

Bob Neill MP
House of Commons
London
SW1A 0AA

29 March 2010

Dear Mr Neill,

Response to Open Source Planning Green Paper

Wildlife and Countryside Link (Link) welcomes the publication of the Conservative Party's Open Source Planning Green Paper. We have set out below some of our initial comments. Many of Link's members have a long history of engaging with the planning system and we would welcome the opportunity to help develop the proposals further.

Link is pleased that the proposed **national planning framework** appears to be a similar concept to the national spatial strategy for England that we, and other organisations, advocate. Any national planning framework needs to express the country's ambition for the natural environment and landscape character (its quality, extent and priority given to it), not just for built infrastructure. For the national planning framework to work well and to have credibility, it should be spatial (but not necessarily site-specific), it should undergo thorough consultation and scrutiny, and it should be subject to full and proper environmental assessment.

A coalition of environmental bodies, including several members of Link, published a report on **third party rights of appeal** in planning in 2002, which supported a limited right of appeal¹. The Green Paper's proposal is therefore welcome in principle. Given that the proposed grounds of appeal are strictly limited to where plans depart from policy, we believe that industry's fear that this will stifle necessary development is unjustified.

On **regional and local planning**, we recognise concerns about the democratic legitimacy of the current structures and we value the move to empower communities through localism and local plan making. We are deeply concerned though, that wholesale removal of the regional tier of planning will create a void between the national and local levels of planning. This could lead to a prolonged period of confusion and make it harder to know whether individual action by local authorities adds up to the direction of travel which will be required for concerted achievement on biodiversity, climate change and other essential spatial matters. The sub-national level of spatial planning has a particularly important role in delivering the country's aspirations for landscape-scale conservation, biodiversity and renewable energy. County and unitary authorities have roles but do not necessarily fit the bill. From the perspective of the natural environment and landscape character, the areas we need to plan for rarely coincide with administrative boundaries, and frequently cover many local authority areas. For example, the Thames Basin Heaths Delivery Plan, which is part of the arrangements for delivering housing growth in a sensitive environment, affects no fewer than 13 local authorities, including two county councils and three unitary councils. There needs to be greater clarity on how the Conservative Party intends to ensure co-operation between local authorities.

¹ Green Balance et al., (2002) *Third party rights of appeal in planning*. Research project for CPRE, RSPB, WWF-UK, Civic Trust, Friends of the Earth, Town and Country Planning Association, Environmental Law Foundation and ROOM.

The **presumption in favour of sustainable development** is potentially a radical change to the way development is considered in the planning process. In order for it to work, there needs to be a clear definition of sustainable development. This definition must recognise the need to live within environmental limits, as set out in the current UK Sustainable Development Strategy and Planning Policy Statement 1, both of which we strongly support. The protection of the natural environment is core to sustainable development, and we believe that cities, towns and countryside which are better for wildlife will be better for people, because of the role of nature in societal aims such as learning, health, agriculture and recreation.

We recognise concerns about the current operation of the **local development framework** (LDF) system, but believe that the principle of a plan-led system should remain, as it provides a fair, strategic and transparent approach to decision-making. Although progress in plan-making has been slow, many LDFs are now nearing completion and radical change at this time would be premature. Notwithstanding the value of efficient and timely plan making, the intention that all applications will be deemed to have approval if a plan fails to be adopted in time is a concern, as this could bypass legitimate plan making and lead to the approval of poor schemes without proper scrutiny.

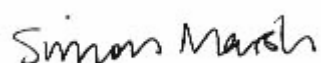
While we welcome the integration of **national policy statements** (NPSs) into the proposed national planning framework, it is not clear what you intend to do with the content of the current draft NPSs if, as seems almost certain, they are not designated by the time of the General Election. Link has raised serious concerns about the inadequacy of the NPSs and the unsatisfactory nature of their appraisals of sustainability. In our view all draft NPSs should be looked at afresh in the light of all comments and consultation responses received as well as the reports of the Select Committees.

The greater use of **incentives** to secure necessary development requires further consideration. Incentives will need to be applied in a fair and transparent way that encourages development which is located appropriately, if they are not to erode faith in the planning system. We recognise the importance of community 'ownership' of development, but consider that more thought needs to be given to the role of targets in delivering the country's ambitions for biodiversity and onshore renewables, to avert the twin crises of climate change and biodiversity loss.

The proposals for **conservation credits** have changed little since they were previously discussed with stakeholders last year. The concept merits further consideration and we would be glad to advise on the details of how such an approach might work, and how it might link to the local development tariff which is proposed in the main part of the paper. Any such approach must be over and above the existing system of biodiversity protection. The planning system should also be enabled to deliver large-scale habitat creation in order to restore historic habitat losses and allow biodiversity to adapt to the impacts of climate change.

I hope you find this feedback helpful along with our offer to assist in the areas we have identified.

Yours sincerely,



Simon Marsh
Chair, Land Use Planning Working Group
Wildlife and Countryside Link

This letter is supported by the following 15 Link member organisations;

- Badger Trust
- Buglife – The Invertebrate Conservation Trust
- Butterfly Conservation
- Council for British Archaeology
- Campaign for National Parks
- Campaign to Protect Rural England
- Friends of the Earth England
- The Grasslands Trust
- Open Spaces Society
- Plantlife International
- The Ramblers
- Royal Society for the Protection of Birds
- Woodland Trust
- WWF-UK
- Wildfowl & Wetlands Trust

Cc: Caroline Spelman MP
Nick Herbert MP

**Wildlife and Countryside Link
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