are set out in Box 11.
- implementation of Green Infrastructure including high quality, accessible nature green space and Biodiversity Net Gain features are front loaded wherever possible to minimise the temporal impact of habitat loss and to ensure access to nature is provided for the first residents to arrive.
- Provision is made for long-term maintenance of any habitats.

Box 11 Emerging approaches to Biodiversity Net Gain delivery being tried out in phased development

Gaydon Lighthouse, Warwickshire This large housing development with 3000 dwellings, presents a complex site due to its size and indirect impacts on neighbouring habitats and the fact that there are multiple developers and applications. But in terms of Biodiversity Net Gain, the impact of the development has been objectively measured using a Biodiversity Impact Assessment (a local adaptation of the Defra metric)¹. As most of the on-site compensation will come from enhancement of an on-site Nature Reserve, owned by one developer, the overall net gain for the site will be achieved by 'credits' from one part of the development being transferred to the developers of the other.

Homes England is leading a phased development site in Sussex, where the aim is to deliver approximately 37% biodiversity net gain across the whole site. The intention is that the land for development will be parcelled up and reserved matters permission will be applied for by individual developers. Homes England intend to produce design packs for each individual parcel, so that developers are clear how their parcel will deliver towards the net gain vision within the Masterplan. This approach will result in some parcels delivering considerably more of the percentage of biodiversity net gain than others. The Wildlife Trust watches with interest to see how this approach is managed and delivered at the reserved matters stage. This is particularly pertinent to understand the mechanisms within the council planning department needed to ensure that a masterplan vision for biodiversity net gain can be successfully delivered on a large development with numerous developers bringing forward applications at differing times.

Pillar 2 Planning for Development

Overview

Q 15. What do you think about the design of new development that has happened recently in your area?

- 4.141 In 2018, The Wildlife Trusts published [*Homes for People and Wildlife – how to build housing in a nature friendly way*](#), a vision for new homes that are inspiring and beautiful places to live and where people and nature thrive together. Wildlife Trusts work closely with planners and developers to get the best outcome for wildlife through local plan policy, development decisions and design. Below are some of the examples of developments that have been/are being designed with both nature and people in mind (See Boxes 12 a- 12g).

Box 12a Housing for people and wildlife: Cambourne

The new settlement of Cambourne was conceived in the 1990s as a series of three interlinked villages and comprises 4,200 dwellings. The settlement's design respected the existing landscape character, identifying existing habitat features and using them as the building blocks for the network of green spaces. The green spaces framed, joined and permeated each of the three villages - giving residents and wildlife easy access to the whole network. This consideration to design has made Cambourne a safe and attractive place where people want to live and engage with their local environment and where wildlife can thrive.

Green space makes up 60% of the settlement and includes pre-existing and new woodlands, meadows, lakes, amenity grasslands, playing fields, allotments and formal play areas. There are 12 miles of new footpaths, cycleways and bridleways and 10 miles of new hedgerows. The new grassland areas are rich in ground nesting birds such as skylarks and meadow pipits which have had great breeding success over the years. The lakes and ponds that serve to prevent flooding also provide great habitat for wildfowl and dragonflies.

Management of the green spaces is undertaken by the new Cambourne Parish Council and The Wildlife Trust for Bedfordshire, Cambridgeshire & Northamptonshire. The land will eventually be transferred to each of these organisations. Negotiations between The Wildlife Trust, developers and the local authorities secured an agreement that the Trust would manage the green spaces in return for office premises, initially rent free, with full ownership after ten years. Cambourne is nearing completion and The Trust continues to work closely with the developer until the official handover date.

Box 12b: Priest Hill, Surrey

Where there were once abandoned football pitches and hundreds of tons of tarmac and rubble, now lies a thriving 34ha nature reserve alongside a 15-dwelling development.

Surrey Wildlife Trust worked closely with the developers and borough council throughout the development process, ensuring the site's full potential was realised. They have worked to restore and re-create species-rich chalk grassland, wetlands and hedgerows, and Priest Hill is now a fully-fledged Surrey Wildlife Trust nature reserve, where a conservation grazing regime is well-established. Local access and engagement are gaining in popularity all the time, and the site acts as an important 'stepping stone' between nearby Howell Hill nature reserve and Epsom Downs to the south. This helps to reconnect a strategic Green Infrastructure and wildlife corridor penetrating into Greater London.

Box 12c Trumpington Meadows, Cambridgeshire

Trumpington Meadows is part of a larger strategic allocation of new homes on the southern fringe of Cambridge with the Great Kneighton urban extension. Together these two developments are delivering over 3,700 new homes. However, at the same time as the land was allocated for development, the local councils (Cambridge City and South Cambridgeshire District) set a framework for development that required the provision of strategic green infrastructure in both, with green corridors connecting the centre of Cambridge through the new developments to the countryside beyond

Trumpington Meadows Land Company wanted to create a high-quality development with its own character and sense of place and viewed a new country park as integral to this. It carried out extensive consultation with local communities and stakeholders prior to submitting the planning application. The Wildlife Trust for Bedfordshire, Cambridgeshire & Northamptonshire was selected as the land managing organisation and engaged with the landscape architect on design and creation of the development's green infrastructure to help secure better outcomes for wildlife and limit future management problems.

Local play areas, swales and tree avenues are included throughout the development. The 58-hectare country park is designed to be both a space for people and a 'nature reserve'. Its staged creation, which includes over 40 hectares of new species-rich meadows, hedgerows, woodlands and restored floodplain meadows, began prior to the building of the first houses to allow the landscaping and habitats time to mature.

The country park was designed to follow the River Cam and include its floodplain. A river restoration scheme was developed by the local authority ecologist to improve the river habitat and re-connect the river with its floodplain meadows, providing a small reduction in flood-risk downstream. New houses were built away from the flood plain to reduce flood risk and the drainage system is engineered to include a balancing pond with overflow area and open ditch features, to keep runoff to the River Cam at pre-development levels.

Box 12d Tadpole Garden Village, Wiltshire

Tadpole Garden Village is a modern day 21st Century Garden Village located to the north of Swindon, a short distance from the village of Blunsdon and the River Ray. The development, comprising approximately 143 hectares, will feature 1,855 residential homes as well as a school, shops, a pub and a community centre. Inspired by the original Garden Cities principles and Crest Nicholson's own Garden Village Framework, the vision is for a holistically planned, new community with strong character, design, landscaping, and public open spaces. The green infrastructure is supported by a strategy for its long term management and maintenance by the Wiltshire Wildlife Trust.

As former farmland, the site has been designed and developed around many existing natural features, including hedgerows, established woodland, ponds and ditches. In total more than 68 hectares of green space weave through the village landscape, offering open spaces, sports pitches, woodland, play areas, cycle routes, footpaths and a new Nature Park for both people and wildlife. Crest Nicholson is working in partnership with Wiltshire Wildlife Trust to create the Nature Park, which will see the conversion of more than 48 hectares of arable land to wildflower species-rich meadows, providing essential habitat for plants, invertebrates, bats, birds and mammals, such as the brown hare. The Nature Park will also provide vital links in the green corridor that runs along the River Ray to the north Wiltshire countryside.

Crest Nicholson is funding the creation of the Nature Park with the Wiltshire Wildlife Trust assisting with the quality design and implementation, as well as ensuring its successful long term management and maintenance. The Trust will also provide 100 days of community engagement activities working with the local primary school, and residents to secure community interest and pride by local residents. The Nature Park is supported by an endowment from Crest Nicholson and an annual service charge payable by residents.

Box 12e Kidbrooke Village, London

A development making space for nature among 4,800 new homes. Kidbrooke Village is a visionary new housing development in London. It will provide more than 4,800 new homes and 35 hectares of varied, semi-natural open space for the people who will live in them.

It is the result of a partnership between London Wildlife Trust and Berkeley Homes. The centre of the site is Kidbrooke Park, which will be designed to be a green corridor for people and wildlife - a natural area weaving between the new houses.

There will be play areas bordered by species-rich grassland, heather and copses of trees, a chalk stream meandering beside open lawns, and a reed-fringed wetland nestled between high-rise buildings. These green spaces will provide habitat for birds, bees and other wildlife, as well as helping with local flood mitigation and water management, and providing places for the local community to spend outside. These new habitats will also connect to a wider network of green infrastructure beyond the site.

Box 12f St Leonards Hospital Redevelopment, Dorset

St Leonards, a former 1940s military hospital in Dorset, was in dire need of investment. The site's spectacular heathland and acid grassland, precious habitat declared a Local Wildlife Site in the early nineties, was suffering from a lack of management.

Redevelopment offered the opportunity to change things, to restore and enhance the site so that valuable habitats could thrive.

In 2015, a 26-hectare development was approved. It will provide 210 new homes, a new feeder road and 18.3 hectares of Local Wildlife Site. Key environmental outcomes over a seven-year span will include 17 hectares of restored heathland/acid grassland mosaic and 25-hectares of natural greenspace adjacent to the reserve, enhanced for access and biodiversity.

With such clear benefits for nature, the plans met with few environmental objections, and good public consultation from an early stage kept the process smooth. Dorset Wildlife Trust were involved from the beginning, with early and ongoing consultation between the Trust, Natural England, the developers, ecological consultants and East Dorset District Council, critical to securing these positive ecological outcomes. Thanks to conscientious construction, the prognosis looks promising for the wildlife of this former hospital site.

Box 12g Redhill Business Park, Staffordshire

Owned and designed by Staffordshire County Council, this development was shortlisted for "Best Practice in Large-Scale Practical Nature Conservation Award" at the 2016 CIEEM awards.

A wet woodland Local Wildlife Site, a large population of Great Crested Newts, badgers, small woodlands, and hedges were all to be found within the development area of Redhill Business Park. Not only were these elements retained, but several new ponds and swales were created for sustainable drainage and wildlife. With the involvement of Staffordshire Wildlife Trust, meadow areas were also created with hay from the local Motte Meadows National Nature Reserve – a designated Site of Special Scientific Interest – to create a species-rich sward. Walking routes were also installed so that people could enjoy the site.

Ecological considerations were at the top of the agenda throughout the project, with a determination that environmental and economic benefits could be delivered, without compromising ecological quality. Crucially, good survey data was gathered before the design was put together; something which we fear will not happen under the proposed front-loaded planning proposed in the reforms.

Q 16 Sustainability is at the heart of our proposals. What is your priority for sustainability in your area?

- 4.142 The combined ecological and climate crises - both are intrinsically linked. The new system must align with the legal objectives of the Environment Bill and the Climate Act 2008
- 4.143 The Wildlife Trusts want to see development that avoids harm to the natural environment and does not compromise its protection and enhancement but instead supports its recovery to be adaptive and resilient to climate change bringing benefits to both wildlife and people. To achieve this, Nature Recovery Networks must be embedded in Local Plans and decision making. New developments must secure tangible biodiversity net gains and be designed to include high quality, accessible natural green spaces as part of the green infrastructure that weaves through the development and connects to the surrounding urban or rural landscape, contributing to the wider Nature Recovery Network. Protecting, restoring and creating wild places will secure carbon-storing habitats and help tackle climate change as well as provide important wildlife habitat and ensure access to nature to improve people's lives.
- 4.144 Good building design and planning policies must be underpinned by robust goals aimed at carbon neutrality by 2030. These should include energy performance targets and low carbon solutions, with the ultimate goal of all new buildings being 'net zero carbon' by 2030. (as discussed under proposal 18). These should be underpinned by clear policies. Cornwall Council has been consulting on a Climate Change Development Plan Document²⁴. This innovative plan sets out a programme of actions required to respond to the climate emergency and to create a carbon neutral Cornwall in 2030, a full 20 years before the UK Government target. Once adopted, it will be incorporated into the local plan. We would not want to see local innovation like this undermined and believe national reforms should be encouraging similar activity across the country in order to tackle the climate crisis.

Proposal 11: To make design expectations more visual and predictable, we will expect design guidance and codes to be prepared locally with community involvement, and ensure that codes are more binding on decisions about development.

Proposals 11 and 12 – Key points and recommendations

The Wildlife Trusts support the principle of design guides and codes.

These must be informed by:

- The Nature Recovery Network map, a Local Nature Recovery Strategy - these will be fundamental, in ensuring that all design intended to optimise and enhance nature, contributes positively rather than negatively to the wider Nature Recovery Network; and
- existing best practice and standards, for example Building with Nature.¹

Underpinned by

- the right resources, time and skills (including in-house ecological expertise) in LPAs to effectively engage communities and provide them with the right support and guidance to make holistic and informed decisions.
- bespoke ecological advice and data to reflect local circumstances.

The Wildlife Trusts support proposals for a Chief Officer for design, providing it is an in-house appointment, with a level of senior responsibility. And providing appointed officers have a good understanding of all aspects of design with access to the specialist and objective knowledge needed to cover these in the detail needed.

²⁴ <https://www.cornwall.gov.uk/media/44143259/climate-emergency-dpd-2-v2.pdf>

Q.17. Do you agree with our proposals for improving the production and use of design guides and codes?

- 4.145 **Yes**, in principle. But the success of design codes and guidance will depend on the following factors: what informs them, the expertise and parameters of the proposed ‘design champions,’ what they include, and appropriate investment.

What informs them?

- 4.146 We are pleased to see the National Design Guide published in 2019 and referred to in the Planning White Paper includes optimising and enhancing nature as one of the ten characteristics of a well-designed place. And that specifically, this recognises the importance of:
- integrating existing and incorporating new natural features;
 - prioritising nature so that diverse ecosystems can flourish;
 - easy access to attractive open space to promote health, well-being and social inclusion (this is good to see, but note there can be a difference between provision of open space and high quality, wildlife-rich, natural green space. The latter should also be specified, because opportunities to promote healthy communities by integrating accessible natural greenspace into developments are often missed);
 - improved and enhanced water management;
 - the protection and enhancement of existing areas of valuable biodiversity; and
 - delivering biodiversity net gains.
- 4.147 The use of this as the basis to inform local design guides is to be welcomed. It is however, unclear how the accompanying National Model Design Code, which itself will inform local design codes, will be shaped. We urge Government to ensure these characteristics are not lost in the translation from guidance to code and specifically call on Government to ensure that the design code includes the Nature Recovery Network and Local Nature Recovery Strategies.
- 4.148 We understand the design code will be published for consultation in the coming months and we look forward to providing input to this consultation and hope at that point we will be able to provide a more informed response to the question posed by this consultation.

What they include?

- 4.149 As we mentioned above the current national design guide provides a good basis for informing local design codes and the standards established in the national design code. Currently however, the national design guide and the wider reforms proposed for categorising land, do not appear to address the resilience of the wider landscape nor the spatial element of informing the location and design of development by a Nature Recovery Network. A Nature Recovery Network map, which provides a spatial plan identifying the existing core network that needs to be protected and the opportunities for nature’s recovery, will be a fundamental tool, in ensuring that all design intended to optimise and enhance nature, contributes positively rather than negatively to the wider Nature Recovery Network.

- 4.150 Design codes should also be informed by existing best practice and standards (for example Building with Nature²⁵, Designing for Biodiversity²⁶, Planning for a healthy environment²⁷ and local guidance documents like Cornwall's Planning for Biodiversity Guide²⁸) and be flexible enough to include new findings.

Investment – skills, knowledge and time

- 4.151 We support proposals for local design guides and codes to be developed in collaboration with communities and local people and believe this will be important to ensure local ecological information and evidence is embedded in the design of local developments. However, it will be vital that local communities are provided with the skills and support to make the holistic and informed judgements necessary. Local Planning Authorities will need the skills and resources to provide this support and guidance, including in house ecological expertise.
- 4.152 Furthermore, the Planning White Paper has clearly stated that designs and codes should only be given weight in the planning process if they can demonstrate that effective community input has been secured. Engaging community stakeholders in this way, requires an honest recognition and investment of time, which is not reflected in the timescales set by the proposals in this document for local plan development.
- 4.153 Any design guides and codes must be supported by bespoke ecological advice on a case by case basis, allowing for some adaptability in approach. This would be particularly important if the guides and codes did not reflect the spatial information of a Nature Recovery Network or decisions were reliant on national codes and guidance, where local equivalents had not been approved. Without this flexibility, they risk being so standardised that developments could become very homogenous and result in the loss of diversity both in terms of buildings and nature.
- 4.154 As Wildlife Trusts, we frequently see inappropriate landscaping proposals which include non-native, decorative planting, at the expense of native plants, beneficial to wildlife, that are in keeping with the local character of the area and help connect the development to the wider landscape. This needs to be avoided to prevent the proliferation of 'anywhere places'. Strong emphasis also needs to be placed on retaining boundary hedgerows and the provision of street trees²⁹ and green space that has locally appropriate, mainly native, wildlife friendly species.
- 4.155 In addition to good design a real issue that could be tackled through modest planning reform would be tightening the requirement for developers to secure long-term management of greenspaces. This needs to be resolved by more power for bespoke agreements at a local level, not less.

25 [Building with Nature](https://www.buildingwithnature.org.uk/about) <https://www.buildingwithnature.org.uk/about>

26 BCT_RIBA (2013) Designing for Biodiversity: A technical guide for new and existing buildings (2nd edition)

27 TCPA and The Wildlife Trusts (2012) Planning for a healthy environment – good practice guidance for green Infrastructure <https://www.tcpa.org.uk/Handlers/Download.ashx?IDMF=34c44ebf-e1be-4147-be7d-89aaf174c3ea>

28 <https://www.cornwall.gov.uk/media/38341273/biodiversity-guide.pdf>

29 TWTs response to the England Tree Strategy consultation, for more on street/urban trees (17, 20, and 25-27) (<https://wildlifetrusts.mangoapps.com/sf/Ouf2vxXeC4li>)

Proposal 12: To support the transition to a planning system which is more visual and rooted in local preferences and character, we will set up a body to support the delivery of provably locally-popular design codes, and propose that each authority should have a chief officer for design and place-making.

Q 18. Do you agree that we should establish a new body to support design coding and building better places, and that each authority should have a chief officer for design and place making?

- 4.156 In principle the idea of each local authority having a chief officer for design seems sensible, but only if the correct parameters of action are set. The chief officer position must be an in house employee of the LPA and should not be contracted out to consultants who may have conflicts of interest. The position would also need to have an appropriate level of seniority in LPAs so that it did not become another internal consultee role that could be abandoned in cases where viability or other local authority planning drivers were able to over-ride good decision-making.
- 4.157 They would also need sufficient resources, skills and capacity to support the community engagement necessary to ensure local design guides and codes were effectively informed and adopted as part of the planning process.
- 4.158 Given the ten characteristics of the national design guide span a range of disciplines from the built, social to environmental, it will be vital that the Chief Officer has a good understanding of all aspects of design. And it will be vital that the Chief Officer has access to the specialist and objective knowledge needed to cover all these aspects in the detail needed. Accepting that it is unlikely that a single individual will hold the depth of specialism needed on all aspects of design, it is vital that local authorities also ensure they appoint the specialisms needed to support the Chief Officer. This includes ecological expertise, which has been wholly inadequate, if not lacking, in the vast majority of local authorities for too long.
- 4.159 On the National design body, we note Government already appointed Nicholas Boys Smith (on the 22 September) to establish this. As discussed under proposal 11, we urge this body to recognise the importance of underpinning guidance and codes for designing nature into development with a Nature Recovery Network.

Proposal 13: To further embed national leadership on delivering better places, we will consider how Homes England's strategic objectives can give greater emphasis to delivering beautiful places.

Q 19. Do you agree with our proposal to consider how design might be given greater emphasis in the strategic objectives for Homes England?

- 4.160 In principle yes. The effectiveness of this will depend on how these design objectives are strengthened and incorporated into Home England's strategic plan and how they are translated into delivery by the build out developers. We welcome the recognition in *Living with Beauty*, the Report of the Building Better, Building Beautiful Commission, 2020 that Homes England (along with highways, housing and planning teams in central Government and councils) should be measuring quality and outcomes as well as quantity and that they should be targeted on objective measures for wellbeing, public health, nature recovery and beauty.
- 4.161 As we have discussed throughout the document, quality design will be design that protects the natural environment and supports its recovery, by creating a network of natural green and blue corridors that weave through the development and beyond, into the surrounding rural or urban landscape and connecting to the wider Nature Recovery Network.

Proposal 14: We intend to introduce a fast-track beauty through changes to national policy and legislation, to incentivise and accelerate high quality development which reflects local character and preferences.

Proposal 14 – Key points and recommendations

Currently there is very little in the planning White Paper that gives us confidence that the reforms will result in better delivery of high quality Green Infrastructure which includes accessible natural green space that benefits wildlife and people.

The Wildlife Trusts would like to see:

- the focus of the design codes and guides being on design ‘quality’ with multiple outcomes, including good green infrastructure with accessible natural green space, and not just beauty; and
- more power, democratic mandate and resources given to local planning authorities to ensure they can lead and enforce the design

Q 20. Do you agree with our proposals for implementing a fast-track for beauty?

- 4.162 The term ‘beauty’ is open to too much interpretation and it is not yet clear how the natural environment will be taken into account in this definition or how this will be translated into the design guides and codes which will ultimately facilitate the ‘fast-tracking’.
- 4.163 *Living with Beauty*, the Report of the Building Better, Building Beautiful Commission, 2020, on whose recommendation this proposal is based, states that beauty includes *everything that promotes a healthy and happy life*. There is a huge body of evidence to show that being in nature and having nature on your doorstep as a result of nature rich developments is good for healthy and happy lives^{30 31 32} – which would firmly place nature within the commission’s definition of beauty. The report, also recognises that *new developments should enhance the environment in which they occur, adding to the health, sustainability and biodiversity of their context*.
- 4.164 However, in several places the document separates nature’s recovery and beauty as distinct objective measures (see for example paragraph 4.160 of our response in reference to Homes England), where beauty and nature’s recovery are listed as separate objectives.
- 4.165 Without a clear definition of ‘beauty’ we have no confidence that design for nature will be included in a way that supports its protection and recovery. Furthermore we would be concerned that if design for nature (set out in the local design guides and codes) wasn’t informed by a Nature Recovery Network and local advice, that the interpretation of the term ‘beauty’ in the context of nature and the built environment would result in interventions that damage nature. Grass verges are a good example of how terminology could lead to the wrong damaging interventions – what is good and ‘beautiful’ for nature would be seen by some as untidy and ‘ugly’ unless mown and perfectly manicured. Other examples include making an assumed and sometimes mistaken correlation between a landscape of ‘scenic beauty’ and good ecology; or conversely what appears to be a scrappy looking, invertebrate-rich brownfield site as ecologically bereft because it doesn’t appear beautiful.

30 TWT (2018) Homes for people and Wildlife

31 Natural England (2020) The People and Nature Survey for England: Child Data Wave 1

32 VictoriaHoulden JoãoPorto de Albuquerque ScottWeich StephenJarvis (2019) spatial analysis of proximate greenspace and mental wellbeing in London

- 4.166 Given that beauty is subjective, The Wildlife Trusts recommend that the focus of the design codes and guides should be on ‘quality’ which is more easily defined and assessed and would better encourage design with multiple outcomes which include beauty amongst them. For example Grey to Green³³ in Sheffield. This project saw a rundown area in Sheffield, which had been extensively flooded, transformed into a vibrant green corridor where the construction and the planting was designed to provide multiple ecosystem services from: flood alleviation and urban cooling to pollination and recreation. Another example is, Centenary Riverside³⁴ in Rotherham - a Sheffield and Rotherham Wildlife Trust reserve created as part of the Rotherham flood alleviation scheme. This floodable nature reserve serves multiple functions, as well as flood storage, it provides a beautiful place for recreation and space for nature.
- 4.167 Any fast tracking depends on a solid investment in the initial stages of the plan-making process, which we have expressed views and concerns on under Pillar 1 and in our response to proposals on the design guides and codes discussed under proposal 11.
- 4.168 As it stands, many of the new proposals for permitting development in the growth and renewal areas appear to fast track development, arguably leaving insufficient incentive within the process to bring forward proposals that are ‘beautiful’ and or that enhance the environment, health, and character of local areas.
- 4.169 There is already a raft of policies in place that support the submission of high quality developments that can have value for wildlife and people. The implementation of these policies is based on the strength/skills/political support of the Planning Officer to both secure and enforce them. Nothing in the proposed reforms gives us confidence that the LPA would have more power, democratic mandate or resources to ensure better delivery of high quality design and greenspace that benefits wildlife and people’s health and wellbeing. There is suggestion that by freeing planners from existing obligations they will be able to ‘reassign’ resources so they can focus on the enforcement of planning design, standards and decisions. Local Planning Authorities are already over-stretched, reassigning already insufficient resources will not be the silver bullet planners and local planning authorities need to ensure good design.
- 4.170 We would support a pilot programme to test the concept. But only if the findings were reported, critiqued and used to inform and evidence the best approach for creating well designed developments in a sustainable way.

33 <http://www.greytogreen.org.uk/> and <https://www.youtube.com/watch?v=EZMimPUwVug&t=10s>

34 <https://www.wildsheffield.com/reserves/centenary-riverside/>

Effective stewardship and enhancement of our natural and historic environment -

Proposals 15 We intend to amend the National Planning Policy Framework to ensure that it targets those areas where a reformed planning system can most effectively play a role in mitigating and adapting to climate change and maximising environmental benefits.

Proposal 16: We intend to design a quicker, simpler framework for assessing environmental impacts and enhancement opportunities, that speeds up the process while protecting and enhancing the most valuable and important habitats and species in England

Proposals 15 and 16 – Key points and recommendations

- Reforms to the Planning system must fully integrate the ambitions of the 25 Year Environment Plan and the proposals in the Environment Bill *e.g.* for Local Nature Recovery Strategies and Biodiversity Net Gain.
- A plan led system must be spatially informed and underpinned by a Nature Recovery Network map, Local Nature Recovery Strategy and ecological assessment - to ensure nature and its recovery are placed at the heart of decision making and to set the long-term framework within which sustainable new development can be planned.
- protection policies for internationally, nationally and locally designated sites, priority habitats and species should be retained and strengthened; and a new designation, Wildbelt, should be introduced to protect nature that is in recovery.
- Development decisions must be informed by detailed ecological assessments and data, and any move towards a simpler, effective approach to assessing environmental impacts must be in line with best practice, informed by local knowledge and a qualified ecologist.
- Urgent action is needed to address the: current gaps in ecological data to inform local plans and land category decisions; and the lack of assessment criteria, methodology and capacity to identify and protect ecological assets.
- Significant on-going public investment is needed to support the local collection, collation, validation and management of high quality ecological data and Local Wildlife Site partnerships, and to address the barriers to making ecological data 'open'.
- Biodiversity Net gain, should be a condition of all development, regardless of where it is and the route by which it is permitted. BNG assessments should be informed by site specific survey. In the absence of this, the precautionary principle must apply and the site should assume a score of high distinctiveness, good condition.

4.171 The reforms set out in Pillar 1 are significant, with potential for extremely negative impacts on the natural environment. We are therefore concerned that the consultation does not seek opinion on proposals 15 and 16, given the crucial role the planning system and these proposals have in meeting the aims of the Government's 25 Year Environment Plan and ultimately tackling the ecological and climate emergencies we are in.

4.172 The overview to this section (3.22-3.24) sets out some encouraging intentions. It recognises the importance of retaining protections (including Local Wildlife Sites). It acknowledges that the planning system should do more in line with ambitions of the 25 Year Environment Plan to promote environmental recovery and long-term sustainability. And it confirms the planning system needs to play a strong part in efforts to mitigate and adapt to climate change and reducing pollution by: enabling more and better green spaces and tree cover; assessing the need to strengthen policies and processes for managing flood risk; and developing a national framework of green infrastructure standards. It also acknowledges the forthcoming proposals to legislate for Local Nature Recovery Strategies and Biodiversity Net Gain in the

Environment Bill. It will be vital that any reforms to the planning system fully integrate the requirements of the Bill.

- 4.173 However, the Planning White Paper fails to provide any detail, in the proposals that follow, to demonstrate how these intentions will play out in practice and importantly, how they will be integrated within the proposals set out in Pillar one. In fact we are concerned, in the absence of detail, that some of the objectives, in proposals 15 and 16 to design a simpler and quicker framework, could do the exact opposite and run counter to these intentions.
- 4.174 In 2010 the UK signed up to internationally binding agreements to take urgent action to halt the loss of biodiversity but has since failed to meet any of the agreed targets. Aichi target 2 specifically referred to integrating biodiversity values into the planning system. The current planning system has spectacularly failed to achieve this as evidenced through the ongoing loss of Local Wildlife Sites^{35 36} and the failure to include Nationally Significant Infrastructure Projects in the process of Biodiversity Net Gain. The concept of sustainable development (putting the environment at the heart of the planning system) has clearly not worked and the goals in the 25 Year Environment Plan remain unachievable with the current system.
- 4.175 A new planning system needs to address past failures and to bring about the changes necessary so that our international obligations, and those to future generations, can be met. The proposals outlined in this PWP to design a '*quicker, simpler framework*' appear to further undermine these obligations, and as currently designed would even undo some of the recent progress in areas such as Biodiversity Net Gain.

Local Plans and decisions should be informed by a Nature Recovery Network

- 4.176 Paragraph 3.24 States that '*Once the proposals in this paper for reformed Local Plans begin to be implemented, it will be important for authorities to consider how the identification of different categories of land, and any sub-areas within them, can most effectively support climate change mitigation and adaptation*'. The key tools for achieving this, will be Local Nature Recovery Strategies and the strategic and spatial local Nature Recovery Network Maps on which they are based. Ensuring these are embedded from the outset will be essential, as discussed in response to proposal 1.
- 4.177 To effectively inform these decisions and support climate change mitigation and adaption, it will not be enough to wait until '*proposals in this paper for reformed Local Plans begin to be implemented*'. Investment is urgently needed now to plug the significant gaps in ecological data and evidence to inform these strategies and maps and to support their production so that all local plans and decisions for future categorisation of land and development are based on a strong strategic and spatial evidence base for nature. Without this it will be difficult to make: sustainable decisions that deliver for society, the environment and the economy and ultimately for the planning system to play a 'strong part' in efforts to mitigate and adapt to climate change. The structure for filling and managing this data is already available through Local Environmental Records Centres (see for example Box 13). Investment in this system could deliver the aspiration for robust data to inform design at the earliest possible stage.
- 4.178 We also welcome the recognition of the role that local, spatially-specific policies can play in mitigating and adapting to climate change, to ensure measures are targeted in the right place. These policies will also need to be informed by Local Nature Recovery Strategies and maps and spatial natural capital assessments (where they are available). Such policies will not only

35 TWT (2018) The Status of England's Local Wildlife Sites 2018

36 An extensive area of Moore Nature Reserve/LWS Warrington is set to disappear under Warrington Waterfront and Handforth Dean Meadows and Ponds LWS is largely set to disappear under Handforth Garden Village.

be important for the reasons listed in the PWP but also for the role nature's protection and recovery can play in providing nature based solutions to help tackle and adapt to climate change *e.g.* CO2 absorption; flood and coastal defences; temperature regulation; clean air and water; healthy soils and a whole host of other ecosystem services that sustain us.

Box 13 Local Environmental Records Centres – key role in providing, maintaining and validating data

The Environmental Records Centre for Cornwall and the Isles of Scilly (ERCCIS) is hosted by Cornwall Wildlife Trust and it's a member of the Association of Local Environmental Records Centres (ALERC). ERCCIS holds the central source of ecological data for Cornwall. ERCCIS supports Cornwall Council through the Cornwall Wildlife Trust Service Level Agreement for data management and analysis tasks, various partnership projects and evidence groups. Data updates, validation and management are always required and investment is needed to deliver this. One key issue to address is the supply of privately gathered data for development projects back to all ALERCs nationally, rather than data being siloed and unavailable for future use. Partnership project examples include the following that could be carried out in other counties where not done so already:

- Landcover <https://erccis.org.uk/LandCover>
- State of Nature <https://www.cornwallwildlifetrust.org.uk/wilderfuture>
- Lagas <https://lagas.co.uk/>
- South West Partnership for Environment & Economic Prosperity (SWEEP) <https://sweep.ac.uk/about-us/>

Site protections should be retained and strengthened

- 4.179 We welcome the intent in the Planning White Paper to '*strengthen the way that environment issues are considered in the planning system*' (Proposal 15, para 3.25) and those under proposal 16, para 3.27) which state that '*Outside of the European Union, it is also important that we take the opportunity to strengthen protections that make the biggest difference to species, habitats and ecosystems of national importance, and that matter the most to local communities.*' Consideration should be given to the selection approach used for SSSIs to ensure that all sites that meet the SSSI criteria are selected as such. Currently the suite of SSSIs are a representative sample of sites that meet the criteria rather than an inclusive suite. With many sites of SSSI quality, instead being selected as Local Wildlife Sites without the level of protection afforded to their statutory counterparts.
- 4.180 We are pleased to see Local Wildlife Sites recognised in the Planning White paper as important areas for protection, but concerned it fails to recognise irreplaceable habitats such as ancient woodlands and unimproved grasslands. The Wildlife Trusts believe it is absolutely vital that protection policies in the NPPF are maintained and strengthened with an explicit presumption against development that will directly or indirectly result in loss of protected sites and species; habitats and species of principal importance.
- 4.181 As well as strengthening the protection of the existing suite of protected sites and habitats, restoring and creating new areas for nature at a range of scales and providing the essential ecological connections to ensure more, bigger, better and more joined sites is also vital. Policy to identify and protect the components of this network, the Nature Recovery Network, should also be retained and strengthened within the NPPF. One way of strengthening it would be through a new designation – Wildbelt - to protect nature that is in recovery. This would enable new land that is currently of low biodiversity value, but is intended to be or is

in the process of being managed to enable nature to recover, to be protected through designation, and so speed the creation of the Nature Recovery Network.

- 4.182 We have serious concerns, particularly in the absence of more detail, about proposals for a ‘*simpler, effective approach to assessing environmental impacts*’ (Proposal 15, para 3.25 and Proposal 16), which seem to be contrary to the intention to strengthen the way environmental issues are considered.

Development decisions must be informed by detailed ecological assessments and data

- 4.183 It is not clear how a ‘simpler’ approach can be reconciled with best practice ecological assessments that require up to date ecological information.
- 4.184 It is vitally important to recognise that environmental impacts from individual proposals are often complex. The process of environmental assessment for many sites requires a rigorous and scientific approach and should, without exception, adhere to best practice guidance. Designing effective mitigation requires the skills of a qualified ecologist as well as site specific knowledge. It is essential that a new streamlined process should not undermine wildlife legislation or fail to effectively evaluate site biodiversity. This means that a new system must allow for factors such as seasonal constraints, species movement and changes in habitat over relatively short timeframes.
- 4.185 It also needs to recognise that in protecting and enhancing England’s unique ecosystems (Pg17. Paragraph 1.18) will require protection and enhancement of habitats, and ecosystem functionality - a target that will be impossible to achieve if there is an accompanying move away from an assessment of species-related environmental impacts.
- 4.186 Having a data-driven planning system is a worthy goal but decisions are only as good as the quality of the data. Without up-to-date reliable spatial data and species records, the system will not function effectively. Furthermore, this upfront data-driven system should be used to help inform and speed up the process, for example by flagging possible constraints at an early stage. It should not be used as a substitute for site specific surveys.

Box 14 Work to raise the profile of landscape and site designations in Cornwall

Cornwall Council and its partners have undertaken work to raise the profile of land designations since 2015 with the introduction of the Cornwall Council Interactive Map (<https://map.cornwall.gov.uk/website/ccmap/>). These include all Areas of Outstanding Natural Beauty, as well as locations of all protected habitat designations including non-statutory Local Wildlife Sites (known locally as County Wildlife Site - CWS). This is public information. These sources of spatial data should be provided by all county councils to highlight protected ‘no go’ areas for any development from the outset. This will save time applying for planning permissions on sites where an objection is inevitable. It will also help protect sites where statutory protections are not yet available. This links to the proposed use of Nature Recovery Network maps for statutory purposes (see Box 1 under proposal).

Cornwall Wildlife Trust (CWT) is automatically contacted as an independent consultee for developments which fall into the zone of influence of non-statutory CWSs. Further to this, based on the Local Plan and Biodiversity Guide (<https://www.cornwall.gov.uk/media/38341273/biodiversity-guide.pdf>), CWT and Cornwall Council, collectively object to developments which could directly impact CWSs which allows transparency in the protection of these nature conservation sites.

- 4.187 Plans for a data-driven planning system are also predicated on the resource for maintenance and continual updating of accurate local and national spatial biological records for all locally

and nationally key species populations, habitat distributions, Local Sites and connectivity. Such a comprehensive resource does not exist at local or national levels, except perhaps for birds and Ordinance Survey mapped, larger generic ‘woods’. Many local areas are working to make information more accessible, but significant investment is required to ensure parity across the country. See Box 14.

- 4.188 A reduction in the use of site-specific surveys, as proposed, will mean more reliance is placed on biological records - many of which are opportunistic sightings with no methodology or scientific rigour. This would lead to poor decisions for wildlife and could increase costs for developers by reducing certainty on mitigation design needs. Areas that have data deficiencies will have to be accounted for, with a method developed to establish the species within these areas. Furthermore, a reduction in the number of surveys will decrease the number of records available for analysis, also causing a data deficiency. The White Paper does not address how this would be remedied to secure the desired front-loading.
- 4.189 The proper submission of rigorous Ecological Impact Assessment (EcIA), following established good practice, is fundamental to good planning and the only way that important habitats and species can be protected and enhanced. Instances where ecological assessment is inadequate or not considered at an earlier enough stage, leads to delays in determination, as there have to be subsequent rounds of further reports and consultation. Ensuring that developers actually submit adequate EcIA could speed up the planning process.
- 4.190 That is not to say that the current EcIA, is not without its flaws. One of the current problems with Ecological Impact Assessments is that it is subjective in terms of ‘significance’ of impacts, and less valuable wildlife features are often not accounted for, meaning there are overall impacts that are not included. EcIA also often fails to address residual impacts and temporary impacts from construction. Part of the problem is that some ecological consultancies will quote for the minimum amount of work to secure a contract, which may not in reality be sufficient to ensure all relevant ecological surveys are undertaken and the appropriate amount of mitigation delivered. For example, some ecologists rely on the NBN to access data, but this isn’t detailed enough, certainly for data on Local Wildlife Sites and detailed site specific data. This leads to flawed and inadequate planning applications and wastes time for all parties involved.
- 4.191 It is essential that Local Wildlife Site Partnerships and Local Environmental Records Centres have the resources they require to support a data-driven planning system. Most regions have little or no funding for this essential work, meaning the system is incapable of protecting some of the very best sites and threatened species. A lack of funding for local authority ecologists further compounds the problem, as they play an essential role in analysing and interpreting ecological records, informing local development plan, advising planners and developers and flagging constraints at an early stage in the planning process.
- 4.192 Back in 2012, the Association of Local Authority Ecologists reported that only a third of local authorities have an in-house ecologist. The situation across the country varies and does not appear to have improved, with many having to buy in this expertise or go without. For example, there are eight local planning authorities in Nottinghamshire and one Minerals Planning Authority (MPA). The MPA has an ecologist. But of the other eight LPAs, just one has a full time in house ecologist and two have environment officers of whom one is an ecologist. Of the seven local planning authorities in Gloucestershire only four have in house ecologists, two buy in advice and one does not. Of the 14 district authorities in Lancashire none have in house ecologists, eleven contract the services but three are without ecological advice.

- 4.193 As well as informing individual proposals, good quality biological data and ecologically informed spatial planning will support the process of Biodiversity Net Gain (See comments under proposal 1), not least because offsite measures can be targeted into Nature Recovery Networks in a way that secures the greatest benefits.
- 4.194 The UK government has previously committed to leaving the natural environment in a better state than it found it, but the drive to simplify and speedup the system may have the opposite effect. A new system needs to be appropriately resourced and carefully planned or it risks not being fit for purpose.

Biodiversity Net Gain should be integrated with the reforms and apply to all developments

- 4.195 The Planning White Paper, in paragraph 3.23 states that ‘*the Environment Bill currently before Parliament will legislate for mandatory net gains for biodiversity as a condition of most new development.*’ The Planning White Paper provides no detail about how this mechanism - intended to ensure development leaves the environment in a measurably better state than it was beforehand – will be integrated with the reforms. In fact in many places we believe that the intentions of biodiversity net gain are being overlooked and undermined. Particularly given proposals to:
- Introduce new permission routes through Development Consent Orders and Nationally Significant Infrastructure Projects in the Growth areas –which are currently exempt from Biodiversity Net Gain delivery in the draft Environment Bill. This could significantly reduce the number of developments required to deliver on this commitment. This follows on from recent extensions to Permitted Development Rights which are also exempt. This does not present a level playing field for developers and it will not help ensure the planning system contributes to nature’s recovery.
 - Reduce the need for site-specific surveys. To ensure biodiversity net gains are measurable applicants will need evidence to inform the biodiversity value of the site before and after the development (and ideally at the time of acquiring land for development). Measurable Biodiversity Net Gain requires two assessments, distinctiveness and condition. These are assessed by a site survey using botanical species (presence and abundance). The biodiversity value of a site is the product of its condition score and its distinctiveness score. It is impossible to value a site accurately without a site survey. In the absence of site survey the precautionary principle must apply *i.e.* a site should be allocated a score of high distinctiveness, good condition, unless other existing recent reliable data is available. In Cornwall, Biodiversity Net Gain was made a requirement by the council in February 2020³⁷. Experience has already shown that data submitted as part of current planning applications is insufficient in detail to accurately use the Defra Metric appropriately. If the process is going to succeed as intended, clear site specific data requirements are going to be needed as part of the future reforms.

Proposal 18: To complement our planning reforms, we will facilitate ambitious improvements in the energy efficiency standards for buildings to help deliver our world-leading commitment to net-zero by 2050.

- 4.196 Good building design and planning policies must be underpinned by robust energy performance standards. These should include energy performance targets and low carbon solutions, with the ultimate goal of all new buildings being ‘net zero carbon’ by 2030. The

³⁷ <https://www.cornwall.gov.uk/media/43031716/draft-chief-planning-officer-note-biodiversity-net-gain.pdf>

Clean Growth Strategy states that reducing emissions from buildings is key to meeting our obligations to reduce greenhouse gas emissions under the Climate Change Act 2008.

- 4.197 The current approach to energy standards is not sufficient to meet our long-term carbon reduction targets both nationally and internationally. We believe the NPPF should require individual local authorities to adopt emissions standards that are above the minimum required by building regulations and ideally Government should regulate nationally, for zero carbon homes. Establishing net zero carbon standards in the NPPF would help provide certainty within the construction industry, help drive significant investment, and catalyse innovation. We have first-hand experience that voluntary standards do not always work. When the government reduced the energy efficiency standards required for homes, Nottinghamshire Wildlife Trust saw a reduction in the energy efficiency of new build homes by a local Housing Agency.
- 4.198 It should also be recognised that energy standards should be complimented by good Green Infrastructure, including high quality, natural green space and street trees which will help contribute to net zero goals of the whole development. So too, will locational choice by avoiding impacts to natural habitats and creating new ones, which act as natural carbon sinks.

Pillar 3: Planning for infrastructure and connected Places

Overview

Q 21. When new development happens in your area, what is your priority for what comes with it?

- 4.199 We want to see development that adopts the five principles of living within environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.
- 4.200 Development that provides homes that meet real, accurately assessed, housing need, and development that does not compromise the protection and enhancement of the natural environment - but instead supports its recovery to be adaptive and resilient to climate change bringing benefits to both wildlife and people. To achieve this, Nature Recovery Networks and Local Nature Recovery Network Strategies must be embedded in Local Plans and decision making. All new developments must be designed to include high quality, accessible natural green spaces as part of the green infrastructure that weaves through the development and connects to the surrounding urban or rural landscape and contributes to the wider Nature Recovery Network.

Proposal 19: The Community Infrastructure Levy should be reformed to be charged as a fixed proportion of the development value above a threshold, with a mandatory nationally-set rate or rates and the current system of planning obligations abolished.

Proposals 19-22 – Key points and recommendations

- Local authorities should agree a proportion of the Infrastructure Levy to be ring fenced for high-quality multi-functional Green Infrastructure that contributes to delivery of the NRN. This can be on or off-site but should be additional to any BNG requirements.
- Any consolidated levy should be negotiated at a local site-based level to reflect viability and local needs and it should not be linked to development value.
- The Levy should aim to capture the amount of contributions required to deliver the infrastructure needed to support new development – the NRN should be included within the definition of infrastructure.

- 4.201 Developer contributions have an important role to play in providing the necessary infrastructure, including Green Infrastructure for the area. We would welcome greater clarity, fairness and transparency on the way they are used and for green infrastructure implementation and management. Local authorities should agree a proportion of the Infrastructure Levy to be ring fenced for high-quality multi-functional Green Infrastructure (for new and existing developments) that contributes to delivery of the NRN. This can be on or off-site but should be additional to any BNG requirements.

Q 22(a) Should the government replace the Community Infrastructure Levy and Section 106 obligations with a new consolidated Infrastructure Levy, which is charged as a fixed proportion of development value above a set threshold?

- 4.202 **No.** The current system enables negotiation to take place to ensure that community benefits are secured alongside consideration of viability, which is different for each site. It is essential that the issues that are unique to a particular site *e.g.* the need for on or off-site creation of wildlife-rich greenspaces should be agreed locally, so that it best fits the area and community.
- 4.203 If the consolidated levy were based solely on development value above a fixed threshold then the payment, being based on that development value, would only be known once the development is constructed and sold. This would prevent proper assurance that the Levy would actually deliver what is needed. And would likely lead to the delay of funds actually being received by the LPA and put to use for the community and greenspace benefits that were promised.
- 4.204 It would also fail to provide certainty for developers regarding the amount of money which they are required to pay as part of the development and could impact on the level of finance required to fund schemes.
- 4.205 In the event of a developer collapsing, the LPA would also have to pick up the responsibility for mitigating the impact of the development. Experience already shows the risks associated with this, for example the company leading a mineral restoration scheme in Nottinghamshire went into liquidation and the restoration was left incomplete.

Q 22(b). Should the Infrastructure Levy rates be set nationally at a single rate, set nationally at an area-specific rate, or set locally?

- 4.206 Locally. Rate setting will require a detailed consideration of local viability. Our experience in seeing CIL setting by LPAs, has shown that even in a single LPA area, many different levels of viability exists. A nationally set rate (either single or area specific) would not be able to adequately reflect this. A single rate would also incentivise development towards London, the South/South-East and East of England where land values are higher, and thus for developers more profitable.

Q 22(c). Should the Infrastructure Levy aim to capture the same amount of value overall, or more value, to support greater investment in infrastructure, affordable housing and local communities?

- 4.207 The Levy should aim to capture the amount of contributions required to deliver the infrastructure needed to support new development, which is generally more than at the current time. Local Nature Recovery Strategies will identify where high quality wildlife-rich greenspace and priority habitats are needed to contribute to a NRN and to benefit local communities through improved health and wellbeing. The NRN should be included within the definition of infrastructure. Currently this is often not well funded through Community Infrastructure Levy and Section 106.

Proposal 20: The scope of the Infrastructure Levy could be extended to capture changes of use through permitted development right

Q 23. Do you agree that the scope of the reformed Infrastructure Levy should capture changes of use through permitted development rights?

- 4.208 Yes, where relevant to impacts caused by that development, particularly given the proposed increase in permitted development.

Proposal 22: More freedom could be given to local authorities over how they spend the Infrastructure Levy

Q 25. Should local authorities have fewer restrictions over how they spend the Infrastructure Levy?

- 4.209 Flexibility will be important, but only when set alongside the recruitment of appropriate levels of funding and an evidence based strategic framework to determine how (and at what spatial level) it is spent. Currently the key issue is not one of freedom of action, but more one of appropriate funds being available for all necessary elements. As a result Green Infrastructure and biodiversity enhancement are often under-funded or left unfunded altogether.

Delivering Change

Proposal 23: As we develop our final proposals for this new planning system, we will develop a comprehensive resources and skills strategy for the planning sector to support the implementation of our reforms.

- 4.210 We welcome the recognition in the Planning White Paper that any future reforms will require a comprehensive resources and skills strategy. Throughout our response to this consultation we have highlighted concerns regarding current local planning authority resources, capacity and skills. This is an existing problem and will not be fixed simply by reassigning the roles of local planning officers. Transition to a new system at the rate and scale of change proposed, will need serious investment in local authority capacity and skills, including ecologists. A front loaded system will also need substantial investment in high quality, accurate and up to date ecological data and mapping on which to base land use decisions. This includes addressing the complexities of making ecological data 'open' e.g. mobilising private data and the Local Environmental Records Centre funding models for collecting, validating and managing this data.
- 4.211 While we would support any proposals to identify and eliminate outdated regulations, we would be extremely concerned if proposals in 5.20 of the consultation to undertake a deep dive regulatory review lead to a weakening or loss of regulations established to safeguard habitats and species of principal importance, protected and threatened species and protected sites.

Proposal 24: We will seek to strengthen enforcement powers and sanctions

- 4.212 We welcome proposals in the Planning White Paper to strengthen the existing enforcement powers and sanctions available to local planning authorities. Strengthened powers must come with the right level of resources and skills to ensure they can be implemented. As well as intentional unauthorised development, these powers of enforcement must include monitoring, action and appropriate penalties against:

- pre-emptive action to clear sites of trees/hedgerows/ponds etc ahead of development. This point is of concern once growth/renewal areas are granted, as there will be a temptation to remove landscape and other natural features to make the reserved matters stage easier, cheaper and less complicated for developers. This is likely to happen on a large scale unless safeguards are put in place.
- failure to deliver on any conditions of development including mitigation, compensation and Biodiversity Net Gain and failure to comply with agreed design guides and codes and Infrastructure Levy payments.

4.213 Failed enforcement is a considerable problem with the current system and something that The Wildlife Trusts witness on a regular basis. See Box 15

Box 15 Failed mitigation and conditions of housing developments

Housing development – failed mitigation for LWS and protected species

This is a development of approximately 450 dwellings on a former Colliery site near Cotgrave, in Rushcliffe Borough, which had been partially restored and also had many years of natural regeneration. As a result, it had become of high value for several key species of butterfly (including dingy skipper, green hairstreak), breeding birds (including little ringed plover), amphibians, reptiles. It also had several badger setts. The land was designated as a Local Wildlife Site for its scarce plant assemblage but also qualified because of the butterflies and birds it accommodated. After long negotiations, over several years, development permission was granted. With this, came a long list of ecological mitigation measures secured by condition.

Housebuilding started in 2016. In 2017, Nottinghamshire Wildlife Trust (NWT) asked the LPA whether they had received a report from the developer on the completion of the ecological measures secured by condition. None had been received to date. The LPA case officer reminded the developer of its obligations under its conditions and after some months, a report was forthcoming. This showed that of over 20 ecological mitigation measures, only two had been properly completed, even though most measures should have been undertaken before, or at the time, the habitat features of value were destroyed - thus most should have been undertaken in 2016.

NWT provided detailed feedback on the outstanding work still required to be completed, and to date, await a report on whether this has now been undertaken. In the absence of the mitigation and ecological compensation, the habitat and rare species for which the LWS was designated will have been largely lost.

Housing development with recreational impacts on a SSSI

A housing development near to Gloucestershire Wildlife Trust's Greystones Farm Nature Reserve and SSSI had a condition of no access routes to protect the SSSI features from recreational pressure. The developer has continually failed to prevent residents creating and using a direct access path and there has been no enforcement by the local planning authority.

The Wildlife Trusts
Wednesday 28 October

Annex 1

Of the more than 13,000 members of the public that TWT enabled to respond to the PWP consultation team, over 8,000 have added their personal views to the planning changes consultation e-action. Below is just a small selection of these; they are all genuine comments that have been sent to the Government's consultation team via The Wildlife Trusts' campaign. They are verbatim quotes, or have been shortened slightly (shown with [...])

Verity	Without wildlife what are we?
Torgny	As a Biologist, I have had access to top research on biodiversity. The most important thing I have learned is that we depend fully on ecosystem functions. But what drives these functions? The answer is biodiversity!
Michael	As a lifelong planning officer (now retired) I believe that the Planning System should continue to protect and promote British wildlife with all measures it can.
Helen	I am a GP so I know the benefits of green spaces for my patients' physical and mental health. I want to stop climate change and protect biodiversity for the sake of my children's future. Losing our green spaces will damage the health of local people and wildlife. We are at the brink of a climate emergency, this is the time to protect our local ecosystems from being destroyed.
Mike	As an amateur entomologist and lover of our wonderful British wildlife, I am very worried - we need a planning system which while allowing reasonable development provides secure protection for our existing wild places, and opportunities for rewilding to increase and improve our natural resources.
Victoria	I am backing the idea of a wildbelt. This year has shown us how important it is to have access to outside space for our physical and mental wellbeing.
Roger	I am 76 years old and cannot believe how wildlife and the countryside have changed for the worse in my lifetime. Please look after it before we lose the human species.
Janet	The new planning laws are going to threaten our wildlife. Surely now we need to respect our relationship with the natural world.
Heidi	The five principles set out by the Wildlife Trusts for a wilder planning system must be considered and taken forward. Surely a planning system which is focused on the natural world first benefits us all.
Lilian	I live near 3 lakes which currently are home to wildlife but for which there are proposals to turn the area into a 'country park'. Planning permission must not be granted for schemes that encroach on the remaining 'wild' areas of Britain if we want to keep any wildlife.
Vanessa	How can we live in a world without nature?!
Megan	Wildlife and nature help with my mental health
Kerry	If the last year has shown anything it's the critical role natural spaces play in supporting people's mental health and wellbeing. My 6 year old daughter spent lockdown learning plant names and learning the birds visiting the garden and hedgerows near our house. All generations need access to these spaces.

Jacqueline	As a Landscape Architect the principles set out by the wildlife trust will ensure we address the climate and biodiversity emergency, We need these changes now.
Matthew	As a builder myself, the importance of continuing to develop land isn't lost on me. And yet, In the unlikely event human eyes read over these words, come on, please, use whatever power you have to help steer the future of British planning toward a path that actually recognises the importance of biodiversity. As it stands, the current white paper continues in a long tradition of planning reform that in word advocates on the behalf of the natural world, claims to value developments that are conducive to creating community, and promotes sustainable building practices.
Camille	I'm a volunteer at a little local community woodland and I'm told by all it's users how valuable it is to them as a source of tranquillity and observation of the natural habitat. Our parks and green spaces are essential to maintain a healthy mental health in an increasingly fractious human environment.
Pat	As a nurse I have seen an increase in sadness over the last year and there is a overwhelming 'feel bad' factor in our country, not just because of covid but due to more and more documentaries informing people about how we are killing species and ruining our planet. Please, please ensure the reforms to the planning system help us recover what we have destroyed and not make it worse. If we haven't got our health we have nothing!
Derek	I am 77 years old I have been interested in wildlife all my life. I don't see many insects in the fields now 50 years ago they were full. I have two feed station and two ponds in my garden I haven't see a thrush a linnet goldfinch greenfinch and many more for about 12 years . We really need a action now before it's too late. please help.
Rebekah	As a young person looking to get on the housing ladder eventually, I would be very keen to see positive reform of our planning system to ensure that the population of the UK can live harmoniously with our natural surroundings and live in a manner that is climate-conscious and more sustainable. If COVID-19 has taught us anything, it is that we need our natural environment for our mental wellbeing.
Jill	I heartily agree with the Wildlife Trusts and their principles. I also believe that new buildings should include provisions for wildlife appropriate to the local area e.g. Bat boxes, swift boxes and hedgehog highways between gardens.
Amy	As a consultant working in environment and planning for a civil engineering firm, I'm very aware how the planning system shapes development. Though many contractors may agree that improving biodiversity is a good thing to do, very few will take the steps required to maintain and improve the environment without planning policy in place that requires them to do this. It's really key that the new planning system ensures our natural environment is protected and improved for future generations.
Janice	I am extremely worried that the new radical reforms to the planning system will damage nature and the countryside forever and the Green belt protection will be removed. Local people should still have powers to object to unethical development and building by developers. Too many species of wildlife are on the decline already. HS2 is destroying large areas of ancient forests.
Jacqueline	Nature has become even more important since the pandemic has shown people about what is happening to our wildlife. Planning needs to address and protect what we have

Ola	I am a keen gardener and believe nature and outdoor green spaces are a massive benefit to mental health and wellbeing and should be preserved where possible and also regeneration and local planting schemes in boroughs and communities should also be encouraged. Any way that green space and plants and some sustainability can be factored into new developments would be amazing and help humans and wildlife.
Jacqueline	I am 67 years old and have seen a massive decline in all wildlife and plant species over my lifetime. My childhood is full of memories of a countryside rife with butterflies, bees, slow worms, lizards, newts, hedgehogs, water voles, wild flowers and grasses - to name a few. If we don't take action immediately my grandchildren (aged 4,6 and 8) will only ever see what I took for granted, in picture books.
Patricia	Planning system reforms have a unique opportunity to do the right thing as regards looking after wildlife and people and enforce it too.
Georgina	As a Developer I know that it can be costly to include environmental aspects into a development. However, if they are designed into the development at an early stage it can reduce costs whilst also making it a beautiful place for people to live, work and visit
Catherine	I think our planning laws should contribute to reviving our natural wildlife.
Caroline	It not just 'nice' to help Nature...it's 'necessary'....for us all!
Deborah	As a Parish Councillor, I am encouraging my Council to look at better ways of managing our land for biodiversity. The planning system should encourage greater environmental awareness and provide for measures to protect biodiversity.
Mike	I am a property developer and we actual [<i>sic</i>] add a lot of planting to all are new Homes. But when I see Roads and Industrial estates being built with No planting at all, it's not good enough. It would be easy to make it compulsory to Plant trees etc at every development.
Sheena	I am a grandmother... and I am very aware how important the natural world is to my well-being and that of my family. Overhauling the planning system is a vital opportunity to build in requirements for environmentally friendly development that will help us to combat climate change, and protection for the natural world (degradation of which will only exacerbate climate change, and disruption of ecological systems will impact negatively on humans too).
Sonya	We need to put nature first and make planning decisions that improve nature.
Tony	To fail to make the planning system fit for nature will be to miss a golden opportunity to put a broken system right.
Dilip	I am 66 and I would like to leave this world in a better place environmentally. I know you want to listen and understand the importance of green space and wildlife habitats for all. So please listen
Janine	Wildlife is suffering badly already. Please don't make it harder for them.
Christine	Please listen to our wildlife experts, they know what is needed for life/wildlife to thrive, if we don't help nature we as part of nature also suffer! We can stem the decline of endangered species if they are given space to exist in!
Amy	Our natural world is so important. It needs to be protected and it should be a part of all our lives. It belongs to all of us and we all have a responsibility to look after it.
Christopher	England need to increase biodiversity and wild areas. Poor planning laws will result in new developments that are wildlife and biodiversity sterile.

Geraldine	I am a retired landscape architect. I have worked to improve our future world, to leave a better environment for future generations, a conserved and protected ecology for our flora and fauna a - for all to enjoy. I believe planning law was the framework to facilitate a safe, healthy , well designed world for all its inhabitants. But I fear for the future
Lisa	Having seen first-hand how quickly former industrial sites recover and become havens for wildlife, I thoroughly support the Wildlife Trusts suggestion of a Wildbelt designation. Not all brownfield sites are equal - nature rich sites should be protected and this seems a fantastic way of achieving that.
Rebecca	I am a grandmother and I have been teaching and showing my grandsons different aspects of nature and wildlife.... It is so important that no compromise is introduced into the planning system that would destroy our natural environment now and in the future.
Erin	I'm 14 years old. Outdoor green spaces have helped me through lockdown and COVID-19. Without wildlife and these places to visit, my mental health would've decreased rapidly. Going outdoors means so much to me and it would be absolutely devastating if it all went away. It would absolutely destroy me and many others too. We take nature and wildlife for granted and not many people truly recognise how much it actually impacts on their daily lives and mental health.
Jayne	Come on ye representatives of your people, do the right thing. It's not rocket science!
Kate	Although the reforms speak of greater democracy, I am particularly concerned that in reality, local people will have less say on the use of land. Once the zones have been decided, communities will not be able to challenge potentially harmful developments. I also do not believe the UK can meet its targets for improving biodiversity if it puts land into one of three zones, two of which prioritise development. These zones will not help integrate people and nature, but will separate them. As a young person hoping to be a first time buyer within the next few years, I appreciate the need for more housing but I am not confident these reforms will provide housing that it is truly affordable. Development will continue to prioritise profit at a great cost to the environment.
Henry	I am 68 years young now, I want to hear and see the birds I heard and saw in my youth, the Skylark, cuckoo, Woodcock, Redstart. I never see or hear them anymore so our generation needs to step up and ensure these birds and others are around for the next generations to enjoy. We humans are animals too albeit very destructive ones, we are all interconnected, their loss is ours too.
Helen	I am 52 years old and have noticed an increasing decline in all wildlife during my lifetime. It is time for change! I would like to see emphasis on working with nature, instead of against it.
Lindsey	During lock-down nature was amazing. For the first time in my life the natural world could be heard & seen without dilution from human activities. It made me realise we must have more of this in our lives. We can by encouraging it and including it everywhere we are.
Judith	As a psychologist, I'm very aware of the huge benefits of meaningful nature-connection to our mental health. So I fully endorse the Wildlife Trusts suggestion of a Wildbelt. Losing existing green spaces, and failing to create accessible green spaces as part of the planning process with incur a damaging cost both financially and for our nation's health.
Felicity	I want to save our countryside and its wildlife for my grandchildren. I don't want building on the greenbelt, I want a wildbelt!

Susan	Letting our wildlife down is letting all our futures down.
Christopher	As a practicing architect I have been making planning applications for 45 years and I have a lot of first-hand experience of how the current planning system helps to protect our country's delicate flora and fauna and I would not like to see these protections and standards weakened. I can quote many examples where the current system has protected vulnerable species such as bats and reptiles.
Roger	As a primary schoolteacher I have witnessed the benefits that a school's nature area can have on children. Many children have talked of developing this interest further - but are unable to do so outside of school due to a lack of nature sites.
Geoff	I believe it is imperative that we protect our existing wild areas and the inclusion of a wildbelt would be a wonderful idea.
Gillian	It is more important than ever as we navigate our way through a pandemic that there are places dedicated to the preservation of nature which we can all visit. I walk every day and this year I have seen more people than ever enjoy these places as couples and families.
Catherine	Species are already being lost as their habitat is destroyed. We need to reverse this process, not accelerate it.
Pauline	It breaks my heart that new-building always seems to involve cutting down trees, destroying wildlife, and replacing nature with concrete. It doesn't have to be that way. The planning system is contributing to the total destruction of the environment
T	The state of the environment is a reflection of the state of the collective mind.
Margarita	As a mother of two children living in London, I hugely value our outdoor time. There is a huge need to have green spaces filled with wildlife and looked after well. Developments NEED to incorporate wildlife in their projects. Wildlife surveys need to be done prior to developments taking place.
Katie	We must stop treating wildlife like it's not vital to our own existence and wellbeing
Mike	Wildbelt seems a very good idea. It should be implemented, but implemented locally by people who understand the area and its geography and ecology.
Linda	I am 70 years old. Over my lifetime I have watched the insidious creep of building development over our British countryside. It is of deep concern to me that we allow space for our wildlife to thrive alongside us. This should now be a high priority in any planning process.
Susan	I wholeheartedly support the Wildlife Trusts' idea for creating a wildbelt. As a grandmother I am concerned that changing (and weakening) planning laws will damage the future natural environment for my grandsons!
Paola	I think protection and preservation of nature is of critical importance to the health of our nation.
David	Observing local wildlife has helped people to survive during this current crisis, we can't afford to lose it.
Nicholas	As a LPA planning officer, I wholeheartedly agree! The current proposed system fail to protect or enhance nature. At the planning stage is the perfect opportunity to incorporate green spaces and animal highways into development.
Stephen	I'm a town planner and a conservationist. I'm currently involved in planning major housebuilding schemes and I know already the resistance from developers to biodiversity net gain and making room for nature on development sites. We must look after nature.

	Without it included in housing schemes we will be creating sterile soul less environments and further degrading natural capital. Making beautiful places must include a commitment to nature not just in protection area but also within development areas.
Stuart	I am Chairman of an Neighbourhood Plan Group and a Town Councillor. I believe that a local community can help to preserve the wildlife and habitat of their own area.
Emma	As an ecologist I see first-hand the destruction developments have on our wildlife. However a lot of developers are wanting to protect wildlife and create habitat for threatened species - getting rid of current regulations which requires protection and mitigation will not only have a detrimental impact on wildlife, but also on house buyers as more and more people are wanting to live close to nature.
Su	If it carries on the way it is my grandchildren's children won't even know how wonderful nature is . There will be nothing left for them to see .
JOAN	I am 77 and at primary school We were taught all about wildlife and how important it was to care about it. It was the start of us all learning to care about everything and everyone. Land development will result not only in flooding but also in water shortages during dry times, a threat to wildlife and all of us
Emma	The planners must listen to, and take into account, the views of the people who know what's important in their neighbourhood.
Michael	This is totally the worst time to make it easier for developers to damage habitats and wildlife species (there never was a good time). There are much better ways to streamline the planning process than this crude approach.
Michelle	As a veterinarian I am dismayed by the loss of wild habitat and species diversity in my lifetime. I want to see recovery in these areas for my son and future generations.