

**Briefing for Second Reading of the Neighbourhood Planning Bill on 17 January 2017**

Wildlife and Countryside Link (Link) is a unique coalition that brings together 47 voluntary organisations concerned with nature conservation, access to the countryside and animal welfare. Our members practise and advocate environmentally sensitive land management, and encourage respect for and enjoyment of natural landscapes and features, the historic and marine environment and biodiversity. Taken together our members have the support of over 8 million people in the UK and manage over 750,000 hectares of land.

We would be grateful if you could reflect the following issues during Second Reading, all of which we believe will undermine the Government's commitment to involve more communities in planning and place-making, and to protect our natural environment.

**Clause 7 Restrictions on power to impose planning conditions**

*(5) Planning permission for the development of the land may not be granted subject to a pre-commencement condition without the written agreement of the applicant to the terms of the condition.*

While there has been much rhetoric on pre-commencement conditions slowing down the delivery of housing development, there has been little independent evidence on this. The Bill proposes that applicants will need to give written consent before pre-commencement conditions can be used, which we are concerned would cause further strain to already overstretched LPAs.

We are concerned by the lack of detail on how this provision will be applied at different stages of the decision making process. For example, Members of LPA Planning Committees can add pre-commencement conditions at Committee. Should the release of the decision notice be delayed until the written consent of the applicant is secured? If this is not secured, should the application return to Committee with a recommendation to refuse it? Link members are also concerned that the clause will have the opposite effect to that intended, i.e. that it will actually slow down development, increase refusals or force planners to avoid applying critical conditions. We welcome the verbal assurance that we have received from the Planning Minister that this will "not be a problem, as all development must still comply with the National Planning Policy Framework (NPPF) and that environmental safeguards will remain in place". However, to avoid any confusion or unintended consequences we consider that this issue must be addressed on the face of the Bill itself and in its supporting guidance and that it should be a matter for the Parliamentary record rather than just verbal assurances, to make Government's intention clear. We would therefore encourage Peers to press the Minister to agree to look at how the bill may be amended before Committee, to ensure that conditions to protect important environmental assets are not lost.

**A statutory definition of sustainable development**

The NPPF identifies that the purpose of the planning system is to contribute to sustainable development, in line with Section 39 of the Planning and Compulsory Purchase Act 2004. However, it does not provide a clear-cut, binding definition of sustainable development, rather over 200 paragraphs of policy (paragraphs 18 to 219 of the NPPF). Nor has it resulted in a more balanced approach between the three dimensions - economic, social and environmental – of sustainable



development. There is clear evidence that a number of policies are taking precedence over other considerations – the five year housing land supply policy and the viability policy.

The Neighbourhood Planning Bill provides an ideal opportunity to redress this balance by establishing a statutory definition of sustainable development, which would make it a meaningful, enforceable duty. The definition should be based on the definition originally set out in the Brundtland report<sup>i</sup> and on the five principles set out in the UK Sustainable Development Strategy<sup>ii</sup>.

A plan-led system must be predicated on the ability of planning authorities to refuse development proposals, where necessary, that are not in accordance with these principles. The Bill must take every opportunity to strengthen the plan led system and we believe that committing to a strong definition of sustainable development is the bedrock of this.

### **Resourcing of local planning authorities, including the provision of ecological expertise and data**

Local Planning Authorities (LPAs) have faced a 46% cut in funding over the past five years, resulting in chronic under-resourcing, affecting planning departments. A recent survey by the British Property Federation (BPF)<sup>iii</sup> identified this under-resourcing as the primary cause of the problems facing the planning system today. With DCLG facing a further 30% cut to its budget over the next four years, under-resourcing is anticipated to be by far the most significant challenge facing LPAs going forward and is now, we believe, at a critical level.

This under-resourcing inevitably affects the provision of ecological expertise, with the Association of Local Authority Ecologists (ALGE) reporting that only a third of local authorities have an in-house ecologist<sup>iv</sup> and that the majority of local authority planners lack ecological qualifications and have had very little ecological training<sup>v</sup>.

Without sufficient resourcing of LPAs, the planning system will continue to face long delays, and suffer from hasty, poorly-made decisions. Without the provision of adequate ecological expertise and data, planning decisions are likely to be seriously flawed, potentially resulting in the loss of some of our most precious wildlife sites and missing out on opportunities to deliver biodiversity gains. There will also be limited scope for LPAs to be able to effectively enact the provisions of the Neighbourhood Planning Bill, specifically those related to speeding up the neighbourhood planning process.

### **Recommendations: Government should commit to:**

- Working with LPAs to ensure that they have sufficient access to good ecological expertise and up-to-date ecological information;
- Reviewing planning fees, as part of the next Spending Review, to allow LPAs to set their own fees and to retain these for planning work
- Revise the new homes bonus so that it no longer acts as a perverse incentive to build in protected areas such as Green Belt, Areas of Outstanding Natural Beauty or ancient woodland, and give more encouragement to Local Plans that both boost housing growth and maintain environmental protections.

This briefing is supported by the following 10 Link members:



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'Wildlife and Countryside Link is a unique coalition of voluntary organisations concerned with the conservation and protection of wildlife and the countryside.'

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- Wildfowl and Wetlands Trust
- Wildlife Gardening Forum
- Woodland Trust

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<sup>i</sup> United Nations World Commission on Environment and Development (1987) Our Common Future

<sup>ii</sup> HM Government (2005) Securing the Future – delivering UK sustainable development strategy

<sup>iii</sup> GL Hearn & British Property Federation (2015) Annual Planning Survey 2015: Key findings – a system on the brink?

<sup>iv</sup> Oxford, M. (2013) Ecological Capacity and Competence in English Planning Authorities. What is needed to deliver statutory obligations for biodiversity? Report published by the Association of Local Government Ecologists

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