

Sustainability of the Built Environment Inquiry

Evidence for the EAC Select Committee by Wildlife and Countryside Link

May 2021

Wildlife and Countryside Link (Link) is the largest environment and wildlife coalition in England, bringing together 57 organisations to use their strong joint voice for the protection of nature.

Summary

1. The planning system can and should play an important role in delivering a sustainable built environment. Currently, land use change and development is a contributor to greenhouse gas emissions in the UK¹ and negatively impacts the natural environment, with serious implications for the state of England's natural environment and its resilience to climate change.^{2,3} The Government's ambition to halt nature's decline, target to achieve net zero by 2050, and recently-announced legally-binding target to reduce carbon emissions by 78% by 2035 as compared to 1990 levels will not be met without the active contribution of development to nature's recovery⁴ and the near-complete elimination of emissions from UK buildings.⁵ The Government must turn commitment into action and ensure the planning system has the protection and restoration of the environment at its heart when making land use decisions, designing places and planning development.
2. Planning determines the location and design of development – both key levers in ensuring the sustainability of development. Our evidence will focus specifically upon two of the questions being addressed by the Inquiry. To ensure the built environment contributes to the achievement of net zero by 2050 and nature's recovery, the Government should:
 - Set more ambitious minimum standards in legislation and policy that help, not hinder, efforts to address the climate and nature emergency
 - Permit and encourage local authorities to set higher minimum standards
 - Monitor and report data on the implementation of these standards to ensure positive outcomes and long-term change
 - Strengthen the National Planning Policy Framework and the National Model Design Code to ensure planning policies and guidance are in line with the achievement of net zero by 2050 and the recovery of nature
 - Abandon changes to the planning system, including the proposals to extend permitted development rights (PDRs), that undermine the sustainability of development and places for nature, climate and people⁶

¹ [UK Housing: Fit for the Future?](#) Report from the Climate Change Committee (2019)

² [Land Use Futures: Making the most of land in the 21st century](#) Report from Government Office for Science (2010)

³ [Land Use Futures: Making the most of land in the 21st century](#) Report from Government Office for Science (2010)

⁴ [A Green Future: Our 25 Year Plan to Improve the Environment](#) Defra (2018)

⁵ [UK Housing: Fit for the Future?](#) Report from the Climate Change Committee (2019)

⁶ For more detail, see Link's [response to the Planning White Paper](#) and Link's [evidence to the HCLG inquiry on PDRs](#)

Responses to selected questions:

What role can the planning system, permitted development and building regulations play in delivering a sustainable built environment? How can these policies incentivise developers to use low carbon materials and sustainable design?

3. The planning system has many levers to ensure that planning and development delivers better environmental outcomes and a more sustainable built environment, including national and local planning policies, planning guidance, environmental assessment, integrating environmental data⁷ and local knowledge, and engaging with communities. Done well, these can ensure the location of development (for example, avoiding harm to important habitats and ensuring good public transport connections) and design is sustainable. However, delivering good environmental outcomes through the planning system will require an upping of ambition in both legislation and policy.

Strengthen the duty of the planning system to promote sustainable development

4. The legal duty for the planning system to promote sustainable development in the Planning and Compulsory Purchase Act 2004 and the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) are weak and poorly defined. Both should be clarified and strengthened by including explicit objectives for the achievement of net zero by 2050 and the recovery of nature and a duty to contribute to achieving these aims.
5. The reference to the UN Sustainable Development Goals in the NPPF is welcome, but it is important that these goals are seen to be relevant for national and local planning policy and decision-making. With only one reference to the SDGs and by considering them “at a very high level,” the NPPF does not achieve this. Instead, the SDGs should be embedded throughout the revised NPPF to ensure they apply at the plan-making and decision-making levels in order to ensure the planning system achieves sustainable development.

Improve strategic planning to ensure the right development in the right place

6. The planning system plays a key role in seeking to ensure that development takes place in appropriate ways and locations through integrating social, environmental and economic considerations. Strategic spatial planning, complemented by site-specific survey work, could provide a mechanism to ensure the sustainability of places by steering inappropriate developments away from important areas for nature and towards suitable locations in order to avoid causing lasting environmental damage.
7. Effective strategic planning must operate beyond and across the boundaries of local authorities to reflect the way in which nature works. Local Nature Recovery Strategies (LNRSs) established by the Environment Bill have the potential to be an important tool of strategic coordination and prioritisation. LNRSs and accompanying Local Nature Recovery Network maps can provide a spatial plan for nature now and in the future. They can help direct development away from key nature areas to meet the first avoidance stage of the mitigation hierarchy at a strategic level. However, at the moment the potential of LNRSs is unlikely to be realised because they are not given sufficient sway in the planning system or in individual planning decisions. LNRSs should be legally embedded into the planning system as the environmental basis for strategic planning by being recognised as formal planning documents and strengthening the proposed legal duty to take LNRSs into account in planning decisions.

⁷ [Land Use Change Statistics](#) from MHCLG can help ensure new development is sustainable and inform the redesign of existing places (e.g. brownfield development on brownfield land that is wildlife-rich) to ensure sustainability.

Set and implement ambitious sustainable design policies and guidance for places and buildings

8. National and local design policies have a large potential to contribute to the sustainability of the built environment through requiring good quality and sustainable design of buildings and places. These policies must set minimum mandatory national standards and allow local authorities the ability to set more ambitious standards, for example in relation to the level of Biodiversity Net Gain (BNG), minimum standards of access to high quality natural green and blue spaces and levelling up equality of access, and standards for green infrastructure, such as Sustainable Drainage Systems (SuDS), that deliver multiple benefits including flood mitigation. The implementation and outcomes of these policies must be monitored and reported – green measures included in the initial project design are often removed to bring down costs or areas of greenspace in existing developments are built on.⁸
9. We broadly welcome the Government’s draft National Model Design Code (NMDC), but its content is not ambitious enough to address the climate and nature emergency and there are significant challenges to its implementation. The NMDC should go further to recognise the value and benefits of enhancing the natural environment. It should include the following:
 - a. Rather than being siloed, designing for enhanced biodiversity should run as a golden thread throughout the NMDC, with the benefits of the integration of nature into development clearly cross-referenced throughout the NMDC and its supporting guidance.
 - b. It should reference LNRs as an important tool in identifying locations where green and blue infrastructure could be created and where habitat restoration and creation should be targeted.
 - c. SuDS should be encouraged in all developments – the automatic right to connect new development to the existing sewage network should be made conditional on ambitious new SuDS standards incorporating multiple benefits including biodiversity being met.
 - d. The NMDC should address both direct and indirect impacts of development on the environment.
 - e. The NMDC must be implemented across all developments to ensure the sustainability of the built environment. All design codes, even if prepared by developers, must be in accordance with the NMDC and its related guidance, align with other national and local policies and meet standards of consultation and community engagement.
 - f. Local planning authorities, whose capacity is already stretched, must be supplied with the sufficient resources and expertise in order to produce their own local design codes.
 - g. Crucially, the NMDC must require long-term monitoring and reporting of habitat mitigation and enhancement to ensure long-term protection and maintenance of these habitats.

Set and implement ambitious Building Regulations

10. Building Regulations, supplemented by good technical guidance, also have a role to play in creating a sustainable built environment. Building regulations can support and enhance a sustainable built environment by setting ambitious energy efficiency standards. Currently, however, new homes score an Energy Performance Certificate (EPC) rating of 3.36 out of 5 (mediocre) on average, and this does not even take into account the known performance gap between the theoretical performance of the new housing and the actual performance of the housing.⁹ Even of the new housing schemes built using the Code for Sustainable Homes, only 12 of 38 showed a reduction in carbon emissions over the building regulations, suggesting that new housing was considerably behind the Code’s aspirations before it was abolished by the Government in 2015.¹⁰

⁸ [UK Housing: Fit for the Future?](#) Report from the Climate Change Committee (2019)

⁹ [A Housing Design Audit for England](#) CPRE, UCL, Place Alliance (2020)

¹⁰ [A Housing Design Audit for England](#) CPRE, UCL, Place Alliance (2020)

11. Building regulations must set ambitious energy efficiency standards, good design quality standards, and the implementation of these standards must be monitored. Government should replace the withdrawn Code for Sustainable Homes with a new accreditation scheme. Building Regulations should retain a fabric energy efficiency standard (FEES) as a metric of compliance in order to minimise energy demand and align these fabric energy efficiency standards with the Committee on Climate Change recommendations. Government should introduce energy use intensity targets covering regulated and unregulated energy and set out a trajectory for tightening Building Regulations to ensure all new buildings in 2030 operate at net zero carbon for regulated and unregulated energy. In addition to these regulations for operational carbon emissions, the embodied carbon of new buildings should be regulated through the Building Regulations.¹¹ Building Regulations should also incorporate existing advice on making provision for the building-reliant species such as bats and swifts.
12. Local planning authorities should have the freedom to set higher standards than in national Building Regulations or standards. This ambition should be encouraged given the declarations of a climate emergency by an increasing number of local planning authorities, with a number of them planning for net zero by much earlier than 2050. A forward trajectory for future uplifts to Building Regulations should be published to allow local planning authorities to set higher energy performance standards in line with future national requirements. Continuing to allow local planning authorities to set higher energy efficiency standards should mean that investment and skills are related directly to future uplifts in national regulations.

Abandon proposals to extend permitted development rights (PDRs)

13. Permitted development rights (PDRs) should only play a very limited role in the planning system and are not a suitable system for the delivery of a sustainable built environment. Permitted development rights (PDRs) do not deliver well-designed or sustainable housing. PDRs make place-making impossible, undermine the ability for local people to shape their communities and deprive local authorities of funding for infrastructure, including the provision of nature-rich green and blue spaces accessible to all.¹²
14. The Government's own research has found that PDRs have resulted in poorer health, wellbeing, and quality of life for residents, compared to homes that are planned.¹³ PDRs do not protect or enhance the historic or natural environment that is necessary for nature's recovery, climate mitigation and the health and wellbeing of people and communities. PDRs remove the ability of local authorities to plan strategically to ensure the right development is in the right place and to assess and manage the cumulative effects of new or expanded developments. They also remove the ability of local authorities to take into account climate, ecological and heritage considerations due to the narrowing of list of matters in the prior approval process. PD is exempt from Biodiversity Net Gain and from Section 106 developer contributions that might be used to secure green and blue infrastructure for nature, climate and people. While PDR developments are liable for Community Infrastructure Levy, they often avoid CIL payments through a loophole by claiming at least partial occupancy of the office space before conversion/change of use and by not creating any additional floorspace.¹⁴ Especially as PDR developments will bring in additional residents to an area, developer contributions to expand and maintain these local green and blue spaces are important to mitigate the risk of adverse environmental impacts (including those to nearby protected sites) from increased footfall and usage.

¹¹ [Tackling embodied carbon in buildings UK Green Building Council \(2015\)](#)

¹² [No Place for Placemaking](#) TCPA (2020)

¹³ [Quality of standard of homes delivered through change of use permitted development rights](#) MHCLG (2020)

¹⁴ [Quality of standard of homes delivered through change of use permitted development rights](#) MHCLG (2020)

15. The Government is currently proposing to extend PDRs in order to tackle the housing crisis and support England's high streets. PDRs not only lead to poor quality housing development and poor quality places and communities^{15,16,17} that undermine the Government's ambition for sustainable and beautiful places, there is also substantial evidence that their use is unjustified. Current approval levels of planning applications are consistently high: local planning authorities approved 87% of all planning applications in 2019 and 88% of all applications in 2018.¹⁸ The Letwin Review found that slow build-out rates are the cause of delay in the delivery of housing, not the planning system.¹⁹ Figures from the Local Government Association support these findings, indicating that permissions for over one million homes are already in place but not built out.²⁰ The planning system is not the main cause of development delays or affordable housing shortfalls. PDR is not a solution to the housing crisis, nor will it deliver affordable housing or forms of built development equipped for climate change or to support nature's recovery. PDRs are antithetical to good and beautiful place-making, both for now and for the challenges of the future.

Put nature, climate and people at the heart of all planning changes

16. Given the Government's proposals to extend PDRs and other changes to the planning system, we are concerned about the lack of consideration of the environmental and climate impacts. The scale and pace of the Government's deregulatory drive and the multiple changes to the planning system under consideration—including the reforms proposed in the Planning White Paper, amendments to Strategic Environmental Assessment (SEA) and Environmental Impact Assessment (EIA), the introduction of a draft National Model Design Code, the proposed narrowing of Article 4 directions in the NPPF may result in a lack of scrutiny over these individual changes and their cumulative effect on climate, nature and people.

How well is green infrastructure being incorporated into building design and developments to achieve climate resilience and other benefits?

17. There is no good answer on how well green infrastructure is incorporated into building design and development because there is no monitoring of outcomes. For example, green roofs often form part of planning permissions in London, but no one knows if they are actually implemented. The evidence we do have, however, suggests that green infrastructure is mostly not being incorporated well. Only 32% of developments were scored as 'good' or 'very good' at using existing landscapes and creating new biodiverse landscapes in CPRE's Housing Design Audit.²¹ Green infrastructure measures included in the initial design of the project are often removed later on in the process to bring down costs or areas of green space in existing developments are built on.²² Long-term monitoring and reporting of outcomes is crucial to ensuring green infrastructure is implemented by developers.

18. There is substantial evidence as to the benefits of green and blue infrastructure for climate resilience, in mitigating overheating, flooding and coastal change risks, for nature, in fostering ecosystem health and connecting habitats to promote biodiversity, and for people, by improving their health and wellbeing. A review in March 2020 from Public Health England found compelling

¹⁵ [A Housing Design Audit for England](#) CPRE, UCL, Place Alliance (2020)

¹⁶ [Extending permitted development rights in England: the implications for public authorities and communities](#) RICS (2018)

¹⁷ [Living with Beauty](#) Report of the Building Better, Building Beautiful Commission (2020)

¹⁸ [Planning applications in England](#) MHCLG (2020)

¹⁹ [Independent review of build out: final Letwin report](#) MHCLG (2018)

²⁰ <https://www.local.gov.uk/housing-backlog-more-million-homes-planning-permission-not-yet-built>

²¹ [A Housing Design Audit for England](#) CPRE, UCL, Place Alliance (2020)

²² [UK Housing: Fit for the Future?](#) Report from the Climate Change Committee (2019)

evidence for the health benefits for people with access to green spaces, and the impact on existing inequalities in health.²³ Despite these known benefits, the proportion of urban greenspace in England has dropped since 2001 from 63% to 55%.²⁴ The Woodland Trust's State of the UK's Woods and Trees report found that the percentage of England's population with accessible wood has dropped from 2016 to just 18% in 2020.²⁵

19. Nature's recovery requires development to work with the landscape to retain natural features and ensure habitat enhancement, restoration and creation to create the bigger, better and joined-up habitat throughout the development. There is compelling evidence that by putting the environment at the heart of development, green infrastructure can be successfully incorporated into building design and development, and contribute to a greener and healthier place. There are excellent examples of development being harnessed to create sustainable and beautiful places for nature and people. The new settlement of Cambourne, three inter-linked villages with 4200 homes, was designed around existing habitat features which were used as the building blocks for a network of local green spaces. These green spaces joined and permeated each of the three villages, giving residents and wildlife easy access to the whole network. The design of Cambourne and its commitment to active management of its greenspaces through a partnership through the new Cambourne Parish Council and the local Wildlife Trust has made the community a safe and attractive place where people want to live and engage with their local environment and where wildlife can thrive.²⁶
20. Developments should make greater opportunity of design features such as green roofs and walls, the use of permeable surfaces, and the provision of bird and bat nesting and roosting boxes and hedgehog highways. Kingsbrook development by Barratt Developments and advised by the RSPB, has incorporated green infrastructure and other measures into its design, including installing bat and swift boxes, retaining greenspace and planting orchards and hedgehog highways.²⁷ By considering wildlife and habitats at the start of the design process, new developments can be good for nature, as well as human health and wellbeing.
21. Sustainable drainage systems (SuDS) can provide multiple benefits for flood risk management, urban cooling, water quality management, active travel and for biodiversity. However, evidence on SuDS highlights the failure of the current planning system on the widespread and high-quality implementation of this type of green infrastructure:^{28,29}
 - a. In many areas planning authorities do not have the capacity to judge the merits of applications properly, leading to more opt-outs than necessary on the grounds of price and practicality as many go unchallenged and to the undermining of planners' capacity to enforce planning conditions.
 - b. Where SuDS have been delivered, they often miss opportunities to provide multiple benefits as they follow the narrow existing non-statutory standards.
 - c. Arguments for not delivering SuDS on the basis of site constraints may be overstated and the range of options available means it is nearly always possible to incorporate some measures. With good planning there may be no additional requirement for land or that the additional land needed for SuDS can be small and affordable.
 - d. Failure to consider SuDS from the very start of a development's design is a significant barrier to efficient delivery.

²³ [Improving access to greenspace: a new review for 2020](#) Public Health England (2020)

²⁴ [UK Housing: Fit for the Future?](#) Report from the Climate Change Committee (2019)

²⁵ [State of UK's Woods and Trees](#) Woodland Trust (2021) and [Space for People: Targeting action for woodland access](#) Woodland Trust (2017)

²⁶ <https://www.wildlifetrusts.org/news/governments-planning-reforms-must-address-nature-and-climate-crisis>

²⁷ <https://www.rspb.org.uk/our-work/conservation/projects/kingsbrook-housing/>

²⁸ [A Place for SuDS?](#) CIWEM (2017)

²⁹ <https://onlinelibrary.wiley.com/doi/epdf/10.1111/jfr3.12591>

- e. Current planning policy misses the opportunity to integrate SuDS into minor developments (between one and nine dwellings) which make up over 90 per cent of planning applications.
- f. A 2017 survey by CIWEM found there is limited confidence that SuDS are being incorporated effectively into new developments under current planning policies. Over 70% of respondents stated that they do not think current planning policies encourage SuDS sufficiently. Only 8% of survey respondents believe that the current non-statutory SuDS standards are driving installation of high quality and effective SuDS in England.³⁰

22. To ensure the sustainability of the built environment, we need more, better quality, and well-maintained green and blue infrastructure which includes accessible natural green and blue space for everyone. Planning policy and guidance should call for increased requirements for green and blue infrastructure and for high-quality local natural green and blue spaces. There should be specific targets, clear and ambitious standards (from the Government's commitment in the 25 Year Environment Plan to produce Green Infrastructure Standards), and ring-fenced funding pots for the delivery of green and blue infrastructure. SuDS should be encouraged in all developments – the automatic right to connect new development to the existing sewage network should be made conditional on ambitious new SuDS standards incorporating multiple benefits including biodiversity being met. Loopholes for the delivery of green infrastructure, for example PD not being required to take into account good design or building standards, must be closed. Crucially, we must ensure the implementation and long-term maintenance of green infrastructure through monitoring and reporting.

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This response is supported by the following Link members:

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Woodland Trust

³⁰ [A Place for SuDS?](#) CIWEM (2017)